

State of Montana Home and Community Based Services Settings Transition Plan

Section 1: Public Comment on <u>Statewide</u> Transition Plan (STP)		
Action Item	Description	Proposed Start Date
Provider/stakeholder letter of introduction	DPHHS sends informational overview with a cover letter.	09/03/14
Draft STP available on website	DPHHS has DRAFT on website.	09/30/14
Schedule a public meeting and webinar for STP	DPHHS schedules public meeting on October 28, 2014, 9:00 a.m. to noon, at the DPHHS Auditorium, 111 N. Sanders Street, Helena. Participation possible in person or by webinar.	9/3/2014
Tribal Consultation letter and Public notice sent to interested parties	DPHHS drafts the tribal consultation letter and the public notice with the information about the website and stakeholder public meeting.	09/03/14
Put a comment section on the-STP website for stakeholders to submit comments electronically	DPHHS places a comment section on the website that can be collected and analyzed; works on text for the comment section.	08/31/14
Public comment period for 30 days		10/10/14
Review public comments	DPHHS develops responses to the public comments and post on the website. Updates provided to CMS as needed.	11/11/14
Submit Final STP to CMS		
Public comment period for 30 days	DPHHS incorporates initial CMS feedback on the STP, modifying the STP to provide more comprehensive details and specificity in Montana's process for compliance.	08/03/16

CMS=Centers for Medicare & Medicaid

DPHHS=Department of Public Health & Human Services

HCBS=Home & Community Based Services

To continue to receive federal Medicaid funds for HCBS waiver services, Montana must comply with the “settings” requirements made effective by CMS regulatory period in which to come into compliance with these regulations, which is 3/17/2019. This draft document is Montana’s plan of how it will come into compliance.

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Proposed End Date	Milestone Status	Remedial Actions
10/01/14	10/01/14	N/A
10/08/14	10/08/14	N/A
10/28/14	10/28/14	N/A
9/29/2014, mail letter by 10/6/14; publish in newspapers by 10/10/14	letter mailed 10/6/14; notice published in newspapers on 10/10/14	N/A
10/08/14	10/08/14	N/A
due 11/10/2014	11/10/14	N/A
12/03/14	12/03/14	N/A
12/12/14	12/12/14	N/A
09/02/16	09/02/16	N/A

ons on 3/17/2014. CMS has granted a five-year

State of Montana Home and Community Based Services Settings Transition Plan

Section 2: Assessment

Action Item	Description	Proposed Start Date	Proposed End Date	Milestone Status	Remedial Actions
Assessment of settings	DPHHS conducts a preliminary assessment of the existing HCB services for compliance with HCBS characteristics, and assessment submitted with Transition Plan.	06/17/14	12/12/14	12/12/14	N/A
Draft PSA tool	DPHHS drafts a PSA tool to compile baseline information on individual HCBS settings compliance. Updates provided to CMS as needed.	01/12/15	04/30/15	04/30/15	N/A
Draft validation tool for provider assessment	DPHHS drafts a tool to validate the results of the provider assessment, includes onsite assessment and member survey information.	05/01/15	08/03/15	08/03/15	N/A
Draft member survey	DPHHS drafts a member experience survey to compile information on their satisfaction with HCBS setting. Updates provided to CMS as needed.	01/12/15	04/30/15	04/30/15	N/A
Public comment for 30 days on provider self assessment tools and member survey	DPHHS provides opportunity for public comment in order to get feedback and refine assessment tool and member survey.	05/01/15	06/01/15	newspaper notice published 4/24/15; public meeting 5/11/15	N/A
Finalize provider self assessment tools and member survey	DPHHS makes changes as appropriate based on comment and feedback on validation and assessment tools and member survey.	06/01/15	07/01/15	07/01/15	N/A
Send letter to providers with instructions on self-assessment tool and survey	DPHHS sends letter to providers describing the self assessment tool with the website to access the tool online.	07/01/15	07/15/15	07/07/15	N/A
Send letter to members with instructions on completing survey	DPHHS mails letter and survey to members.	07/01/15	07/15/15	07/07/15 through 07/12/15	N/A
Implementation of Provider self assessment current and prospective providers	Providers complete self assessment tool to compile baseline information on individual HCBS settings compliance.	07/15/15	08/21/15 - Provider due date	08/21/15	N/A
Monitor receipt of PSAs and trouble shoot problems	DPHHS program staff review HCBS email folder daily for messages. Follow up is conducted with providers who do not submit.	07/13/15	08/31/15	08/21/15	N/A
Extended PSA deadline	DPHHS staff make calls to providers who have not submitted the PSA by due date.	08/14/15	08/21/15	08/21/15	N/A
Implementation of member survey	Members complete member survey.	07/15/15	08/31/15 - Member due date	08/31/15	N/A

State of Montana Home and Community Based Services Settings Transition Plan

Section 2: Assessment

Action Item	Description	Proposed Start Date	Proposed End Date	Milestone Status	Remedial Actions
SLTC Division Administrator meets with Quality Assurance Division Administrator to discuss Validation Tool, onsite evaluators, and policy	Planning meeting: Licensure Bureau Chief creates the validation tool questions from the tool developed from the PSA survey.	07/27/15	09/25/15	09/25/15	N/A
PSA data evaluated	PSA data are run and duplicates removed. Draft matrix for determining onsite validation is discussed.	08/31/15	09/01/15	09/01/15	N/A
Piloting of Validation tool	DPHHS staff pilot draft validation tool in the field with different types of HCBS settings to include a group home, an assisted living facility (ALF) categories A and C (secure setting).	09/14/15	09/21/15	09/21/15	N/A
Validation tool revised	Feedback from piloting used to update and revise prompts and intent statements in validation tool.	09/22/15	10/16/15	10/16/15	N/A
Public comment for 30 days on validation process	DPHHS provides opportunity for public comment to get feedback and refine validation tool.	10/25/15	11/25/15	11/25/15	N/A
Finalize validation tool	DPHHS makes changes as appropriate based on comment and feedback on validation tool.	11/26/15	12/30/15	12/30/15	N/A
Onsite sample selection	<p>DPHHS analyzes returned provider self-assessment surveys and classifies them according to overall compliance. All HCBS settings are placed into a "Site Visit Matrix." The categories comprising this matrix are: "PSA non-responders" (33 settings); "Settings that are 69% or less compliant" (7 settings); "Settings that are 70-79% compliant" (24 settings); "Settings that are 80-89% compliant" (144 settings); "Settings that are 90-100% compliant" (244 settings); and "Settings that serve children under the age of 18 only" (29 settings).</p> <p>According to these matrix results: 100% of settings in the "PSA Non responders" (33 settings) category receive validation visits. 100% of settings in the "69% or less" (7 settings) category receive validation visits. A random sample comprising 25% of settings in the "70-79%" (6 settings) category receive a validation visit. A random sample comprising 15% of the settings in the "80-89%" (22 settings) category receive a validation visit; and a random sample comprising 10% of the settings in the "90-100%" (24 settings) and "children only" (3 settings) categories receive a validation visit.</p>	09/15/15	11/30/15	11/30/15	N/A
Analysis of PSA	For any setting not selected for an onsite validation, DPHHS reviews the setting's PSA to determine areas of noncompliance with the settings regulations. DPHHS sends a letter to each setting requesting a remediation plan with timelines.	11/01/15	01/09/17		

State of Montana Home and Community Based Services Settings Transition Plan

Section 2: Assessment

Action Item	Description	Proposed Start Date	Proposed End Date	Milestone Status	Remedial Actions
Hire state onsite validator(s)	DPHHS hires modified FTE staff as the onsite validator(s) who will be housed in the agency.	12/01/15	06/06/16	<u>06/06/16</u>	N/A
Train state onsite validator(s)	DPHHS conducts validator(s) training.	06/06/16	09/01/16		
Conduct on site reviews to validate assessments	DPHHS schedules on site reviews of providers to validate compliance.	09/01/16	03/30/17		
Distribute results on DPHHS's onsite review of validation, provider self-assessments and member surveys	DPHHS completes an aggregate report with statewide information and will post it on the HCBS website. Updates provided to CMS as needed.	05/01/17	05/31/17		

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HCBS=Home & Community Based Services

PSA=Provider Self Assessment

SLTC=Senior and Long Term Care

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Section 3: Member Transition Plan

Action Item	Description	Proposed Start Date	Proposed End Date	Milestone Status	Remedial Actions
Identify members who are receiving services from provider/setting that does not meet HCBS setting criteria or those settings that choose to no longer participate in Medicaid program	Based on PSA, site validation, heightened scrutiny and remediation plans, DPHHS determines settings that are either unable to become compliant with settings requirements or who choose not to become compliant and identify members receiving services via those settings.	01/10/17	02/01/17		
Notify member, guardians, case managers, facility support staff and any other identified responsible parties that the setting is not in compliance with HCBS settings requirements and that a transition plan must be developed	DPHHS mails letters to responsible parties and support staff to inform them that the member's current residence is among those that are unable or choosing not to become compliant with HCBS settings requirements and specify that a team will work with impacted members to develop a person centered transition plan to a compliant HCBS setting.	01/10/17	01/01/18		
Develop member transition plan	The support team, including the member, guardian, case manager, current residential staff, and others at the request of the member, develop a person centered transition plan and timeline for transition, including a list of alternative settings that meet HCB settings criteria. Plan may include visiting compliant settings so the member may make a selection of placement. A copy of the final transition plan is provided to the member during a face to face meeting with the support team members.	01/15/17	01/01/18		
Meet with current providers of the setting from which members will be transitioning on transition plan implementation and coordination	Discuss the transition plan, the and role that the provider will play, and areas that they can assist in implementing the transition plan.	01/15/17	01/01/18		
Members are provided information on available settings that meet their person centered plan requirements to make informed choices of alternate settings that are compliant with HCBS requirements	The support teams ensure members have information about which settings are compliant and how to access services and supports (person centered planning). This is accomplished through ongoing meetings with the member and their support team. Site visits may be part of decision making and choice of new setting.	02/01/17	02/01/18		
Support team work with members and newly selected setting support staff to assure that critical services/supports are in place in advance of the individual's transition	Support team have regularly scheduled meetings to discuss the progress and needs for each transition. Team coordinates with new setting staff to meet the needs for each individual being transitioned to a new setting.	02/15/17	09/30/18		
Members are transitioned to HCBS compliant settings and services of their choosing in accordance with their person centered plan	Support teams identify the timeframe for transition of each member to appropriate settings or services in accordance with member approved transition plan. Revised timelines are developed with member involvement if transitions cannot occur as planned.	02/15/17	11/01/18		
Members are given information and provided support to make informed choices of alternate settings that are compliant	DPHHS works with case managers, advocacy groups, and transition teams to ensure members have information about which settings are compliant and how to access services and support (person centered planning). Ongoing meetings with the Member and their transition team will occur.	05/01/17	11/01/18		

State of Montana Home and Community Based Services Settings Transition Plan

Section 3: Member Transition Plan

Action Item	Description	Proposed Start Date	Proposed End Date	Milestone Status	Remedial Actions
DPHHS works with members and supports to assure that critical services/supports are in place in advance of the individuals transition	DPHHS holds regularly scheduled meetings to discuss the progress and needs of transition for each individual.	02/15/17	11/01/18		
Members are transitioned to compliant settings and services of their choosing	Transition teams identify the timeframe for transition to appropriate settings or services.	03/15/17	11/01/18		
Members transitioned to compliant settings complete	All transition plans for members completed	05/01/17	12/31/18		

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State of Montana Home and Community Based Services Settings Transition Plan

Section 4-A: HCBS Applicable Administrative Rules of Montana (ARMs), Policies, and Manuals

All HCBS Waivers and 1915(i) State Plan, Licensed Services	ARMs	Waiver Number
Adult Foster Care	37.34.929 and 37.100.101 through 37.100.175	0208, 0455, 0148
Mental Health Group Home	37.106.1938	0455
Assisted Living Facilities (adult residential, residential habilitation)	37.34.930, 37.40.1435 and 37.106.2801 through 37.106.2898	0208, 0455, 0148
Supported Living	37.34.712 and 37.34.713 and 37.40.1438	0208, 0148
Retirement Homes (Retirement Services in 0208 include group home, community-based residential, or day activity settings)	Building or buildings in which separate living accommodations are rented or leased to individuals who use those accommodations as their primary residence. 37.34.978 and 37.106.2501 through 37.106.2530	0208, 0455
Pre-vocational, Vocational, including Group Employment (community setting, provider site; competitive, customized or self-employment setting; general workforce)	37.34.947, 37.34.950, 37.34.980 through 37.34.986, 37.40.1448, and 37.90.432	0208, 0455, 0148
Post-acute rehabilitation	37.40.1446	0148
Day Habilitation and Day Supports and Activities (day activity setting, community, or both)	37.34.938 and 37.40.1448	0208, 0148
Adult Day Care (licensed adult day care centers)	37.34.974 and 37.40.1445, and 37.106.2601 through 37.106.2621	0208, 0455, 0148
Minimum Standards for all Health Care Facilities	37.106.301 through 37.106.331	0208, 0455, 0148
Therapeutic Group Homes	Children’s Mental Health Bureau Medicaid Services Provider Manual 37.87.1011, 37.87.1013, 37.97.903, 37.97.905 through 37.97.907, 37.87.1313 through 37.87.1315	1915(i) State Plan
Group Homes for Individuals with Intellectual Disabilities	37.34.621 and 37.34.706, and 37.100.301 through 37.100.340,	0208
Group Homes for Individuals with Physical Disabilities	37.100.401 through 37.100.440	0148
Residential Rehabilitation (e.g., group homes, assisted living facilities, foster care, apartments, natural homes)	37.34.972 and 37.100.101 through 37.100.175, 37.100.301 through 37.100.340, 37.100.401 through 37.100.440, 37.106.1938, and 37.106.2801 through 37.106.2898	0208, 0455, 0148

