



Medicaid 200

Home and Community-Based Services Settings Rule:

Participants Right to Privacy and Choice of Visitor

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MED-QUEST DIVISION, HEALTH CARE SERVICES BRANCH

2018

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Objectives

Understand the intent of the Final Rule

Understand specific setting requirements and how it will affect your home

- Participant right to personal privacy
- Participant choice related to visitors

Know resources for the Final Rule





Intent of the Final Rule

Ensure full access to community living

Opportunity to receive services in the most integrated settings

Enhance the quality of home and community based services

Provide protections to individuals

42 CFR 441.301 (c)(4)(vi)(B)(1)

Right to Personal Privacy

Can a participant choose to have a lockable door?



YES



NO

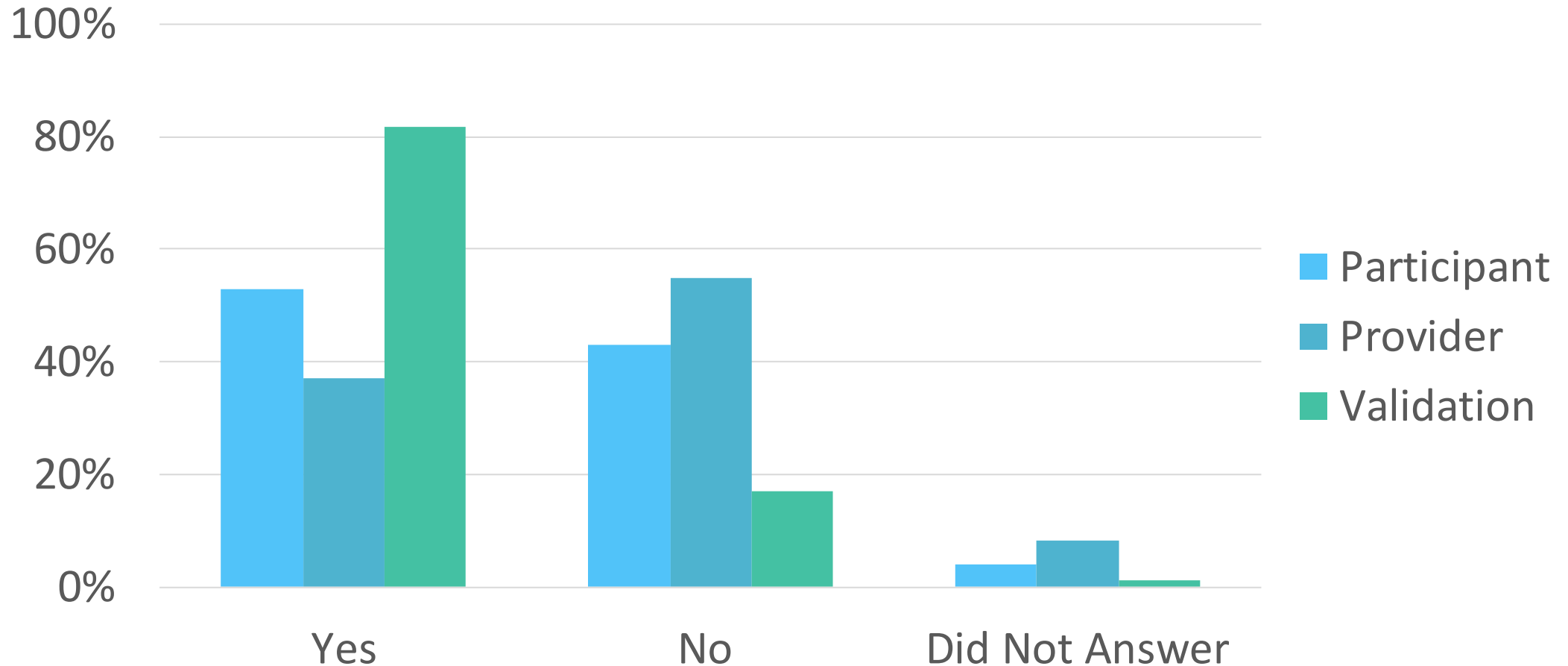


MAYBE





Can you close and lock the bedroom door?





