

**Family Training
Home & Community
Based Services -
FINAL RULE**



Today's Presenters:

- Carolanne Forge works for Toolworks, a nonprofit agency that has been providing services to individuals with disabilities for nearly 50 years. Carolanne has over 20 years of experience in this field and is the Project Director for Toolworks HCBS contract with RCEB.
- Donna Feingold is a consultant with over 40 years of experience working with individuals with disabilities and started her own company, Finding Golden Solutions, nearly 3 years ago. Donna has been partnering with Toolworks on their HCBS project.



Today's Agenda:

- What is the Final Rule and Why it is Important to You
- History of the Final Rule
- Review of the 10 Rules and how they apply to residential and non-residential programs
- Additional Resources
- Q and A

Why is This Important to You and Your Family Member

To enhance the quality of services:

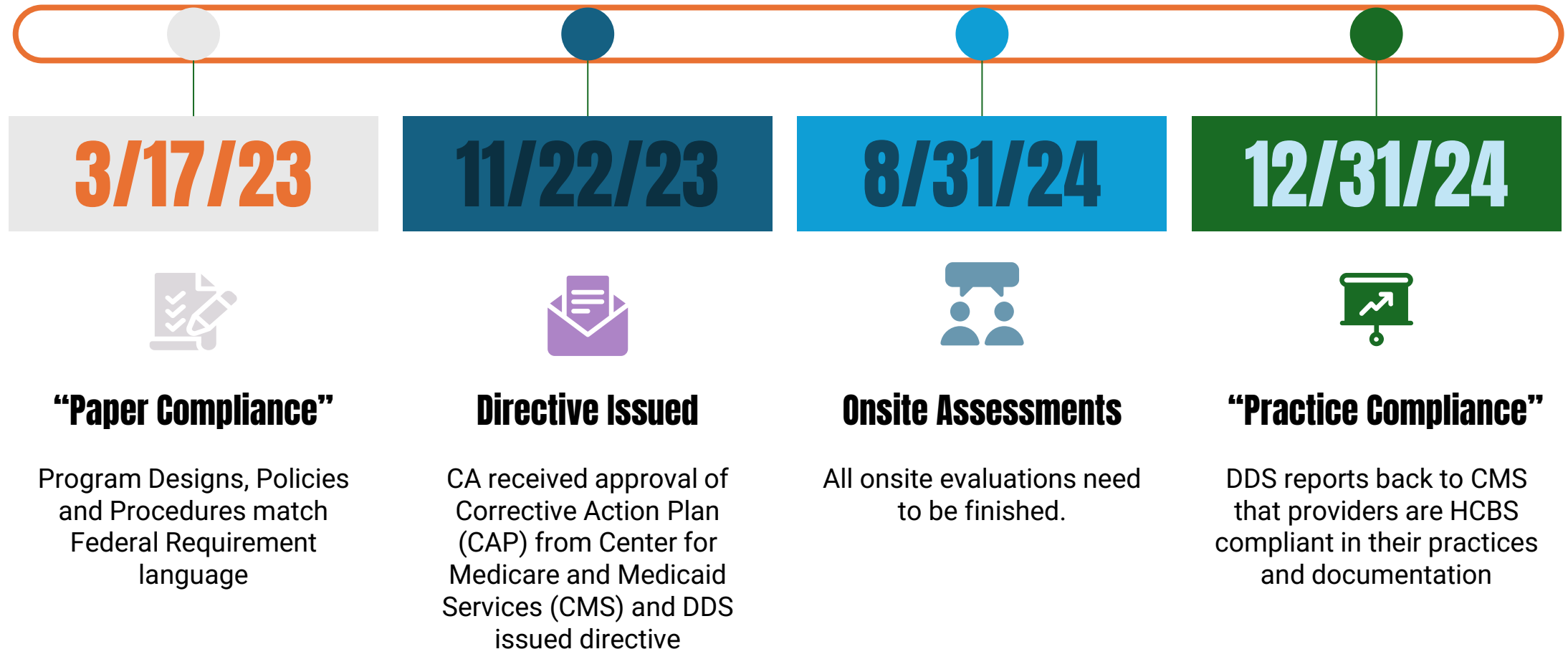
- Gives individuals and their families a voice in the services they receive
- Enhances quality of life for individuals with I/DD
- Provides full access to the community
- Ensuring individuals can work and spend time with other people in their community who do not have disabilities
- Supporting individual preferences and rights are protected
- Ensures person-centered planning and services

In 1999 the Supreme Court ruled on Olmstead v. L.C.

The Olmstead ruling found that unjustified institutionalization of individuals with disabilities by a public entity is a form of discrimination under ADA of 1990

- As a result, states are generally required to provide community-based care to such individuals
- Olmstead had implications for Medicaid as the nation's largest payer of long-term services and supports (LTSS)
- Ongoing litigation in multiple states against state agencies for not implementing the Olmstead ruling caused Medicaid to enact rules for the use of Medicaid funds for Home and Community Based services
- In 2014 CMS finalized the HCBS settings rule to require that states are only able to use federal Medicaid (in CA MediCal) to pay for services that are community based and do not have institutional characteristics

HCBS Timeline





Services Required to be in Compliance:

Residential Services

- Residential Care Facility for the Elderly (RCFE)
- Adult Residential Facilities for Persons with Special Health Care Needs (ARFPSHN)
- Family Home Agency (FHA)
- Adult Residential Facility (ARF)
- Children's Residential Facility

