

| Residential Settings   |   |   |  |   |
|--|---|---|--|---|
| Assisted Living Facility (ALF)   | Adult Residential Care Home (ARCH) and Expanded ARCH (E-ARCH)   | Community Care Foster Family Home (CCFFH)   | Developmental Disability Adult Foster Homes (AFH)  | Developmental Disability Domiciliary Homes (DD Dom)   |
| Individuals in an ALF setting may need help with activities of daily living, personal care services, protection and health care services. The caregivers providing services need the oversight, supervision, and training of a registered nurse. Each resident whose level of care requires additional services has a negotiated plan of care created by the resident, significant others, and ALF staff. The plan of care reflects ALF principles of individuality, independence, dignity, privacy, choice, and home-like environment and the opportunity to “age in place.” The maximum number of individuals an ALF may serve is related to building, housing, fire and other codes, ordinances and laws. | Individuals in an E-ARCH setting need help with activities of daily living, personal care services, protection, and health care services. The caregivers providing services need the oversight, supervision, and training of a Registered Nurse (RN). Nursing facility level residents in an E-ARCH shall be provided case management services by a licensed RN or social worker in the State of Hawaii who assesses them, develops their service plan, and coordinates their services. Individuals who live in an E-ARCH are not related to the caregiver or case manager. An E-ARCH is allowed to serve two nursing facility level individuals or up to three at the discretion of the department, in a home with up to five individuals. | Individuals in a CCFFH setting need help with activities of daily living, personal care services, protection, and health care services. The caregivers providing services need the oversight, supervision, and training of a registered nurse. All individuals in a CCFFH shall have a licensed RN or social worker in the State of Hawaii that assesses them, develops their service plan, and coordinates their services. Individuals who live in a CCFFH are not related to the caregiver or case manager. A CCFFH is allowed to serve up to three nursing facility level individuals. | Individuals in a DD Adult Foster Home setting need care, training, or supervision, but do not need the professional health services of a registered nurse. A DD Adult Foster Home serves individuals with intellectual or developmental disabilities (DD/ID) and are not related to the caregiver. A DD Adult Foster Home is allowed to serve up to two DD/ID individuals. | Individuals in a DD Dom setting need supervision or care, but do not need the professional health services of a registered nurse. A DD Dom serves adults with intellectual or developmental disabilities (DD/ID) unrelated to the caregiver. A DD Dom is allowed to serve up to five DD/ID individuals. |
| Estimated # of Settings  |   |   |  |   |
| 3  | 238   | 1131  | 292  | 28  |
| Waiver Authority   |   |   |  |   |
| 1115 Waiver  | 1115 Waiver   | 1115 Waiver   | 1915 (c) Waiver  | 1915 (c) Waiver   |
| State Standards (State law, 1915c and 1115 Waivers, Administrative Rules, Contracts)   |   |   |  |   |
| HCBS Provider Contract<br><br>HAR Chapter 11-90<br><a href="http://health.hawaii.gov/opppd/files/2015/06/11-90.pdf">http://health.hawaii.gov/opppd/files/2015/06/11-90.pdf</a>   | HCBS Provider Contract<br><br>HAR Chapter 11-100.1<br><a href="http://health.hawaii.gov/opppd/files/2015/06/11-100.1.pdf">http://health.hawaii.gov/opppd/files/2015/06/11-100.1.pdf</a>   | HCBS Provider Contract<br><br>HAR Chapter 17-1454<br><a href="http://humanservices.hawaii.gov/wp-content/uploads/2013/01/17-1454-CMA-CCFFH.pdf">http://humanservices.hawaii.gov/wp-content/uploads/2013/01/17-1454-CMA-CCFFH.pdf</a>  | HCBS Provider Contract<br><br>HAR Chapter 11-148<br><a href="http://health.hawaii.gov/opppd/files/2015/06/11-148.pdf">http://health.hawaii.gov/opppd/files/2015/06/11-148.pdf</a>  | HCBS Provider Contract<br><br>HAR Chapter 11-89<br><a href="http://health.hawaii.gov/opppd/files/2015/06/11-89.pdf">http://health.hawaii.gov/opppd/files/2015/06/11-89.pdf</a>  |

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| 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. (42 C.F.R § 441.301(c)(4)(i))  |  |  |  |   |
| <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individuals full access and integration into the 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.</p> <p><b>Admin Rule is silent.</b><br/> <b>Remediation Required:</b> The State will amend HAR Chapter 11-90 to add language that ensures individuals full access and integration into the community.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individuals full access and integration into the 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.</p> <p><b>Admin Rule is compliant.</b><br/> HAR Chapter 11-100.1-21 states that the resident shall have the right to meet with and participate in social, religious, health and community group activities at the resident's discretion, unless medically contraindicated.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individuals full access and integration into the 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.</p> <p><b>Admin Rule is silent.</b><br/> <b>Remediation Required:</b> The State will amend HAR Chapter 17-1454-43 and 17- 1454-50 to add language that ensures individuals full access and integration into the community.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individuals full access and integration into the 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.</p> <p><b>Admin Rule is partially compliant.</b><br/> <b>Remediation Required:</b> HAR Chapter 11-148-25 states that the foster parents shall cooperate with the agency or with parents/guardians to make it possible for the individual to participate in appropriate social and recreational activities in the community. The State will amend the HAR Chapter 11-148-25 to strengthen the language to support full access and integration to the greater community.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individuals full access and integration into the 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.</p> <p><b>Admin Rule is partially compliant.</b><br/> <b>Remediation Required:</b> HAR Chapter 11-89-15 states that residents shall be encouraged by the caregiver to participate in work, educational, recreational, social, and health activities held by community agencies. The State will amend HAR Chapter 11-89-15 to strengthen language that ensures individuals full access and integration into the community.</p> |

