# Statewide Assessment
## Home and Community Based Settings
### Governing Regulations

<table>
<thead>
<tr>
<th>Section of the Rule</th>
<th>Type of Setting</th>
<th>Issue</th>
<th>Oppose/Silent/Positive</th>
<th>Remedial Strategy</th>
<th>Lead Agency</th>
<th>Target Date</th>
<th>Ongoing Monitoring</th>
</tr>
</thead>
</table>
| (a) The setting ensures an individual’s rights of privacy, dignity, respect, and freedom from coercion and restraint | All | The General Provisions regulations ([http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900](http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900)) already required that: Each Waiver provider shall develop and adhere to policies which ensure that each person receiving services has the right to the following:  
  - Be treated with courtesy, dignity, and respect;  
  - Be free from mental and physical abuse, neglect, and exploitation from staff providing services;  
  - Be assured that for purposes of record confidentiality, the disclosure of the contents of his or her personal records is subject to all the provisions of applicable District and federal laws and rules;  
  - Voice a complaint regarding treatment or care, lack of respect for personal property by staff providing services without fear of retaliation;  
  - Be informed orally and in writing of the following: complaint and referral procedures; the telephone numbers of public officials to contact. | All | Updated the General Provisions regulations ([http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900](http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900)) to require the following: All Supported Living, Supported Living with Transportation, Host Home and Residential Habilitation, Day Habilitation, and Employment Readiness settings must ensure a person’s right to privacy, dignity, and respect, and freedom from coercion and restraint. Each waiver provider shall ensure the person’s privacy including securing service records for each person in a locked room or file cabinet and limiting access only to authorized individuals; and shall not post mealtime protocols, clinical therapy schedules, or any health information. Each Waiver provider shall develop and adhere to policies which ensure that each person receiving services has the right to be informed orally and in writing of the following: complaint and referral procedures, including how to file an anonymous complaint; how to report an allegation of abuse, neglect and exploitation; and for people receiving residential supports, the person’s rights as a tenant, and information about how to relocate and request new housing. All Day Habilitation and Employment Readiness settings must develop and adhere to policies which ensure that each person receiving services has the right to privacy for personal care, including when using the bathroom. | DDS & DHCF | Completed | Service Coordination monitoring, and provider certification review. |
number of the DDS customer complaint line.
| b. The setting optimizes individual initiative, autonomy, and independence in making life choices | All | Regulations did not specifically require this. | Silent | All | Updated the General Provisions regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumbers=29-1900) to require the following:

All Supported Living, Supported Living with Transportation, Host Home and Residential Habilitation, Day Habilitation, and Employment Readiness settings must:

- optimize the person’s initiative autonomy and independence in making life choices including but not limited to, daily activities, physical environment, and with whom to interact.
- support the person’s community integration and inclusion, including relationship-building and maintenance, support for self-determination and self-advocacy;
- provide information on individual rights;

Each Waiver provider shall develop and adhere to policies which ensure that each person receiving services has the right to direct the person-centered planning of his or her supports and services.

Updated the Day Habilitation regulations as follows:

Revised the description of Day Habilitation services in the regulations as follows: Day habilitation services are aimed at developing meaningful adult activities and skills acquisition to foster independence, self-determination and self-advocacy and autonomy.

Specified that Day Habilitation services shall consist of the following activities based on what’s important to and for the person as documented in his or her Individualized Support Plan and reflected in his or her Person-Centered Thinking and Discovery tools: Training and skills development that increase participation in community activities, enhance community inclusion, and foster greater independence, self-determination and self-advocacy.

Updated the Employment Readiness regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumbers=29-1922) as follows:

| DDS & DHCF | Completed | Service coordination monitoring, and provider certification review. | Completed | Service coordination monitoring, and provider certification review. |  |
Revised the description of Employment Readiness services in the regulations to include social and soft skills training, including, but not limited to decision-making skills and strategies including support for self-determination and self-advocacy.

