



# Onsite Evaluation Training

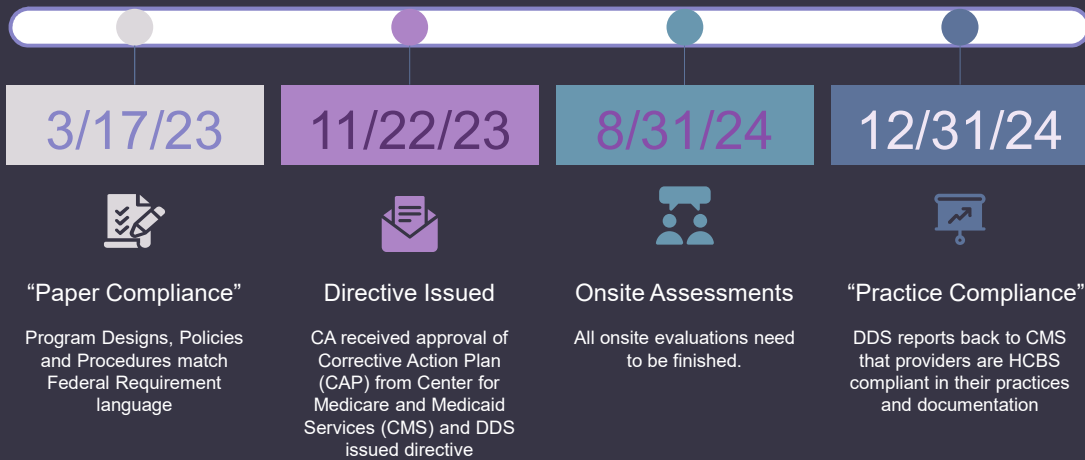
## Home & Community Based Services - FINAL RULE

### What is the Goal of the HCBS Final Rule?

To enhance the quality of services:

- Maximizing opportunities and choices for individuals
- Community Integration allowing individuals to have full access to the community
- Ensuring individuals can work and spend time with other people in their community who do not have disabilities
- Supporting individual preferences and rights are protected
- Establishing person-centered planning requirements

## HCBS Timeline



## Service Codes

### Residential Services

- **096** – Residential Care Facility for the Elderly (RCFE)
- **113** – Adult Residential Facilities for Persons with Special Health Care Needs (ARFPSHN)
- **901** – Enhanced Behavioral Support Home\*
- **903** – Community Crisis Home\*
- **904** – Family Home Agency (FHA)
- **905, 915** – Adult Residential Facility (ARF)
- **910, 920** – Children’s Residential Facility

### Employment Services

- **950** – Supported Employment Program (Group Services)
- **954** – Work Activity Program

### Day Type Services

- **028** – Socialization Training Program
- **055** – Community Integration Training Program
- **063** – Community Activities Support Services
- **475** – Participant-Directed Community-Based Training Service for Adults
- **505** – Activity Center
- **510** – Adult Development Center
- **515** – Behavior Management Program
- **851** – Child Day Care Facility\*
- **855** – Adult Day Care Facility

Next, we will  
discuss site  
visits....



## Scheduling 600+ Providers

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- Contra Costa & Alameda counties
  - Neighboring areas will be scheduled each month from Jan 2024-August 2024
  - Providers will be contacted by email/phone for scheduling of site visits.
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- We appreciate your cooperation and upmost attention when it comes to scheduling

## Site Evaluations

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- Survey Teams, Introductions (Depending on size of the program 2+)
- Brief overview of the purpose of the site visit, outline of what the program can expect.
- Brief history of the organization, including the names and vendor codes of all their programs and number of persons served per program.
- Tour of the home/program/site.
- Discuss/Answer any initial questions the Program Representative or other staff might have.

