

# Statewide Assessment

## Home and Community Based Settings

### Governing Regulations: September 2018 Update

Section of the Rule	Type of Setting	Issue	Oppose /Silent/ Positive	# of sites	Remedial Strategy	Lead Agency	Target Date	Ongoing Monitoring
(a) The setting ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint	All	<p>The Home and Community Based Settings Rule found at <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a> requires:</p> <p>Each Waiver provider shall develop and adhere to policies which ensure that each person receiving services has the right to the following:</p> <ul style="list-style-type: none"> <li>• Be treated with courtesy, dignity, and respect;</li> <li>• Be free from mental and physical abuse, neglect, and exploitation from staff providing services;</li> <li>• 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;</li> <li>• Voice a complaint regarding treatment or care, lack of respect for personal property by staff providing services without fear of retaliation;</li> <li>• Be informed orally and in writing of the following: complaint and referral procedures;</li> </ul>	Positive / Silent	All	<p>The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement to requires the following: All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness settings ensure a person's right to privacy, dignity, and respect, and freedom from coercion and restraint. Please see: <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a> 1938.1;1938.2; and <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1934">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1934</a> 1934.48</p> <p>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</p> <p>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,</p>	DDS & DHCF	Completed	Service Coordination monitoring, and provider certification review.

		the telephone number of the DDS customer complaint line		<p>and information about how to relocate and request new housing.</p> <p>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.</p> <p>Please see:  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1920">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1920</a>  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1922">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1922</a></p>			
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b. The setting optimizes individual initiative, autonomy, and independence in making life choices	All	Regulations did not specifically require this.	Silent	All	<p>The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement to requires the following:  All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness settings must:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• support the person’s community integration and inclusion, including relationship-building and maintenance, support for self-determination and self-advocacy;</li> <li>• provide information on individual rights;</li> </ul> <p>Please see:  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a>  1938.1;1938.2; and  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1934">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1934</a>  1934.48</p> <p>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.</p> <p>Updated the <u>Day Habilitation</u> regulations as follows:</p> <p>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:</p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.
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c. The setting facilitates individual choice regarding services and supports, and who provides them	All	Regulations did not specifically require this.	Silent	All	<p>The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) to requires the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment 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.</p> <p>Please see:  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a></p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.
d. The setting provides opportunities to seek employment and work in	All	Regulations did not specifically require this.	Silent	All	<p>The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) to require the following:</p>	DDS & DHCF	Completed	Service coordination monitoring, and

<p>competitive integrated settings, engage in community life, and control personal resources.</p>				<p>All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment 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.</p> <p>All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness settings 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.</p> <p>Please see:  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a></p> <p>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.</p> <p>Please see:  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1907">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1907</a></p> <p>Updated the <u>Day Habilitation</u> 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>) as follows:</p> <p>Updated the description of Day Habilitation services in the regulations as follows: Day habilitation services are aimed at developing meaningful adult</p>		<p>provider certification review.</p>
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				<p>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.</p> <p>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. . .</p> <p>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.</p> <p>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.</p> <p>Updated <u>Employment Readiness</u> regulations (<a href="http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1922">http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1922</a>) as follows: To specify that employment readiness services shall support a person on their pathway to competitive, integrated employment.</p> <p>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.</p> <p>Require that Employment Readiness services include employment exploration and/ or preparation in the community.</p>			
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					<p>Require the development of a Positive Personal Profile and Job Search and Community Participate Plan shall be developed within 30 days of the start of services.</p> <p>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.</p> <p>Updated <u>Residential Habilitation</u> regulations () 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. Please see: <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1929">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1929</a></p> <p>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.</p> <p>Updated <u>Supported Living</u> regulations () as follows:  Revised service description to include support for a person to integrate in to the community.</p>			
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e. The setting is integrated and supports access to the greater community	ALL	Regulations did not specifically require this.	Silent	All	<p>The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) requires the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness settings: be integrated in the community and support access to the greater community; and allow full access to the greater community.</p> <p>Please see:  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a>  Updated <u>Day Habilitation</u> regulations  (<a href="http://www.dcregs.dc.gov/Gateway/RuleHome.asp">http://www.dcregs.dc.gov/Gateway/RuleHome.asp</a></p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.



