



Medicaid 203 Home and Community-Based Services Settings Rule: *Dignity of Risk*

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Objective

- Intent of the Final Rule
- Understand balance between fixing vs supporting
- Understand dignity of risk
- Understand risk mitigation



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 individual rights, dignity, respect, and freedom from coercion and restraint

Support individual initiative, autonomy, and independence

Intent of the Final Rule

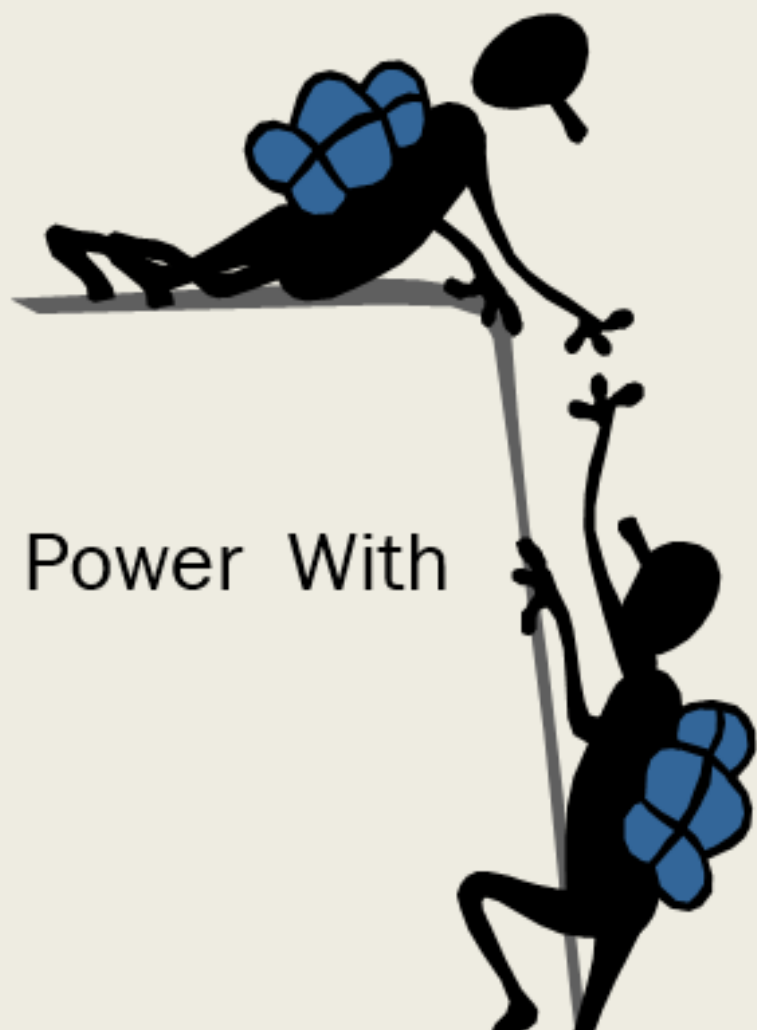
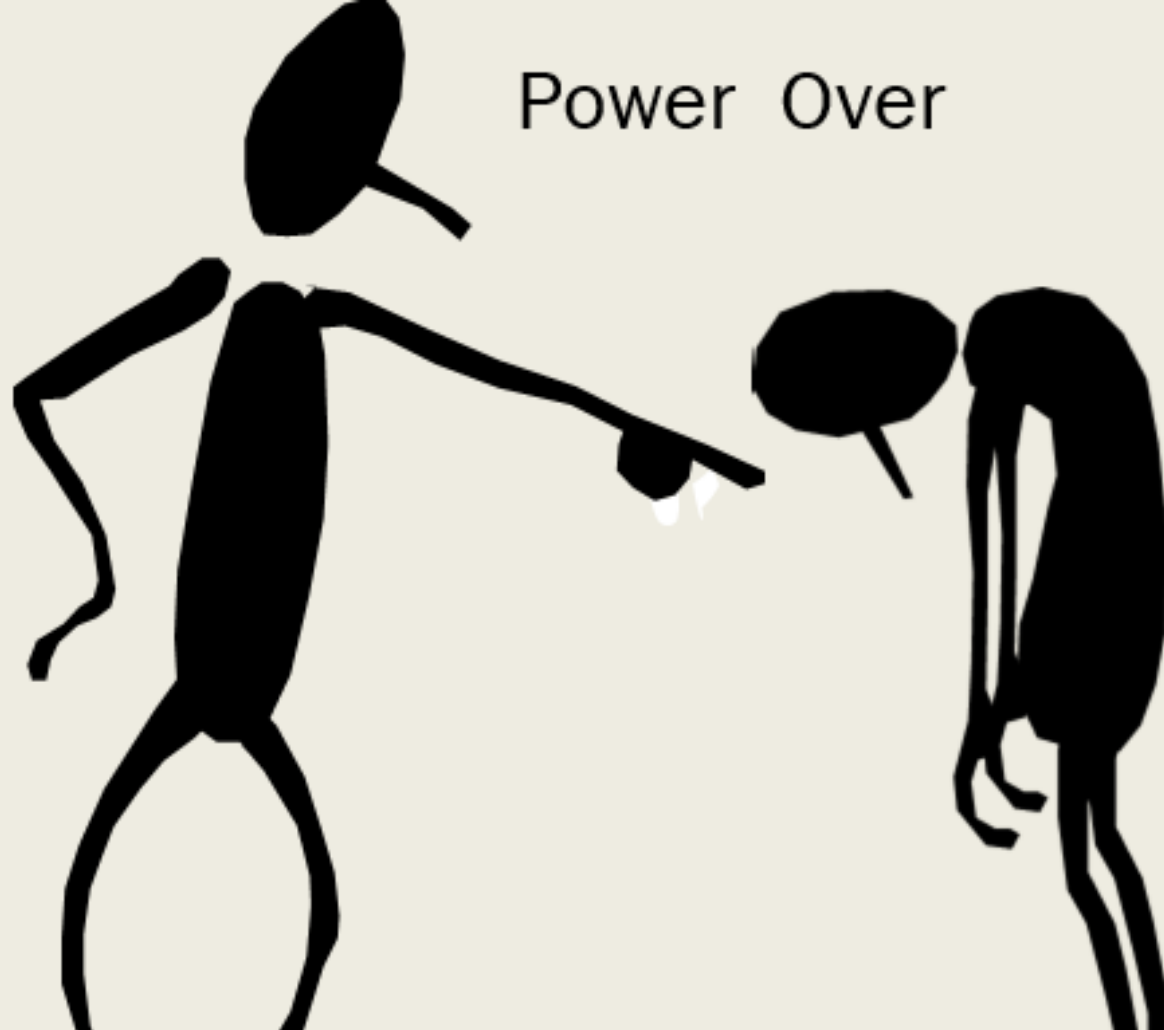