## Interviews & Documentation

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- Interview of person served
- Interview of staff members
  - One person of the Survey Team will be asking questions using the checklist/questionnaire.
  - Another person of the Survey Team will record the responses
- Program Representatives will be asked to demonstrate how the agency is in compliance with each rule

## Provider will receive the following prior to site visit

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- Tool used during site visits
- Interview questions for people served
- "How to be compliant"

## Monthly Check-ins w/Toolworks team

- 1/31/24 at 2pm (first mtg)
- <https://us02web.zoom.us/j/87365438552?pwd=bEJUSlJQNElITk5wZDZKd0gwYjZRUT09>



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Next, we will look at each rule, historical barriers, and possible solutions...

<p>1. The setting is integrated and supports full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access as individuals not receiving Medicaid HCBS.</p>	<p><b>Non-Residential &amp; Residential</b></p>	
	<p>Finding meaningful and engaging interest for those supported</p>	<ul style="list-style-type: none"> <li>Using PCT skills to assess wants, goals, and needs</li> </ul>
	<p>Planning activities/Schedules</p>	<ul style="list-style-type: none"> <li>Include person supported in planning meetings</li> </ul>
	<p><b>Residential</b></p>	
	<p>Limited Transportation</p>	<ul style="list-style-type: none"> <li>Smaller vehicles allow for individualized outings</li> <li>Teaching and utilizing public transportation</li> </ul>
	<p>Person supported having limited Interest in Leaving the Home</p>	<ul style="list-style-type: none"> <li>Knowing and understanding the needs and wants of the individuals served</li> <li>Forming or assisting with community connections: clubs, interest groups, religious affiliations</li> </ul>

<p>2. The setting is selected by the individual from among other setting options including non-disability-specific settings and an option for a private unit in a residential setting.</p>	<p><b>Non-Residential &amp; Residential:</b></p>	
	<p>Non-disability Specific Settings Options</p>	<ul style="list-style-type: none"> <li>Individuals served should be encouraged and supported to explore program options</li> </ul>
		<ul style="list-style-type: none"> <li>Reflect individual needs and preferences and that policies ensure the informed choice of the individual</li> </ul>

3. The setting ensures an individual's rights of privacy, dignity and respect, as well as freedom from coercion and restraint

Residential & Non-Residential	
Maintaining Privacy	<ul style="list-style-type: none"> <li>• Provide staff trainings on confidentiality policies/practices</li> <li>• Assure that no personal information is posted within a public or shared space</li> </ul>
Medication dispensing/discussions about PHI or other sensitive information	<ul style="list-style-type: none"> <li>• Medications should be dispensed privately and discussions with individuals served or about individuals served should take place in a private area of the home</li> </ul>
Bathroom & Bedroom doors	<ul style="list-style-type: none"> <li>• Locks and doorknobs should be easy for the individual served to use</li> <li>• Knocking when doors are closed</li> </ul>

4. The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to: daily activities, physical environment, and with whom to interact.

Residential & Non-Residential	
Doing things for people, rather than doing it with them	<ul style="list-style-type: none"> <li>• Knowing goals and desires of individuals served and working with them in a person-centered manner to achieve those goals</li> </ul>
All activities are done as a group	<ul style="list-style-type: none"> <li>• Use committee meetings to plan activities with input from individuals served, and if you have individuals that prefer to stay behind plan out what they would prefer to do.</li> </ul>
Residential	
Personal services, haircuts, nail services are done in the home	<ul style="list-style-type: none"> <li>• Build relationships with service providers in the community</li> </ul>
Doing things for people, not with them	<ul style="list-style-type: none"> <li>• Support individuals to complete household tasks</li> </ul>

5. The setting facilitates individual choice regarding services and supports, and who provides them.

Residential & Non-Residential	
<ul style="list-style-type: none"> <li>• Not knowing each individuals preference</li> </ul>	<ul style="list-style-type: none"> <li>• During resident committee meetings ask individuals who they want to work with</li> </ul>
<ul style="list-style-type: none"> <li>• Individuals working with unpreferred staff</li> </ul>	<ul style="list-style-type: none"> <li>• Utilize PCT tools, particularly the Matching tool to pair preferred staff with individuals served</li> <li>• Having those supported in the hiring process</li> </ul>

