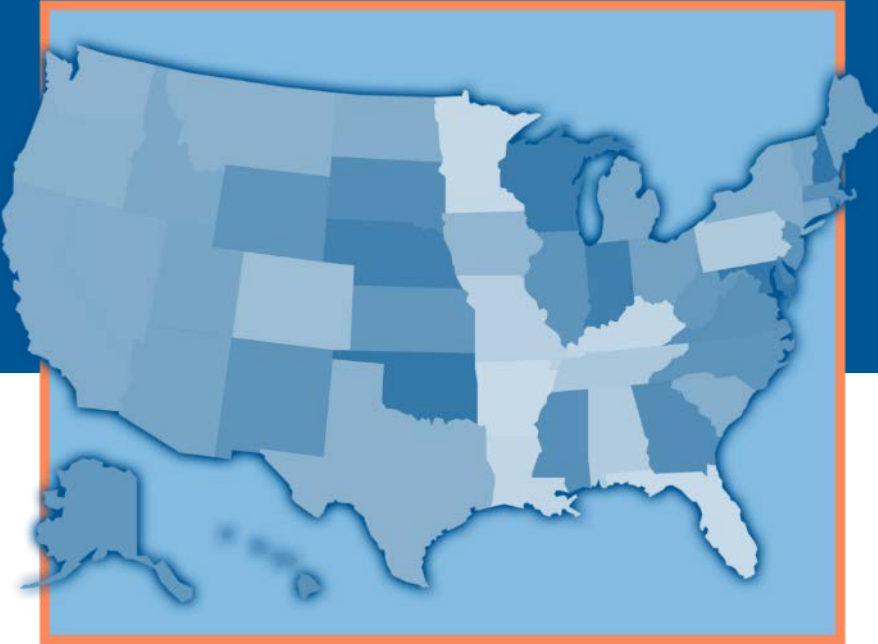


HCBS Settings **Regulations**

What Do They
Mean For You?



Cathy Yadamec
CQL Director of
Training & Certification





Vision

A world of dignity, opportunity and community for **all** people.

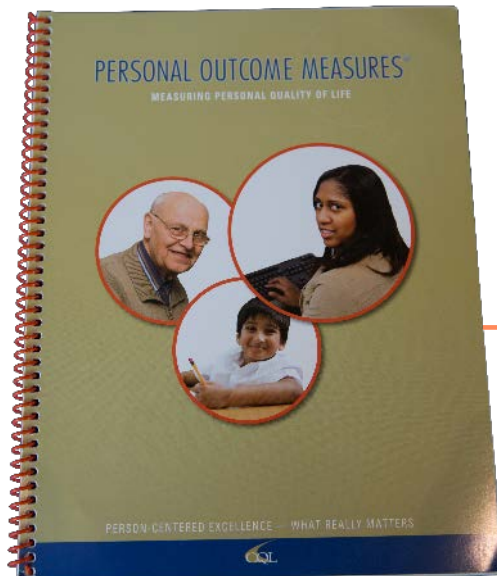
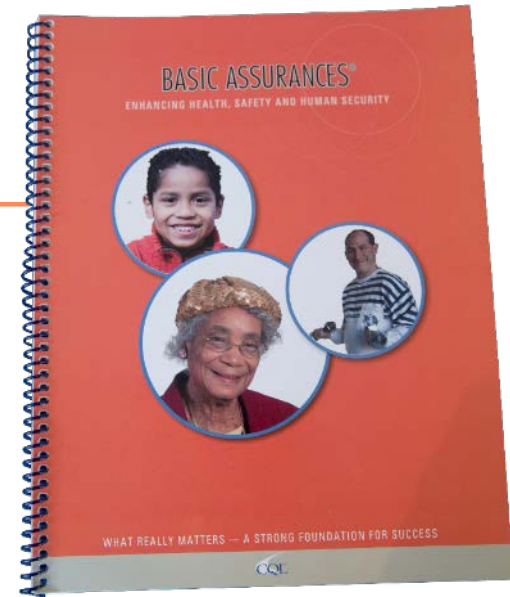
Mission

CQL is dedicated to the definition, measurement and improvement of **personal** quality of life.

Our Work

CQL assists communities, systems and organizations to help people discover and define **their own quality of life**, measure personal quality of life for individuals, organizations and systems and improve the quality of life for people with disabilities, people with mental illness and older adults — and the people, organizations and communities that support them.

Basic Assurances[®]



Personal Outcome Measures[®]

CMS Rules: Why?



- People have **full access** to the benefits of community living.
- People have the opportunity to receive services in the **most integrated** settings appropriate.
- Enhance the **quality** of HCBS and provide protections to participants.



CMS Rules: Where is this going?

- Enhancement/Expansion of Rights—same as everyone else
- Requirement for demonstrated/evidence-based individualized and person-directed service delivery
- People must be supported to have maximum control over their lives and day-to-day decision making.
- Feds are raising the bar:
CMS, Department of Justice (Olmstead enforcement)

What is Community?

