

Statewide Assessment Home and Community Based Settings Policies and Procedures

Type of Setting	Section of the Rule	Issue	Oppose/Silent /Positive	# of sites	Remedial Strategy	Lead Agency	Target Date	Ongoing Monitoring
All	(a) The setting ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint	<p>DDS Human Rights Policy (2013-DDA-H&W-POL007) and implementing procedures already includes standards and guidelines to ensure safeguards are established to “protect and promote the human rights and freedoms of all people receiving services. The Human Rights policy requires that people served by DDS are “can exercise their right to personal liberty, dignity and respect.” That policy also provides protections from coercion and restraint. Please see: http://dds.dc.gov/book/iii-health-and-wellness/human-rights-policy.</p> <p>The Most Integrated Community-Based setting policy (2015-DDA-POL01) requires DDS DDA to assist people with intellectual disabilities to obtain services and supports in the “least restrictive and most integrated community-based setting that is most appropriate for the needs of the person and the person is to receive communications that are courteous, respectful of the dignity of the person, and facilitate the person’s understanding of what is being communicated. Also, this policy outlines standards that require privacy, including the opportunity where possible; to be provided clearly defined living, sleeping, entertaining, and personal care spaces. Freedom from discomfort, distress, and deprivation that arise from an unresponsive and inhumane</p>	Positive/Silent	All	<p>Most of this was already required by DDS policy, but DDS policy did not specifically include a right to file an anonymous complaint. DDS created a Complaint Policy (2016-DDA-POL01) that includes the right to file anonymously. Please see: http://dds.dc.gov/publication/dda-complaint-policy.</p> <p>DDS will update its Most Integrated Community Based Setting policy (2015-DDA-POL01) to specifically include items referenced in the CMS Exploratory Questions – for example, our policy already requires courteous and respectful communications, but we would add that people are addressed by their name or a preferred nickname. Please see http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy.</p>	DDS	<p>Complaint policy: completed.</p> <p>Most Integrated Community Based Setting policy: 9/30/2018</p>	<p>Service coordination monitoring, and provider certification review.</p>

		environment.” Please see http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy .						
All	b. The setting optimizes individual initiative, autonomy, and independence in making life choices	The Most Integrated Community-Based setting policy (2015-DDA-POL01) set standards that require settings to ensure the “self-determination and freedom of choice to the person’s fullest capability.” In addition, the Most Integrated Community-Based setting policy (2015-DDA-POL01) sets the standards that “persons with intellectual disabilities have the fundamental right to gain and sustain an optimum level of independence and competency to make decisions and have control over their lives and choices.” Please see http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy	Positive	All	DDS policy already required this. To help ensure that each person is in the most appropriate and integrated HCBS Setting to meet their needs, DDS updated its Individual Support Plan policy, procedure and format to include a required Guided Conversation to Assess Whether a Person is in the Most Integrated Setting. Please see: http://dds.dc.gov/book/individual-support-plans-policy-and-procedures/isp-policy .	DDS	Completed	Service coordination monitoring, and provider certification review.
All	c. The setting facilitates individual choice regarding services and supports, and who provides them	The Most Integrated Community-Based setting policy (2015-DDA-POL01) set standards that require settings to ensure the “self-determination and freedom of choice to the person’s fullest capability.” In addition, the Most Integrated Community-Based setting policy (2015-DDA-POL01) sets the standards that “persons with intellectual disabilities have the fundamental right to gain and sustain an optimum level of independence and competency to make decisions and have control over their lives and choices.” Please see http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy . The Individual Support Plan policy (2015-DDA-POL24) sets the standard	Positive	All	This is already covered by DDS policy. However, to help ensure informed choice, DDS updated its Individual Support Plan policy (2015-DDA-POL24) and procedure and format to specifically include a discussion and documentation of informed choice. Please see: http://dds.dc.gov/book/individual-support-plans-policy-and-procedures/isp-policy .	DDS	Completed	Service coordination monitoring, and provider certification review.