State of Montana Home and Community Based Services Settings Transition Plan

Section 4-A: HCBS Applicable Administrative Rules of Montana (ARMs), Policies, and Manuals

All HCBS Waivers and 1915(i) State Plan, Licensed Services	ARMs	Waiver Number
0208 Comprehensive Home and Community Based Waiver for Individuals with Developmental Disabilities	37.34.109, 37.34.701, 37.34.901 through 37.34.989	0208
	37.34.1101 through 37.34.1119 which govern the plan of care	
	37.34.1401 through 37.34.1428 which govern positive behavior support	
	37.34.1501 through 37.34.1513 which govern incident reporting and handling	
0667 Children's Autism Waiver	37.34.1901 through 37.34.1965	0667
A renewal application for the Children's Autism Waiver was submitted to CMS on 9/29/2016. The DDP is proposing to phase-out the waiver over the next 3 years. Services include Children's Autism Training, Respite, Waiver Funded Children's Case Management, Adaptive Equipment/Environmental Modification, Transportation, Individual Goods and Services, and Program Design and Monitoring. These services are provided to children under the age of 8 who reside in a family home. A majority of services are delivered in the home. Other settings where services may occur include childcare centers, pre-schools, community centers, churches, playgrounds, and other community settings. Specific settings where services are delivered must be noted in the Individualized Family Service Plan (IFSP) including preferences and choices in activities and their settings.	37.34.1101 through 37.34.1119 which govern the plan of care	
	37.34.1401 through 37.34.1428 which govern positive behavior support	
	37.34.1501 through 37.34.1513 which govern incident reporting and handling	
0455 Home and Community Based Waiver Program for Adults with Severe Disabling Mental Illness	37.90.41 through 37.40.461 govern 0455 Home and Community Based Services	0455
0148 Montana Big Sky	37.40.1401 through 37.40.1488 govern 0148 Home and Community-Based Services	0148
1915(i) State Plan	37.87.1313 through 37.87.1315 govern the 1915(i) HCB Services State Plan Program for Youth with Serious Emotional Disturbance	1915(i) State Plan

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1	State of Montana Home and Community Based Services Settings Transition Plan		
2	Section 4-B: Administrative Rules of Montana Crosswalk with Federal Regulations (<u>Federal Regulations are su</u>)		
3		State Standards (State law, 1915c Waivers, State Administrative Rules) http://www.mtrules.org/ *(hyperlinks to all administrative rules and manuals are located at the bottom of this document)	The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community (42 C.F.R § 441.301(c)(4)(i))
4	Residential Habilitation	37.34.972	DDP: 37.34.972 partially aligns/complies with the regulation (describes services that support persons to reside successfully in home and community-based settings).

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3		State Standards (State law, 1915c Waivers, State Administrative Rules) http://www.mtrules.org/ *(hyperlinks to all administrative rules and manuals are located at the bottom of this document)	The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community (42 C.F.R § 441.301(c)(4)(i))
5	Supported Living	37.34.712 and 37.34.713 and 37.40.1438	DDP: 37.34.712 aligns/complies with the regulation. (Supported living services identify, provide, and coordinate necessary supports to maintain individuals in communities of their choice and create opportunities to have valued residential, vocational, and social opportunities; reside in neighborhood housing. Coordination of services and resources is based on individual needs, as determined by the IP team. Facilitation of personal choice, opportunities and supports, provide or encourage participation in a variety of integrated community activities, discuss and plan with team health and safety issues including risk assessment, emergency backup support, teach the individual and caregivers to independently locate and establish contact with agencies who can assist them in securing the services they require). 37.34.713 is not applicable in that it describes safety requirements. SLTC: 37.40.1438 is silent as it does not contain a requirement for integration and support. The rule requires editing..

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3		State Standards (State law, 1915c Waivers, State Administrative Rules) http://www.mtrules.org/ *(hyperlinks to all administrative rules and manuals are located at the bottom of this document)	The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community (42 C.F.R § 441.301(c)(4)(i))
6	Pre-Vocational, Vocational, including Group Employment	37.34.947, 37.34.950, 37.34.980 through 37.34.986, 37.40.1448, and 37.90.432	<p>DDP: 37.34.947 (individual assistance to identify supports and develop employment goals and a career profile or career plan for achieving integrated employment, must be provided in a community setting); DDP 37.34.950 (intended to teach the skills necessary to succeed in a paid competitive, customized, or self-employment setting); and</p> <p>DDP 37.34.980 through 37.34.986 (services and supports that enable a person to stabilize or expand employment in a competitive, customized, or self-employment setting, within the general workforce that meets the person's personal and career goals, as documented in the plan of care, general workforce, promotes integration in the workplace and integration between people with and without disabilities in those workplaces) partially comply with the regulation and need to be amended to address this regulation.</p> <p>SLTC: 37.40.1448 is in compliance as the rule includes "...skills necessary to reside successfully at home and in the community."</p> <p>AMDD: 37.90.432 will need to be amended to include language in 42 C.F.R 441.301(c)(4)(i).</p>

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2	Section 4-B: Administrative Rules of Montana Crosswalk with Federal Regulations (Federal Regulations are su)		
3		State Standards (State law, 1915c Waivers, State Administrative Rules) http://www.mtrules.org/ *(hyperlinks to all administrative rules and manuals are located at the bottom of this document)	The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community (42 C.F.R § 441.301(c)(4)(i))
7	Adult Day Care	37.34.974, 37.34.1101 through 37.34.1119 and SLTC/AMDD: 37.40.1445	DDP: 37.34.974 is silent and needs to be amended to address this regulation. SLTC/AMDD 37.40.1445 is silent and will be amended to include this regulation.

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3		State Standards (State law, 1915c Waivers, State Administrative Rules) http://www.mtrules.org/ *(hyperlinks to all administrative rules and manuals are located at the bottom of this document)	The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community (42 C.F.R § 441.301(c)(4)(i))
8	Assisted Care Living Facilities	DDP: 37.34.930, SLTC: 37.40.1435 AMDD: 37.90.412 and 37.90.428	DDP: 37.34.930 is silent and needs to be amended to address this regulation. SLTC: 37.40.1435 is silent and will need to be amended to align/comply with this requirement. AMDD: 37.90.428 is silent and will need to be amended to align/comply to address this regulation.

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9	Adult Foster Care	DDP: 37.34.929 37.90.428 AMDD:	DDP: 37.34.929 is silent and needs to be amended to address this regulation . AMDD: 37.90.428 is silent and will need to reference licensing rules for Adult Foster Care 37.100.101 to amend to align/comply to address this regulation. *
10	Mental Health Group Home	AMDD: 37.88.901 Mental Health Group Homes are governed by the licensing rules. 37.88.901 will be amended across all subheadings to include reference to compliance with amended licensing rules for group homes.	AMDD: 37.88.901 will be amended to include reference to licensing rules. *

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11	Retirement Homes (Retirement Services in 0208 include group home, community-based residential, or day activity settings)	DDP: 37.34.978 Building or buildings in which separate living accommodations are rented or leased to individuals who use those accommodations as their primary residence.	DDP: 37.34.978 partially complies and needs to be amended to address the regulation (furnished in a way which fosters the independence of each person....services are person-centered and person-directed to the maximum extent possible...keep the person engaged in their environment and community).
12	Post-acute Rehabilitation	SLTC: 37.40.1446	SLTC: 37.40.1446 is in compliance; "facilitates integration of consumer into community."
13	Day Habilitation and Day Supports and Activities	DDP: 37.34.938 37.40.1448 SLTC:	DDP: 37.34.938 partially aligns/complies (person-centered...must consist of community inclusion activities) and needs to be amended to address the regulation. SLTC: 37.40.1448 is in compliance: "necessary to reside successfully at home and in the community."

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	Therapeutic Group Homes	Children’s Mental Health Bureau Medicaid Services Provider Manual (CMHB Manual) Administrative Rules 37.87.1011, 37.87.1013, 37.87.1313 through 37.87.1315.	37.87.1011 pertains to all Therapeutic Group Homes that are reimbursed by Medicaid and overseen by the CMHB. It is not specific to those that participate in the 1915i. Therefore it is silent. 37.87.1313 is <u>partially</u> compliant. This rule adopts and incorporates by reference the 1915(i) HCBS State Plan Program for Youth with Serious Emotional Disturbance Policy Manual, which defines regulatory requirements for the program. The CMHB Manual pertains to all services that are overseen by the CMHB and is not specific to the 1915i. Therefore, this regulation is not applicable. The 1915i has it's own manual which defines regulatory requirements. 37.87.1013 and 37.87.1314 are rules that pertain to Medicaid reimbursement and therefore this regulation is not applicable. 37.87.1315 outlines the procedures for Fair Hearing. Therefore this regulation is not applicable.

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15	Group Homes for Individuals with Intellectual Disabilities	DDP: 37.34.621 37.34.701 , and 37.34.706	37.34.621 (primary goal of children's community home services is to increase the independence of children with disabilities, especially in the areas of self-help, socialization, and community interaction...objectives set by each child's individual planning...opportunities for a variety of integrated community activities must be provided unless otherwise specified by the IP team); 37.34.701 (IP objectives are designed to address areas in an individual's life where assistance is needed based on the assessments and desires of the individual. These areas may include living arrangements, work and day options, transportation, recreation and leisure, citizenship, relationships, and life management...enhance independence and interdependence with others in the community, expand options for participation and contribution to society...reside, work and play in safe, healthy integrated environments..individual will have an increasing amount of control and choice in these services...opportunity for a good life with accompanying rights...location of activities and the interaction with other persons will be as integrated as possible in the community); and 37.34.706 (variety of integrated community activities...variety of leisure activities) align/comply with the regulation. This rule will be compliant because community home contractors are required by MCA 53-20-305 to meet the state of MT Licensing requirements for community homes for persons with developmental

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3		State Standards (State law, 1915c Waivers, State Administrative Rules) http://www.mtrules.org/ *(hyperlinks to all administrative rules and manuals are located at the bottom of this document)	The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community (42 C.F.R § 441.301(c)(4)(i))
16	0208 Comprehensive Home and Community Based Waiver for Individuals with Developmental Disabilities	<p>DDP: 37.34.901 through 37.34.989</p> <p>DDP: 37.34.1101 through 37.34.1119 which govern the plan of care</p> <p>DDP: 37.34.1401 through 37.34.1422 which govern positive behavior support</p> <p>DDP: 37.34.1501 which governs incident reporting and handling</p>	<p>37.34.901 through 37.34.989 are either not applicable or were identified for specific services above.</p> <p>37.34.1101 through 37.34.1119 (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment...person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) partially comply.</p> <p>37.34.1114 needs to be amended to address this regulation.</p> <p>37.34.1401 through 37.34.1422 are silent.</p> <p>37.34.1401 needs to be amended to address this regulation.</p> <p>37.34.1501 is silent and needs to be amended to address this regulation.</p>

	A	B	C
1	State of Montana Home and Community Based Services Settings Transition Plan		
2	Section 4-B: Administrative Rules of Montana Crosswalk with Federal Regulations (Federal Regulations are su)		
3		State Standards (State law, 1915c Waivers, State Administrative Rules) http://www.mtrules.org/ *(hyperlinks to all administrative rules and manuals are located at the bottom of this document)	The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community (42 C.F.R § 441.301(c)(4)(i))
17	0667 Children's Autism Waiver	37.34.1901 through 37.34.1965 37.34.1101 through 37.34.1119 which govern the plan of care 37.34.1401 through 37.34.1422 which govern positive behavior support 37.34.1501 which governs incident reporting and handling	0667 Children's Autism Waiver services are provided to children under the age of 8 who reside in a family home. A majority of services are delivered in the home. These private homes are presumed to align/comply with the regulation. All settings where services are delivered must be identified in the Individualized Family Service Plan(IFSP).
18	0455 Home and Community Based Waiver Program for Adults with Severe Disabling Mental Illness	AMDD: 37.90.401 through 37.90.461 govern 0455 Home and Community Based Services	37.90.401 through 425, 37.90.431; and 37.90.436 through 37.90.461 are not applicable. 37.90.428, 37.90.430, and 37.90.431 are silent and need to be amended to address the regulation.

	A	B	C
1	State of Montana Home and Community Based Services Settings Transition Plan		
2	Section 4-B: Administrative Rules of Montana Crosswalk with Federal Regulations (Federal Regulations are su)		
3		State Standards (State law, 1915c Waivers, State Administrative Rules) http://www.mtrules.org/ *(hyperlinks to all administrative rules and manuals are located at the bottom of this document)	The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community (42 C.F.R § 441.301(c)(4)(i))
	0148 Montana Big Sky Elderly and Physically Disabled	SLTC: 37.40.1401 through 37.40.1488 govern 0148 Home and Community-Based Services	<p>SLTC: 37.40.1401 is compliant as it references the federal citation and complies with federal law changes. SLTC: 37.40.1435 (assisted living), 37.40.1437 (residential habilitation), 37.40.1438 (supported living), 37.40.1445 (adult day health), 37.40.1446 (post-acute rehabilitation) and 37.40.1448 (habilitation) are addressed as individual services within this crosswalk.</p> <p>Non-compliant SLTC rule is 37.40.1402 (definitions). Not applicable SLTC rules are 37.40.1406 (services), 37.40.1407(general requirements), 37.40.1408 (enrollment), 37.40.1415(reimbursement), 37.40.1420 (service plans), and 37.40.1421 (costs of service plans); these are all administrative rules.</p> <p>SLTC: 37.40.1422 through 37.40-1431, 37.40.1439 - 37.40.1441 and 37.40-1449-1488 are compliant with these requirements as the service is delivered in either a home/setting or within the community.</p>

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1	State of Montana Home and Community Based Services Settings Transition Plan		
2	Section 4-B: Administrative Rules of Montana Crosswalk with Federal Regulations (Federal Regulations are su)		
3		State Standards (State law, 1915c Waivers, State Administrative Rules) http://www.mtrules.org/ *(hyperlinks to all administrative rules and manuals are located at the bottom of this document)	The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community (42 C.F.R § 441.301(c)(4)(i))
20	1915(i) State Plan	37.87.1313 through 37.87.1315, 1915(i) Home and Community Based Services State Plan Provider Policy Manual (Effective October 1, 2015)	37.87.1313 is compliant, stating that 1915(i) providers must follow all regulations outlined in the 1915(i) Manual which will be amended to specifically define the requirements per the applicable federal regulations. 37.87.1315 pertains to the fair hearing procedures for 1915(i) providers and, therefore, this federal regulation is not applicable. 37.87.1314 pertains to Medicaid reimbursement to the provider so this regulation is not applicable to this rule. The 1915(i) Home and Community Based Services State Plan Provider Policy Manual is silent on this regulation and will need to be amended to state, "All settings must be integrated in and support full access to the greater community."