COMMUNITY

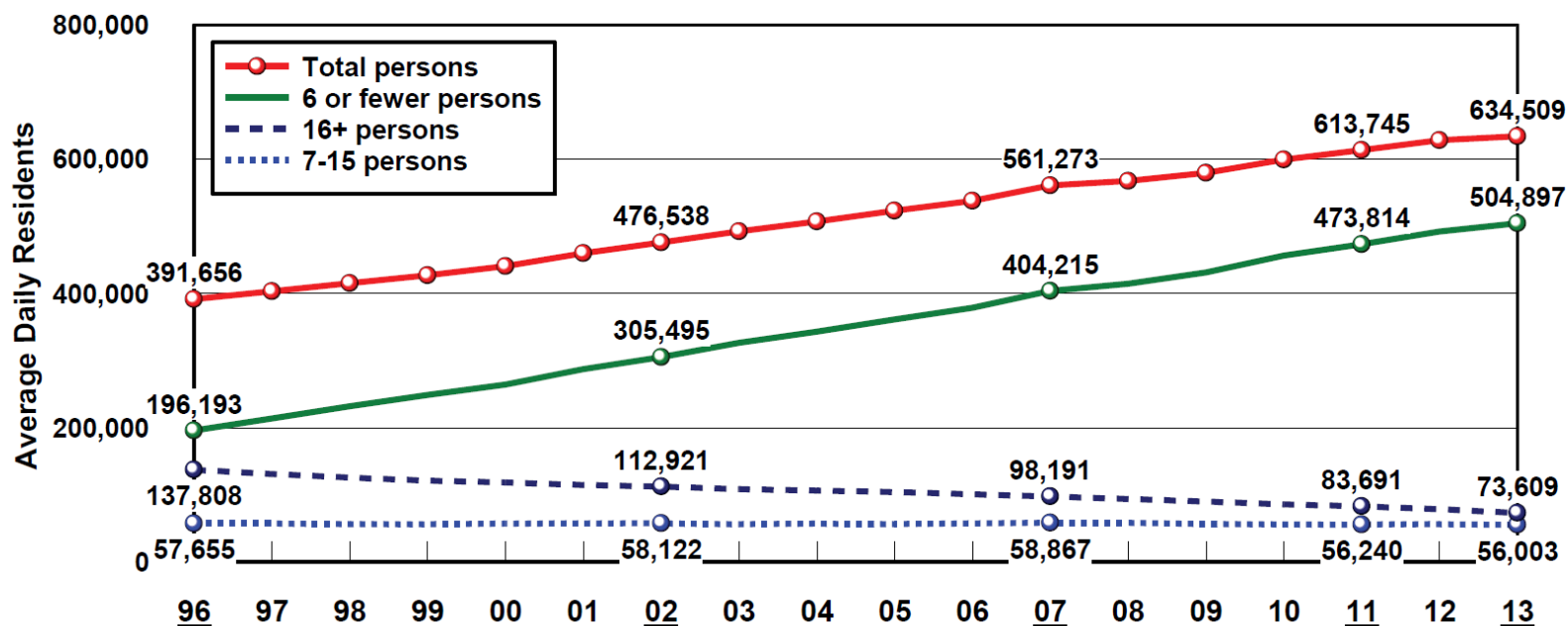




We Have Done a Good Job Moving People *into* the Community

UNITED STATES

PERSONS WITH I/DD BY SIZE OF SETTING: FY 1996-2013



Source: Braddock, Hemp, Rizzolo, Tanis, Haffer & Wu (2015). The State of the States in Developmental Disabilities. AAIDD



But Less Than Half of the People We Talk to Participate *in* the Community

49.6%
participate
in the life
of the
community



And this is what CMS is trying to change...



Community Is ...

A word cloud illustrating the components of community. The words are arranged in various sizes and orientations, with colors ranging from blue to orange. The most prominent words include:

- connections** (orange)
- belonging** (light blue)
- togetherness** (blue)
- BONDS** (orange)
- work** (orange)
- school** (light blue)
- community** (blue)
- LINKS** (blue)
- jobs** (small blue)
- help** (light blue)
- church** (dark blue)
- relationships** (orange)
- VOLUNTEERING** (light blue)
- SOCIETY** (blue)
- INTERACTION** (light blue)
- FRIENDSHIP** (blue)

The New Rules

- Defines the qualities of a home and community-based setting.
- Lists additional conditions that providers must meet.
- Defines settings that are NOT community-based.
- Defines settings that are presumed to have qualities of an institution.



CMS Rules: The Big Idea

What is Home & Community-Based?

#1 - The setting is integrated in the greater community AND supports full access of people receiving Medicaid HCBS to the greater community.

This includes opportunities to work in competitive integrated settings, (at least minimum wage and with people who do not have disabilities) to engage in community life, control personal resources (money), and receive services in the community to the same degree as people not receiving HCBS



Full Access To The Community

What Does This Mean?



- Make sure people live in neighborhoods with people without disabilities.
- Make sure people are supported to participate fully in their community
- Make sure the person chooses where they live from different options or choices
- Make sure people do many different things in the community. If living in a rural area, people can travel around and participate in community life, in the same way that other people who live in that community do.



Full Access To The Community

What Does This Mean?

Does **NOT** mean:

- The only time you are ever in your community is on a “group trip” or outing
- All activities are scheduled by staff without you telling them what you are interested in doing.
- You only participate in your community through the same limited set of activities or without experiencing lots of different options.