6. The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services.

Rules 6-10: Residential Only	
<p>An admission agreement exists but may not contain all the required elements as specified in the Final Rule</p>	<ul style="list-style-type: none"> <li>• Reviewing the current Admissions Agreement to determine if it fully meets all requirements outlined in the Final Rule</li> </ul>
	<ul style="list-style-type: none"> <li>• Revisions will be made if necessary and all RSP's will be notified</li> </ul>



<p><b>7. Each individual has privacy in their sleeping or living unit; including doors lockable by the individual, choice of a roommate if sharing a unit, and the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</b></p>	<p>Bedroom door lock poses a safety risk for an individual served</p>	<ul style="list-style-type: none"> <li>• Less restrictive options should be explored</li> <li>• If these measures are insufficient a planning team meeting should be scheduled, and strict documentation must be followed</li> <li>• The Final Rule does allow for “staff” to have keys to the bedroom door, privacy must be maintained, staff should knock first and announce themselves prior to entering and only if it is necessary to maintain safety</li> </ul>
	<p>RSP choose furnishings for bedrooms</p>	<ul style="list-style-type: none"> <li>• Individuals served should be supported to choose their own furnishings and decorations for their living space</li> </ul>

<p><b>8. Individuals have the freedom and support to control their own schedules and activities and have access to food at any time.</b></p>		
	<p>Mealtimes are set and not flexible, menu is set by staff</p>	<ul style="list-style-type: none"> <li>• Individuals served should be able to choose when and what they would like to eat</li> <li>• Individuals served should be included in the scheduling of mealtimes and the menu</li> </ul>
	<p>Snack times are scheduled and access to food outside of scheduled times is restricted</p>	<ul style="list-style-type: none"> <li>• Individuals served should always have access to food within their home</li> </ul>
	<p>Individuals served do not have control of their own schedules</p>	<ul style="list-style-type: none"> <li>• Individuals should control their own schedule and activities; staff should facilitate residential house meetings when creating schedules</li> </ul>

<p><b>9. Individuals are able to have visitors of their choosing at any time.</b></p>	<p>Individuals served have no private space to visit with guests</p>	<ul style="list-style-type: none"> <li>Individuals served should have access to a private space to visit including having guests in their bedroom if they choose</li> </ul>
	<p>Individuals served want to have overnight guests in their rooms</p>	<ul style="list-style-type: none"> <li>Individuals served should be able to have overnight visitors, if they have a private room. If the individual shares the room with another person, staff should facilitate a discussion between the two individuals to come to an agreement about visitors in the shared room</li> </ul>
	<p>Visitors are restricted to certain times</p>	<ul style="list-style-type: none"> <li>Practices and rules around visitors should be set by the residents in the home through resident council meetings, it should be based on the residents agreement and not influenced by staff preferences</li> </ul>

<p><b>10. The setting is physically accessible to the individual.</b></p>	<p>Physical barriers within the home or program</p>	<ul style="list-style-type: none"> <li>Knowing the accessibility needs of each individual served</li> </ul>
		<ul style="list-style-type: none"> <li>Remove physical barriers</li> <li>Explore technology as a means of access- light up doorbells</li> </ul>
	<p>Prohibited access within the building</p>	<ul style="list-style-type: none"> <li>There should be no blanket restrictions on access within the building</li> <li>Prohibited access must be identified in the person-centered plan</li> <li>Never restrict access to bathrooms</li> </ul>

## Where can I find more information?

Check out the RCEB website: <https://www.rceb.org/providers/hcbs-final-rule/>

To ask a question, make a comment, or get more information about the HCBS Final Rule, email: [hcbs@rceb.org](mailto:hcbs@rceb.org)

For more detailed information on the HCBS Final Rule and California's Statewide Transition Plan, please visit: <http://www.dds.ca.gov/initiatives/cms-hcbs-regulations>

CA HCBS Statewide Transition Plan:

<http://www.dhcs.ca.gov/services/ltc/Pages/HCBSStatewideTransitionPlan.aspx>

Center for Medicare and Medicaid Services:

<https://www.medicaid.gov/medicaid/hcbs/index.html>

thank you!

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