	A	B	C
1	State of Montana Home and Community Based Services Settings Transition Plan		
2	Section 4-B: Administrative Rules of Montana Crosswalk with Federal Regulations (Federal Regulations are su)		
3		State Standards (State law, 1915c Waivers, State Administrative Rules) http://www.mtrules.org/ *(hyperlinks to all administrative rules and manuals are located at the bottom of this document)	The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community (42 C.F.R § 441.301(c)(4)(i))
21	Licensing requirements * For Licensure Rules which are silent or not compliant, a new rule will be adopted which will state that all Home and Community Based Settings that accept Montana Medicaid must comply with the regulations for Home and Community Based service providers set forth in 42 CFR, 441.301	DDP: 37.100.101 through 37.100.175 and 37.100.301 through 37.100.340 are silent. 37.100.401 through 37.100.440 are silent. CMHB: 37.97.903, 37.97.905 through 37.97.907 are silent. AMDD: 37.100.101 through 37.100.175 are silent. SLTC: 37.106.2501 through 37.106.2530, 37.106.1938, and 37.106.2801 through 37.106.2898, 37.106.2601 through 37.106.2621 are compliant.	DDP: 37.100.101 through 37.100.175 and 37.100.301 through 37.100.340 are silent. SLTC 37.106.2801 is silent. CMHB: 37.97.903, 37.97.905, 37.97.907 are silent. AMDD: 37.100.101 through 37.100.175; 37.106.2801 through 37.106.2898 are silent. 37.100.401 through 37.100.440 are silent
22	DDP=Developmental Disabilities Program, 0208 Comprehensive Home and Community Based Waiver for Individuals with Developmental Disabilities and 0667 Children's Autism Waiver	Title 37, Chapter 34, Subchapter 9 Title 37, Chapter 34, Subchapter 19	

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2	Section 4-B: Administrative Rules of Montana Crosswalk with Federal Regulations (Federal Regulations are su)		
3		State Standards (State law, 1915c Waivers, State Administrative Rules) http://www.mtrules.org/ *(hyperlinks to all administrative rules and manuals are located at the bottom of this document)	The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community (42 C.F.R § 441.301(c)(4)(i))
23	SLTC=Senior and Long Term Care Division 0148 Montana Big Sky Elderly and Physically Disabled	Title 37, Chapter 40, Subchapter 14	
24	AMDD=Addictive & Mental Disorders Division, 0455 Home and Community Based Waiver Program for Adults with Severe Disabling Mental Illness	Title 37, Chapter 90, Subchapter 4	
25	CMHB=Children's Mental Health Bureau		
26	ADMINISTRATIVE RULES HYPERLINKS		
27	Title 37, Chapter 34		
28	Title 37, Chapter 34, Subchapter 1		
29	Title 37, Chapter 34, Subchapter 2		
30	Title 37, Chapter 34, Subchapter 7		
31	Title 37, Chapter 34, Subchapter 9		
32	Title 37, Chapter 34, Subchapter 11		
33	Title 37, Chapter 34, Subchapter 14		
34	Title 37, Chapter 34, Subchapter 15		
35	Title 37, Chapter 34, Subchapter 19		
36	Title 37, Chapter 100, Subchapter 4		
37	Title 37, Chapter 40, subchapter 14		
38	Title 37, Chapter 90, subchapter 4		
39	Title 37, Chapter 106, subchapter 26		
40	Title 37, Chapter 106, subchapter 28		

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1	State of Montana Home and Community Based Services Settings Transition Plan		
2	Section 4-B: Administrative Rules of Montana Crosswalk with Federal Regulations (Federal Regulations are su)		
3		State Standards (State law, 1915c Waivers, State Administrative Rules) http://www.mtrules.org/ *(hyperlinks to all administrative rules and manuals are located at the bottom of this document)	The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community (42 C.F.R § 441.301(c)(4)(i))
41	Title 37, Chapter 106, subchapter 20		
42	Title 37, Chapter 106, subchapter 19		
43	Title 37, Chapter 87, subchapter 10		
44	Title 37, Chapter 87, Subchapter 13		
45	Title 37, Chapter 100, Subchapter 3		
46	Title 37, Chapter 100, subchapter 1		
47	Title 37, Chapter 97, Subchapter 9		
48	HYPERLINKS TO MANUALS		
49	CMHB Medicaid Service Provider Manual		
50	1915(i) State Plan Service Provider Manual		
51	DDP Waiver 5 Freedom of Choice and Consent Form		

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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
4	DDP: 37.34.972 is silent and Waiver 5 Freedom of Choice and Consent Form partially complies (members choose providers of DDP funded services) and needs to be amended to address this regulation.	DDP: 37.34.972 is silent and needs to be amended to address this regulation.	DDP: 37.34.972 partially complies (person's needs and long term goals are identified in the plan of care) and needs to be amended to address this regulation.	DDP: 37.34.972 is silent; Waiver 5 Freedom of Choice and Consent Form aligns/complies with the regulation (Members understand their right to choose waiver services, including self-direction, choose providers of DDP funded services, choose to file a fair hearing request, and choose between waiver services or an ICF/IID.)

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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
5	DDP: 37.34.712 (Supported living services identify, provide, and coordinate necessary supports to maintain individuals in communities of their choice and create opportunities to have valued residential, vocational, and social opportunities) and Waiver 5 Freedom of Choice and Consent Form (members choose providers of DDP funded services) partially comply and need to be amended to address this regulation. 37.34.713 is not applicable in that it describes safety requirements. SLTC: 37.40.1438 is partially compliant as it covers individual residences as well as group living and will need to be amended to comply.	DDP: 37.34.712 is silent and needs to be amended to address this regulation. 37.34.713 is not applicable in that it describes safety requirements. SLTC 37.40.1438 is silent and will be amended to address individual rights.	DDP: 37.34.712 aligns/complies with the regulation (facilitation of personal choice, opportunities and supports). 37.34.713 is not applicable in that it describes safety requirements. SLTC: 37.40.1438 is not compliant-silent with 42 C.F.R § 441.301(c)(4)(iv) as it does not include individual choice, opportunities and supports.	DDP: 37.34.712 (Supported living services identify, provide, and coordinate necessary supports to maintain individuals in communities of their choice and create opportunities to have valued residential, vocational, and social opportunities. Coordination of services and resources is based on individual needs, as determined by the IP team, facilitation of personal choice, opportunities and supports, must have the opportunity to participate in the hiring of direct care staff assigned to work with them) and Waiver 5 Freedom of Choice and Consent Form (members understand their right to choose waiver services, including self-direction, choose providers of DDP funded services, choose to file a fair hearing request, and choose between waiver services or an ICF/IID) align/comply with the regulation. 37.34.713 is not applicable in that it describes safety requirements. SLTC ARM 37.40.1438 is not compliant with this requirement and will be amended to include member choice of services and supports.

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2	<u>mmarized in headings, however all subsections of regulations are included in determination of compliance of state</u>			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
6	DDP: 37.34.947, 37.34.950, and 37.34.980 through 37.34.986 are silent, and Waiver 5 Freedom of Choice and Consent Form (members choose providers of DDP funded services) partially complies and needs to be amended to address this regulation. SLTC: 37.40.1448 is silent and will have to be amended to comply with this regulation. AMDD: 37.90.432 needs to be amended to address this regulation.	DDP: 37.34.947, 37.34.950, and 37.34.980 through 37.34.986 are silent and need to be amended to address this regulation. SLTC: 37.40.1448 is silent and will be amended to address this regulation. AMDD: 37.90.432 is not compliant silent and will be amended to address this regulation.	DDP: 37.34.947, 37.34.950, and 37.34.980 through 37.34.986 are silent and need to be amended to address this regulation SLTC: 37.40.1448 is silent and needs to be amended to comply with this requirement. AMDD: 37.90.432 is silent and will be amended to address this regulation.	DDP: 37.34.947, 37.34.950, and 37.34.980 through 37.34.986 are silent; Waiver 5 Freedom of Choice and Consent Form (members understand their right to choose waiver services, including self-direction, choose providers of DDP funded services, choose to file a fair hearing request, and choose between waiver services or an ICF/IID) meets the regulation. SLTC: 37.40.1448 is not in compliance silent and needs to be amended to include member choice of setting and who provides services and supports. AMDD: 37.90.432 will be amended to reference to individual choice regarding services and supports. This freedom of choice is the foundation of the 0455 Waiver but not addressd in this rule.

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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
7	DDP: 37.34.974 is not applicable as it refers to respite services; and Waiver 5 Freedom of Choice and Consent Form (members choose providers of DDP funded services) partially complies and needs to be amended to address this regulation. AMDD/SLTCD 37.40.1445 private unit in a residential setting is not applicable.	DDP: 37.34.974 is silent and needs to be amended to address this regulation. AMDD/SLTC: 37.40.1445 is silent and needs to be amended to address this regulation.	DDP: 37.34.974 is silent and needs to be amended to address this regulation. AMDD/SLTC: 37.40.1445 is silent and needs to be amended to address this regulation.	DDP: 37.34.972 is silent; Waiver 5 Freedom of Choice and Consent Form aligns/complies with the regulation (members understand their right to choose waiver services, including self-direction, choose providers of DDP funded services, choose to file a fair hearing request, and choose between waiver services or an ICF/IID). AMDD/SLTC: 37.40.1445 The setting is determined based on person centered plan and chosen by the individual. The rule is not applicable.

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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
8	DDP: 37.34.930 is silent, and Waiver 5 Freedom of Choice and Consent Form (members choose providers of DDP funded services) partially complies and needs to be amended to address this regulation. SLTC: 37.40.1435 is in compliance with 42 C.F.R § 441.301(c)(4)(ii). Rule includes need for home-like environment with apartment style living unit, cooking areas, access to food, access to unscheduled activities and resources in the community. "Provide assistance coordinating and arranging for the resident's choice of community pursuits outside the residence and in addition to regular outings provided by the facility. " AMDD: the member chooses the setting and this is documented in the plan of care. AMDD will amend ARM 37.90.428 to reflect compliance with 42 CFR 441.301(c)(4)(ii).	DDP: 37.34.930 is silent and needs to be amended to address this regulation. SLTC: 37.40.1435 is in compliance as rule states, "Provider must report serious occurrences to the department in accordance with serious occurrence policy requirements and policies and practices allow resident risk through family and resident education, risk assessment, and negotiated risk agreement." AMDD: 37.90.428 needs to be amended to address the language of 42 CFR 441.301c(4)(iii).	DDP: 37.34.930 is silent and needs to be amended to address this regulation. SLTC: 37.40.1435 is silent and will be amended to comply. AMDD: 37.90.428 is silent and will need to be amended to address this regulation.	DDP: 37.34.930 is silent <u>and will be amended</u> , and Waiver 5 Freedom of Choice and Consent Form aligns/complies with the regulation (members understand their right to choose waiver services, including self-direction, choose providers of DDP funded services, choose to file a fair hearing request, and choose between waiver services or an ICF/IID). SLTC: 37.40.1435 is silent with 42 C.F.R § 441.301(c)(4)(v) and will need to be amended. AMDD 37.90.428 is silent and will need to be amended to address the language in 42 CFR 441.301c(4)(v).