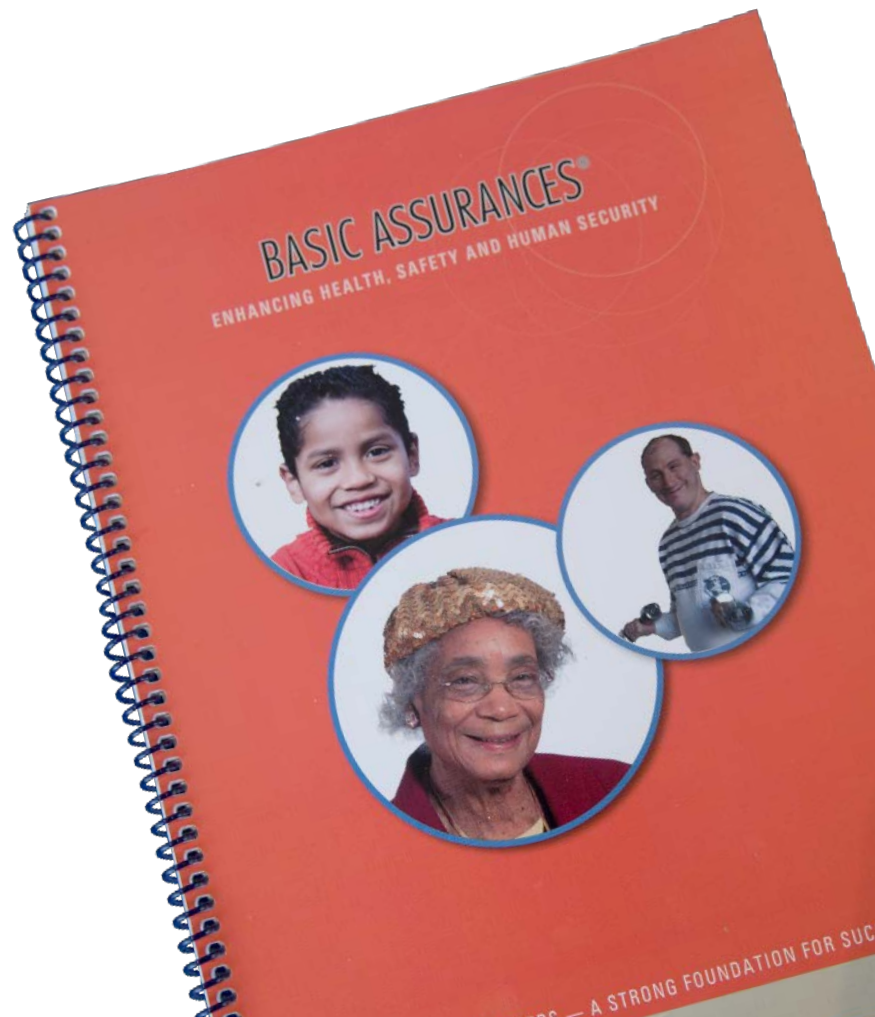


Basic Assurances[®]

Factor 2: Dignity & Respect

D. Supports and services enhance dignity and respect

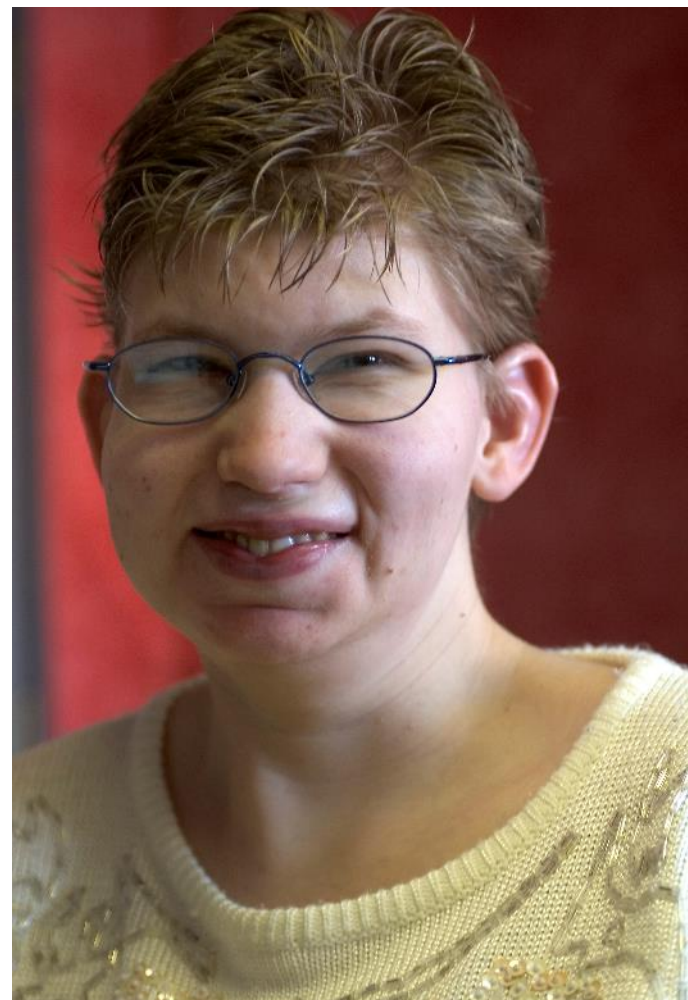
E. People have meaningful work and activity choices





Personal Outcome Measures®

- People live in integrated environments.
- People choose where they work.
- People participate in the life of the community.





CMS Rules: The Big Idea

What is Home & Community-Based?