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| The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board. (42 C.F.R § 441.301(c)(4)(ii))  |  |  |   |  |
| <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures each individual has choice of setting among setting options.</p> <p><b>Admin Rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-90 to add language that ensures each individual has choice of setting among setting options.</p>  | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures each individual has choice of setting among setting options.</p> <p><b>Admin Rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-100.1 to add language that ensures each individual has choice of setting among setting options.</p>  | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures each individual has choice of setting among setting options.</p> <p><b>Admin rule is compliant.</b><br/>HAR Chapter 17-1454-48 and 1454-50 states that an individual has the right to reside in the home of choice and case management is intended to assist individuals to access needed care and services on a timely basis and to prevent inappropriate institutionalization through a thorough consideration of community-based alternatives.</p>        | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures each individual has choice of setting among setting options.</p> <p><b>Admin rule is partially compliant.</b><br/><i>Remediation Required:</i> HAR 11-148-29 states that the individual have the right to reject living in a particular adult foster home. The State will amend HAR Chapter 11-148 to add language that ensures each individual has choice of setting among setting options.</p>  | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures each individual has choice of setting among setting options.</p> <p><b>Admin Rule is partially compliant.</b><br/><i>Remediation Required:</i> HAR Chapter 11-89-13 states that the individual has rights to reject living in a particular setting. The state will amend HAR Chapter 11-89-13 to strengthen language that ensures each individual has choice of setting among setting options.</p>                                       |
| Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))  |  |  |   |  |
| <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures an individual's rights of privacy, dignity and respect, and free from coercion and restraint. In addition, any modifications must be documented and detailed in the person centered planning process.</p> <p><b>Admin Rule is partially compliant.</b><br/><i>Remediation Required:</i> HAR Chapter 11-90 states that all individuals have a right to live independently with respect for their privacy and dignity, and to live in a setting free from</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures an individual's rights of privacy, dignity and respect, and free from coercion and restraint. In addition, any modifications must be documented and detailed in the person centered planning process.</p> <p><b>Admin Rule is partially compliant.</b><br/><i>Remediation Required:</i> HAR Chapter 11-100.1-21 states that the resident shall be encouraged and assisted to exercise the residents rights to vote, voice grievances, recommends</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures an individual's rights of privacy, dignity and respect, and free from coercion and restraint. In addition, any modifications must be documented and detailed in the person centered planning process.</p> <p><b>Admin Rule is partially compliant.</b><br/><i>Remediation Required:</i> HAR Chapter 17-1454-50 states that individuals be encouraged and assisted to exercise the individuals rights, including the individuals grievance rights, and to</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures an individual's rights of privacy, dignity and respect, and free from coercion and restraint. In addition, any modifications must be documented and detailed in the person centered planning process.</p> <p><b>Admin rule is partially compliant.</b><br/><i>Remediation Required:</i> HAR Chapter 11-148-29 states that individuals be treated with understanding, respect, and full consideration of the resident's dignity and individuality,</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures an individual's rights of privacy, dignity and respect, and free from coercion and restraint. In addition, any modifications must be documented and detailed in the person centered planning process.</p> <p><b>Admin rule is partially compliant.</b><br/><i>Remediation Required:</i> HAR Chapter 11-89-13 the individual is encouraged and assisted to exercise the residents' rights to voice grievances or recommend changes in</p> |

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| restraints. The State will amend HAR Chapter 11-90 to include language that states that, any modifications must be documented and detailed in the person centered planning process. | changes in policies and services to caregivers or outside representatives of the residents choice, be free from interference, coercion, discrimination, or reprisal. The State will amend HAR Chapter 11-100.1-21 to include language that states that, any modifications must be documented and detailed in the person centered planning process. | recommend changes in policies and services to the primary caregiver or outside representatives of the individual choice, free from restraint, interference, coercion, discrimination, or retaliation. In addition, individuals be treated with understanding, respect, and full consideration of the individual's dignity and individuality, including privacy in treatment and in care of the individual's personal needs. The State will amend HAR Chapter 17-1454-50 to include language that states that, any modifications must be documented and detailed in the person centered planning process. | including privacy in treatment and in care of the residents' personal needs. In addition, the individual is encouraged and assisted to exercise the resident's rights to voice grievances or recommend changes in services free from restraint, interference, coercion, discrimination or reprisal. The State will amend HAR Chapter 11-148-29 to include language that states that, The certified caregiver shall ensure that each foster adult is free from abuse, neglect, humiliation, harassment, coercion, and restraint, and any action that would endanger the foster adult's physical or emotional well-being and that any modifications must be documented and detailed in the person centered planning process. | services free from restraint, interference, coercion, discrimination or reprisal. The State will amend HAR Chapter 11-89-13 to include language that states that, any modifications must be documented and detailed in the person centered planning process. |

