



The National

**CONSUMER VOICE**

for Quality Long-Term Care

formerly NCCNHR

## ASSISTED LIVING IN AN HCBS FRAMEWORK: IMPLEMENTING THE NEW FEDERAL RULES AND LOOKING TO THE FUTURE

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# HCBS Regulations

Applies to –

- 1915(c ) - HCBS waivers
- 1915(i) - HCBS state plan options
- 1915(k) - Community First Choice

# Standards that apply to all HCBS Settings

- Be integrated with the community
- Provide choice
  - Among setting options
  - Regarding services and supports, including who provides them
- Give rights to privacy, dignity, respect, and freedom from coercion and restraint
- Maximize independence, autonomy

# Provider Owned/Controlled Residential Settings

- All of the HCBS Setting Requirements listed above apply
- Additional standards must be met:
  - Lease or other enforceable agreement
  - Protection from eviction
  - Privacy in sleeping or living units
  - Choice
  - Right to receive visitors
  - Physical accessibility

# Enforceable Agreement

Leaser or other enforceable agreement for a specific living unit

# Protection from Eviction

Protections against eviction at least as strong as a state's landlord-tenant law

# Privacy

- Privacy in living or sleeping units
- Lockable doors
- Keys to appropriate staff only

# Choice

- Roommates
- Furnish and decorating their unit
- Schedule and activities
- Access to food at any time



# Visitors

- Right to visitors of his/her choosing
- Any time of day or night

# Physical Accessibility

- No obstructions limiting an individual's mobility in the setting or has environmental adaptations to address the obstruction
  - If steps exist, then access must be provided for the individual, such as by a stair lift, ramp, or elevator
- Supports – ie, grab bars, shower seats
- Furniture, appliances accessible
- No modification of this requirement allowed

# Modification of Rights

- Alternative strategies must be tried
- The consumer's specific assessed need must be included in the service plan
- Informed consent of the consumer
- Periodic review to determine if the modification is still necessary

# NOT HCBS Settings

- Nursing homes
- Institution for mental disease
- Intermediate care facility for individuals with intellectual disabilities
- Hospitals
- Other locations determined to have characteristics of an institutional setting as determined by CMS

# CMS HCBS Toolkit

- Summary of regulatory requirements
- Heightened scrutiny process
- HCBS 1915 (c ) compliance flowchart
- Guidance regarding settings that isolate
- Exploratory questions
- Statewide Transition Plan Toolkit

<http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>

# Person-Centered Planning

## Process

## Service Plan

# Person-Centered Planning Process

- Be lead by the individual
- Information to help the consumer make informed decisions
- Be timely and convenient for the consumer
- Reflect cultural considerations, language the individual understands

# Person-Centered Planning Process

- Include strategies for resolving conflicts in the process
- Offer informed choice about services, supports, and providers
- Provide a way for the individual to request the plan be updated
- Record the alternative HCBS settings considered



# Person-Centered Service Plan

- Reflects personal preferences and items of importance for the individual
- Identifies the individual's:
  - Strengths and preferences
  - Clinical and support needs
  - Goals and outcomes
- Indicate the services and supports to be provided and costs to the consumer
- Identify risk factors and plans to minimize them

# Person-Centered Service Plan

- Indicate who is responsible for monitoring the plan
- Be signed by all responsible for implementation
- Document modifications made to requirements for provider-owned or controlled residential settings
- Be reviewed/revised yearly or upon significant change or request of the individual



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