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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
9	DDP: 37.34.929 is silent, and Waiver 5 Freedom of Choice and Consent Form partially (members choose providers of DDP funded services) complies and needs to be amended to address this regulation. AMDD: the member chooses the setting and this is documented in the plan of care. AMDD will amend ARM 37.90.428 to reflect compliance with regulation reference licensing rules for Adult Foster Care 37.100.101. *	DDP: 37.34.929 is silent and needs to be amended to address this regulation. AMDD: 37.90.428 will be amended to reference licensing rules for Adult Foster Care 37.100.101. *	DDP: 37.34.929 is silent and needs to be amended to address this regulation. AMDD: this is silent under 37.90.428 is silent and will be amended to reference licensing rules for Adult Foster Care 37.100.101 the language of 42 CFR 441.301c(4)(iv). *	DDP: 37.34.929 is silent, and Waiver 5 Freedom of Choice and Consent Form aligns/complies with the regulation (members understand their right to choose waiver services, including self-direction, choose providers of DDP funded services, choose to file a fair hearing request, and choose between waiver services or an ICF/IID). AMDD: 37.90.428 is silent and needs to will be amended to address the language in 42 CFR 441.301c(4)(v).
10	AMDD: 37.88.901 will be amended to include reference to licensing rules. *	AMDD: 37.88.901 is silent and needs to be amended to this regulation will be amended to include reference to licensing rules. *	AMDD: 37.88.901 will be amended to include reference to licensing rules. *	AMDD: 37.88.901 will be amended to include reference to licensing rules. *

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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
11	DDP: 37.34.978 aligns/complies with the regulation (person-centered and person-directed), and Waiver 5 Freedom of Choice and Consent Form (members choose providers of DDP funded services) partially complies and will be amended to address this regulation.	DDP: 37.34.978 is silent and needs to will be amended to address this regulation.	DDP: 37.34.978 aligns/complies with the regulation (person-centered and person-directed).	DDP: 37.34.978 (person-centered and person-directed), and Waiver 5 Freedom of Choice and Consent Form (members understand their right to choose waiver services, including self-direction, choose providers of DDP funded services, choose to file a fair hearing request, and choose between waiver services or an ICF/IID) aligns/complies with the regulation.
12	SLTC: 37.40.1446 is compliant as members' choice is required documentation on the plan of care.	SLTC: 37.40.1446 is silent and will be amended to address this regulation.	SLTC: is not applicable.	SLTC: 37.40.1446 is in compliance with as individuals have a right to choose provider.
13	DDP: 37.34.938 is silent, and Waiver 5 Freedom of Choice and Consent Form (members choose providers of DDP funded services) partially complies and needs to be amended to address this regulation. SLTC: 37.40.1435 is silent with 42 CFR 441.301(c)(4)(ii) will be amended to comply.	DDP: 37.34.938 is silent and needs to be amended to address this regulation. SLTC: 37.40.1448 is silent and will be amended to comply. with 42 CFR 441.301(c)(4)(iii)	DDP: 37.34.938 aligns/complies with the regulation. SLTC: 37.40.1448 is in compliance with 42 C.F.R § 441.301(c)(4)(iv).	DDP: 37.34.938 (person-centered), and Waiver 5 Freedom of Choice and Consent Form (members understand their right to choose waiver services, including self-direction, choose providers of DDP funded services, choose to file a fair hearing request, and choose between waiver services or an ICF/IID) aligns/complies with the regulation. SLTC 37.40.1448 is silent and will be amended to comply.

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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
14	<p>37.87.1011 pertains to all Therapeutic Group Homes that are reimbursed by Medicaid and overseen by the CMHB. It is not specific to those that participate in the 1915i. Therefore it is silent.</p> <p>37.87.1313 is partially compliant. This rule adopts and incorporates by reference the 1915(i) HCBS State Plan Program for Youth with Serious Emotional Disturbance Policy Manual, which defines regulatory requirements for the program. The CMHB Manual pertains to all services that are overseen by the CMHB and is not specific to the 1915i. Therefore, this regulation is not applicable. The 1915i has it's own manual which defines regulatory requirements.</p> <p>37.87.1013 and 37.87.1314 are rules that pertain to Medicaid reimbursement and therefore this regulation is not applicable.</p> <p>37.87.1315 outlines the procedures for Fair Hearing. Therefore this regulation is not applicable.</p>	<p>37.87.1011 pertains to all Therapeutic Group Homes that are reimbursed by Medicaid and overseen by the CMHB. It is not specific to those that participate in the 1915i. Therefore it is silent.</p> <p>37.87.1313 is partially compliant. This rule adopts and incorporates by reference the 1915(i) HCBS State Plan Program for Youth with Serious Emotional Disturbance Policy Manual, which defines regulatory requirements for the program. The CMHB Manual pertains to all services that are overseen by the CMHB and is not specific to the 1915i. Therefore, this regulation is not applicable. The 1915i has it's own manual which defines regulatory requirements.</p> <p>37.87.1013 and 37.87.1314 are rules that pertain to Medicaid reimbursement and therefore this regulation is not applicable.</p> <p>37.87.1315 outlines the procedures for Fair Hearing. Therefore this regulation is not applicable.</p>	<p>37.87.1011 pertains to all Therapeutic Group Homes that are reimbursed by Medicaid and overseen by the CMHB. It is not specific to those that participate in the 1915i. Therefore it is silent.</p> <p>37.87.1313 is partially compliant. This rule adopts and incorporates by reference the 1915(i) HCBS State Plan Program for Youth with Serious Emotional Disturbance Policy Manual, which defines regulatory requirements for the program. The CMHB Manual pertains to all services that are overseen by the CMHB and is not specific to the 1915i. Therefore, this regulation is not applicable. The 1915i has it's own manual which defines regulatory requirements.</p> <p>37.87.1013 and 37.87.1314 are rules that pertain to Medicaid reimbursement and therefore this regulation is not applicable.</p> <p>37.87.1315 outlines the procedures for Fair Hearing. Therefore this regulation is not applicable.</p>	<p>37.87.1011 pertains to all Therapeutic Group Homes that are reimbursed by Medicaid and overseen by the CMHB. It is not specific to those that participate in the 1915i. Therefore it is silent.</p> <p>37.87.1313 is partially compliant. This rule adopts and incorporates by reference the 1915(i) HCBS State Plan Program for Youth with Serious Emotional Disturbance Policy Manual, which defines regulatory requirements for the program. The CMHB Manual pertains to all services that are overseen by the CMHB and is not specific to the 1915i. Therefore, this regulation is not applicable. The 1915i has it's own manual which defines regulatory requirements.</p> <p>37.87.1013 and 37.87.1314 are rules that pertain to Medicaid reimbursement and therefore this regulation is not applicable. 37.87.1315 outlines the procedures for Fair Hearing. Therefore this regulation is not applicable.</p>

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3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
15	37.34.621 and 37.34.706 are silent. 37.34.701 (IP objectives are designed to address areas in an individual's life where assistance is needed based on the assessments and desires of the individual. These areas may include living arrangements, work and day options, transportation, recreation and leisure, citizenship, relationships, and life management...enhance independence and interdependence with others in the community, expand options for participation and contribution to society...reside, work and play in safe, healthy integrated environments..individual will have an increasing amount of control and choice in these services); and Waiver 5 Freedom of Choice and Consent Form (members choose providers of DDP funded services) partially comply and need to be amended to address this regulation.	37.34.621 and 37.34.706 are silent and need to be amended to address this regulation. 37.34.701 partially complies (opportunity for a good life with accompanying rights).	37.34.621, 37.34.701, and 37.34.706 (primary goal of children's community home services is to increase the independence of children with disabilities, especially in the areas of self-help, socialization, and community interaction...objectives set by each child's individual planning...IP objectives are designed to address areas in an individual's life where assistance is needed based on the assessments and desires of the individual. These areas may include living arrangements, work and day options, transportation, recreation and leisure, citizenship, relationships, and life management...enhance independence and interdependence with others in the community, expand options for participation and contribution to society...reside, work and play in safe, healthy integrated environments..individual will have an increasing amount of control and choice in these services) align/comply with the regulation.	37.34.621, 37.34.706, and Waiver 5 Freedom of Choice and Consent Form (members understand their right to choose waiver services, including self-direction, choose providers of DDP funded services, choose to file a fair hearing request, and choose between waiver services or an ICF/IID) align/comply with the regulation.

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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
16	<p>37.34.901 through 37.34.989 are either not applicable or were identified for specific services above.</p> <p>37.34.918 Waiver 5 Freedom of Choice and Consent Form (members choose providers of DDP funded services) partially complies with the regulation and needs to be amended to address this regulation.</p> <p>37.34.1101 through 37.34.1119 (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment...person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) partially comply. and 37.34.1114 needs to be amended to address this regulation</p> <p>37.34.1401 through 37.34.1422 are silent, and 37.34.1401 needs to be amended to address this regulation.</p> <p>37.34.1501 is silent and needs to be amended to explicitly state address this regulation.</p>	<p>37.34.901 through 37.34.989 are either not applicable or were identified for specific services above.</p> <p>37.34.1101 through 37.34.1119 (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment...person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) partially comply. and 37.34.1114 needs to be amended to address this regulation.</p> <p>37.34.1401 through 37.34.1422 are silent, and 37.34.1401 needs to be amended to address this regulation.</p> <p>37.34.1501 is silent and needs to be amended to address this regulation.</p>	<p>37.34.901 through 37.34.989 are either not applicable or were identified for specific services above.</p> <p>37.34.1101 through 37.34.1119 (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment...person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) partially comply, and 37.34.1114 needs to be amended to address this regulation.</p> <p>37.34.1402 through 37.34.1422 are silent, and 37.34.1401 partially complies and needs to be amended to address this regulation.</p> <p>37.34.1501 is silent and needs to be amended to address this regulation.</p>	<p>37.34.901 through 37.34.989 are either not applicable or were identified for specific services above.</p> <p>37.34.1101 through 37.34.1119 (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment...person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) partially comply.</p> <p>37.34.1401 through 37.34.1422 are silent.</p> <p>37.34.1501 is silent. 37.34.918 Waiver 5 Freedom of Choice and Consent Form (members understand their right to choose waiver services, including self-direction, choose providers of DDP funded services, choose to file a fair hearing request, and choose between waiver services or an ICF/IID) aligns/complies with the regulation and applies to all HCBS services.</p>

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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
17	0667 Children's Autism Waiver services are provided to children under the age of 8 who reside in a family home. A majority of services are delivered in the home. These private homes are presumed to align/comply with the regulation. All settings where services are delivered must be identified in the Individualized Family Service Plan (IFSP).	0667 Children's Autism Waiver services are provided to children under the age of 8 who reside in a family home. A majority of services are delivered in the home. These private homes are presumed to align/comply with the regulation. All settings where services are delivered must be identified in the Individualized Family Service Plan (IFSP).	0667 Children's Autism Waiver services are provided to children under the age of 8 who reside in a family home. A majority of services are delivered in the home. These private homes are presumed to align/comply with the regulation. All settings where services are delivered must be identified in the Individualized Family Service Plan (IFSP).	0667 Children's Autism Waiver services are provided to children under the age of 8 who reside in a family home. A majority of services are delivered in the home. These private homes are presumed to align/comply with the regulation. All settings where services are delivered must be identified in the Individualized Family Service Plan (IFSP).
18	37.90.401 through 425, 37.90.431; and 37.90.436 through 37.90.461 are not applicable. 37.90.428, 37.90.430, and 37.90.431 are silent and need to be amended to address the regulation.	37.90.401 through 425, 37.90.431; and 37.90.436 through 37.90.461 are not applicable. 37.90.428, 37.90.430, and 37.90.431 are silent and need to be amended to address the regulation.	37.90.401 through 425, 37.90.431; and 37.90.436 through 37.90.461 are not applicable. 37.90.428, 37.90.430, and 37.90.431 are silent and need to be amended to address the regulation.	37.90.401 through 425, 37.90.431; and 37.90.436 through 37.90.461 are not applicable. 37.90.428, 37.90.430, and 37.90.431 are silent and need to be amended to address the regulation.

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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	<p>The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))</p>	<p>Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))</p>	<p>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. (42 C.F.R § 441.301(c)(4)(iv))</p>	<p>Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))</p>
19	<p>SLTC: 37.40.1401 is compliant as it references the federal citation and complies with federal law changes. SLTC: 37.40.1435 (assisted living), 37.40.1437 (residential habilitation), 37.40.1438 (supported living), 37.40.1445 (adult day health), 37.40.1446 (post-acute rehabilitation) and 37.40.1448 (habilitation) are addressed as individual services within this crosswalk. Non-compliant SLTC rule is 37.40.1402 (definitions). Not applicable SLTC rules are 37.40.1406 (services), 37.40.1407(general requirements), 37.40.1408 (enrollment), 37.40.1415(reimbursement), 37.40.1420 (service plans), and 37.40.1421 (costs of service plans); these are all administrative rules. SLTC: 37.40.1422 through 37.40-1431, 37.40.1439 -37.40.1441 and 37.40-1449-1488 are compliant with these requirements as the service is delivered in either a home/setting or within the community.</p>	<p>SLTC: 37.40.1401 is compliant as it references the federal citation and complies with federal law changes. SLTC: 37.40.1435 (assisted living), 37.40.1437 (residential habilitation), 37.40.1438 (supported living), 37.40.1445 (adult day health), 37.40.1446 (post-acute rehabilitation) and 37.40.1448 (habilitation) are addressed as individual services within this crosswalk. Non-compliant SLTC rule is 37.40.1402 (definitions). Not applicable SLTC rules are 37.40.1406 (services), 37.40.1407(general requirements), 37.40.1408 (enrollment), 37.40.1415(reimbursement), 37.40.1420 (service plans), and 37.40.1421 (costs of service plans); these are all administrative rules. SLTC: 37.40.1422 through 37.40-1431, 37.40.1439 -37.40.1441 and 37.40-1449-1488 are compliant with these requirements as the service is delivered in either a home/setting or within the community.</p>	<p>SLTC: 37.40.1401 is compliant as it references the federal citation and complies with federal law changes. SLTC: 37.40.1435 (assisted living), 37.40.1437 (residential habilitation), 37.40.1438 (supported living), 37.40.1445 (adult day health), 37.40.1446 (post-acute rehabilitation) and 37.40.1448 (habilitation) are addressed as individual services within this crosswalk. Non-compliant SLTC rule is 37.40.1402 (definitions). Not applicable SLTC rules are 37.40.1406 (services), 37.40.1407(general requirements), 37.40.1408 (enrollment), 37.40.1415(reimbursement), 37.40.1420 (service plans), and 37.40.1421 (costs of service plans); these are all administrative rules. SLTC: 37.40.1422 through 37.40-1431, 37.40.1439 -37.40.1441 and 37.40-1449-1488 are compliant with these requirements as the service is delivered in either a home/setting or within the community.</p>	<p>SLTC: 37.40.1401 is compliant as it references the federal citation and complies with federal law changes. SLTC: 37.40.1435 (assisted living), 37.40.1437 (residential habilitation), 37.40.1438 (supported living), 37.40.1445 (adult day health), 37.40.1446 (post-acute rehabilitation) and 37.40.1448 (habilitation) are addressed as individual services within this crosswalk. Non-compliant SLTC rule is 37.40.1402 (definitions). Not applicable SLTC rules are 37.40.1406 (services), 37.40.1407(general requirements), 37.40.1408 (enrollment), 37.40.1415(reimbursement), 37.40.1420 (service plans), and 37.40.1421 (costs of service plans); these are all administrative rules. SLTC: 37.40.1422 through 37.40-1431, 37.40.1439 -37.40.1441 and 37.40-1449-1488 are compliant with these requirements as the service is delivered in either a home/setting or within the community.</p>