					<p>x?RuleNumber=29-1920) = 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.</p> <p>Updated <u>Employment Readiness</u> regulations (<a href="http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1922">http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1922</a>) to require: 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.</p> <p>Updated <u>Supported Living</u> regulations (<a href="http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1934">http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1934</a>) service description as follows: Supported living services are provided to persons enrolled in the Waiver. . . and who require assistance with the development of social and adaptive skills that are necessary to enable the person to reside in the community and successfully participate in community activities based upon what is important to and for the person as documented in his or her Individualized Support Plan (ISP) and reflected in his or her Person-Centered Thinking and Discovery tools.</p>			
f. The setting provides opportunities to engage in community life	All	Regulations did not specifically require this.	Silent	All	<p>The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) to requires the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness settings must provide opportunities for the person to engage in community life, as evidenced in part by people being able to shop, attend religious services, schedule appointments, have lunch with friends and family, etc. in the community, as they choose.</p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.

				<p>Please see:  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a></p> <p>Updated the <u>Day Habilitation</u> 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>) as follows:</p> <p>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.</p> <p>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.</p> <p>Require that quarterly reports shall include a description of the person’s activities, in the community, that support community integration and inclusion.</p> <p>Updated the <u>Employment Readiness</u> regulations as follows:  Revised the description of services to include employment exploration and/ or preparation in the community; and community-based, integrated,</p>			
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				<p>volunteer experiences that are related to the person’s employment goals.</p> <p>Updated the <u>Residential Habilitation</u> regulations:</p> <p>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 to engage in community life, including but not limited to social, recreational, and religious activities utilizing community resources.</p> <p>Updated <u>Supported Living</u> regulations (<a href="http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1934">http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1934</a>) service description as follows: Supported living services are provided to persons enrolled in the Waiver. . . and who require assistance with the development of social and adaptive skills that are necessary to enable the person to reside in the community and successfully participate in community activities based upon what is important to and for the person as documented in his or her Individualized Support Plan (ISP) and reflected in his or her Person-Centered Thinking and Discovery tools.</p> <p>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:</p> <p>. . . Opportunities to engage in community life, including but not limited to social, recreational, and</p>			
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					religious activities utilizing community resources based on the person's interests, beliefs, culture, and preferences, and building and maintaining relationships.			
g. the setting provides opportunities to control personal resources	ALL	General Provisions regulations did not specifically require this.  Residential Habilitation regulations already require support and skill building for budgeting and financial management.	Silent	All	The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) requires the following:  All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness settings 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.  Added as evidenced in part by people being able to access their funds, when they want and without advanced notice. Please see: <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a>  Updated the <u>Employment Readiness</u> regulations ( <a href="http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1922">http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1922</a> ): 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.	DDS & DHCF	Completed	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	All	Regulations did not specifically require this.	Silent	All	The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) requires the following:  All Supported Living, Supported Living with Transportation, Host Home Without Transportation,	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.

individuals not receiving Medicaid HCBS					Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness settings must Provide opportunities to receive services in the community to the same degree of access as individuals not receiving Medicaid HCBS, as evidenced in part by people using community resources, such as parks, recreational centers, community health clinics, Please see: <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a>			
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	The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) to requires the following:  All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness settings must be chosen by the person from HCBS settings options including non-disability settings. This includes, but is not limited to, ensuring that: (1) People select their home and know that they have protections against eviction; (2) People choose their roommates and know how to request a roommate change; and (3) People who have a roommate are offered the choice of available residential settings with a private bedroom, if they have the ability to pay.  Please see: <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a>	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	Regulations did not specifically require this.	Silent	All	The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) to requires the following:  All Supported Living, Supported Living with Transportation, Host Home Without Transportation, and Residential Habilitation settings must be leased in the names of the people who are being supported	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.

	and Host Homes  (N/A to day settings)				and ensure that each person has a legally enforceable residency agreement or other written agreement that, at minimum, provides the same responsibilities and protections from eviction that tenants have under relevant landlord/tenant law. This applies to leased and provider owned properties. Please see: <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a>			
k. 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	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes  (N/A to day settings)	Regulations did not specifically require this.	Silent	All	The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement to requires the following:  All Supported Living, Supported Living with Transportation, Host Home Without Transportation, and Residential Habilitation must be leased in the names of the people who are being supported and ensure that each person has a legally enforceable residency agreement or other written agreement that, at minimum, provides the same responsibilities and protections from eviction that tenants have under relevant landlord/tenant law. This applies to leased and provider owned properties.  Please see: <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.
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.	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes  (N/A to day settings)	Regulations did not specifically require this.	Silent	All	The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement to requires the following:  All Supported Living, Supported Living with Transportation, Host Home Without Transportation, and Residential Habilitation must be leased in the names of the people who are being supported and ensure that each person has a legally enforceable residency agreement or other written agreement that, at minimum, provides the same responsibilities and protections from eviction that tenants have under relevant landlord/tenant law. This applies to leased and provider owned properties.	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.
m. If provider-owned or controlled, the setting provides that each individual has privacy in	All	Regulations did not specifically require this.	Silent	All	The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement to requires the following:	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.