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| 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. (42 C.F.R § 441.301(c)(4)(iv))   |   |  |  |   |
| <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p> <p><b>Admin Rule is compliant.</b><br/> HAR Chapter 11-90 states that this type of setting promotes a home like environment which the dignity, security, and comfort of residents through the provision of personalized care and services to encourage independence, choice and decision-making by each resident. Independence means supporting resident capabilities and facilitating use of their abilities. Independence is supported by creating barrier free structures and careful design of assistive devices.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p> <p><b>Admin Rule is compliant.</b><br/> HAR Chapter 11-100.1-21 states that the resident shall be encouraged and assisted to exercise the residents rights to vote, voice grievances, recommends changes in policies and services to caregivers or outside representatives of the residents choice, be free from interference, coercion, discrimination, or reprisal.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p> <p><b>Admin Rule is conflicting.</b><br/> <b>Remediation Required:</b> HAR Chapter 17- 1454-43 states that individuals are encouraged independence as much as possible. The State will amend to add language that strengthens individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p> <p><b>Admin Rule is compliant.</b><br/> HAR Chapter 11-148-29 states that the individual has the right to meet with and participate in recreational, social, religious, education, employment, or training activities.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p> <p><b>Admin Rule is compliant.</b><br/> HAR Chapter 11-89-13 states that allows individuals to participate in activities of social, religious, and community groups at the resident's discretion.</p> |

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| Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))  |   |  |   |  |
| <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individual choice regarding services and supports, and who provides them.</p> <p><b>Admin rule is compliant.</b><br/> HAR Chapter 11-90 states that this type of setting promotes a home like environment which the dignity, security, and comfort of residents through the provision of personalized care and services to encourage independence, choice and decision-making by each resident.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individual choice regarding services and supports, and who provides them.</p> <p><b>Admin rule is silent.</b><br/> <b>Remediation Required:</b> The State will amend HAR Chapter 11-100.1 to add language that ensures individual choice regarding services and supports, and who provides them.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individual choice regarding services and supports, and who provides them.</p> <p><b>Admin rule is silent.</b><br/> <b>Remediation Required:</b> The State will amend HAR Chapter 11-1454 to add language that ensures individual choice regarding services and supports, and who provides them.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individual choice regarding services and supports, and who provides them.</p> <p><b>Admin rule is silent.</b><br/> <b>Remediation Required:</b> The State will amend HAR Chapter 11-148 to add language that ensures individual choice regarding services and supports, and who provides them.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individual choice regarding services and supports, and who provides them.</p> <p><b>Admin rule is partially compliant.</b><br/> <b>Remediation Required:</b> HAR Chapter 11-89-13 states that services not be required unless agreed to by the resident and the interdisciplinary team and all services shall be noted in the residents chart. The State will amend HAR Chapter 11-1454 to strengthen the language that ensures individual choice regarding services and supports, and who provides them.</p> |

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| 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 HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law. (42 C.F.R § 441.301(c)(4)(vi)(A)) |   |  |   |   |
| <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures legally enforceable agreement by the individual receiving services.</p> <p><b>Admin rule is compliant.</b><br/> HAR Chapter 11-90 states that a service contract which documents a completed agreement between the resident and the facility, describing services to be provided, rates charged, and conditions under which additional services or fees may be charged.</p>  | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures legally enforceable agreement by the individual receiving services.</p> <p><b>Admin rule is compliant.</b><br/> HAR Chapter 11-100.1-7 states that a written agreement shall be completed at the time of admission between the licensee or primary caregiver of the ARCH or expanded ARCH and the resident or family, legal guardian, surrogate or responsible agency that sets forth that the resident's rights, licensee or primary caregiver responsibilities to that resident, the services which will be provided by the licensee or primary caregiver of the ARCH or expanded ARCH according to that resident's schedule of activities or care plan, and that resident's responsibilities to the licensee or primary caregiver of the ARCH or expanded ARCH. In addition, HAR Chapter 11-100.1-21 details residents and primary caregiver's rights and responsibilities.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures legally enforceable agreement by the individual receiving services.</p> <p><b>Admin rule is silent.</b><br/> <b>Remediation Required:</b> The State will amend HAR Chapter 11-1454 to add language that ensures a legally enforceable agreement by the individual receiving services.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures legally enforceable agreement by the individual receiving services.</p> <p><b>Admin rule is silent.</b><br/> <b>Remediation Required:</b> The State will amend HAR Chapter 11-148 to add language that ensures a legally enforceable agreement by the individual receiving services.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures legally enforceable agreement by the individual receiving services.</p> <p><b>Admin rule is silent.</b><br/> <b>Remediation Required:</b> The State will amend HAR Chapter 11-89-13 to add language that ensures a legally enforceable agreement by the individual receiving services.</p> |

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| Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))   |   |  |  |   |
| <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individual has privacy in their sleeping or living unit.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-90 to add language that ensures each individual has privacy in their sleeping or living unit.</p>  | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individual has privacy in their sleeping or living unit.</p> <p><b>Admin rule is partially compliant.</b><br/><i>Remediation Required:</i> HAR 100.1-81 also states that every interior door, when locked, shall permit opening from the outside with the use of a common tool or implement and door locks. The State will amend to strengthen language to ensure each individual has privacy in their sleeping or living unit.</p>   | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individual has privacy in their sleeping or living unit.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 17-1454 to add language that ensures each individual has privacy in their sleeping or living unit.</p>  | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individual has privacy in their sleeping or living unit.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-149-29 to add language that ensures each individual has privacy in their sleeping or living unit.</p>  | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individual has privacy in their sleeping or living unit.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-89-13 to add language that ensures each individual has privacy in their sleeping or living unit.</p>  |
| Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors (42 C.F.R § 441.301(c)(4)(vi)(B)(1))  |   |  |  |   |
| <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-90 to add language that ensures units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> <p><b>Admin rule is partially compliant.</b><br/><i>Remediation Required:</i> HAR 100.1-81 also states that every interior door, when locked, shall permit opening from the outside with the use of a common tool or implement and door locks. The State will amend to strengthen language that ensures units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 17-1454 to add language that ensures units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-149-29 to add language that ensures units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-89-13 to add language that ensures units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p> |