Employment Services

- Supported Employment Program (Group Services)
- Work Activity Program

Day Type Services

- Socialization Training Program
 - Community Integration Training Program
 - Community Activities Support Services
 - Participant-Directed Community-Based Training Service for Adults
 - Activity Center
 - Adult Development Center
 - Behavior Management Program
 - Adult Day Care Facility
-

A photograph of a paved road with double yellow lines, curving through a dense forest of tall, thin trees. The road is flanked by patches of snow. Overlaid on the image are three white rectangular boxes containing text. The top box has the words 'THINK BIG.' in a large, hand-drawn, black-outlined font. The middle box has the words 'START SMALL.' in a simple, black, sans-serif font. The bottom box has the words 'Keep moving...' in a black, cursive script font.

THINK BIG.

START SMALL.

Keep moving...

- Next, we will look each rule...

HCBS Final Rule Requirements for Residential and Nonresidential Settings:

1. The setting is integrated in and supports full access to the greater community to the same degree of access as individuals without disabilities.
2. The setting/program is selected by the individual from among setting options including non-disability specific settings, based on the individual's need and preferences.
3. The setting ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.
4. The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to daily activities, physical environment and with whom to interact.
5. The Program facilitates individual choice regarding services and supports, and who provides them.

Rules for provider-owned or controlled residential settings:

6. The program provides individuals with a residential agreement that provides protections under landlord & tenant laws.
7. Each individual has privacy in his/her sleeping or living unit, choice of a roommate if sharing a unit, and the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.
8. Individuals have the freedom and support to control their own schedules and activities and have access to food at any time.
9. Individuals are able to have visitors of their choosing at any time.
10. The setting is physically accessible to the individual.

Next, we look
at the rights
that these
rules provide
your family
member...



HCBS Rights for those receiving services:

- Have a right to a person-centered IPP and ISP
- The settings (day programs/residential options) must give people full access to the community
- Persons served have the right to seek employment and work in competitive (minimum wage or greater), integrated settings
- Control their own money and resources
- Choose their services from a variety of options

HCBS Rights for those receiving services:

- Have privacy, dignity and respect and freedom from coercion and restraint
- Independence in making their own choices about their lives including but NOT limited to the things they do each day, where they spend their time and who they spend time with
- Choice about who provides their services and supports
- If they have mobility needs the setting must be easy for them to move around in as independently as possible

In a licensed residential setting individuals served have additional rights including:

- A legal agreement that protects them to the same degree as a lease, at RCEB this is generally the admissions agreement
- Privacy in the room they sleep in and the right to have a lock on their bedroom door that only appropriate staff have keys to
- Have freedom and support from staff to decide on their own schedule and choice in the things they do

In a licensed residential setting individuals served have additional rights including:

- Be able to decorate and choose furniture for their bedroom
- A choice in roommate if they share a room
- Have access to food at any time
- Have visitors at any time

Where can I find more information?

Check out the RCEB website: <https://www.rceb.org/providers/hcbs-final-rule/>

To ask a question, make a comment, or get more information about the HCBS Final Rule, email: hcbs@rceb.org

For more detailed information on the HCBS Final Rule and California's Statewide Transition Plan, please visit: <http://www.dds.ca.gov/initiatives/cms-hcbs-regulations>

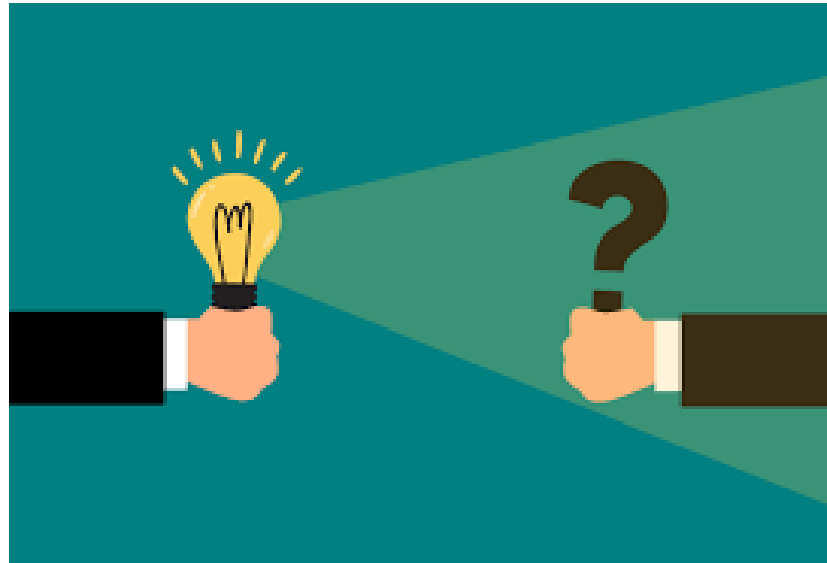
CA HCBS Statewide Transition Plan:

<http://www.dhcs.ca.gov/services/ltc/Pages/HCBSStatewideTransitionPlan.aspx>

Center for Medicare and Medicaid Services:

<https://www.medicare.gov/medicaid/hcbs/index.html>

QUESTIONS



thank you!

Carolanne Forge
HCBS Project Director
Toolworks
cforge@toolworks.org

Donna Feingold
Finding Golden Solutions
donna@findinggoldensolutions.com