Revised the requirement of the Employment Readiness individualized service delivery plan to include a description of how the plan shall support a person in the development of employment related skills, including social skills such as interviewing skills, professionalism, building and maintaining relationships, self-determination and self-advocacy.

c. The setting facilitates individual choice regarding services and supports, and who provides them

| Regulations did not specifically require this. | Silent All | Updated the General Provisions regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900) to require the following:

All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation and Employment Readiness settings must facilitate the person’s choices regarding services and supports, and who provides them; and create individualized daily schedules for each person receiving supports, that includes activities that align with the person’s goals, interests and preferences, as reflected in his or her ISP.

DDDS & DHCF | Completed | Service coordination monitoring, and provider certification review.

d. The setting provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources.

| Regulations did not specifically require this. | Silent All | Updated the General Provisions regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900) to require the following:

All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation and Employment Readiness settings must provide and opportunities for the person to seek employment and meaningful non-work activities in the community; provide opportunities for the person to engage in community life.

All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation must develop and adhere to policies and procedures.

DDDS & DHCF | Completed except for the right to control personal resources in day/voc settings. DC plans to publish updated General Provisions & Day Habilitation regulations by July 2016. | Service coordination monitoring, and provider certification review.
which ensure that each person receiving services has the right to control over his or her personal funds and bank accounts.

Modified requirements for the Individual Support plan to specifically including identifying the person’s interest in employment, identifying goals for community integration and inclusion, and determining the most integrated setting available to meet the person’s needs.

Updated the Day Habilitation regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1920) as follows:

Updated the description of Day Habilitation services in the regulations as follows: Day habilitation services are aimed at developing meaningful adult activities and skills acquisition to . . . facilitate the exploration of employment and/or integrated retirement opportunities; and to foster and encourage people on their pathway to community integration, employment and the development of a full life in the person’s community.

Specified that Day Habilitation services shall consist of the following activities based on what’s important to and for the person as documented in his or her Individualized Support Plan and reflected in his or her Person-Centered Thinking and Discovery tools: Training and skills development that increase participation in community activities, enhance community inclusion, and foster greater independence, self-determination and self-advocacy. . .

Require providers to develop a Discovery Positive Personal Profile (PPP) and Job Search and Community Participation Plan within 30 days of the initiation of services and shall be updated at least annually.

Updated regulations to require: To receive Medicaid reimbursement, day habilitation services shall be provided in the community or in a facility-based setting that provides opportunities for
community engagement, inclusion and integration.

Updated Employment Readiness regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1922) as follows:

To specify that employment readiness services shall support a person on their pathway to competitive, integrated employment.

Revised the description of Employment Readiness services in the regulations to include social and soft skills training, including, but not limited to budgeting and money management.

Require that Employment Readiness services include employment exploration and/or preparation in the community.

Require the development of a Positive Personal Profile and Job Search and Community Participation Plan shall be developed within 30 days of the start of services.

Required that to receive Medicaid reimbursement, employment readiness services shall be provided in the community or in a facility-based setting that provides opportunities for community engagement, inclusion and integration.

Updated Residential Habilitation regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1929) to: Require the use the Department on Disabilities Services approved person-centered thinking tools and the person’s Positive Personal Profile and Job Search and Community Participation Plan to develop a functional assessment that includes what is important to and for the person, within the first month of the person residing in the home. This assessment shall be reviewed and revised annually or more frequently as needed.

Added that in order to be eligible for Medicaid reimbursement, each provider of residential habilitation services shall ensure that each person receives hands-on support, skill development,
habilitation, and other supports, which shall include, but not be limited to, the following categories of support, unless the person has demonstrated independence and capacity in any of the following areas. Supports provided shall be aimed at teaching the person to increase his or her skills and self-reliance. . . . Opportunities for the person to seek employment and vocational supports to work in the community in a competitive and integrated setting.

Updated Supported Living regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumbers=29-1934) as follows:

Revised service description to include support for a person to integrate in to the community.

Added that each provider of Medicaid reimbursable supported living services shall ensure that each person receives the level of support he/she needs for skill development, habilitation and other supports, when appropriate, which shall include, but not be limited to, support for the following categories, unless the person has demonstrated independence and capacity in any of the following areas. Supports provided shall be aimed at teaching the person to increase his or her skills and self-reliance: Opportunity to engage in community life, including but not limited to social, recreational, and religious activities utilizing community resources based on the person's interests, beliefs, culture, and preferences, and building and maintaining relationships; and Opportunities for the person to seek employment and vocational supports to work in the community in a competitive and integrated setting.