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| Assisted Living Facility (ALF)   | Adult Residential Care Home (ARCH) and Expanded ARCH (E-ARCH)  | Community Care Foster Family Home (CCFFH)  | Developmental Disability Adult Foster Homes (AFH)  | Developmental Disability Domiciliary Homes (DD Dom)   |
| Individuals sharing units have a choice of roommates in that setting. (42 C.F.R § 441.301(c)(4)(vi)(B)(2))   |  |  |  |   |
| <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals sharing units have a choice of roommates in that setting.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-90 to add language that individuals sharing units have a choice of roommates in that setting.</p>   | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals sharing units have a choice of roommates in that setting.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 100.1-81 to add language that ensures individuals sharing units have a choice of roommates in that setting.</p>  | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals sharing units have a choice of roommates in that setting.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 17-1454 to add language that ensures individuals sharing units have a choice of roommates in that setting.</p>   | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals sharing units have a choice of roommates in that setting.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-149-29 to add language that ensures individuals sharing units have a choice of roommates in that setting.</p>   | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals sharing units have a choice of roommates in that setting.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-89-13 to add language that ensures individuals sharing units have a choice of roommates in that setting.</p>   |
| Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement. (42 C.F.R § 441.301(c)(4)(vi)(B)(3))  |  |  |  |   |
| <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-90 to add language that ensures individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p> <p><b>Admin rule is conflicting.</b><br/><i>Remediation Required:</i> HAR 100.1-81 also states that every interior door, when locked, shall permit opening from the outside with the use of a common tool or implement and door locks. The State will amend to strengthen language to ensure individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 17-1454 to add language that ensures individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-149-29 to add language that ensures individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p> <p><b>Admin rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-89-13 to add language that ensures individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p> |

| Residential Settings   |  |   |  |  |
|--|--|---|--|--|
| Assisted Living Facility (ALF)   | Adult Residential Care Home (ARCH) and Expanded ARCH (E-ARCH)  | Community Care Foster Family Home (CCFFH)   | Developmental Disability Adult Foster Homes (AFH)  | Developmental Disability Domiciliary Homes (DD Dom)  |
| Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))   |  |   |  |  |
| <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures an individual’s have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> <p><b>Admin Rule is conflicting.</b><br/><i>Remediation Required:</i> HAR Chapter 11-90-8 states that the facility shall provide Three meals daily, seven days a week, including modified diets and snacks which have been evaluated and approved by a dietitian on a semi-annual basis and are appropriate to residents' needs and choices. In addition, having opportunities for individual and group socialization. The State will amend to add language that allows individuals to have access to food at any time.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures an individual’s have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> <p><b>Admin Rule is partially compliant.</b><br/><i>Remediation Required:</i> HAR Chapter 11-100.1-13 states that the kitchen and food supply shall be accessible to residents who may desire snacks between meals, as appropriate. In addition, HAR Chapter 11-100.1-18 encourages recreational, rehabilitative programs, and social services that allow individuals freedom and support to control their own schedules and activities with the assistance of the primary caregiver. The State will amend to strengthen the language to having access to food at any time.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures an individual’s have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> <p><b>Admin Rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 17-1454-43 and 17- 1454-50 to add language that ensures an individual’s have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures an individual’s have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> <p><b>State standards are conflicting.</b><br/><i>Remediation Required:</i> HAR Chapter 11-148-29 states that the individual has the right to meet with and participate in recreational, social, religious, education, employment, or training activities. The State will amend to add language that allows individuals to have access to food at any time.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures an individual’s have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> <p><b>Admin Rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter HAR Chapter 11-89-13: 89-13, 89-15, 89-19 to add language that ensures an individual’s have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> |
| Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))   |  |   |  |  |
| <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures Individuals are able to have visitors of their choosing at any time.</p> <p><b>Admin Rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-90 to add language that allows individuals to</p>  | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures Individuals are able to have visitors of their choosing at any time.</p> <p><b>Admin Rule is compliant.</b><br/>HAR Chapter 11-100.1-13 states that residents have flexible daily visiting hours and provisions for privacy established.</p>   | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures Individuals are able to have visitors of their choosing at any time.</p> <p><b>Admin Rule is conflicting.</b><br/><i>Remediation Required:</i> HAR Chapter 17-1454-50 states that individuals have daily visiting hours and provisions for privacy established.</p>   | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures Individuals are able to have visitors of their choosing at any time.</p> <p><b>Admin Rule is conflicting.</b><br/><i>Remediation Required:</i> HAR Chapter 11-148-29 states that individuals be assured of privacy for visits by family and friends. The State will need to</p>  | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures Individuals are able to have visitors of their choosing at any time.</p> <p><b>Admin Rule is conflicting.</b><br/><i>Remediation Required:</i> HAR Chapter 11-89-13 states that the individual has the right to have daily visiting hours and provisions for privacy and</p>   |

