



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES

DDS TRANSMITTAL #18-7

TO: Developmental Disabilities Administration Home and Community Based Services Waiver Providers for the Following Services: Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness

FROM: Erin Leveton, DDS State Office of Policy Planning and Innovation

DATE: October 1, 2018

RE: NEW Person-Centered Modifications Procedure, 2018-DDA-PROC002: Effective February 4, 2019

As you all know, in 2014 the Centers for Medicare and Medicaid Services (CMS) issued the Home and Community Based Services (HCBS) Settings Rule, which changed requirements for HCBS services. The purpose of the federal regulation, in part, is to ensure that people receive Medicaid HCBS in settings that are integrated in and support full access to the greater community. This includes opportunities to seek employment and work in competitive and integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree as people who do not receive HCBS. DC's approved final Statewide Transition Plan, available at <https://dds.dc.gov/page/waiver-amendment-information>, describes our process for coming into compliance with all requirements of the rule by March 29, 2019.

The Settings Rule recognizes that in some instances, people with disabilities will need exceptions from the rule's requirements to ensure their health and safety. For example, a person with fluid restrictions may not be able to safely have access to food at any time. This procedure describes the process for creating a "person-centered modification" (PCM) from the HCBS Settings Rule requirements. In short, where a provider (or a member of the person's support team) recommends that a PCM be approved for a person, both the Provider Human Rights Committee and the person's support team must review, discuss and approve it in order for the PCM to be adopted. The approval process must be reflected in a person's Individual Support Plan (ISP).

Please note that while DDS is issuing a new procedure to clarify this process, this is not a new requirement. It currently exists in three different places; this procedure brings them all together to make the process easier to follow. First, the Home and Community Based Setting Requirements (HCBS) regulations, [29 DCMR §1938.4](#), describes the process of approving a





person-centered modification (called a “deviation” in the rules). Next, DDS issued a revised [Provider Human Rights Committee \(HRC\) Meeting Minutes template](#). Finally, the DDS Person Centered Planning and Individual Support Plans (ISP) [Policy](#) also describes the support team review and documentation requirements for the ISP.

Nonetheless, recognizing that there has been some confusion around the requirements for person-centered modifications, the effective date for this procedure is February 4, 2019. By that time, all PCMs should have been reviewed by the Provider HRC and reflected in the person’s ISP. Please use this time to review the rule requirements and their impact on the people you support. If you believe that a PCM from the HCBS Settings Rule requirements is needed, please have your Human Rights Committee review the proposal and seek a corresponding ISP amendment.

Related Links:

The HCBS Requirements regulations are available at:

<https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938>.

The ISP Policy is available at:

<https://dds.dc.gov/book/individual-support-plans-policy-and-procedures/isp-policy>.

The Provider HRC Meeting Minutes template is available at:

<https://dds.dc.gov/sites/default/files/dc/sites/dds/publication/attachments/HRC%20Meeting%20Template.pdf>.