

HOME AND COMMUNITY-BASED SERVICES REGIONAL CENTER MONITORING REQUIREMENTS

Evidence of compliance with the federal requirements listed below for Home and Community-Based Services (HCBS) must be collected through any combination of two or more of the following:

- Interviews with individuals served which includes all elements of the settings criteria
- Individual satisfaction surveys linked to specific areas
- Interviews with service providers and direct support professionals which includes all elements of the settings criteria
- Review of service provider records (program design, policies and procedures, staff trainings, signed admission agreements, meeting notes with individuals served, calendar of scheduled activities with documentation of how they were chosen by the individual, and other applicable documentation)
- Individual Program Plans (IPPs)
- On-site review and observation

Federal Requirement #1: Access to the Community & Personal Resources

The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS. [Title 42, CFR, Section 441.301\(c\)\(4\)\(i\)](#)

Federal Requirement #2: Choice of Setting

The setting/service is selected by the individual from among various options, including non-disability specific options and an option for a private room in a residential setting. The options are identified and documented in the Individual Program Plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board. [Title 42, CFR, Section 441.301\(c\)\(4\)\(ii\)](#)

Federal Requirement #3: Right to be Treated Well

Individuals have a right to privacy, dignity and respect, and freedom from coercion and restraint. [Title 42, CFR, Section 441.301\(c\)\(4\)\(iii\)](#)

Federal Requirement #4: Independence

The setting/service optimizes but does not regiment individual initiative, autonomy and independence in making life choices, including daily activities, physical environment and with whom to interact. [Title 42, CFR, Section 441.301\(c\)\(4\)\(iv\)](#)

Federal Requirement #5: Choice of Services and Supports

The setting/service facilitates individual choice regarding services and supports, and who provides them. [Title 42, CFR, Section 441.301\(c\)\(4\)\(v\)](#)

Federal Requirement #6: Residential Agreement

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, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord tenant law of the State, county, city or other designated entity. For settings in which landlord tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each participant and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law. [Title 42, CFR, Section 441.301\(c\)\(4\)\(vi\)\(A\)](#)

Federal Requirement #7: Privacy

Bedroom doors are lockable by the individual with only appropriate staff having keys to doors. [Title 42, CFR, Section 441.301\(c\)\(4\)\(vi\)\(B\)\(1\)](#)

Individuals sharing units have a choice of roommates in that setting. [Title 42, CFR, Section 441.301\(c\)\(4\)\(vi\)\(B\)\(2\)](#)

Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement. [Title 42, CFR, Section 441.301\(c\)\(4\)\(vi\)\(B\)\(3\)](#)

Federal Requirement #8: Freedom to Control Schedule and Access to Food

Individuals have the freedom and support to control their own schedules and activities and have access to food at any time. [Title 42, CFR, Section 441.301\(c\)\(4\)\(vi\)\(C\)](#)

Federal Requirement #9: Right to Visitors

Individuals are able to have visitors of their choosing at any time. [Title 42, CFR, Section 441.301\(c\)\(4\)\(vi\)\(D\)](#)

Federal Requirement #10: Accessibility

The setting is physically accessible to all individuals. [Title 42, CFR, Section 441.301\(c\)\(4\)\(vi\)\(E\)](#)

Modification Requirements

Any modification of the additional conditions, under [Section 441.301\(c\)\(4\)\(vi\)\(A\)](#) through [\(D\)](#), listed above as federal requirements 6-9, must be supported by a specific assessed need and justified in the person-centered service plan. The following modification requirements must be documented in the person-centered service plan:

- (1) Identify a specific and individualized assessed need.*
- (2) Document the positive interventions and supports used prior to any modifications to the person-centered service plan.*
- (3) Document less intrusive methods of meeting the need that have been tried but did not work.*
- (4) Include a clear description of the condition that is directly proportionate to the specific assessed need.*

- (5) *Include regular collection and review of data to measure the ongoing effectiveness of the modification.*
- (6) *Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.*
- (7) *Include the informed consent of the individual.*
- (8) *Include an assurance that interventions and supports will cause no harm to the individual. Title [42, CFR, Section 441.301\(c\)\(4\)\(vi\)\(F\)](#)*

Additional Provision: Service Provider Staff Training

Provider staff are trained and monitored on their understanding of the settings criteria and the role of person-centered planning in service provision. [State Medicaid Director Letter #19-001](#).