| Residential Settings   |   |  |  |  |
|--|---|--|--|--|
| Assisted Living Facility (ALF)   | Adult Residential Care Home (ARCH) and Expanded ARCH (E-ARCH)   | Community Care Foster Family Home (CCFFH)  | Developmental Disability Adult Foster Homes (AFH)  | Developmental Disability Domiciliary Homes (DD Dom)  |
| have visitors of their choosing at any time.   |   | The State will amend HAR Chapter 17-1454-50 to add language that allows individuals to have visitors of their choosing at any time.  | amend to add language to allow individuals to have visitors of their choosing at any time.   | HAR Chapter 11-89-15 states that visits with relatives and friends shall be allowed at reasonable hours. The State will amend HAR Chapter 11-89-13 to add language that allows individuals to have visitors of their choosing at any time.   |
| The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))  |   |  |  |  |
| <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures the setting is physically accessible to the individual.</p> <p><b>Admin rule is compliant.</b><br/>HAR Chapter 11-90 states that unit shall accommodate physically challenged persons and persons in wheelchairs, as needed.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures the setting is physically accessible to the individual.</p> <p><b>Admin rule is compliant.</b><br/>HAR Chapter 11-100.1-23 states that for all ARCHs, suitability of site, quietness, sanitary features of the immediate environment, accessibility, and proximity to the community to be served shall be considered. Furthermore, HAR Chapter 11-100.1-23 details all physical environment requirements.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures the setting is physically accessible to the individual.</p> <p><b>Admin rule is compliant.</b><br/><i>Remediation Required:</i> HAR Chapter 17-1454-48 states that there is no obstructed travel from the client's bedroom to the outside of the dwelling at street or ground level, have wheelchair accessibility to sleeping rooms, bathrooms, common areas and exits, as appropriate, and bathrooms have non—slip surfaces in the tubs and or showers, and toilets adjacent or easily accessible to sleeping rooms.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures the setting is physically accessible to the individual.</p> <p><b>Admin rule is compliant.</b><br/>HAR Chapter 11-148-45 states that the home shall be deemed wheelchair accessible.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures the setting is physically accessible to the individual.</p> <p><b>Admin rule is compliant.</b><br/>HAR Chapter 11-89-12 states that the enclosed family dining area shall be provided with in the setting and shall be accessible to all residents and settings with wheelchair residents shall have corridors at least forty two inches wide.</p> |

| Residential Settings   |  |  |  |  |
|--|--|--|--|--|
| Assisted Living Facility (ALF)   | Adult Residential Care Home (ARCH) and Expanded ARCH (E-ARCH)  | Community Care Foster Family Home (CCFFH)  | Developmental Disability Adult Foster Homes (AFH)  | Developmental Disability Domiciliary Homes (DD Dom)  |
| Any modification of the additional conditions, under §441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered service plan. (42 C.F.R § 441.301(c)(4)(vi)(F))   |  |  |  |  |
| <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures that any modifications must be documented, detailed, and be supported by a specific assessed need and justified in the person-centered service plan process.</p> <p><b>Admin rule is compliant.</b><br/>HAR Chapter 11-90 states that the plan shall (1) reflect the assessed needs of the resident and resident choices, including resident's level of involvement; support principles of dignity, privacy, choice, individuality, independence, and home-like environment; and shall include significant others who participate in the delivery of services; (2) A service plan shall be developed and followed for each resident consistent with the resident's unique physical, psychological, and social needs, along with recognition of that resident's capabilities and preferences. The plan shall include a written description of what services will be provided, who will provide the services, when the services will be provided, how often services will be provided, and the expected outcome. Each resident shall actively participate in the development of the service plan to the extent possible.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures that any modifications must be documented, detailed, and be supported by a specific assessed need and justified in the person-centered service plan process.</p> <p><b>Admin rule is compliant.</b><br/>HAR Chapter 17- 1454-43 states that the care plan shall be based on a comprehensive assessment of the residents needs and shall address the medical, nursing, social, mental, behavioral, recreational, dental, emergency, nutritional, spiritual, rehabilitative needs of the resident and any other specific need of the resident.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures that any modifications must be documented, detailed, and be supported by a specific assessed need and justified in the person-centered service plan process.</p> <p><b>Admin rule is compliant.</b><br/>HAR Chapter 17-1454-22 states that individuals shall have a service plan that Identify the problems and needs of the client, including any need to purchase specialized medical equipment and supplies, establish realistic measurable goals to be attained for each problem identified in the social and nursing assessments, and identify specific interventions and tasks to be implemented to address each problem and to ensure achievement of the goals specified in the service plan.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures that any modifications must be documented, detailed, and be supported by a specific assessed need and justified in the person-centered service plan process.</p> <p><b>Admin rule is partially compliant.</b><br/><i>Remediation Required:</i> HAR Chapter 11-148-29 states that the foster home not be required to perform services for the individual unless agreed to by the resident/guardian or supervising agency and documented. The State will amend HAR Chapter 11-148-29 to strengthen the language for modifications to individualized service plans.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures that any modifications must be documented, detailed, and be supported by a specific assessed need and justified in the person-centered service plan process.</p> <p><b>Admin rule is compliant.</b><br/><i>Remediation Required:</i> HAR Chapter 11-89-16 states that the case manager shall develop an individual plan with the resident, guardian, family, or significant others based upon the assessment and preferences of the resident and outcome to be achieved. The State will amend HAR Chapter 11-89-16 to strengthen the language for modifications to individualized service plans.</p> |

