



HOME AND COMMUNITY BASED SERVICES SETTINGS RULE: COMPLIANCE WITH REGULATORY CRITERIA DECEMBER 2022

1. DESCRIPTION OF HOW THE STATE'S OVERSIGHT SYSTEMS HAVE BEEN MODIFIED TO EMBED THE REGULATORY CRITERIA INTO ONGOING OPERATIONS.
 - a. Updating indicators to directly site when its measuring Final Settings Rule compliance.
 - b. Policies and procedures are being revised to include and reference FSR, as appropriate.
 - c. Amendment of waivers, as needed, to address provider owner or controlled residents' right to lease agreement or comparable legally binding agreement.

2. DESCRIPTION OF HOW THE STATE ASSESSES PROVIDERS FOR INITIAL COMPLIANCE AND CONDUCTS ONGOING MONITORING FOR CONTINUED COMPLIANCE.
 - a. Initial onsite surveys completed to determine compliance.
 - b. Follow up onsite surveys completed to determine compliance during transitional period.
 - c. Annual surveys to be completed for ongoing monitoring of compliance using cross-discipline team approach.
 - d. Ongoing educational opportunities to address compliance.
 - e. Universal Assessment incorporates 10 questions that address settings requirements.
 - f. Department of Developmental Services (DDS) will measure ongoing compliance through regular Quality Service Review monitoring process.
 - g. DDS Case managers are also involved in this process and will provide ongoing monitoring to ensure service plan requirements are being met as outlined.

3. DESCRIPTION OF A BENEFICIARY'S RECOURSE TO NOTIFY THE STATE OF PROVIDER NON-COMPLIANCE AND HOW THE STATE WILL ADDRESS BENEFICIARY FEEDBACK.
 - a. DDS will utilize Programmatic Administrative Review process, as well as case managers and escalation through regional staff.
 - b. Beneficiaries may report concerns through several avenues, including but not limited to:
 1. Long Term Care Ombudsman
 2. Waiver case managers
 3. Department of Public Health
 4. Community Options team at Division of Health Services