#2 - The setting is selected from options that include non-disability specific settings

- The state provides an option for a private unit in a residential setting
- The choices presented to the individual are documented in the Person-Centered Plan





Non-Disability Specific Setting

What Does This Mean?

A non-disability specific setting means that people with and without disabilities can live there.



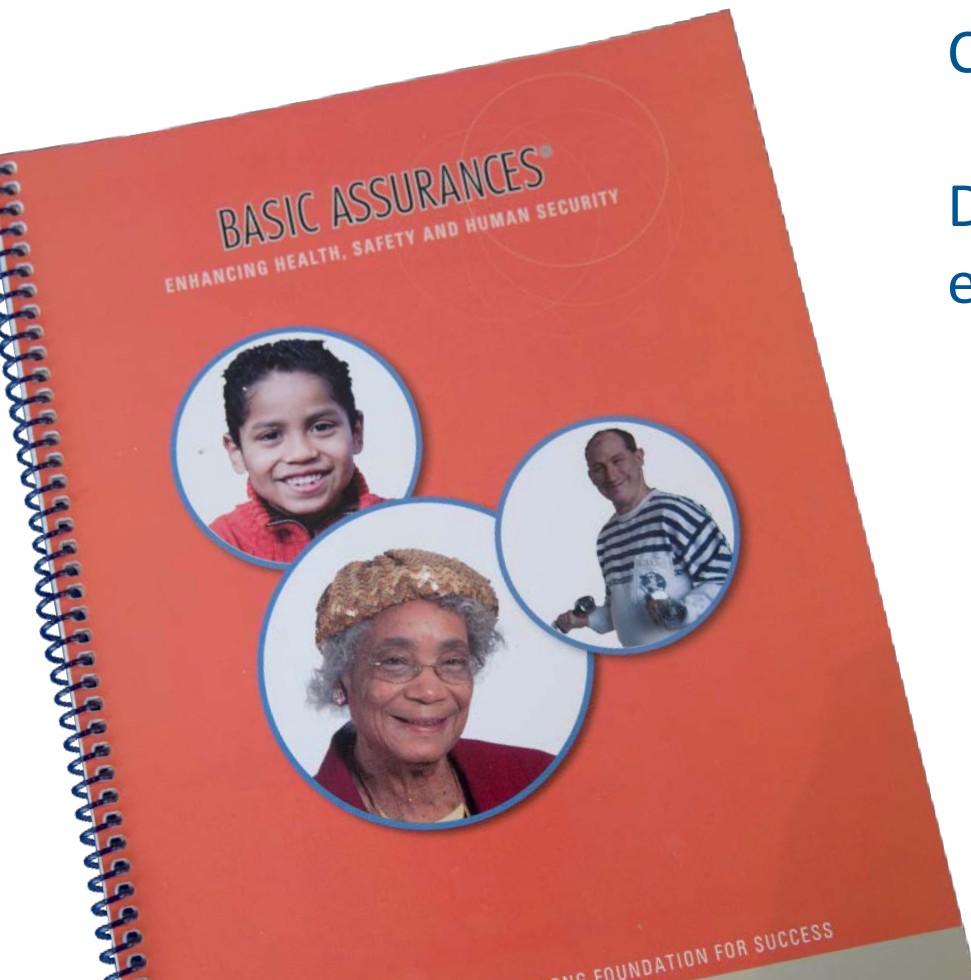


Basic Assurances[®]

Factor 2: Dignity & Respect

C. People have privacy.

D. Supports and services enhance dignity and respect.





Personal Outcome Measures[®]

- People choose where and with whom they live.





CMS Rules: The Big Idea

What is Home & Community-Based?

#3 - The setting must ensure an individual's rights including:

- Privacy
- Dignity
- Respect
- Freedom from coercion
(people talking you into something)
- Freedom from restraint





Individual Rights

What Does This Mean?

- You have the same rights for privacy, dignity, and respect as any other person and citizen.
- Your case manager (in some states they are called other names) makes sure you:
 1. Have privacy—can be alone or spend time with other people in your home and community
 2. Are treated with dignity and respect—you do things that are important to you, speak up for yourself and be the person you are!
 3. Can make your own decisions without being coerced or forced to do what you don't want to do.
 4. Have the right to be free from restraint ... being held against your will or kept from doing something you want.



Basic Assurances[®]

Factor 1: Rights Protection and Promotion

- A. The organization implements policies and procedures that promote people's rights.

Factor 2: Dignity and Respect

- A. People are treated as people first.

Factor 3: Natural Support Networks

- D. The organization facilitates each person's desires for natural supports.



Personal Outcome Measures®

- People exercise rights.
- People are treated fairly.
- People are free from abuse and neglect.
- People are respected.





CMS Rules: The Big Idea

What is Home & Community-Based?