| Residential Settings   |   |   |  |   |
|--|---|---|--|---|
| Assisted Living Facility (ALF)   | Adult Residential Care Home (ARCH) and Expanded ARCH (E-ARCH) | Community Care Foster Family Home (CCFFH) | Developmental Disability Adult Foster Homes (AFH)  | Developmental Disability Domiciliary Homes (DD Dom) |
| Action Steps for State Standards that are silent, conflicting, or partially compliant.   |   |   |  |   |
| <b>Action Steps for contracts:</b> <ul style="list-style-type: none"> <li>Health plans to develop proposed language change</li> <li>Send to DHS/MQD for review and approval</li> <li>Amend provider contract</li> <li>Health plans to notify providers</li> <li>Obtain new contract on file</li> </ul>   |   |   | <b>Action Steps for contracts:</b> <ul style="list-style-type: none"> <li>DOH/DDD to develop proposed language change</li> <li>Send to DHS/MQD for review and approval</li> <li>Amend provider contract</li> <li>DOH/DDD to notify providers</li> <li>Obtain new contract on file</li> </ul> |   |
| <b>Action Steps for Admin Rule:</b> <ul style="list-style-type: none"> <li>Form a subcommittee that will review the HAR</li> <li>Subcommittee to develop proposed language change</li> <li>Have the MCMW advisory group review the proposed language change</li> <li>Send proposed language change to DOH/OHCA and attorney general for review</li> <li>Hold a 30-day public comment period</li> <li>Finalize the language</li> <li>Amend the HAR</li> </ul> |   |   |  |   |
| Timeline for Completion  |   |   |  |   |
| 4/1/2017   | 11/1/2017   | 11/1/2017                                 | 8/1/2017   | 4/1/2017  |
| Status   |   |   |  |   |
| In progress  | In progress   | In progress                               | In progress  | In progress   |

| Non-Residential Settings   |  |  |
|--|--|--|
| Adult Day Care (ADC)   | Adult Day Health (ADH)   | Adult Day Health (ADH)   |
| Individuals in an ADC setting receive services provided through an organized program of personal care, supervision, social services, therapy, and group and leisure activities. Nursing services are not provided in this setting. An ADC serves adults with a physical disability or who are over the age of 65.  | Individuals in an ADH setting receive services through an organized day program of therapeutic, social, and health services. Nursing services are provided in this setting. An ADH serves Medicaid adults with a physical disability or who are over the age of 65.  | Individuals in an ADH receive services through a non-institutional, community-based setting, encompassing both health and social services needed to ensure the optimal functioning of the individual who has an intellectual or developmental disability. Individuals receiving prevocational services may get those services in the community or at a prevocational site. Services are designed to prepare a person for paid employment through career planning, apprenticeships, and teaching work-related skills. |
| Estimated # of Settings  |  |  |
| 6  | 6  | 33   |
| Waiver Authority   |  |  |
| 1115 Waiver  | 1115 Waiver  | 1915 (c) Waiver  |
| State Standards (State law, 1915c and 1115 Waivers, Administrative Rules, Contracts)   |  |  |
| HCBS Provider Contract<br>HAR Chapter 17-1417<br><a href="http://humanservices.hawaii.gov/wp-content/uploads/2013/01/17-1417-Adult-Day-Care.pdf">http://humanservices.hawaii.gov/wp-content/uploads/2013/01/17-1417-Adult-Day-Care.pdf</a><br><br><a href="http://health.hawaii.gov/ohca/files/2014/07/17-1424-Adult-Day-Care-Current-Admin-Rules.pdf">http://health.hawaii.gov/ohca/files/2014/07/17-1424-Adult-Day-Care-Current-Admin-Rules.pdf</a>  | HCBS Provider Contract<br>HAR Chapter 11-96<br><a href="http://health.hawaii.gov/oppd/files/2015/06/11-96.pdf">http://health.hawaii.gov/oppd/files/2015/06/11-96.pdf</a>   | HCBS Provider Contract<br>1915 (c) Waiver Standards<br>I/DD Policies and Procedures  |
| 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. (42 C.F.R § 441.301(c)(4)(i))   |  |  |
| <b>Provider contract is silent.</b><br><b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individuals full access and integration into the 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.<br><br><b>Admin Rule is silent.</b> | <b>Provider contract is silent.</b><br><b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individuals full access and integration into the 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.<br><br><b>Admin Rule is silent.</b> | <b>Provider contract is silent.</b><br><b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individuals full access and integration into the 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.<br><br><b>Waiver Standard is silent.</b>        |