		<p>that DDS shall “support each person to make an informed choice of types of supports and providers.” Please see: http://dds.dc.gov/book/individual-support-plans-policy-and-procedures/isp-policy.</p> <p>DDS Transition policy (2013-DDA-POL006) requires that “people who receive services and supports from DDA have the right to choose which providers support them. Please see: http://dds.dc.gov/book/transition-policy-and-procedures/transition-policy.</p>						
All	d.(i) The setting provides opportunities to seek employment and work in competitive integrated settings	<p>The Most Integrated Community –Based (2015-DDA-POL01) setting policy sets standards “Each person on his or her pathway to community integration and employment, including providing opportunities for employment, community exploration, and meaningful non-work activities in the community.” Please see http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy.</p> <p>The Employment First Policy (2014-DDS-EMPL-01) requires that for people DDA supports, on-going career planning shall be addressed in the Person Centered Planning Process using Discovery or other forms of person-centered vocational assessment so that career and career advancement opportunities are explored on a regular basis. If a person is served by both DDA and RSA or with another partner, these plans should be coordinated and reflect the person's interest and career goals. Information gained from the Discovery process or other assessments, or the use of other Person Centered Thinking tools shall be used to guide and inform the development of the Person Centered Employment Plan, Individual Plan for</p>	Positive	All	DDS already required this by policy. To help ensure that each person is on a pathway to competitive, integrated employment, DDS updated its Individual Support Plan policy, procedure and format to include a required Guided Conversation on Employment. Please see: http://dds.dc.gov/book/individual-support-plans-policy-and-procedures/isp-policy	DDS	Completed	Service coordination monitoring, and provider certification review.

		Employment and/or the Individual Service Plan. Please see: http://dds.dc.gov/page/employment-first .						
All	d. (ii) engage in community life	The Most Integrated Community-Based setting policy (2015-DDA-POL01) sets standards that require settings to provide the “opportunity to engage in activities and styles of living that encourage and maintain the integration of the person in the community, including social integration in settings typical of the community, which maximize the person's contact with others who live or work in that community.” Please see http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy .	Positive	All	No remedial action required.	DDS	Completed	Service coordination monitoring, and provider certification review.
All	d. (iii) The setting provides opportunities to control personal resources.	It is the DDS Personal Funds policy (2014-DDA-POL006) to “ensure that people who receive supports and services from DDA control their own resources to the greatest extent possible, and that people’s funds are accounted for and safeguarded.” However, the Personal Funds policy (2014-DDA-POL006) also requires each residential provider to account for maintaining of personal accounts. So therefore, the policy requires people to control their personal funds but also requires providers to manage personal resources and provide an accounting to DDS. Please see: http://dds.dc.gov/book/personal-funds-policy/personal-funds-policy .	Positive/Silent	All	DDS will work with stakeholders to update its Personal Funds policy to ensure that it is not creating any unnecessary barriers to a person’s ability to control his or her personal resources, while ensuring protections. http://dds.dc.gov/book/personal-funds-policy/personal-funds-policy . Additionally, the waiver regulations General Provisions require that any permissible deviation from HCBS Settings requirements is reviewed and approved as a restriction by the Provider’s Human Rights Committee. DDS developed a required template for meeting minutes, available on-line at: http://dds.dc.gov/publication/hrc-meeting-template . DDS will update its Provider HRC procedure to align. This might also require an update to DDS’s Behavior Supports policy and procedures.	DDS	Provider HRC procedure: 9/30/2018 Personal Funds Policy: 9/30/2018	Service coordination monitoring, and provider certification review.
All	e. The setting is integrated and supports access to the greater community	The Most Integrated Community-Based Setting policy (2015-DDA-POL01) requires “The ISP shall emphasize residential supports that promote the person's independence and the opportunity to actively engage with other citizens who live and work in that community. Toward this goal, the ISP	Positive	All	No remedial action required.	DDS	Completed	Service coordination monitoring, and provider certification review.