#4 - The setting encourages:

Individual initiative

- Telling people what you want or starting something on your own

Autonomy

- Doing things on your own as much as possible

Independence in making life choices

- What you do each day
- Where you live, work or spend time
- Who you talk with

Basic Assurances[®]

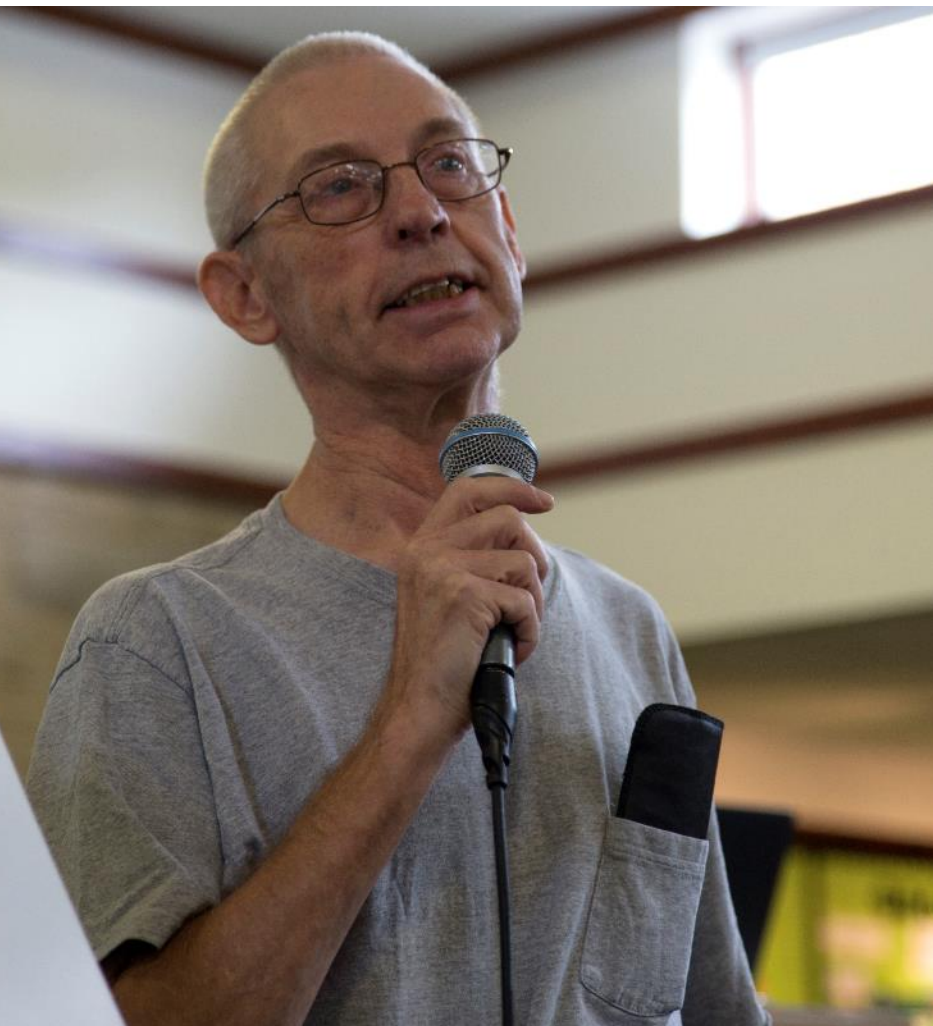
Factor 2: Dignity & Respect

- Supports and services enhance dignity and respect
- Decision-making supports are provided to people as needed





Personal Outcome Measures[®]



- People exercise rights.
- People experience continuity and security.
- People choose goals.



CMS Rules: The Big Idea

What is Home & Community-Based?

#5 - The setting makes sure that you have a choice about your services and supports and who provides them





Independence & Choice

What Does This Mean?

- Control over where and with whom you live
- Control over where you work or how you earn money
- Options about what you do during the day
- Choices about who you interact with or spend time with



Basic Assurances®

Factor 7: Staff Resources & Supports

C. The support needs of individuals shape the hiring, training and assignment of staff.

D. The organization implements systems that promote continuity and consistency of DSPs.





Personal Outcome Measures[®]

- People choose services.
- People experience continuity and security.





The New Rules

What Providers Must Do

The new rules list additional conditions that must be met in settings that are owned or controlled by a provider.

POCS = Provider-Owned
or Controlled Setting

This may be a group home, or an apartment owned or run by a service provider, or the place where people go to during the day that is run by a service provider.





Institutional Settings

Other settings may be institutional including those that:

- Are in a building that also provides inpatient institutional treatment
- Are in a building on the grounds of an institution
- Are right next door to a public institution (like a state institution)
- Isolate people receiving HCBS from the broader community



Institutional Settings

Sometimes a state may say that some settings that might **appear** to be institutional, are actually community-based.

CMS reviews their request through a process called “heightened scrutiny.”

This is where advocates and supporters can give input whether they agree the place is community-based or not.



New CMS Rules For Providers

#1 - Lease

There is a legally enforceable agreement

- **Sometimes called a LEASE** -

...that makes sure people are protected from having to move out of their home in the same way that people without disabilities are protected.





New CMS Rules For Providers

#2 - Privacy

People have the right to privacy in their bedroom if they live with other people or to their own house/apartment if they live alone.





New CMS Rules For Providers

#2a - Keys

- People can lock the door to their bedroom, house or apartment.
- People have a key or code to the front door of their home.





New CMS Rules For Providers

#2b - Choice of Living Arrangements/ Roommate

Ask people questions routinely to assess preferences, interests and needed/wanted changes

- How do you feel about having a roommate?
- Do you have privacy?
- Would you like your own room or to live with less or more people?
- If you are not satisfied with your living arrangement, provider staff will help you to find other options



New CMS Rules For Providers

#2c – Personal Style

Support people to exercise their freedom to furnish and decorate their room or house within the limits of the lease or other agreement.