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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
20	37.87.1313 is compliant, stating that 1915(i) providers must follow all regulations outlined in the 1915(i) Manual which will be amended to specifically define the requirements per the applicable federal regulations. 37.87.1315 pertains to the fair hearing procedures for 1915(i) providers and therefore this federal regulation is not applicable. . The 1915(i) Home and Community Based Services State Plan Provider Policy Manual is silent on this regulation and will need to be amended to state, " setting must be selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting."	37.87.1313 is compliant, stating that 1915(i) providers must follow all regulations outlined in the 1915(i) Manual which will be amended to specifically define the requirements per the applicable federal regulations. 37.87.1315 pertains to the fair hearing procedures for 1915(i) providers and therefore this federal regulation is not applicable. The 1915(i) Home and Community Based Services State Plan Provider Policy Manual is silent on this regulation and will need to be amended to state, "each setting must ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint."	37.87.1313 is compliant, stating that 1915(i) providers must follow all regulations outlined in the 1915(i) Manual which will be amended to specifically define the requirements per the applicable federal regulations. 37.87.1315 pertains to the fair hearing procedures for 1915(i) providers and therefore this federal regulation is not applicable.. The 1915(i) Home and Community Based Services State Plan Provider Policy Manual is silent on this regulation and will need to be amended to state, "the provider must demonstrate that 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."	37.87.1313 is compliant, stating that 1915(i) providers must follow all regulations outlined in the 1915(i) Manual which will be amended to specifically define the requirements per the applicable federal regulations. 37.87.1315 pertains to the fair hearing procedures for 1915(i) providers and therefore this federal regulation is not applicable.. The 1915(i) Home and Community Based Services State Plan Provider Policy Manual is silent on this regulation and will need to be amended to state, "the setting must facilitate individual choice regarding services and supports, and who provides them."

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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
21	DDP: 37.100.101 through 37.100.175 and 37.100.301 through 37.100.340 are silent. SLTC 37.106.2801 are silent CMHB: 37.97.903, 37.97.905, 37.97.907 are silent. AMDD: 37.100.101 through 37.100.175; 37.106.2801 through 37.106.2898 are silent. 37.100.401 through 37.100.440 are silent.	DDP: 37.100.101 through 37.100.175 and 37.100.301 through 37.100.340 are silent. SLTC 37.106.2801 are in compliance with 42 C.F.R § 441.301(c)(4)(iii)CMHB: 37.97.903, 37.97.905, 37.97.907 are silent. AMDD 37.106.2828 is silent. 37.100.401 through 37.100.440 are silent.	DDP: 37.100.101 through 37.100.175 and 37.100.301 through 37.100.340 are silent. SLTC 37.106.2801 are in compliance with 42 C.F.R § 441.301(c)(4)(iv)CMHB: 37.97.903, 37.97.905, 37.97.907 are silent. AMDD 37.106.2831 is silent. 37.100.401 through 37.100.440 are silent.	DDP: 37.100.101 through 37.100.175, 37.100.301 through 37.100.340 are silent, and Waiver 5 Freedom of Choice and Consent Form (members understand their right to choose waiver services, including self-direction, choose providers of DDP funded services, choose to file a fair hearing request, and choose between waiver services or an ICF/IID) align/comply with the regulation SLTC 37.106.2801 are in compliance with 42 C.F.R § 441.301(c)(4)(v)CMHB: 37.97.903, 37.97.905, 37.97.907 are silent. AMDD 37.106.2831 is silent. 37.100.401 through 37.100.440 are silent.
22				Waiver 5 Freedom of Choice and Consent Form (members understand their right to choose waiver services, including self-direction, choose providers of DDP funded services, choose to file a fair hearing request, and choose between waiver services or an ICF/IID).

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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
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25	* The Administrative Rules which are silent, partially compliant or non compliant will be amended to come into compliance			
26	*Refer to Section 4-C Administration ARM for the Administrative Rule Amendment timeline			
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2	mmarized in headings, however all subsections of regulations are included in determination of compliance of state			
3	The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting (42 C.F.R § 441.301(c)(4)(ii))	Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint. (42 C.F.R § 441.301(c)(4)(iii))	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. (42 C.F.R § 441.301(c)(4)(iv))	Facilitates individual choice regarding services and supports, and who provides them. (42 C.F.R § 441.301(c)(4)(v))
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2	<u>rules and regulations with Federal Regulations)</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
4	DDP: 37.34.972 is silent and needs to be amended to address this regulation.	DDP: 37.34.972 is silent and needs to be amended to address this regulation.	DDP: 37.34.972 is silent and needs to be amended to address this regulation.	DDP: 37.34.972 is silent and needs to be amended to address this regulation.

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2	<u>rules and regulations with Federal Regulations)</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
5	DDP: 37.34.712 and 37.34.713 align/comply with the are silent and need to be amended to address this regulation . SLTC ARM 37.40.1438 is silent and will need to be amended to be in compliance with this requirement.	DDP: 37.34.712 is silent and needs to be amended to address this regulation. 37.34.713 is not applicable in that it describes safety requirements. SLTC ARM 37.40.1438 is silent and will be amended to meet this requirement for group living situations.	DDP: 37.34.712 is silent and needs to be amended to address this regulation. 37.34.713 is not applicable in that it describes safety requirements. SLTC: 37.40.1438 is silent in regards to these requirements and will need to be amended to ensure all individuals have freedom, support and control over their own schedules, activities and access to food.	DDP: 37.34.712 is silent and needs to be amended to address this regulation. DDP: 37.34.713 is not applicable. SLTC: 37.40.1438 is silent and will be amended to indicate this requirement regarding visitors in this setting.

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2	<u>Rules and regulations with Federal Regulations)</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
6	DDP: 37.34.947, 37.34.950, and 37.34.980 through 37.34.986 are not applicable. SLTC: 37.40.1448 is not applicable. AMDD: 37.90.432 is not applicable.	DDP: 37.34.947, 37.34.950, and 37.34.980 through 37.34.986 are not applicable. SLTC: 37.40.1448 is not applicable. AMDD: 37.90.432 is not applicable.	DDP: 37.34.947, 37.34.950, and 37.34.980 through 37.34.986 are silent and need to be amended to address this regulation. SLTC 37.40.1448 is silent and will be amended to include this requirement. AMDD: 37.90.432 <u>is silent and</u> will be amended to address the regulation.	DDP: 37.34.947, 37.34.950, and 37.34.980 through 37.34.986 are not applicable. SLTC 37.40.1448 is silent and will be amended to address this requirement regarding visitors in this setting. AMDD: 37.90.432 is not applicable.

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2	<u>rules and regulations with Federal Regulations)</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
7	DDP: 37.34.974 is not applicable. AMDD/SLTC: 37.40.1445 not applicable.	DDP: 37.34.974 is not applicable. SLTC/ AMDD: Not applicable.	DDP: 37.34.974 is not applicable. SLTC/AMDD: 37.40.1445 is silent and needs to be amended to include the regulation.	DDP: 37.34.974 is not applicable. AMDD/SLTC: Not applicable.

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2	<u>Rules and regulations with Federal Regulations)</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
8	DDP: 37.34.930 is silent and needs to be amended to address this regulation. SLTC: 37.40.1435 is silent and will be amended to be compliant with 42 CFR 441.301(c)(4)(vi)(A).. AMDD: 37.90.428 is silent and will be amended to address the federal regulation.	DDP: 37.34.930 is silent and needs to be amended to address this regulation. SLTC: 37.40.1435 is silent with 42 C.F.R § 441.301(c)(4)(vi)(B) and will need to be amended. AMDD: 37.90.428 is compliant-silent will be amended to comply with 24 CFR 441.301c(4)(vi)(B).	DDP: 37.34.930 is silent and needs to be amended to address this regulation. SLTC: 37.40.1435 is not in compliance and will need to be amended to include additional language as it relates to access to food and schedules. AMDD: 37.90.428 is silent and will need to be amended to address the language of 42 CFR 441.301c(4)(vi)C	DDP: 37.34.930 is silent and needs to be amended to address this regulation. SLTC: 37.40.1435 is in compliance with 42 C.F.R § 441.301(c)(4)(vi)(D) as the rule includes "residents must have access to private areas for telephone and visitors." AMDD: 37.90.428 is silent and will be amended to address the language in 41 CFR 441.301c(4)(vi)(D).

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3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
9	DDP: 37.34.929 is silent and needs to be amended to address this regulation. AMDD: 37.90.428 is silent and will be amended to reference licensing rules for Adult Foster Care 37.100.101.	DDP: 37.34.929 is silent and needs to be amended to address this regulation. AMDD: 37.90.428 is compliant with 24 CFR 441.301c(4)(vi)(B) through the licensing rules for Adult Foster Care.	DDP: 37.34.929 is silent and needs to be amended to address this regulation. AMDD: 37.90.428 is silent and will need to be amended to address the language of 42 CFR 441.301c(4)(vi)C.	DDP: 37.34.929 is silent and needs to be amended to address this regulation. AMDD: 37.90.428 is silent and will need to be amended to address the language of 42 CFR 441.301c(4)(vi)C.
10	AMDD: 37.88.901 will be amended to include reference to licensing rules. *	AMDD: 37.88.901 will be amended to include reference to licensing rules. *	AMDD: 37.88.901 will be amended to include reference to licensing rules. *	AMDD: 37.88.901 is silent and will be amended to include reference to licensing rules. *

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2	<u>Rules and regulations with Federal Regulations</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
11	DDP: 37.34.978 is not applicable and depends on the setting in which the service is provided.	DDP: 37.34.978 is not applicable and depends on the setting in which the service is provided.	DDP: 37.34.978 partially aligns/complies (person-centered and person-directed) and will be amended to address the regulation.	DDP: 37.34.978 is silent and needs to be amended to address this regulation.
12	SLTC: not applicable.	SLTC: is not applicable.	SLTC: is not applicable.	SLTC: is not applicable.
13	DDP: 37.34.938 is not applicable. SLTC 37.40.1448 is not applicable.	DDP: 37.34.938 is not applicable. SLTC: 37.40.1448 not applicable.	DDP: 37.34.938 partially aligns/complies (person-centered, pre-planned, purposeful, documented) and needs to be amended to address the regulation. SLTC: 37.40.1448 is silent and will be amended to comply with the regulation.	DDP: 37.34.938 is not applicable. SLTC: 37.40.1448 is not applicable.

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2	<u>Rules and regulations with Federal Regulations)</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
14	<p>37.87.1011 pertains to all Therapeutic Group Homes that are reimbursed by Medicaid and overseen by the CMHB. It is not specific to those that participate in the 1915i. Therefore it is silent.</p> <p>37.87.1313 is partially compliant. This rule adopts and incorporates by reference the 1915(i) HCBS State Plan Program for Youth with Serious Emotional Disturbance Policy Manual, which defines regulatory requirements for the program. The CMHB Manual pertains to all services that are overseen by the CMHB and is not specific to the 1915i. Therefore, this regulation is not applicable. The 1915i has it's own manual which defines regulatory requirements.</p> <p>37.87.1013 and 37.87.1314 are rules that pertain to Medicaid reimbursement and therefore this regulation is not applicable.</p> <p>37.87.1315 outlines the procedures for Fair Hearing. Therefore this regulation is not applicable.</p>	<p>37.87.1011 pertains to all Therapeutic Group Homes that are reimbursed by Medicaid and overseen by the CMHB. It is not specific to those that participate in the 1915i. Therefore it is silent.</p> <p>37.87.1313 is partially compliant. This rule adopts and incorporates by reference the 1915(i) HCBS State Plan Program for Youth with Serious Emotional Disturbance Policy Manual, which defines regulatory requirements for the program. The CMHB Manual pertains to all services that are overseen by the CMHB and is not specific to the 1915i. Therefore, this regulation is not applicable. The 1915i has it's own manual which defines regulatory requirements.</p> <p>37.87.1013 and 37.87.1314 are rules that pertain to Medicaid reimbursement and therefore this regulation is not applicable.</p> <p>37.87.1315 outlines the procedures for Fair Hearing. Therefore this regulation is not applicable.</p>	<p>37.87.1011 pertains to all Therapeutic Group Homes that are reimbursed by Medicaid and overseen by the CMHB. It is not specific to those that participate in the 1915i. Therefore it is silent.</p> <p>37.87.1313 is partially compliant. This rule adopts and incorporates by reference the 1915(i) HCBS State Plan Program for Youth with Serious Emotional Disturbance Policy Manual, which defines regulatory requirements for the program. The CMHB Manual pertains to all services that are overseen by the CMHB and is not specific to the 1915i. Therefore, this regulation is not applicable. The 1915i has it's own manual which defines regulatory requirements.</p> <p>37.87.1013 and 37.87.1314 are rules that pertain to Medicaid reimbursement and therefore this regulation is not applicable.</p> <p>37.87.1315 outlines the procedures for Fair Hearing. Therefore this regulation is not applicable.</p>	<p>37.87.1011 pertains to all Therapeutic Group Homes that are reimbursed by Medicaid and overseen by the CMHB. It is not specific to those that participate in the 1915i. Therefore it is silent.</p> <p>37.87.1313 is partially compliant. This rule adopts and incorporates by reference the 1915(i) HCBS State Plan Program for Youth with Serious Emotional Disturbance Policy Manual, which defines regulatory requirements for the program. The CMHB Manual pertains to all services that are overseen by the CMHB and is not specific to the 1915i. Therefore, this regulation is not applicable. The 1915i has it's own manual which defines regulatory requirements.</p> <p>37.87.1013 and 37.87.1314 are rules that pertain to Medicaid reimbursement and therefore this regulation is not applicable.</p> <p>37.87.1315 outlines the procedures for Fair Hearing. Therefore this regulation is not applicable.</p>

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2	<u>Rules and regulations with Federal Regulations)</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
	37.34.621, 37.34.701, and 37.34.706 are silent and need to be amended to address this regulation.	37.34.621, 37.34.701, and 37.34.706 are silent and need to be amended to address this regulation.	37.34.621 is silent. 37.34.701 and 37.34.706 (individual will have an increasing amount of control and choice in these services) are partially compliant and need to be amended to address this regulation.	37.34.621, 37.34.701, and 37.34.706 are silent and need to be amended to address this regulation.