Still need to update the regulations to require control of personal resources in Day Habilitation and Employment Readiness services.

e. The setting is integrated and supports access to the greater community

| Regulations did not specifically require this. | Silent | All | Updated the General Provisions regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumbers=29-1900) to require the following:
All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation must: be integrated in the community and support access to the greater community; and allow full service coordination, monitoring, and provider certification review. | DDS & DHCF | Completed for residential settings. DC does not yet have a target date to update the regulations |
<table>
<thead>
<tr>
<th>Regulations</th>
<th>New Requirements</th>
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<tbody>
<tr>
<td>Day Habilitation</td>
<td>Medicaid reimbursement requires services to be provided in the community or facility-based setting that promotes community engagement, inclusion, and integration.</td>
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<tr>
<td>Employment Readiness</td>
<td>Medicaid reimbursement requires services to be provided in the community or facility-based setting that promotes community engagement, inclusion, and integration.</td>
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<tr>
<td>Supported Living</td>
<td>Supported living services are provided to persons enrolled in the Waiver who require assistance with developing social and adaptive skills necessary for community activities based upon what is important to and for the person as documented in their Individualized Support Plan (ISP) and reflected in their Person-Centered Thinking and Discovery tools.</td>
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To receive Medicaid reimbursement, Day Habilitation services shall be provided in the community or in a facility-based setting that promotes opportunities for community engagement, inclusion, and integration.

To receive Medicaid reimbursement, employment readiness services shall be provided in the community or in a facility-based setting that promotes opportunities for community engagement, inclusion, and integration.

Still need to update the regulations to require integration for Day Habilitation and Employment Readiness Services.

<table>
<thead>
<tr>
<th>Status</th>
<th>DDS &amp; DHCF</th>
<th>Service Coordination Monitoring, and Provider Certification Review</th>
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<tbody>
<tr>
<td>Completed</td>
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</table>

f. The setting provides opportunities to engage in community life

<table>
<thead>
<tr>
<th>Regulations</th>
<th>All</th>
<th>Silent</th>
<th>All</th>
<th>Completed</th>
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<tbody>
<tr>
<td>General Provisions</td>
<td>Regulations did not specifically require this.</td>
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<tr>
<td>Day Habilitation</td>
<td>Updated the regulations (<a href="http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1920">http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1920</a>) to require:</td>
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<tr>
<td>Employment Readiness</td>
<td>To receive Medicaid reimbursement, employment readiness services shall be provided in the community or in a facility-based setting that promotes opportunities for community engagement, inclusion, and integration.</td>
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<tr>
<td>Supported Living</td>
<td>Supported living services are provided to persons enrolled in the Waiver who require assistance with developing social and adaptive skills necessary for community activities based upon what is important to and for the person as documented in their Individualized Support Plan (ISP) and reflected in their Person-Centered Thinking and Discovery tools.</td>
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DC will provide an update when it files an Updated Statewide Transition Plan.
Revised the description of Day Habilitation services in the regulations as follows: Day habilitation services are aimed at developing meaningful adult activities and skills acquisition to foster and encourage people on their pathway to community integration, employment and the development of a full life in the person’s community.

Specified that Day Habilitation services shall consist of the following activities based on what’s important to and for the person as documented in his or her Individualized Support Plan and reflected in his or her Person-Centered Thinking and Discovery tools: Activities that provide opportunities for socialization and leisure activities in the community, community explorations. These must occur in the community in groups not to exceed four (4) participants for regular day habilitation or three (3) participants for people in small group day habilitation. The activities, frequency and duration must be based on people’s interests and preferences as reflected in their Individualized Support Plan and Person-Centered Thinking and Discovery tools. Except when a person’s ISP indicates a lower frequency, each person must be offered the opportunity to engage in community integration and inclusion activities at least once per week.

Require that quarterly reports shall include a description of the person’s activities, in the community, that support community integration and inclusion.