42 CFR 441.301 (c)(4)(vi)(B)(1)

Right to Personal Privacy

Participants

- Can have privacy in the bedroom, living unit, or bathroom
- May choose not to have a lock on the bedroom, living unit, or bathroom door
- May choose to not use the lock on the bedroom, living unit, or bathroom door
- Will decide who will have keys



42 CFR 441.301 (c)(4)(vi)(B)(1)

Right to Personal Privacy

Providers

- Need to supply a door lock for the bedroom or living unit
- Only the provider and necessary staff will have keys

Door locks must:

- Be single action. This means the door must unlock when you turn the handle or move the lever to leave to allow for easy exit
- Meet state codes and safety standards
- Meet State rules and regulations

42 CFR 441.301 (c)(4)(vi)(B)(1) Right to Personal Privacy

Yes!



42 CFR 441.301 (c)(4)(vi)(B)(1) Right to Personal Privacy

Yes!



42 CFR 441.301 (c)(4)(vi)(B)(1) Right to Personal Privacy



Yes!

42 CFR 441.301 (c)(4)(vi)(B)(1) Right to Personal Privacy



42 CFR 441.301 (c)(4)(vi)(B)(1) Right to Personal Privacy



42 CFR 441.301 (c)(4)(vi)(B)(1)

Right to Personal Privacy- Limitations

There may be times that the assessed needs provide reason to consider some limits to locks on doors.

Limitations will not be used without the participants (or authorized representative's) informed consent.

Limitations will only be used where there is a health and safety risk and shall be documented in the person-centered plan.

42 CFR 441.301 (c)(4)(vi)(D)

Choice of Visitor

Can a participant choose who visits and when?



YES



NO



MAYBE





42 CFR 441.301 (c)(4)(vi)(D) Choice of Visitor

Participants

- Can decide who visits
- May choose to arrange what day and time

42 CFR 441.301 (c)(4)(vi)(D)

Choice of Visitor

Providers

- Must support the participants right to have visitors
- Must allow visitors in the living unit or in common areas
- If the home is shared with other participants, other preferences must be taken into consideration and respected
- May have limits on the amount of time a visitor can stay based on a mutual agreement and the agreement must be documented

42 CFR 441.301 (c)(4)(vi)(D)

Choice of Visitor

Providers

- Can put procedures in place to support health and safety
 - Must be reasonable
 - Must not prevent participants from having visitors

Examples:

- Providers may have a visitor check in when they come to visit
- Providers may help participants plan for after-hours visits

42 CFR 441.301 (c)(4)(vi)(D)

Choice of Visitor- Limitations

There may be times that your assessed needs provide reasons to consider some limitations to having visitors.

Limitations will not be used without your (or your authorized representative's) informed consent.

Limitations will only be used when there is a health or safety risk and shall be documented in your person-centered plan.



Think about it!

Does the guidance fit with how I operate my home?

If the guidance differs from my home operation, what must I change to meet the new requirements?



Big Tent- Public Discussion Board

<https://www.bigtent.com/groups/mcmwhi>

Search Group Name:
MCMWHI



For More Information

Hawai'i Department of Human Services

Med-QUEST Division

My Choice My Way, HCBS Transition Plan

NEW Med-QUEST Website: <https://medquest.hawaii.gov/> Search: My Choice My Way

MCMW Specific Website:

<https://medquest.hawaii.gov/en/members-applicants/already-covered/my-choice-my-way.html>

Email: mychoicemyway@dhs.hawaii.gov

For More Information

More information about the final regulation is available:

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

All Providers need to know their requirements regarding compliance with the HCBS Final Rule. More information about the final regulation is available:

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

Questions?