their sleeping or living unit.					<p>All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness settings must:</p> <p>Ensure people’s right to privacy, dignity, and respect, and freedom from coercion and restraint. This includes, but is not limited to, ensuring that:</p> <p>People are provided personal care assistance in private, as appropriate;</p> <p>People’s health and other personal information (e.g., mealtime protocols, therapy schedules) are kept private;</p> <p>Staff do not talk about people’s private information in front of other people who do not have a right and/or need to know</p> <p>Please see:  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1920">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1920</a>  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1922">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1922</a></p>			
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	<p>The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) requires the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home Without Transportation, 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. This is evidenced in</p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.

					<p>part by staff knocking and receiving permission prior to entering a person's living space</p> <p>All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment 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. Please see:  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a></p>			
o. If provider-owned or controlled, the setting provides individuals who are sharing units a choice of roommates.	<p>Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes</p> <p>(N/A to day settings)</p>	Regulations did not specifically require this.	Silent	All	<p>The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) requires the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness settings must be chosen by the person from HCBS settings options including non-disability settings. This includes, but is not limited to, ensuring that: (1) People select their home and know that they have protections against eviction; (2) People choose their roommates and know how to request a roommate change; and (3) People who have a roommate are offered the choice of available residential settings with a private bedroom, if they have the ability to pay.</p> <p>Please see:  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a></p>	DDS & DHCF	Completed	DDA Residential Referral Committee
p. If provider-owned or controlled, the setting provides individuals with	Supported Living, Supported	Regulations did not specifically require this.	Silent	All	<p>The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) requires the following:</p>	DDS & DHCF	Completed	Service coordination monitoring, and



the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.	Living with Transportation, Residential Habilitation and Host Homes  (N/A to day settings)				All Supported Living, Supported Living with Transportation, Host Home Without Transportation, 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.  Please see: <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a>			provider certification review.
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.	Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes	Regulations did not specifically require this.	Silent	All	The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) requires the following:  All Supported Living, Supported Living with Transportation, Host Home Without Transportation, and Residential Habilitation 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 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, , as evidenced in part by:  Each person has meals at the time and place of his or her choosing;  People can request an alternative meal, if desired; and  Snacks are available and accessible at any time unless there is documentation of a medical condition that requires restrictions.  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	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.

					<p>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.</p> <p>Please see:  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a></p> <p>Updated <u>Day Habilitation</u> 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>) 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.</p> <p>Updated <u>Employment Readiness</u> regulations (<a href="http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1922">http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=29-1922</a>) to require:  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.</p>			
r. If provider-owned or controlled, the setting allows individuals to have visitors at any time.	All	Regulations did not specifically require this.	Silent	All	<p>The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement to require the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment,</p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.

					<p>Small Group Supported Employment and Employment Readiness settings must allow visitors at any time, within the limits of the lease or other residency agreement, unless there is a specific assessed need that is justified in the person's Individualized Support Plan.</p> <p>Please see:  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a></p>			
s. If provider-owned or controlled, the setting is physically accessible to the individual.	All	Regulations did not specifically require this.	Silent	All	<p>The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) requires the following:</p> <p>All Supported Living, Supported Living with Transportation, Host Home Without Transportation, Residential Habilitation, Day Habilitation, Small Group Day Habilitation, Individualized Day Supports, Companion, Supported Employment, Small Group Supported Employment and Employment Readiness settings must be physically accessible to the person and allow the person access to all common areas.</p> <p>For residential settings, this includes, but is not limited to, ensuring that:</p> <p>People have full access to the kitchen, dining area, living room, laundry, and all other common areas of their home; and</p> <p>The home is fully accessible to meet the needs of the people living there, including all common areas and supports as needed, such as grab bars and ramps.</p> <p>Please see:  <a href="https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938">https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938</a></p>	DDS & DHCF	Completed	Service coordination monitoring, and provider certification review.