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2	<u>Rules and regulations with Federal Regulations)</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
	37.34.901 through 37.34.989 are either not applicable or were identified for specific services above. 37.34.1101 through 37.34.1119 (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment...person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) partially comply. 37.34.1114 needs to be amended to address this regulation. 37.34.1401 through 37.34.1422 are not applicable. 37.34.1501 is not applicable.	37.34.901 through 37.34.989 are either not applicable or were identified for specific services above. 37.34.1101 through 37.34.1119 (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment...person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) partially comply. and 37.34.1114 needs to be amended to address this regulation. 37.34.1401 through 37.34.1422 are silent. and 37.34.1401 needs to be amended to explicitly state address this regulation. 37.34.1501 is silent and needs to be amended to address this regulation.	37.34.901 through 37.34.989 are either not applicable or were identified for specific services above. 37.34.1101 through 37.34.1119 (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment...person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) partially comply. and 37.34.1114 needs to be amended to address this regulation. 37.34.1401 through 37.34.1422 are silent. and 37.34.1401 needs to be amended to explicitly state address this regulation. 37.34.1501 is silent and needs to be amended to address this regulation.	37.34.901 through 37.34.989 are either not applicable or were identified for specific services above. 37.34.1101 through 37.34.1119 (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment...person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) partially comply. and 37.34.1114 needs to be amended to address this regulation. 37.34.1401 through 37.34.1422 are silent. and 37.34.1401 needs to be amended to explicitly state address this regulation. 37.34.1501 is silent and needs to be amended to address this regulation.

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2	<u>Rules and regulations with Federal Regulations)</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
17	0667 Children's Autism Waiver services are provided to children under the age of 8 who reside in a family home. A majority of services are delivered in the home. These private homes are presumed to align/comply with the regulation. All settings where services are delivered must be identified in the Individualized Family Service Plan (IFSP).	0667 Children's Autism Waiver services are provided to children under the age of 8 who reside in a family home. A majority of services are delivered in the home. These private homes are presumed to align/comply with the regulation. All settings where services are delivered must be identified in the Individualized Family Service Plan (IFSP).	0667 Children's Autism Waiver services are provided to children under the age of 8 who reside in a family home. A majority of services are delivered in the home. These private homes are presumed to align/comply with the regulation. All settings where services are delivered must be identified in the Individualized Family Service Plan (IFSP).	0667 Children's Autism Waiver services are provided to children under the age of 8 who reside in a family home. A majority of services are delivered in the home. These private homes are presumed to align/comply with the regulation. All settings where services are delivered must be identified in the Individualized Family Service Plan (IFSP).
18	37.90.401 through 425, 37.90.431; and 37.90.436 through 37.90.461 are not applicable. 37.90.428, 37.90.430, and 37.90.431 are silent and need to be amended to address the regulation.	37.90.401 through 425, 37.90.431; and 37.90.436 through 37.90.461 are not applicable. 37.90.428, 37.90.430, and 37.90.431 are silent and need to be amended to address the regulation.	37.90.401 through 425, 37.90.431; and 37.90.436 through 37.90.461 are not applicable. 37.90.428, 37.90.430, and 37.90.431 are silent and need to be amended to address the regulation.	37.90.401 through 425, 37.90.431; and 37.90.436 through 37.90.461 are not applicable. 37.90.428, 37.90.430, and 37.90.431 are silent and need to be amended to address the regulation.

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2	<u>Rules and regulations with Federal Regulations</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
19	<p>SLTC: 37.40.1401 is compliant as it references the federal citation and complies with federal law changes. SLTC: 37.40.1435 (assisted living), 37.40.1437 (residential habilitation), 37.40.1438 (supported living), 37.40.1445 (adult day health), 37.40.1446 (post-acute rehabilitation) and 37.40.1448 (habilitation) are addressed as individual services within this crosswalk.</p> <p>Non-compliant SLTC rule is 37.40.1402 (definitions).</p> <p>Not applicable SLTC rules are 37.40.1406 (services), 37.40.1407(general requirements), 37.40.1408 (enrollment), 37.40.1415(reimbursement), 37.40.1420 (service plans), and 37.40.1421 (costs of service plans); these are all administrative rules.</p> <p>SLTC: 37.40.1422 through 37.40-1431, 37.40.1439 -37.40.1441 and 37.40-1449-1488 are compliant with these requirements as the service is delivered in either a home/setting or within the community.</p>	<p>SLTC: 37.40.1401 is compliant as it references the federal citation and complies with federal law changes. SLTC: 37.40.1435 (assisted living), 37.40.1437 (residential habilitation), 37.40.1438 (supported living), 37.40.1445 (adult day health), 37.40.1446 (post-acute rehabilitation) and 37.40.1448 (habilitation) are addressed as individual services within this crosswalk.</p> <p>Non-compliant SLTC rule is 37.40.1402 (definitions).</p> <p>Not applicable SLTC rules are 37.40.1406 (services), 37.40.1407(general requirements), 37.40.1408 (enrollment), 37.40.1415(reimbursement), 37.40.1420 (service plans), and 37.40.1421 (costs of service plans); these are all administrative rules.</p> <p>SLTC: 37.40.1422 through 37.40-1431, 37.40.1439 -37.40.1441 and 37.40-1449-1488 are compliant with these requirements as the service is delivered in either a home/setting or within the community.</p>	<p>SLTC: 37.40.1401 is compliant as it references the federal citation and complies with federal law changes. SLTC: 37.40.1435 (assisted living), 37.40.1437 (residential habilitation), 37.40.1438 (supported living), 37.40.1445 (adult day health), 37.40.1446 (post-acute rehabilitation) and 37.40.1448 (habilitation) are addressed as individual services within this crosswalk.</p> <p>Non-compliant SLTC rule is 37.40.1402 (definitions).</p> <p>Not applicable SLTC rules are 37.40.1406 (services), 37.40.1407(general requirements), 37.40.1408 (enrollment), 37.40.1415(reimbursement), 37.40.1420 (service plans), and 37.40.1421 (costs of service plans); these are all administrative rules.</p> <p>SLTC: 37.40.1422 through 37.40-1431, 37.40.1439 -37.40.1441 and 37.40-1449-1488 are compliant with these requirements as the service is delivered in either a home/setting or within the community.</p>	<p>SLTC: 37.40.1401 is compliant as it references the federal citation and complies with federal law changes. SLTC: 37.40.1435 (assisted living), 37.40.1437 (residential habilitation), 37.40.1438 (supported living), 37.40.1445 (adult day health), 37.40.1446 (post-acute rehabilitation) and 37.40.1448 (habilitation) are addressed as individual services within this crosswalk.</p> <p>Non-compliant SLTC rule is 37.40.1402 (definitions).</p> <p>Not applicable SLTC rules are 37.40.1406 (services), 37.40.1407(general requirements), 37.40.1408 (enrollment), 37.40.1415(reimbursement), 37.40.1420 (service plans), and 37.40.1421 (costs of service plans); these are all administrative rules.</p> <p>SLTC: 37.40.1422 through 37.40-1431, 37.40.1439 -37.40.1441 and 37.40-1449-1488 are compliant with these requirements as the service is delivered in either a home/setting or within the community.</p>

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2	<u>Rules and regulations with Federal Regulations)</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
20	37.87.1313 is compliant, stating that 1915(i) providers must follow all regulations outlined in the 1915(i) Manual which will be amended to specifically define the requirements per the applicable federal regulations. 37.87.1315 pertains to the fair hearing procedures for 1915(i) providers and therefore this federal regulation is not applicable.. The 1915(i) Home and Community Based Services State Plan Provider Policy Manual is silent on this regulation and will need to be amended to state, "The unit or dwelling must be a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services."	37.87.1313is compliant, stating that 1915(i) providers must follow all regulations outlined in the 1915(i) Manual which will be amended to specifically define the requirements per the applicable federal regulations. 37.87.1315 pertains to the fair hearing procedures for 1915(i) providers and therefore this federal regulation is not applicable.. The 1915(i) Home and Community Based Services State Plan Provider Policy Manual is silent on this regulation and will need to be amended to state, "Each individual has privacy in their sleeping or living unit."	37.87.1313is compliant, stating that 1915(i) providers must follow all regulations outlined in the 1915(i) Manual which will be amended to specifically define the requirements per the applicable federal regulations. 37.87.1315 pertains to the fair hearing procedures for 1915(i) providers and therefore this federal regulation is not applicable.. The 1915(i) Home and Community Based Services State Plan Provider Policy Manual is silent on this regulation and will need to be amended to state, "the setting must provide Individuals the freedom and support to control their own schedules and activities, and have access to food at any time."	37.87.1313 is compliant, stating that 1915(i) providers must follow all regulations outlined in the 1915(i) Manual which will be amended to specifically define the requirements per the applicable federal regulations. 37.87.1315 pertains to the fair hearing procedures for 1915(i) providers and therefore this federal regulation is not applicable.. The 1915(i) Home and Community Based Services State Plan Provider Policy Manual is silent on this regulation and will need to be amended to state, "the setting must allow for Individuals to have visitors of their choosing at any time."

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3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
21	DDP: 37.100.101 through 37.100.175 and 37.100.301 through 37.100.340 are silent. Building or buildings in which separate living accommodations are rented or leased to individuals who use those accommodations as their primary residence; 37.106.2501 through 37.106.2530. These rules are in compliance with (42 C.F.R § 441.301(c)(4)(vi)(A).CMHB: 37.97.903, 37.97.905, 37.97.907 are silent. AMDD/SLTCD The rules governing Assisted Living Facilities 37.106.2801 through 37.106.2898 are compliant. 37.100.401 through 37.100.440 are silent.	DDP: 37.100.101 through 37.100.175 and 37.100.301 through 37.100.340 are silent. SLTC 37.106.2801 is compliant with 42 C.F.R § 441.301(c)(4)(vi)(B)CMHB: 37.97.903, 37.97.905, 37.97.907 are silent AMDD 37.106.2835 is silent. 37.100.401 through 37.100.440 are silent.	DDP: 37.100.101 through 37.100.175 and 37.100.301 through 37.100.340 are silent. SLTC 37.106.2801 is in compliance with 42 C.F.R § 441.301(c)(4)(vi)(C)CMHB: 37.97.903, 37.97.905, 37.97.907 are silent. AMDD 37.106.2860 is silent. 37.100.401 through 37.100.440 are silent .	DDP: 37.100.101 through 37.100.175 and 37.100.301 through 37.100.340 are silent. SLTC 37.106.2801 is in compliance with 42 C.F.R § 441.301(c)(4)(vi)(D) CMHB: 37.97.903, 37.97.905, 37.97.907 are silent. AMDD The rules are silent. 37.100.401 through 37.100.440 are silent.
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2	<u>ules and regulations with Federal Regulations)</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
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2	<u>Rules and regulations with Federal Regulations)</u>			
3	The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services (42 C.F.R § 441.301(c)(4)(vi)(A))	Each individual has privacy in their sleeping or living unit (42 C.F.R § 441.301(c)(4)(vi)(B))	Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time. (42 C.F.R § 441.301(c)(4)(vi)(C))	Individuals are able to have visitors of their choosing at any time. (42 C.F.R § 441.301(c)(4)(vi)(D))
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3	The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))	<u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u>
4	DDP: 37.34.972 is silent and needs to be amended to address this regulation.	DDP: 37.34.972 is silent. and _____ 37.34.1101 through 37.34.1119 <u>(PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment..person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs)</u> partially comply. and 37.34.1114 needs to be amended to address this regulation.

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3	The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))	<u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u>
5	DDP: 37.34.712 and 37.34.713 are silent and need to be amended to address the regulation. SLTC: 37.40.1438 is silent and will be amended to be compliant with the regulation.	DDP: 37.34.712 and partially complies (discuss and plan with the IP team, as appropriate for each individual, health and safety issues based on information gathered prior to the IP meeting including risk assessment). DDP: 37.34.713 are silent and is not applicable. DDP: 37.34.1101 through 37.34.1119 partially comply <u>will be amended</u> . (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment; person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) 37.34.1114 and needs to be amended to address this regulation. SLTC: 37.40.1438 is compliant with 42 CFR 441.301(c)(4)(vi)(F) silent and will need to be amended to be compliant with the regulation.