Updated the Employment Readiness regulations as follows: Revised the description of services to include employment exploration and/or preparation in the community; and community-based, integrated, volunteer experiences that are related to the person’s employment goals.

Updated the Residential Habilitation regulations:
| g. the setting provides opportunities to control personal resources | Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes | General Provisions regulations did not specifically require this. Residential Habilitation regulations already require support and skill building for budgeting and financial management. | Silent | All | Updated the General Provisions (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumbers=29-1900) regulations to require the following: All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation must develop and adhere to policies and procedures which ensure that each person receiving services has the right to control over his or her personal funds and bank accounts. | DDS & DHCF | Completed for residential settings. DC plans to publish updated General Provisions regulations by July 2016 to require this in all day/ vocational service coordination monitoring and provider certification review. |
| h. The setting provides opportunities to receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS | All | Regulations did not specifically require this. | Silent | All | As described within, DC made a number of changes to the General Provisions (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900) and specific service regulations to require opportunities to access the community.

DC will specifically include this language in forthcoming revisions to the General Provisions. |

DDS & DHCF | In progress. DC plans to publish updated General Provisions regulations by July 2016 to more specifically require this in all settings. |

Service coordination monitoring, and provider certification review. |

| 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 | All | Regulations did not specifically require this. | Silent | All | Updated the General Provisions regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900) to require the following:

All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation and Employment Readiness settings must be chosen by the person from HCBS settings options including non-disability settings.

In terms of a private unit, no change is required to the General Provisions. This will be governed by a forthcoming DDS policy and procedure on Contribution to Cost of Supports. |

DDS & DHCF | Completed |

Service coordination monitoring, and provider certification review. |

| j. If provider-owned or controlled, the setting provides a specific unit/dwelling that is owned, rented, or occupied under a legally enforceable agreement. | Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes | Regulations did not specifically require this. | Silent | All | Updated the General Provisions regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900) to require the following:

All Supported Living, Supported Living with Transportation, Host Home, and Residential Habilitation settings must be leased in the names of the people who are being supported and ensure that each person has a legally enforceable residency |

DDS & DHCF | Completed |

Service coordination monitoring, and provider certification review. |
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<tr>
<td><strong>k.</strong> If provider–owned or controlled, the setting provides the same responsibilities/protectio ns from eviction as all tenants under landlord tenant law of state, county, city or other designated entity</td>
<td>Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes</td>
<td>Regulations did not specifically require this.</td>
<td>Silent</td>
</tr>
<tr>
<td><strong>l.</strong> 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.</td>
<td>Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes</td>
<td>Regulations did not specifically require this.</td>
<td>Silent</td>
</tr>
<tr>
<td><strong>m.</strong> If provider-owned or controlled, the setting provides that each individual has privacy in their sleeping or living unit.</td>
<td>All</td>
<td>Regulations did not specifically require this.</td>
<td>Silent</td>
</tr>
</tbody>
</table>
emails; or any other form of electronic communication, e.g., FaceTime or Skype.

All Day Habilitation and Employment Readiness settings must develop and adhere to policies which ensure that each person receiving services has the right to privacy for personal care, including when using the bathroom.

Still need to update the regulations to require that Day Habilitation and Employment Readiness providers must develop and adhere to policies which ensure that each person receiving services has the right to the following: (1) a safe and private place to store his or her personal possessions (if locked, with staff having keys as needed); and (2) the opportunity for privacy for telephone calls, texts and/or emails; or any other form of electronic communication, e.g. FaceTime or Skype; unless there is a specific assessed need that is justified in the person’s Individualized Support Plan.

n. If provider-owned or controlled, the setting provides units with lockable entrance doors, with appropriate staff having keys to doors as needed

All Regulations did not specifically require this. Silent All Updated the General Provisions regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900) to require the following:

All Supported Living, Supported Living with Transportation, Host Home, and Residential Habilitation settings must develop and adhere to policies and procedures which ensure that each person receiving services have the right to privacy in his or her personal space, including entrances that are lockable by the person (with staff having keys as needed); unless there is a specific assessed need that is justified in the person’s Individualized Support Plan.

All Day Habilitation and Employment Readiness settings must develop and adhere to policies which

DDS & DHCF Completed for residential settings.