From *The Riot*

Issue 35 – Spring 2015



When Mandy found out about the new federal regulations, she showed her home providers that she had a few changes of her own to make!



New CMS Rules for Providers

#3 - Schedules and Activities

Support people to control their schedule and activities and have access to food at any time.





New CMS Rules for Providers

#3a – Control Schedules and Activities

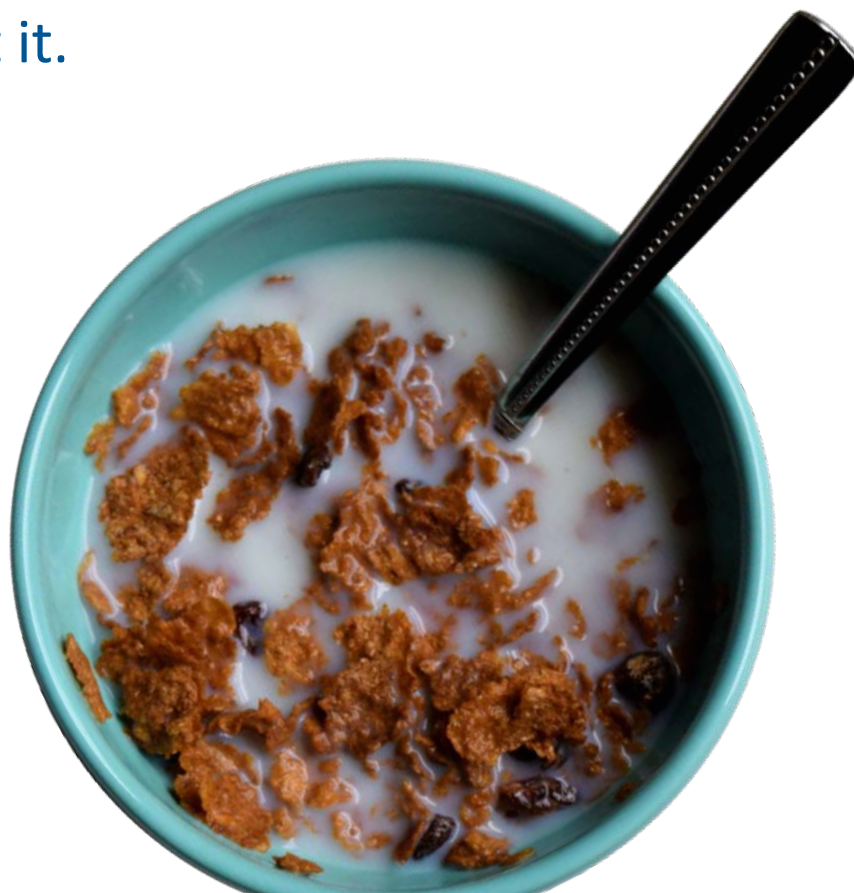
- People are not required to follow a particular schedule for waking up, going to bed, eating, leisure activities, etc.
- People are encouraged and supported to make scheduling choices based on wants and needs.
- People have access to such things as televisions, radio, computer internet, and leisure activities that interest them and they can schedule and enjoy these activities at their convenience.
- People are satisfied with their schedule of activities and have assistance with changes as wanted.



New CMS Rules for Providers

#3a – Access To Food At Any Time

People have the right to have food and drink when they want it.