		<p>team process shall consider residential supports that actively promote and enhance each person's growth, attainment, and maintenance of independence, and that least interfere with the person's independence while providing the services that address the person's needs.”</p> <p>Please see http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy.</p>						
All	f. The setting provides opportunities to engage in community life	<p>The Most Integrated Community-Based Setting policy (2015-DDA-POL01) requires “The ISP shall emphasize residential supports that promote the person's independence and the opportunity to actively engage with other citizens who live and work in that community. Toward this goal, the ISP team process shall consider residential supports that actively promote and enhance each person's growth, attainment, and maintenance of independence, and that least interfere with the person's independence while providing the services that address the person's needs.”</p> <p>Please see http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy.</p>	Positive	All	No remedial action required.	DDS	Completed	Service coordination monitoring, and provider certification review.
All	g. the setting provides opportunities to control personal resources	<p>It is the DDS Personal Funds policy (2014-DDA-POL006) to “ensure that people who receive supports and services from DDA control their own resources to the greatest extent possible, and that people’s funds are accounted for and safeguarded.”</p> <p>However, the Personal Funds policy (2014-DDA-POL006) also requires each residential provider to account for maintaining of personal accounts. So therefore, the policy requires people to control their personal funds but also</p>	Mixed	All	<p>DDS will work with stakeholders to update its Personal Funds policy (2014-DDA-POL006) and procedures to ensure that it is not creating any unnecessary barriers to a person’s ability to control his or her personal resources, while ensuring protections.</p> <p>http://dds.dc.gov/book/personal-funds-policy/personal-funds-policy.</p> <p>Additionally, the waiver regulations General Provisions require that any permissible deviation from HCBS Settings requirements is reviewed and approved as a restriction by the Provider Human Rights Committee (HRC).</p>	DDS	<p>Provider HRC procedure: 9/30/2018</p> <p>Personal Funds Policy: 9/30/2018</p> <p>Behavior Supports policy:</p>	Service coordination monitoring, and provider certification review.

		requires providers to manage personal resources and provide an accounting to DDS. Please see: http://dds.dc.gov/book/personal-funds-policy/personal-funds-policy .			General Provisions, http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900 , Home and Community Based Settings Requirements. DDS developed a required template for meeting minutes, available on-line at: http://dds.dc.gov/publication/hrc-meeting-template . DDS will update its Provider HRC procedure to align. http://dds.dc.gov/publication/provider-hrc-procedures . This might also require an update to DDS's Behavior Supports policy (2013-DDA-POL008) and procedures. http://dds.dc.gov/book/behavior-support-policy-and-procedures/behavioral-support-plan-policy .		9/30/2018	
All	h. The setting provides opportunities to receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS	No policies speak to this currently.	Silent	All	DDS will update its Most Integrated Community-Based Setting policy to specifically include this. http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy .	DDS	Most Integrated Community Based Setting policy: 9/30/2018	Service coordination monitoring, and provider certification review.
All	i. (i) The setting is selected by the individual from among other options including non-disability specific settings and a private unit in a residential setting	No policies spoke to this.	Silent	All	DDS updated its Individual Support Plan policy (2015-DDA-POL24) and procedure to more specifically include a requirement that people consider non-disability specific settings. This is also a part of the guided conversation on Most Integrated Setting. Please see: http://dds.dc.gov/book/individual-support-plans-policy-and-procedures/isp-policy and http://dds.dc.gov/publication/assessing-most-integrated-day-informed-consent .	DDS	Completed	Service coordination monitoring, and provider certification review.
All	i. (ii) The setting is a private unit in a residential setting	No policies speak to this currently.	Silent	All	DDS will issue a policy on Contribution to Cost of Supports that will address choice of units and ability to have a private unit, if the person is able to contribute.	DDS	Contrib. to cost of supports: 9/30/2018	Service coordination monitoring, and provider certification review.
All Residential	j. If provider-owned or controlled, the setting provides a specific	No policies speak to this currently.	Silent	All	No remedial action required. This is governed by the General Provision regulations and Human Care Agreements.	DDS	Completed	Service coordination monitoring, and

