<table>
<thead>
<tr>
<th>Section of the Rule</th>
<th>Type of Setting</th>
<th>Issue</th>
<th>Oppose/Silent/Positive</th>
<th># of sites</th>
<th>Remedial Strategy</th>
<th>Lead Agency</th>
<th>Target Date</th>
<th>Ongoing Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) The setting ensures an individual’s rights of privacy, dignity, respect, and freedom from coercion and restraint</td>
<td>All</td>
<td>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: Each Waiver provider shall develop and adhere to policies which ensure that each person receiving services has the right to the following:</td>
<td>Positive/Silent</td>
<td>All</td>
<td>The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement to require 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</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>the telephone number of the DDS customer complaint line</td>
<td>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. 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></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| b. The setting optimizes individual initiative, autonomy, and independence in making life choices | All | Regulations did not specifically require this. | Silent | All | The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement to require 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:  
- 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;  

Please see:  
https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938 1938.1;1938.2; and  
https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1934 1934.48  
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: | DDS & DHCF | Completed | Service coordination monitoring, and provider certification review.
Please see: https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1920

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.

Please see: https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1922

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

| All | Regulations did not specifically require this. | Silent | All | The final rulemaking for 29 DCMR § 1938 (Home and Community Based Setting Requirement to require 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: 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.

d. The setting provides opportunities to seek employment and work in

| All | Regulations did not specifically require this. | Silent | All | The final rulemaking for 29 DCMR § 1938 (Home and Community Based Setting Requirement to require 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: 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.
Please see: https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938 | DDS & DHCF | Completed | Service coordination monitoring, and
| competitive integrated settings, engage in community life, and control personal resources. | 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. 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. Please see: https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938 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. Please see: https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1907 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 provider certification review. |
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:

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 Participate 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 (a) 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: https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1929

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 (a) as follows:
Revised service description to include support for a person to integrate in to the community.
Please see: https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1934

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.

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

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

Updated Day Habilitation regulations ((http://www.dcregs.dc.gov/Gateway/RuleHome.asp

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

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

f. The setting provides opportunities to engage in community life

| All | Regulations did not specifically require this. | Silent | All | The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement) to require 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 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.

DDS & DHCF | Completed | Service coordination monitoring, and provider certification review.
Please see:
https://www.dcregs.dc.gov/Common/DCMR/Sectio
nList.aspx?SectionNumber=29-1938

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

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.

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

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: . . . Opportunities to engage in community life, including but not limited to social, recreational, and
| 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 to require 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: https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938
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 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 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: https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938
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. |
| 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: https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938 | 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, 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.

| --- | --- | --- | --- | --- | --- | --- |
| 1. 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 | 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 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: https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938 | Silent | All | DDS & DHCF | Completed | Service coordination monitoring, and provider certification review. |
| 2. 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 | 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: https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938

<p>| 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 &amp; 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. 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 &amp; 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: 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 &amp; DHCF  | Completed | Service coordination monitoring, and provider certification review. |</p>
<table>
<thead>
<tr>
<th>their sleeping or living unit.</th>
<th>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:</th>
<th>Ensure people’s right to privacy, dignity, and respect, and freedom from coercion and restraint. This includes, but is not limited to, ensuring that: People are provided personal care assistance in private, as appropriate; People’s health and other personal information (e.g., mealtime protocols, therapy schedules) are kept private; 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 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></th>
</tr>
</thead>
<tbody>
<tr>
<td>n. If provider-owned or controlled, the setting provides units with lockable entrance doors, with appropriate staff having keys to doors as needed</td>
<td>All</td>
<td>The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement to require the following: 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 DDS &amp; DHCF Completed Service coordination monitoring, and provider certification review.</td>
</tr>
<tr>
<td></td>
<td>Regulations did not specifically require this.</td>
<td>Silent</td>
</tr>
</tbody>
</table>
part by staff knocking and receiving permission prior to entering a person’s living space

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

| o. If provider-owned or controlled, the setting provides individuals who are sharing units a choice of roommates. | 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 require) 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: https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionNumber=29-1938 |

 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 | The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement to require) requires the following: |

 DDS & DHCF | Completed | Service coordination monitoring, and |
<table>
<thead>
<tr>
<th>Setting</th>
<th>Requirement</th>
<th>Provider Certification Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Living with Transportation, Residential Habilitation and Host Homes (N/A to day settings)</td>
<td>The freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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></td>
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</tr>
<tr>
<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>The final rulemaking for 29 DCMR § 1938 (Home and Community Based Setting Requirement to requires the following:</td>
<td>DDS &amp; DHCF Completed Service coordination monitoring, and provider certification review.</td>
</tr>
<tr>
<td>Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes</td>
<td>The final rulemaking for 29 DCMR § 1938 (Home and Community Based Setting Requirement to requires the following:</td>
<td></td>
</tr>
<tr>
<td>Silent</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Supported Living, Supported Living with Transportation, Residential Habilitation and Host Homes</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Regulations did not specifically require this.</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>All</td>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>
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.

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

Updated Day Habilitation regulations (http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=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.

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

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 | The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement to require 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, | DDS & DHCF | Completed | Service coordination monitoring, and provider certification review. |
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.

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

| s. If provider-owned or controlled, the setting is physically accessible to the individual. | All | Regulations did not specifically require this. | Silent | All | The final rulemaking for 29 DCMR§ 1938 (Home and Community Based Setting Requirement to require 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 physically accessible to the person and allow the person access to all common areas.

For residential settings, this includes, but is not limited to, ensuring that:

People have full access to the kitchen, dining area, living room, laundry, and all other common areas of their home; and

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.