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3	The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))	<u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u>
6	DDP: 37.34.947, 37.34.950, and 37.34.980 through 37.34.986 are silent and need to be amended to address this regulation. SLTC 37.40.1448 is silent and will be amended to include that the setting will be accessible. AMDD: 37.90.432 is silent and will be amended to address this regulation.	DDP: 37.34.947, 37.34.950, and 37.34.980 through 37.34.986 are silent. and 37.34.1101 through 37.34.1119 (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment, person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) partially comply and 37.34.1114 needs to be amended to address this regulation. SLTC: 37.40.1448 is compliant with silent and will be amended to comply with 42 C.F.R § 441.301(c)(4)(vi)(F). AMDD: 37.90.432 will be amended to address regulation. The 0455 Waiver foundation is the person centered plan and is modified as well as services based on specific needs.

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3	The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))	<u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u>
7	DDP: 37.34.974 is not applicable AMDD/SLTC: Rule is not applicable.	DDP: 37.34.974 is silent. and _____ 37.34.1101 through 37.34.1119 <u>(PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment; person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs)</u> partially comply and 37.34.1114 needs to be amended to <u>explicitly state address</u> this regulation. SLTC/AMDD: 37.40.1445 Compliant based on the person centered plan requirement to be updated based on changes in individual's needs.

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3	The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))	<u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u>
8	<p>DDP: 37.34.930 is silent and needs to be amended to address this regulation.</p> <p>SLTC: 37.40.1435 is not compliant with 42 C.F.R § 441.301(c)(4)(vi)(E) as there are no references to the physical accessibility of the facility.</p> <p>AMDD: 37.90.428 is silent and will be amended to address the regulation.</p>	<p>DDP: 37.34.930 is silent, and 37.34.1101 through 37.34.1119 partially comply <u>(PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment, person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs)</u> and 37.34.1114 need to be amended to address this regulation.</p> <p>SLTC: 37.40.1435 is <u>not</u> in compliance with 42 C.F.R § 441.301(c)(4)(vi)(F) <u>as it does not reference the service plan process.</u></p> <p>AMDD: 37.90.428 needs to be amended to be compliant with regulation.</p>

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3	The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))	<u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u>
9	DDP: 37.34.929 is silent and needs to be amended to state address this regulation. AMDD: 37.90.428 is silent and will be amended to address the regulation.	DDP: 37.34.929 is silent; DDP: 37.34.1101 through 37.34.1119 partially comply (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment, person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs); and DDP: 37.34.1114 needs to be amended to address this regulation. AMDD: 37.90.428 is partially compliant (person centered plans identify and assess individual needs and is amended as identified by individual) and needs to be amended to be compliant with the regulation.
10	AMDD: 37.88.901 will be amended to include reference to licensing rules. *	AMDD: 37.88.901 will be amended to include reference to licensing rules. *

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3	The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))	<u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u>
11	DDP: 37.34.978 is not applicable and depends on the setting in which the service is provided.	DDP: 37.34.978 is silent, and 37.34.1101 through 37.34.1119 partially comply (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment...person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) and 37.34.1114 needs to will be amended to address this regulation.
12	SLTC: is not applicable.	SLTC: is not applicable.
13	DDP: 37.34.938 is silent. SLTC 37.40.1448 aligns/complies because of MT licensure regulations.	DDP: 37.34.938 is silent, and 37.34.1101 through 37.34.1119 partially comply (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment...person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) and needs to be amended to address this regulation. SLTC 37.40.1448 does not comply and will be amended.

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3	<p>The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))</p>	<p><u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u></p>
14	<p>37.87.1011 pertains to all Therapeutic Group Homes that are reimbursed by Medicaid and overseen by the CMHB. It is not specific to those that participate in the 1915i. Therefore it is silent.</p> <p>37.87.1313 is <u>partially</u> compliant. This rule adopts and incorporates by reference the 1915(i) HCBS State Plan Program for Youth with Serious Emotional Disturbance Policy Manual, which defines regulatory requirements for the program. The CMHB Manual pertains to all services that are overseen by the CMHB and is not specific to the 1915i. Therefore, this regulation is not applicable. The 1915i has it's own manual which defines regulatory requirements.</p> <p>37.87.1013 and 37.87.1314 are rules that pertain to Medicaid reimbursement and therefore this regulation is not applicable.</p> <p>37.87.1315 outlines the procedures for Fair Hearing. Therefore this regulation is not applicable.</p>	<p>37.87.1011 pertains to all Therapeutic Group Homes that are reimbursed by Medicaid and overseen by the CMHB. It is not specific to those that participate in the 1915i. Therefore it is silent.</p> <p>37.87.1313 is <u>partially</u> compliant. This rule adopts and incorporates by reference the 1915(i) HCBS State Plan Program for Youth with Serious Emotional Disturbance Policy Manual, which defines regulatory requirements for the program.</p> <p>The CMHB Manual pertains to all services that are overseen by the CMHB and is not specific to the 1915i. Therefore, this regulation is not applicable. The 1915i has it's own manual which defines regulatory requirements.</p> <p>37.87.1013 and 37.87.1314 are rules that pertain to Medicaid reimbursement and therefore this regulation is not applicable. 37.87.1315 outlines the procedures for Fair Hearing. Therefore this regulation is not applicable.</p>

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3	The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))	<u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u>
	37.34.621, 37.34.701, and 37.34.706 are silent and need to be amended to address this regulation.	DDP: 37.34.621 and 37.34.706 are silent, 37.34.701 (IP objectives are designed to address areas in an individual's life where assistance is needed based on the assessments and desires of the individual) and 37.34.1101 through 37.34.1119 (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment; person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) partially comply and 37.34.1114 needs to be amended to address this regulation.

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3	<p>The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))</p>	<p><u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u></p>
16	<p>37.34.901 through 37.34.989 are either not applicable or were identified for specific services above. 37.34.1101 through 37.34.1119 (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment...person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) partially comply. 37.34.1114 needs to be amended to address this regulation. 37.34.1401 through 37.34.1422 are not applicable. 37.34.1501 is not applicable.</p>	<p>37.34.901 through 37.34.989 are either not applicable or were identified for specific services above. 37.34.1101 through 37.34.1119 (PSP identifies supports and services for a person to achieve independence, dignity, and personal fulfillment...person-driven and person-centered plan that assesses person's needs and identifies services that are appropriate to meet the person's assessed needs) partially comply and 37.34.1114 needs to be amended to address this regulation. 37.34.1401 through 37.34.1404, and 37.34.1418 through 37.34.1422 are silent. 37.34.1405 through 37.34.1412 (person's plan of care must incorporate the positive behavior support plan) partially comply. and 37.34.1401 needs to be amended to explicitly state address this regulation. 37.34.1501 is silent and needs to be amended to address this regulation.</p>

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3	The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))	<u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u>
17	0667 Children's Autism Waiver services are provided to children under the age of 8 who reside in a family home. A majority of services are delivered in the home. These private homes are presumed to align/comply with the regulation. All settings where services are delivered must be identified in the Individualized Family Service Plan (IFSP).	0667 Children's Autism Waiver services are provided to children under the age of 8 who reside in a family home. A majority of services are delivered in the home. These private homes are presumed to align/comply with the regulation. All settings where services are delivered must be identified in the Individualized Family Service Plan (IFSP).
18	37.90.401 through 425, 37.90.431; and 37.90.436 through 37.90.461 are not applicable. 37.90.428, 37.90.430, and 37.90.431 are silent and need to be amended to address the regulation.	37.90.401 through 425, 37.90.431; and 37.90.436 through 37.90.461 are not applicable. 37.90.428, 37.90.430, and 37.90.431 are silent and need to be amended to address the regulation.

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3	<p>The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))</p>	<p><u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u></p>
19	<p>SLTC: 37.40.1401 is compliant as it references the federal citation and complies with federal law changes.</p> <p>SLTC: 37.40.1435 (assisted living), 37.40.1437 (residential habilitation), 37.40.1438 (supported living), 37.40.1445 (adult day health), 37.40.1446 (post-acute rehabilitation) and 37.40.1448 (habilitation) are addressed as individual services within this crosswalk.</p> <p>Non-compliant SLTC rule is 37.40.1402 (definitions).</p> <p>Not applicable SLTC rules are 37.40.1406 (services), 37.40.1407(general requirements), 37.40.1408 (enrollment), 37.40.1415(reimbursement), 37.40.1420 (service plans), and 37.40.1421 (costs of service plans); these are all administrative rules.</p> <p>SLTC: 37.40.1422 through 37.40-1431, 37.40.1439 -37.40.1441 and 37.40-1449-1488 are compliant with these requirements as the service is delivered in either a home/setting or within the community.</p>	<p>SLTC: 37.40.1401 is compliant as it references the federal citation and complies with federal law changes.</p> <p>SLTC: 37.40.1435 (assisted living), 37.40.1437 (residential habilitation), 37.40.1438 (supported living), 37.40.1445 (adult day health), 37.40.1446 (post-acute rehabilitation) and 37.40.1448 (habilitation) are addressed as individual services within this crosswalk.</p> <p>Non-compliant SLTC rule is 37.40.1402 (definitions).</p> <p>Not applicable SLTC rules are 37.40.1406 (services), 37.40.1407(general requirements), 37.40.1408 (enrollment), 37.40.1415(reimbursement), 37.40.1420 (service plans), and 37.40.1421 (costs of service plans); these are all administrative rules.</p> <p>SLTC: 37.40.1422 through 37.40-1431, 37.40.1439 -37.40.1441 and 37.40-1449-1488 are compliant with these requirements as the service is delivered in either a home/setting or within the community.</p>

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3	The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))	<u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u>
20	37.87.1313 is compliant, stating that 1915(i) providers must follow all regulations outlined in the 1915(i) Manual which will be amended to specifically define the requirements per the applicable federal regulations. 7.87.1315 pertains to the fair hearing procedures for 1915(i) providers and therefore this federal regulation is not applicable.. The 1915(i) Home and Community Based Services State Plan Provider Policy Manual is silent on this regulation and will need to be amended to state, "The setting must be physically accessible to the individual."	37.87.1313 is compliant, stating that 1915(i) providers must follow all regulations outlined in the 1915(i) Manual which will be amended to specifically define the requirements per the applicable federal regulations. 37.87.1315 pertains to the fair hearing procedures for 1915(i) providers and therefore this federal regulation is not applicable.. The 1915(i) Home and Community Based Services State Plan Provider Policy Manual is silent on this regulation and will need to be amended to state, "any modifications to the setting that impact the physical accessibility of the setting to the individual must be supported by a specific assessed need and justified in the person-centered plan."

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3	The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))	<u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u>
21	DDP: 37.100.101 through 37.100.175 and 37.100.301 through 37.100.340 are silent. SLTC 37.106.2801 will need to be modified to be in compliance with 42 C.F.R § 441.301(c)(4)(vi)(E)CMHB: 37.97.903, 37.97.905, 37.97.907 are silent. AMDD The rules are silent.	DDP: 37.100.101 through 37.100.175 and 37.100.301 through 37.100.340 are silent. SLTC 37.106.2801 are in compliance with 42 C.F.R § 441.301(c)(4)(vi)(F)CMHB: 37.97.903, 37.97.905, 37.97.907 are silent. AMDD 37.106.2821 is silent. 37.100.401 through 37.100.440 are silent.
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3	The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))	<u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u>
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3	<p>The setting is physically accessible to the individual. (42 C.F.R § 441.301(c)(4)(vi)(E))</p>	<p><u>Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered plan. (42 CFR 441.301(c)(4)(vi)(F))</u></p>
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State of Montana Home and Community Based Services Settings Transition

Section 4-C: Program Administration: Administrative Rules of Montana

Action Item	Description	Proposed Start Date
Identify ARMs for which HCBS regulations are applicable.	Appropriate staff from each DPHHS division (Children's Mental Health Bureau, Addictive and Mental Disorders Division, Developmental Disabilities, and Senior and Long Term Care) will identify ARMs for which HCBS regulations are applicable.	01/01/15
Submit Proposed Administrative Rules Form (PARF) to DPHHS OLA.	Appropriate staff submits PARF to OLA to begin rulemaking process.	07/01/17
Draft rule language to update ARMs.	Appropriate staff from each DPHHS division (Children's Mental Health Bureau, and the Divisions of Addictive and Mental Disorders, Developmental Disabilities, and Senior and Long Term Care) will draft rule language to update ARMS to comply with HCBS federal regulations.	08/01/17
Finalize rule language to update ARMs.	Rule language will be finalized within each division.	12/01/17
Submit ARMs to OLA.	Submit ARMs to OLA with necessary documentation (statement of reasonable necessity, fiscal impact statement, small business impact statement).	02/01/18
Hold public hearing on proposed ARMs.	Public hearing will be held on proposed ARM amendments (public hearing to take place 20 days after Montana Secretary of State's publication date).	05/10/18 (20 days after publication date)
Public Comment on proposed ARMs.	Each division will collect public comment on proposed ARMs.	04/20/18
End of public comment period.	End of public comment (28 days after Secretary of State's publication date).	05/20/18
Respond to public comment and make any changes resulting from public comment.	Appropriate staff from each division will respond to public comment on proposed ARMs and amend ARMs as necessary dependent upon public comment.	05/20/18
Final Filing with Secretary of State	File final draft of ARMs with Secretary of State.	6/11/2018

ARMs=Administrative Rules of Montana

OLA=Office of Legal Affairs

DPHHS=Department

HCBS=Home & Cor

To continue to receive federal Medicaid funds for HCBS waiver services, Montana must comply with the “settings” requirements made effective by CMS regul
CMS has granted a five-year period in which to come into compliance with these regulations, which is 3/17/2019. This draft document is Montana’s plan of h

* The 1915(i) Policy Manual is adopted and incorporated into Adminstrative Rule and therefore will utilize the Administrative Rule Amendment Timeline.