| Non-Residential Settings   |   |  |
|--|---|--|
| Adult Day Care (ADC)   | Adult Day Health (ADH)  | Adult Day Health (ADH)   |
| <p><b>Remediation Required:</b> The State will amend HAR Chapter 17-1417 to add language that ensures individuals full access and integration into the 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.</p>   | <p><b>Remediation Required:</b> The State will amend HAR Chapter 11-96 and Chapter 11-94.1.47 to add language that ensures individuals full access and integration into the 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.</p>   | <p><b>Remediation Required:</b> The State will revise the service definition at Waiver renewal, amend Waiver standards, policies and procedures to add language that ensures individuals full access and integration into the 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.</p>  |
| <p>The setting is selected by the individual from among setting options including non-disability specific settings &lt;and an option for a private unit in a residential setting.&gt; (42 C.F.R § 441.301(c)(4)(ii))</p>   |   |  |
| <p><b>Provider contract is silent.</b><br/><b>Remediation Required:</b> The State will amend the provider contract to add language that ensures each individual has choice of setting among setting options.</p> <p><b>Admin Rule is silent.</b><br/><b>Remediation Required:</b> The State will amend HAR Chapter 17-1417 to add language that ensures each individual has choice of setting among setting options.</p>   | <p><b>Provider contract is silent.</b><br/><b>Remediation Required:</b> The State will amend the provider contract to add language that ensures each individual has choice of setting among setting options.</p> <p><b>Admin Rule is silent.</b><br/><b>Remediation Required:</b> The State will amend HAR Chapter 11-96 and Chapter 11-94.1.47 to add language that ensures each individual has choice of setting among setting options.</p>   | <p><b>Provider contract is silent.</b><br/><b>Remediation Required:</b> The State will amend the provider contract to add language that ensures each individual has choice of setting among setting options.</p> <p><b>Waiver Standard is silent.</b><br/><b>Remediation Required:</b> The State will amend the Waiver standards, policies and procedures to add language that ensures each individual has choice of setting among setting options.</p>  |
| <p>Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))</p>  |   |  |
| <p><b>Provider contract is silent.</b><br/><b>Remediation Required:</b> The State will amend the provider contract to add language that ensures an individual's rights of privacy, dignity and respect, and free from coercion and restraint. In addition, any modifications must be documented and detailed in the person centered planning process.</p> <p><b>Admin Rule is silent.</b><br/><b>Remediation Required:</b> The State will amend HAR Chapter 17-1417 to add language that ensures individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. In addition, any modifications must be documented and detailed in the person centered planning process.</p> | <p><b>Provider contract is silent.</b><br/><b>Remediation Required:</b> The State will amend the provider contract to add language that ensures an individual's rights of privacy, dignity and respect, and free from coercion and restraint. In addition, any modifications must be documented and detailed in the person centered planning process.</p> <p><b>Admin Rules is partially compliant.</b><br/><b>Remediation Required:</b> HAR Chapter 11-96-9 states that individuals be treated with consideration, respect, and in full recognition of their dignity and individuality, including privacy in treatment and in care as appropriate. The State will amend HAR Chapter 11-96-9 to include language that states that, any modifications must be documented and detailed in the person centered planning process.</p> | <p><b>Provider contract is silent.</b><br/><b>Remediation Required:</b> The State will amend the provider contract to add language that ensures an individual's rights of privacy, dignity and respect, and free from coercion and restraint. In addition, any modifications must be documented and detailed in the person centered planning process.</p> <p><b>Waiver Standard is silent.</b><br/><b>Remediation Required:</b> The State will amend the Waiver standards, policies and procedures to add language that ensures individual individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. In addition, any modifications must be documented and detailed in the person centered planning process.</p> |

| Non-Residential Settings  |   |  |
|---|---|--|
| Adult Day Care (ADC)  | Adult Day Health (ADH)  | Adult Day Health (ADH)   |
| 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. (42 C.F.R § 441.301(c)(4)(iv))   |   |  |
| <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures , individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p> <p><b>Admin Rule is compliant.</b><br/> HAR Chapter 17-1417-6 states that assessments shall be based upon the physicians report of limitations and upon the say care staff’s personal observation of the adult’s interests.</p>   | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures , individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p> <p><b>Admin Rule is compliant.</b><br/> HAR Chapter 96-34 states that individuals at every adult day health center shall provide a program of social and recreational activities that is supervised and directed by an activity coordinator to meet the needs and interests of each client.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures , individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p> <p><b>Waiver Standard is silent.</b><br/> <b>Remediation Required:</b> The State will amend the Waiver standards, policies and procedures to add language that ensures individual initiative, autonomy, and independence in making life choices.</p> |
| Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))   |   |  |
| <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individual choice regarding services and supports, and who provides them.</p> <p><b>Admin Rule is silent.</b><br/> <b>Remediation Required:</b> The State will amend HAR Chapter 17-1417 to add language that ensures individual choice regarding services and supports, and who provides them.</p>  | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individual choice regarding services and supports, and who provides them.</p> <p><b>Admin Rule is compliant.</b><br/> HAR Chapter 96-34 states that individuals at every adult day health center shall provide a program of social and recreational activities that is supervised and directed by an activity coordinator to meet the needs and interests of each client.</p>  | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures individual choice regarding services and supports, and who provides them.</p> <p><b>Waiver Standards is silent.</b><br/> <b>Remediation Required:</b> The State will amend the Waiver standards, policies and procedures to add language that ensures individual choice regarding services and supports, and who provides them.</p>   |
| 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 HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law. (42 C.F.R § 441.301(c)(4)(vi)(A)) |   |  |
| Not applicable- Individuals do not reside in this setting, it is a day service.   |   |  |
| <p>Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))</p> <p>Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors (42 C.F.R § 441.301(c)(4)(vi)(B)(1))</p> <p>Individuals sharing units have a choice of roommates in that setting. (42 C.F.R § 441.301(c)(4)(vi)(B)(2))</p> <p>Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement. (42 C.F.R § 441.301(c)(4)(vi)(B)(3))</p>   |   |  |
| Not applicable- Individuals do not reside in this setting, it is a day service.   |   |  |