	unit/dwelling that is owned, rented, or occupied under a legally enforceable agreement.				<p>General Provisions, http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900, Home and Community Based Settings Requirements.</p> <p>A sample HCA for residential expenses is available on-line at: http://dds.dc.gov/sites/default/files/dc/sites/dds/publication/attachments/Residential%20Expenses%20and%20Services%20DCJM-2015-H-0006.pdf.</p>			provider certification review.
All Residential	k. If provider –owned or controlled, the setting provides the same responsibilities/protections from eviction as all tenants under landlord tenant law of state, county, city or other designated entity	No policies speak to this currently.	Silent	All	<p>No remedial action required. This is governed by the General Provision regulations and Human Care Agreements.</p> <p>General Provisions, http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900, Home and Community Based Settings Requirements.</p> <p>A sample HCA for residential expenses is available on-line at: http://dds.dc.gov/sites/default/files/dc/sites/dds/publication/attachments/Residential%20Expenses%20and%20Services%20DCJM-2015-H-0006.pdf.</p>	DDS	Completed	Service coordination monitoring, and provider certification review.
All Residential	l. if the setting is provider-owned or controlled and the tenant laws do not apply, the state ensures that the lease, residency agreement or other written agreement is in place providing protections to address eviction processes and appeals comparable to those provided under the jurisdiction’s landlord tenant law.	No policies speak to this currently.	Silent	All	<p>No remedial action required. This is governed by the General Provision regulations and Human Care Agreements.</p> <p>General Provisions, http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900, Home and Community Based Settings Requirements.</p> <p>A sample HCA for residential expenses is available on-line at: http://dds.dc.gov/sites/default/files/dc/sites/dds/publication/attachments/Residential%20Expenses%20and%20Services%20DCJM-2015-H-0006.pdf.</p>	DDS	Completed	Service coordination monitoring, and provider certification review.
All	m. If provider-owned or	Although the Human Rights (2013-		All	DDS will update it’s the Human Rights (2013-	DDS	Most	Service

	controlled, the setting provides that each individual has privacy in their sleeping or living unit.	DDA-H&W-POL007) and Most Integrated Community Based Settings (2015-DDA-POL01) policy both speak to the right to privacy, this is not specifically detailed. Please see http://dds.dc.gov/book/iii-health-and-wellness/human-rights-policy and http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy .			DDA-H&W-POL007) and Most Integrated Community Based Settings policies (2015-DDA-POL01). http://dds.dc.gov/book/iii-health-and-wellness/human-rights-policy and http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy . The waiver regulations General Provisions require that any permissible deviation from HCBS Settings requirements is reviewed and approved as a restriction by the Provider's Human Rights Committee. General Provisions, http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900 , Home and Community Based Settings Requirements. DDS developed a required template for meeting minutes, available on-line at: http://dds.dc.gov/publication/hrc-meeting-template . DDS will update its Provider HRC procedure to align. http://dds.dc.gov/publication/provider-hrc-procedures . This might also require an update to DDS's Behavior Supports policy (2013-DDA-POL008) and procedures. http://dds.dc.gov/book/behavior-support-policy-and-procedures/behavioral-support-plan-policy .		Integrated Community Based Setting policy: 9/30/2018 Human Rights Policy: 9/30/2018	coordination monitoring, and provider certification review.
All	n. If provider-owned or controlled, the setting provides units with lockable entrance doors, with appropriate staff having keys to doors as needed	No policies speak to this currently.		All	DDS will update it's the Human Rights (2013-DDA-H&W-POL007) and Most Integrated Community Based Settings policies (2015-DDA-POL01). http://dds.dc.gov/book/iii-health-and-wellness/human-rights-policy and http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy . The waiver regulations General Provisions require that any permissible deviation from HCBS Settings requirements is reviewed and	DDS	Most Integrated Community Based Setting policy: 9/30/2018	Service coordination monitoring, and provider certification review.

					<p>approved as a restriction by the Provider’s Human Rights Committee. General Provisions, http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900, Home and Community Based Settings Requirements.</p> <p>DDS developed a required template for meeting minutes, available on-line at: http://dds.dc.gov/publication/hrc-meeting-template.</p> <p>DDS will update its Provider HRC procedure to align. http://dds.dc.gov/publication/provider-hrc-procedures.</p> <p>This might also require an update to DDS’s Behavior Supports policy (2013-DDA-POL008) and procedures. http://dds.dc.gov/book/behavior-support-policy-and-procedures/behavioral-support-plan-policy.</p>			
All Residential	o. If provider-owned or controlled, the setting provides individuals who are sharing units a choice of roommates.	No policies speak to this currently.	Silent	All	DDS will issue a policy on Contribution to Cost of Supports that will address choice of units and ability to have a private unit, if the person is able to contribute.	DDS	Contrib. to cost of supports: 9/30/2018	Service coordination monitoring, and provider certification review.
All Residential	p. If provider-owned or controlled, the setting provides individuals with the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.	No policies speak to this currently.		All	DDS will update its Most Integrated Community Based Setting policy (2015-DDA-POL01) to specifically address this. http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy .	DDS	Most Integrated Community Based Setting policy: 9/30/2018	Service coordination monitoring, and provider certification review.
All	q. (i) If provider-owned or controlled, the setting provides individuals with the freedom and support to control their schedules and activities	No policies speak to this specifically		All	DDS issued guidance on the requirement for Individualized Schedules. DDS also updated the General Provisions to require that “All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation and Employment Readiness settings must create individualized daily schedules for each person receiving supports, that includes activities that align with the person’s goals, interests and preferences, as	DDS	Individual Schedules: 9/30/2018	Service coordination monitoring, and provider certification review.

