




DDSN Executive Memo

**TO: EXECUTIVE DIRECTORS, DSN BOARDS
CEOS, CONTRACTED SERVICE PROVIDERS**

FROM: SUSAN KREH BECK, ED.S., LPES, NCSP, ASSOCIATE STATE DIRECTOR, POLICY 

DATE: NOVEMBER 12, 2019

SUBJECT: Compliance Action Plans (CAP)

The purpose of this memo is to share additional information regarding the Department's activities regarding achieving and maintaining compliance with the Home and Community-Based Services (HCBS) Settings Regulation. As part of DDSN's efforts to ensure compliance with the Regulation, DDSN must have a thorough and complete Compliance Action Plan (CAP) for each of its providers.

Providers Without Settings Presumed To Have Institutional Qualities

DDSN is in the process of communicating with each provider who does not operate a setting presumed to have institutional qualities about its CAP. Often, additional information or clarification of information included in the CAP is needed in order for it to be considered thorough and complete. Those providers who do not operate a setting presumed to have institutional qualities who have not yet been contacted should receive a communication by the end of November 2019.

Once a CAP is considered to be thorough and complete, the provider who does not operate a setting presumed to have institutional qualities is informed and reminded that the actions described in the CAP must be implemented. Providers are also reminded that on-going compliance will be measured through Contract Compliance and Licensing Reviews as well as Day and/or Residential Observation Review results. Because compliance with the settings regulation is largely about the waiver participants' experiences in the setting, providers are strongly encouraged to use the questions from the day and/or residential observation review tools to learn about their participants' experiences in the setting and the knowledge of the staff providing supports in the setting. Then, using the information learned, providers are encouraged to make changes/improvements which will improve participants' experiences. These Observation Tools are available on DDSN's website at:

<https://www.ddsn.sc.gov/sites/default/files/Documents/Quality%20Management/Day%20Services%20Observation%20FY20.pdf>

<https://www.ddsn.sc.gov/sites/default/files/Documents/Quality%20Management/Residential%20Observation%20Tool%20FY20.pdf>

Providers With Settings Presumed To Have Institutional Qualities

Since last fall, when CAPs were submitted, significant changes related to settings that are presumed to have institutional qualities have occurred. The specific settings that must be reviewed by the Centers for

Medicare and Medicaid Services (CMS) has changed (March 2019), the definition of settings presumed to have institutional qualities because they have the effect of isolating has changed (May 2019), and the process the state will use to evaluate each of these settings has been determined (October 2019). Because of these changes, DDSN has requested to meet with providers who operate a setting or settings presumed to have institutional qualities to discuss the changes, the information about the setting to be submitted, the time frames, and the process. This meeting is scheduled for November 21, 2019 and the providers who operate these settings have been notified.

Should you have any questions about DDSN's efforts toward compliance with the Settings Regulation, please feel free to contact Janet Priest by email at jpriest@ddsn.sc.gov or by phone at 803-898-9620.