DC plans to publish updated General Provisions regulations by July 2016 to require this in all day/ vocational settings.

Service coordination monitoring, and provider certification review.
<table>
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<th>o. If provider-owned or controlled, the setting provides individuals who are sharing units a choice of roommates.</th>
<th>Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes (N/A to day settings)</th>
<th>Regulations did not specifically require this.</th>
<th>Silent</th>
<th>All</th>
<th>No change required to the General Provisions. DDS updated the language in the Master HCA to clarify that: “People may choose any provider of services if new room and board funding is not concurrently requested.”</th>
<th>DDS &amp; DHCF</th>
<th>Completed</th>
<th>DDA Residential Referral Committee</th>
</tr>
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<tbody>
<tr>
<td>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.</td>
<td>Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes (N/A to day settings)</td>
<td>Regulations did not specifically require this.</td>
<td>Silent</td>
<td>All</td>
<td>Updated the General Provisions regulations (<a href="http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumbers=29-1900">http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumbers=29-1900</a>) to require the following: All Supported Living, Supported Living with Transportation, Host Home, and Residential Habilitation settings must develop and adhere to policies and procedures which ensure that each person receiving services has the freedom to furnish and decorate his or her personal space.</td>
<td>DDS &amp; DHCF</td>
<td>Completed</td>
<td>Service coordination monitoring, and provider certification review.</td>
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<td>q. If provider-owned or controlled, the setting provides individuals with the freedom and support to control their schedules and activities and have access to food at any time.</td>
<td>All</td>
<td>Regulations did not specifically require this.</td>
<td>Silent</td>
<td>All</td>
<td>Updated the General Provisions regulations (<a href="http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumbers=29-1900">http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumbers=29-1900</a>) to require the following: 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</td>
<td>DDS &amp; DHCF</td>
<td>Completed</td>
<td>Service coordination monitoring, and provider certification review.</td>
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</table>
includes activities that align with the person’s goals, interests and preferences, as reflected in his or her ISP.

All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation settings must develop and adhere to policies and procedures which ensure that each person receiving services has the right to access to food at any time, unless there is a specific assessed need that is justified in the person’s Individualized Support Plan.

All Day Habilitation, Supported Employment, and Employment Readiness settings must develop and adhere to policies which ensure that each person receiving services has the right to access snacks at any time and meals at the time and place of a person’s choosing, unless there is a specific assessed need that is justified in the person’s Individualized Support Plan.

Updated Day Habilitation regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumbers=29-1920) as follows:
Each provider of Medicaid reimbursable day habilitation services shall develop, with the person, an individualized schedule of daily activities based upon the person’s goals and activities as identified in his or her ISP, and consistent with what is in his or her Person-Centered Thinking and Discovery tools, of meaningful adult activities that support the person on his or her pathway to employment and community integration and inclusion.

Each provider of Medicaid reimbursable employment readiness services shall develop, with the person, an individualized schedule of daily activities based upon the person’s goals and activities as identified in his or her ISP, and consistent with what is in his or her Person-Centered Thinking and Discovery tools, of meaningful adult activities that support the person on his or her pathway to integrated, competitive employment.
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<td>r. If provider-owned or controlled, the setting allows individuals to have visitors at any time.</td>
<td>All</td>
<td>Regulations did not specifically require this.</td>
<td>Silent</td>
<td>All</td>
<td>Updated the General Provisions regulations (<a href="http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900">http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900</a>) to require the following: All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation and Employment Readiness settings must allow visitors at any time, unless there is a specific assessed need that is justified in the person’s Individualized Support Plan.</td>
<td>DDS &amp; DHCF</td>
</tr>
<tr>
<td>s. If provider-owned or controlled, the setting is physically accessible to the individual.</td>
<td>All</td>
<td>Regulations did not specifically require this.</td>
<td>Silent</td>
<td>All</td>
<td>Updated the General Provisions regulations (<a href="http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900">http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1900</a>) to require the following: All Supported Living, Supported Living with Transportation, Host Home, Residential Habilitation, Day Habilitation and Employment Readiness settings must be physically accessible to the person and allow the person access to all common areas.</td>
<td>DDS &amp; DHCF</td>
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