HCBS Settings Rule Provider Alignment

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What to have ready

- A list of every setting where you deliver Medicaid HCBS, marked residential or non-residential, matching the toolkit's two categories (CMS toolkit [https://www.medicaid.gov/medicaid/home-community-based-services/home-community-based-services-guidance-additional-resources/home-community-based-settings-requirements-compliance-toolkit]).
- For each setting, the facts that bear on 441.301(c)(5)(v): whether it shares a building with inpatient institutional treatment, sits on or next to the grounds of a public institution, or isolates the people you serve (42 CFR 441.301(c)(5)(v) [https://www.ecfr.gov/current/title-42/section-441.301]).
- Evidence of community access, including employment, community life and control of personal resources (42 CFR 441.301(c)(4)(i) [https://www.ecfr.gov/current/title-42/section-441.301]).
- Rights procedures covering privacy, dignity and respect, and freedom from coercion and restraint (42 CFR 441.301(c)(4)(iii) [https://www.ecfr.gov/current/title-42/section-441.301]).
- For provider-owned or controlled residences, door-lock and key-control practices for "entrance doors lockable by the individual" (42 CFR 441.301(c)(4)(vi) [https://www.ecfr.gov/current/title-42/section-441.301]).
- Your practice on schedules, activities and "access to food at any time" (42 CFR 441.301(c)(4)(vi) [https://www.ecfr.gov/current/title-42/section-441.301]).
- Your visitor practice, since people "are able to have visitors of their choosing at any time" (42 CFR 441.301(c)(4)(vi) [https://www.ecfr.gov/current/title-42/section-441.301]).
- Person-centered service plans showing any modification is "supported by a specific assessed need and justified in the person-centered service plan" and carrying the eight documentation elements in (vi)(F)(1)-(8) (42 CFR 441.301(c)(4)(vi)(F) [https://www.ecfr.gov/current/title-42/section-441.301]).
- Incident data and current procedures, for comparison against the rights and restraint provisions (42 CFR 441.301(c)(4)(iii) [https://www.ecfr.gov/current/title-42/section-441.301]).
- The state waiver operating rules for each program you serve, such as the DDD manuals in New Jersey (NJ DDD manual [https://www.nj.gov/humanservices/ddd/assets/documents/supports-program-policy-manual.pdf]).