| Non-Residential Settings   |   |  |
|--|---|--|
| Adult Day Care (ADC)   | Adult Day Health (ADH)  | Adult Day Health (ADH)   |
| Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))   |   |  |
| <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> <p><b>Admin Rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-1417 to add language that ensures individuals freedom and supports their right to control their schedules and activities including a provision to access food at any time.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> <p><b>Admin Rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-96 and Chapter 11-94.1.47 to add language that ensures individuals freedom and supports their right to control their schedules and activities including a provision to access food at any time.</p> | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> <p><b>Waiver Standards is silent.</b><br/><i>Remediation Required:</i> The State will amend the Waiver standards, policies and procedures to add language that ensures the individuals freedom and supports their right to control their schedules and activities including a provision to access food at any time.</p> |
| Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))   |   |  |
| <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals are able to have visitors of their choosing at any time.</p> <p><b>Admin Rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-96 and Chapter 11-94.1.47 to add language that ensures individuals to have visitors of their choosing at any time.</p>   | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals are able to have visitors of their choosing at any time.</p> <p><b>Admin Rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-96 and Chapter 11-94.1.47 to add language that ensures individuals to have visitors of their choosing at any time.</p>  | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures individuals are able to have visitors of their choosing at any time.</p> <p><b>Waiver standards is silent.</b><br/><i>Remediation Required:</i> The State will amend the Waiver standards, policies and procedures to add language to allow individuals to have visitors of their choosing at any time.</p>  |
| The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))  |   |  |
| <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures the setting is physically accessible to the individual.</p> <p><b>Admin Rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 17-1417 individuals to have visitors of their choosing at any time.</p>  | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures the setting is physically accessible to the individual.</p> <p><b>Admin Rule is silent.</b><br/><i>Remediation Required:</i> The State will amend HAR Chapter 11-96 and Chapter 11-94.1.47 to add language that ensures individuals to have visitors of their choosing at any time.</p>   | <p><b>Provider contract is silent.</b><br/><i>Remediation Required:</i> The State will amend the provider contract to add language that ensures the setting is physically accessible to the individual.</p> <p><b>Waiver Standards is silent.</b><br/><i>Remediation Required:</i> The State will amend the Waiver standards, policies and procedures to add language to allow individuals to have visitors of their choosing at any time.</p>   |

| Non-Residential Settings  |   |  |
|---|---|--|
| Adult Day Care (ADC)  | Adult Day Health (ADH)  | Adult Day Health (ADH)   |
| Any modification of the additional conditions, under §441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered service plan. (42 C.F.R § 441.301(c)(4)(vi)(F))  |   |  |
| <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures that any modifications must be documented, detailed, and be supported by a specific assessed need and justified in the person-centered service plan process.</p> <p><b>Admin Rule is silent.</b><br/> <b>Remediation Required:</b> The State will amend HAR Chapter 17-1417 to add language that ensures that any modifications must be documented, detailed, and be supported by a specific assessed need and justified in the person-centered service plan process.</p>  | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures that any modifications must be documented, detailed, and be supported by a specific assessed need and justified in the person-centered service plan process.</p> <p><b>Admin Rule is silent.</b><br/> <b>Remediation Required:</b> The State will amend HAR Chapter 11-96 and Chapter 11-94.1.47 to add language that ensures that any modifications must be documented, detailed, and be supported by a specific assessed need and justified in the person-centered service plan process.</p> | <p><b>Provider contract is silent.</b><br/> <b>Remediation Required:</b> The State will amend the provider contract to add language that ensures that any modifications must be documented, detailed, and be supported by a specific assessed need and justified in the person-centered service plan process.</p> <p><b>Waiver Standards is silent.</b><br/> <b>Remediation Required:</b> The State will amend the Waiver standards, policies and procedures to add language that ensures that any modifications must be documented, detailed, and be supported by a specific assessed need and justified in the person-centered service plan process.</p> |
| Action Steps for State Standards that are silent, conflicting, or partially compliant.  |   |  |
| <p><b>Action Steps for contracts:</b></p> <ul style="list-style-type: none"> <li>• Health plans to develop proposed language change</li> <li>• Send to DHS/MQD for review and approval</li> <li>• Amend provider contract</li> <li>• Health plans to notify providers</li> <li>• Obtain new contract on file</li> </ul> <p><b>Action Steps for Admin Rule:</b></p> <ul style="list-style-type: none"> <li>• Form a subcommittee that will review the HAR</li> <li>• Subcommittee to develop proposed language change</li> <li>• Have the MCMW advisory group review the proposed language change</li> <li>• Send proposed language change to DOH/OHCA and attorney general for review</li> <li>• Hold a 30-day public comment period</li> <li>• Finalize the language</li> <li>• Amend the HAR</li> </ul> |   | <p><b>Action Steps for contracts:</b></p> <ul style="list-style-type: none"> <li>• DOH/DDD to develop proposed language change</li> <li>• Send to DHS/MQD for review and approval</li> <li>• Amend provider contract</li> <li>• DOH/DDD to notify providers</li> <li>• Obtain new contract on file</li> </ul> <p><b>Action Steps for Waiver Standards:</b></p> <ul style="list-style-type: none"> <li>• Form a subcommittee that will review the standards</li> <li>• Subcommittee to develop proposed language change</li> <li>• Finalize the language</li> </ul>   |
| Timeline for Completion   |   |  |
| 8/1/2017  | 8/1/2017  | 5/1/2016   |

| Non-Residential Settings |                        |                        |
|--------------------------|------------------------|------------------------|
| Adult Day Care (ADC)     | Adult Day Health (ADH) | Adult Day Health (ADH) |
| Status                   |                        |                        |
| In progress              | In progress            | In progress            |