Participants are not isolated

Have opportunities to interact with people with and without disabilities beyond foster home staff



Power Over



Power With

Fixing vs. Supporting



Important For

- Health & Safety
- Being Valued

Important To

- People
- Status & Control
- Things To Do
- Routines
- Pace Of Life
- Things To Have

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Finding Balance



Choice and Balance

As we think about choice, we can see...

- All choice is irresponsible (happy and dead)
- And dictating lifestyle is unacceptable (alive and miserable)

Good support means finding the balance...

- We all have a right to make choices, even bad choices
- With all choice includes responsibilities

Dignity of Risk

- The essence of “Dignity of Risk” is what self-determination is all about
- Allowing someone to use their own judgement to make choices and know the consequences both good and bad, a humane act.
- Providing someone with “Dignity of Risk” is asking “how” rather than saying “no”.

Of course, some risk is not okay



Communication & Documentation are Key

- Assess participant capacity
- Make sure that the nature of the risk and its implications are understood
- Engage with circle of supports about the decision
- Across all processes, it is important to document decision
- Documentation of informed choice and risks

Risk Mitigation

- Provider must have risk mitigation strategies
- Have policies and procedures for identified risks
- Documentation of risk in service plan
- *For example, if a participant declined a recommendation to a diet of thickened fluids, the provider could support the participant to continue to eat normal food by supervising them when they ate, and regularly monitor them to ensure minimal risk for aspirations and development of aspiration pneumonia.*

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?