New CMS Rules for Providers

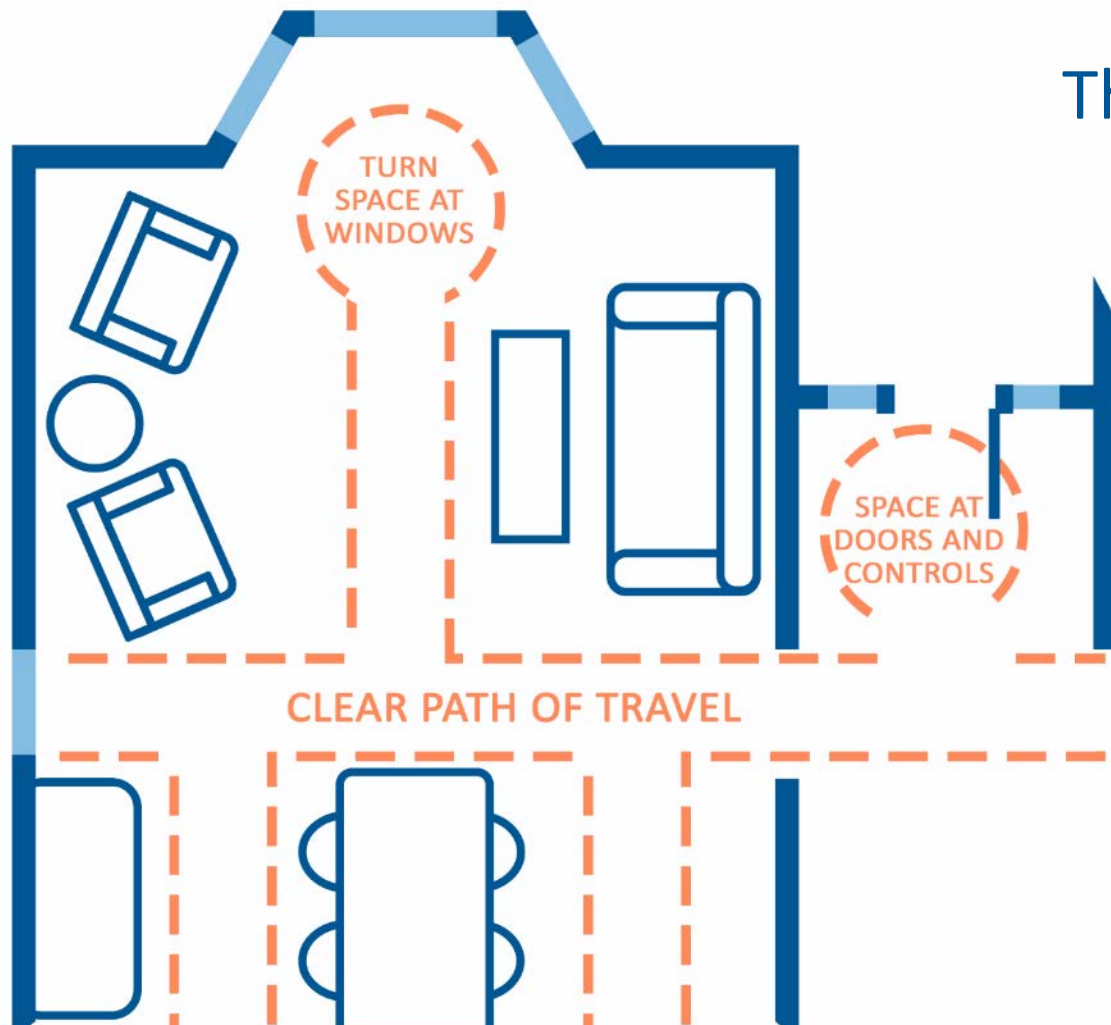
#4 – Visitors

People can have visitors at any time.



New CMS Rules for Providers

#5 - The Home Is Physically Accessible



The person's home meets their needs for physical accessibility



The New Rules

Temporary Modifications

Sometimes the rules
need to be modified



Temporary Modifications

If People Need Extra Support

Sometimes people need extra support and may not be able to take part in all of the freedoms the new rules provide. When that happens, the provider has very strict rules they have to follow:

- Base the modification on a specific need
- Show that positive interventions have been tried but haven't worked (and document it)
- Keep measuring if the modification is effective!
- Show that any modification is TEMPORARY
- Get informed consent!
- Show the intervention will cause no harm.



The New Rules

For Planning

What the rules
mean for
Person-Centered
Planning



Person-Centered Plan

Making It Accessible

- Directed by the person – and can include others you choose.
- People choose their goals – including ones related to community participation, employment, income and savings, health care and wellness, education and others.
- Includes what services and supports people will receive and who will provide them (both paid and unpaid people).
- Must be in a format that people can understand!
- Pictures or videos – what works for the person!

Person-Centered Plan

Making It Accessible



My Person-Centered Plan

Victoria
Lynne
Krueger

I am 46 years old and have been a Self Advocate for several years!

Funded by the Illinois Council on Developmental Disabilities.

This template was developed by
CQL | The Council on Quality and Leadership
www.c-q-l.org

About Me

My Self
I am a self advocate. I help other people. I like to be as independent as possible.

My Dreams
To live independently and continue to be a self advocate.

Some Things I Do Like
Pictures of things I enjoy in life

Going to Eat at Red Lobster and Olive Garden

Hanging out with my family!

Opening (this is me on WEEK NEWS)

Important People
People who matter most to me

My Nieces, Adia, Zoe and Auggie

My Brother and his family

Scary Movies

NETFLIX HORROR MOVIES

...and on how to be a self-advocate.



The New Rules

For Work And Day

What the rules mean
for what people do
during the day
(non-residential)



Day Programs & Workshops

They Have Rules Too!

Many of the same requirements apply to where people work or what they do during the day. Some questions to think about:

- Do people have opportunities to do meaningful non-work activities (work, shopping, dining out) in integrated community settings?
- Were people able to set their work schedule, break/lunch times, vacation and sick time, and medical benefits with their employer?



Day Programs & Workshops

More Questions To Ask ...

- Do people have access to and training on the use of public transportation?
- Can people combine activities such as employment and day program or workshop?
- Do people have a secure place (like a locker) to put their stuff?
- Can people choose who to do activities with?



Day Programs & Workshops

Lots To Think About ...

- Are there gates, locked doors, fences or other barriers preventing people from going into or leaving from certain areas of the setting? (there shouldn't be!)
- Are there rules that keep people from being able to open doors, go to certain rooms or places, or outside?
- Do people spend time doing things with people who don't have disabilities?