					reflected in his or her ISP.” General Provisions, http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900 , Home and Community Based Settings Requirements. DDS will issue a policy, based upon the guidance already issued, requiring this.			
All	(ii) If provider-owned or controlled, the setting provides individuals with the freedom and support to access to food at any time	No policies speak to this currently.	Silent	All	DDS will update its Human Rights Policy (2013-DDA-H&W-POL007) to specifically include this. http://dds.dc.gov/book/iii-health-and-wellness/human-rights-policy The waiver regulations General Provisions require that any permissible deviation from HCBS Settings requirements is reviewed and approved as a restriction by the Provider’s Human Rights Committee. General Provisions, http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900 , Home and Community Based Settings Requirements. DDS developed a required template for meeting minutes, available on-line at: http://dds.dc.gov/publication/hrc-meeting-template . DDS will update its Provider HRC procedure to align. http://dds.dc.gov/publication/provider-hrc-procedures . This might also require an update to DDS’s Behavior Supports policy (2013-DDA-POL008) and procedures. http://dds.dc.gov/book/behavior-support-policy-and-procedures/behavioral-support-plan-policy .	DDS	Human Rights Policy: 9/30/2018	Service coordination monitoring, and provider certification review.
All	r. If provider-owned or controlled, the setting allows individuals to have visitors at any time.	This is already required by the DDS Human Rights policy 2013-DDA-H&W-POL007 and procedures. Please see: http://dds.dc.gov/book/iii-health-and-wellness/human-rights-policy .	Positive	All	The waiver regulations General Provisions require that any permissible deviation from HCBS Settings requirements is reviewed and approved as a restriction by the Provider’s Human Rights Committee. General Provisions, http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900 , Home and Community Based Settings Requirements.	DDS	Provider HRC procedure: 9/30/2018 Behavior Supports	Service coordination monitoring, and provider certification review.

					<p>DDS developed a required template for meeting minutes, available on-line at: http://dds.dc.gov/publication/hrc-meeting-template.</p> <p>DDS will update its Provider HRC procedure to align. http://dds.dc.gov/publication/provider-hrc-procedures.</p> <p>This might also require an update to DDS's Behavior Supports policy (2013-DDA-POL008) and procedures. http://dds.dc.gov/book/behavior-support-policy-and-procedures/behavioral-support-plan-policy..</p>		policy: 9/30/2018	
All	s. If provider-owned or controlled, the setting is physically accessible to the individual.	No policies speak to this currently.	Silent	All	<p>DDS will add this to its Most Integrated Community Based Settings policy (2015-DDA-POL01). http://dds.dc.gov/book/ii-service-planning/most-integrated-community-setting-policy.</p> <p>Note that this is also governed by the General Provision regulations. General Provisions, http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900, Home and Community Based Settings Requirements.</p>	DDS	Most Integrated Community Based Setting policy: 9/30/2018	Service coordination monitoring, and provider certification review.
0All	General compliance	No policies speak to this currently	Silent	All	<p>DDS issued a HCBS Settings Rule Compliance policy (2015-DDS-POL23) found at: http://dds.dc.gov/publication/hcbs-settings-rule-compliance-policy, that requires "All active HCBS residential, day and vocational services providers shall conduct a critical and honest self-assessment in accordance with the process and timelines set out by DDS; cooperate fully with the assessment and transition process; and demonstrate on-going efforts, cooperation and progress towards compliance with the HCBS Settings Rule."</p> <p>The policy also authorizes the use of sanctions for non-compliance, in accordance with the <i>DDS Imposition of Sanctions</i> policy and procedure (2012-DDS-QMD-POL002) found at: http://dds.dc.gov/publication/imposition-sanctions-policy.</p>			

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