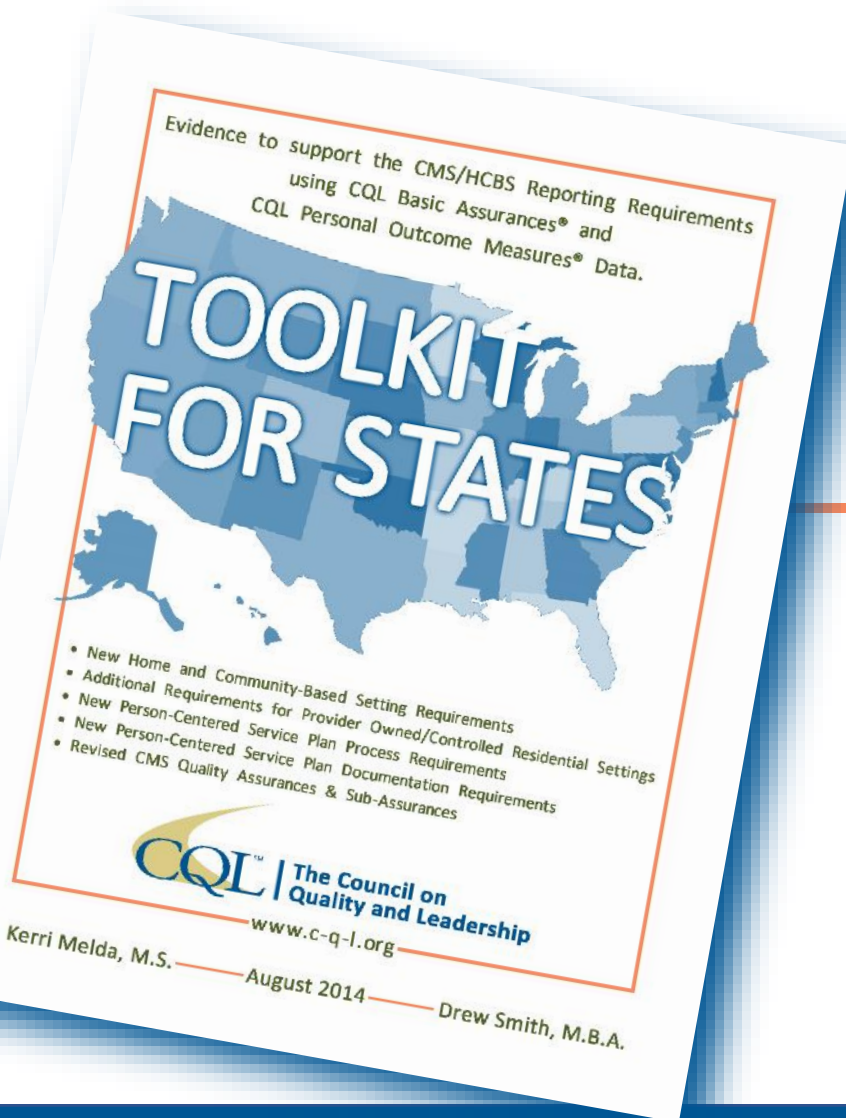
Day Programs & Workshops

Lots To Think About ...

- Are people treated with respect and dignity?
- Can people have the same food as staff or visitors?
- Does the setting allow people to have a meal/snack when and where they want?
- Can you talk to others during break or meal times?



CQL's Toolkit For States



www.c-q-l.org/CMStoolkit



The New Rules

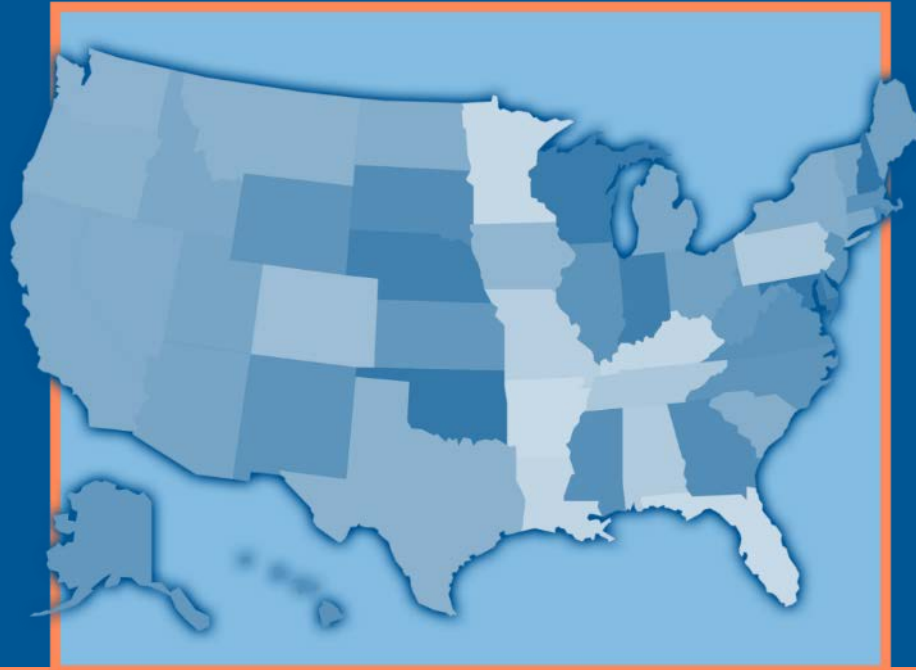
When Will This Happen?

- States have until March 17, 2019 to come into compliance with all the new regulations
- For all new HCBS Waivers states submit, those waiver applications will have to follow these new rules



HCBS

it's all about...



CHOICE!

And now for some
shameless
self-promotion ...



CQLSM

2017 CONFERENCE

BLUEPRINT **FOR** **PERSON-CENTERED**
PRACTICES

OCT 16-19 • INDIANAPOLIS, IN • JW MARRIOTT

www.c-q-l.org/Blueprint



And now for
questions...