Plan

Proposed End Date	Milestone Status	Remedial Actions
09/18/15	<u>9/18/2015</u>	
08/01/17		
12/01/17		
02/01/18		
02/01/18		
05/10/18 (20 days after publication date)		
05/20/18		
05/20/18		
06/11/18		
6/11/2018, effective date 07/01/18		

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State of Montana Home and Community Based Services Settings Transition Plan

Section 5: Program Administration: Education

Action Item	Description	Proposed Start Date
Member, Families, Stakeholder and Provider education	Update documents to ensure HCBS information is accurate.	10/01/14
DPHHS monitors and identifies member survey to assure consistency in community access	DPHHS incorporates member survey into existing program reviews on an ongoing basis.	06/15/15
Incorporate education and HCB compliance understanding into Provider Enrollment	When agencies enroll to provide HCBS, they are provided guidance on HCB setting requirements. Technical assistance will be provided via telephone calls, letters and other methods as appropriate. Updates provided to CMS as needed.	10/01/14
New Provider enrollment process	Providers that apply to enroll as HCBS providers must fill out a provider self assessment to assess level of compliance. Compliance will be validated via the ongoing monitoring process. DPHHS will review assessments and request remediation plans if necessary to bring setting into compliance. Technical assistance will be provided via telephone calls, letters and other methods as appropriate. DPHHS program staff will validate provider self assessment and remediations to ensure compliance prior to approving new enrollment for HCBS providers. Providers will not be enrolled until settings are 100% compliant.	02/01/16
Implementation of new provider enrollment process	Statewide implementation of new provider enrollment process.	02/01/16

DPHHS=Department of Public Health & Human Services

HCB=Home & Community Based

HCBS=Home & Community Based Services

To continue to receive federal Medicaid funds for HCBS waiver services, Montana must comply with the “settings” requirements made effective by CMS regulations on 3/17/2019. This draft document is Montana’s plan of how it will come into compliance.

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Proposed End Date	Milestone Status
2/31/2018	
08/01/16	complete
06/30/16	complete
-ongoing	N/A
07/01/16	complete

/17/2014. CMS has granted a five-year

State of Montana Home and Community Based Services Settings Transition Plan

Section 6: Program Administration: Manual Revisions

Action Item	Description	Proposed Start Date	Proposed End Date	Milestone Status	Remedial Actions
Provider Manual revisions	DPHHS revises manuals to incorporate regulatory requirements for HCB and qualities of an HCB setting. This step is congruent with revising administrative rules.	10/01/14	07/01/18		
Incident Management Manual	Workgroup convenes to review manual and make recommendations for revisions. The manual will be updated based on the recommendations.	10/01/14	07/01/18		
Eligibility Manual	Review manual to determine the need for revisions.	10/01/14	07/01/18	07/01/16 Review complete and no revisions are necessary	N/A
Personal Support Plan (PSP) Procedure Manual	Workgroup convenes to review manual and make recommendations for revisions. The manual will be updated based on the recommendations.	01/01/16	07/01/18		
Rates Manual	Rates manual is updated annually.	01/01/16	Ongoing	07/01/16 Annual Update Complete	Ongoing

DPHHS=Department of Public Health & Human Services

HCB=Home & Community Based

To continue to receive federal Medicaid funds for HCBS waiver services, Montana must comply with the “settings” requirements made effective by CMS regulations on 3/17/2014. CMS has granted a five-year period in which to come into compliance with these regulations, which is 3/17/2019. This draft document is Montana’s plan of how it will come into compliance.

State of Montana Home and Community Based Services Settings Transition Plan

Section 7: Heightened Scrutiny

Action Item	Description	Proposed Start Date	Proposed End Date	Milestone Status	Remedial Actions
Identify Heightened Scrutiny Settings	DPHHS utilizes results from PSA to identify Heightened Scrutiny Settings. Heightened Scrutiny Settings are presumed to be institutional in nature, defined as: 1) in a building that is also a publicly or privately operate facility that provides institutional care; 2) located on the grounds of, or immediately adjacent to, a public institution; or settings that 3) have the effect of isolating individuals receiving HCBS from the broader community.	10/01/15	10/30/15		
Confirm Heightened Scrutiny	Thirteen settings have been identified to meet one or more of these criteria from the original PSA. Additional settings may be identified as Heightened Scrutiny from onsite validation process. DPHHS confirms settings are Heightened Scrutiny by reviewing building plans and evaluating the nature of the service provided in relation to the HCBS standards. If the state determines a setting is not Heightened Scrutiny based on the above methods, the state will provide CMS with sufficient evidence to demonstrate that the setting is not heightened scrutiny.	12/01/15	02/28/16		
Notify providers	DPHHS notifies Heightened Scrutiny Settings of their Heightened Scrutiny status, the Heightened Scrutiny process, and HCBS regulations. Providers will be requested to notify DPHHS of their intent to continue providing HCBS services.	08/15/16	09/15/16		
Receive provider intentions	Providers notify DPHHS of their desire to work with the state through the Heightened Scrutiny process to continue to provide HCB services or of their intention to discontinue providing services.	09/16/16	10/16/16		
Notify support team	If the provider chooses to engage in the Heightened Scrutiny process to continue to provide HCB services, the member and support team are made aware that the setting is going through the Heightened Scrutiny process. If the provider is no longer going to provide services, the member and support team are made of aware of this decision. The member and support team develop a transition plan to facilitate the member choosing and moving to an HCBS compliant setting following the member transition process.	10/17/16	11/01/16		

State of Montana Home and Community Based Services Settings Transition Plan

Section 7: Heightened Scrutiny

Action Item	Description	Proposed Start Date	Proposed End Date	Milestone Status	Remedial Actions
Information gathering	If the setting determines that they wish to continue to participate in the program, the state works through the Heightened Scrutiny process to describe how the HCBS settings requirement are met and that the setting does have the qualities of HCB settings. DPHHS collects information from and about settings requiring Heightened Scrutiny to begin the process. The information may include zoning requirements, training in HCBS, employee job descriptions, plans of care, policy and procedures, and other documents showing the setting is HCB.	10/17/16	11/30/16		
Site surveys of Heightened Scrutiny settings	DPHHS conducts on-site reviews of Heightened Scrutiny settings to determine if those settings are able meet the characteristics that deem the setting as meeting the HCBS requirements.	12/01/16	02/28/17		
Notifying providers of compliance requirements	DPHHS notifies providers of areas that must come into compliance or be mitigated to continue in the heightened scrutiny process.	03/01/17	03/31/17		
Compliance plans	Providers submit compliance plans detailing how they ensure HCBS standards can be met. If changes are needed to come into compliance, providers submit a plan detailing the milestones. Compliance must be achieved by 10/1/17.	04/15/17	06/15/17		
Review compliance plans	DPHHS reviews compliance plans and notifies providers of acceptance or denial of plans.	04/15/17	06/30/17		
Compliance site visits	DPHHS performs additional on-site reviews of settings requiring changes to come into compliance with HCBS standards.	10/01/17	01/30/18		

State of Montana Home and Community Based Services Settings Transition Plan

Section 7: Heightened Scrutiny

Action Item	Description	Proposed Start Date	Proposed End Date	Milestone Status	Remedial Actions
Public meeting	DPHHS publicly notices the settings that are deemed to meet the qualities of HCB settings and wish to continue to provide HCBS, as well as all evidence for each facility of meeting HCBS standards. A public meeting(s) will be held to give additional opportunity for public input. A 30 day public comment period is included. DPHHS will review and respond to the public comments.	12/01/17	03/31/18		
Submission to CMS	DPHHS will submit list of names of settings, locations, and evidentiary packages for all settings out for public comment. Public comment will be reviewed and respond to public comments. DPHHS will embed this information into the existing evidentiary package and insert into transition plan. Updated section will be sent to CMS for review.	04/01/18	06/30/18		
Provider disenrollment	Providers who have not come into compliance or are deemed to not meet the qualities of a home and community based setting are provided notice of the state's intent to disenroll them from participation. Members and support teams develop a person-centered transition plan for placement in a setting that meets HCBS criteria following the member transition process.	01/01/18	08/31/18		

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HCB=Home & Community Based

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CMS=Centers for Medicare and Medicaid Services

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State of Montana Home and Community Based Services Settings Transition Plan

Section 8: Remediation Plan

Action Item	Description	Proposed Start Date	Proposed End Date	Milestone Status	Remedial Actions
Remediation Evaluation.	For settings that receive an on-site review, PSA's and on-site validations are evaluated to determine areas of remediation required by each setting to be in compliance with HCBS requirements.	08/01/16	10/31/16		
Remediation plan submitted to DPHHS.	Setting provides DPHHS a detailed remediation plan that includes: 1) Area that needs remediation; 2) How the setting proposes to correct the area of noncompliance for each member affected in the setting; 3) Explanation of data/evidence that the setting provides DPHHS that show remediation has occurred; 4) Date that remediation will be completed; and 5) Contact information (e.g., who at the setting will be coordinating with DPHHS staff on the remediation plan. Remediation actions that are individual in nature and not setting specific may be recorded in the care plan/service plan of the member.	08/01/16	09/30/16		
Compliance	Compliance must be achieved. The remediation plan's for those settings at 90-100% compliance will be received back from providers by August 19, 2016. The remediation plans for 80-89% will be requested August 15, 2016 and will be received back by October 4, 2016. The remediation plans for 70-79% will be requested October 4, 2016 and will be received back by November 21, 2016. The remediation plans for 69% and less will be requested November 21, 2016 and will be received by January 9, 2017.	09/30/16	10/01/17		
Presumed Compliance Settings	DPHHS has made the presumption that privately owned or rented homes and apartments of individuals living with family members, friends or roommates meet the HCBS settings requirements if they are integrated in typical community neighborhoods where people who do not receive HCBS also reside. If the setting in question meets any of the scenarios in which there is a presumption of being institutional in nature and DPHHS determines that presumption is overcome, DPHHS will submit to CMS necessary documentation for CMS to conduct a heightened scrutiny review to determine if setting overcomes that presumption.	05/01/17	06/01/18		
Remediation plan review.	DPHHS identifies staff to receive, review and communicate approval/non-approval of remediation plans. DPHHS staff verify compliance through various methods which may include onsite review, documentation review or other ways to determine that compliance has been achieved in accordance with the remediation plan. Technical assistance will be provided via telephone calls, letters and other methods as appropriate. DPHHS notifies the setting (by letter) when evidence of compliance is reached.	11/30/16	11/30/17		
Monitor sustained compliance.	DPHHS continues to monitor setting compliance through onsite visits or as part of other monitoring processes for each specific setting type.	12/01/17	Ongoing		

State of Montana Home and Community Based Services Settings Transition Plan

Section 8: Remediation Plan

Action Item	Description	Proposed Start Date	Proposed End Date	Milestone Status	Remedial Actions
Disenrollment of non compliant settings.	Settings who choose not to remediate notify DPHHS by letter of their intent to disenroll from the program. If the setting chooses to disenroll and a member is affected by this decision, DPHHS implements member transition process and works with the member through this transition to a compliant setting.	03/01/18	12/31/18		
Member transition process.	Members residing in settings that have not come into compliance or are choosing to disenroll from the programs avail themselves of the member transition process.	11/30/16	03/01/19		
Ongoing monitoring of compliance with HCBS setting requirements.	Any setting that is in compliance prior to March 2019 will be expected to remain compliant and will be subject to ongoing monitoring.	03/01/19	Ongoing		

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State of Montana Home and Community Based Services Settings Transition Plan

Section 9: Monitoring Process

Setting	Current Process	Provider/Member Surveys	Amendments to current process	Proposed Start Date	Proposed End Date	Milestone Status
Adult Foster Care	<p>The onsite evaluations by the DPHHS Licensure Bureau are conducted at an interval not to exceed 3 years. follow up visits are conducted to ensure compliance ranging from weekly to quarterly depending on the circumstances. Follow up visits are generally conducted onsite. The DPHHS Licensure Bureau is authorized to conduct on site visits at any time just cause is present. Just cause is defined as a referral, a complaint, or any reason where credible evidence requires an investigation.</p> <p>HCBS Case Management Teams are required to:</p> <ul style="list-style-type: none"> * Distribute satisfaction surveys to members annually. * Provide ongoing oversight of members between 90-180 day visits, depending on the waiver, which includes onsite visits to the setting. 	Member surveys are completed upon the person's entry into services and annually thereafter.	<ul style="list-style-type: none"> * The tools, including checklists used during onsite monitoring, do not include all of the new HCBS rules. * State staff do not base their monitoring on all of the new HCBS rules. 	6/1/2016	ongoing	N/A
Mental Health Group Home	<p>The onsite evaluations by the DPHHS Licensure Bureau are conducted at an interval not to exceed 3 years. Follow up visits are conducted to ensure compliance ranging from weekly to quarterly depending on the circumstances. Follow up visits are generally conducted onsite. Mental Health Group Homes are an endorsement for licensed Mental Health Centers. CBS Case Management Teams are required to:</p> <ul style="list-style-type: none"> * Distribute satisfaction surveys to members annually. * Provide ongoing oversight of members between 90-180 day visits, depending on the waiver, which includes onsite visits to the setting. 	Member surveys are completed upon the person's entry into services and annually thereafter.	<ul style="list-style-type: none"> * The tools, including checklists used during onsite monitoring, do not include all of the new HCBS rules. * State staff do not base their monitoring on all of the new HCBS rules. 	6/1/2016	ongoing	N/A

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Section 9: Monitoring Process

Setting	Current Process	Provider/Member Surveys	Amendments to current process	Proposed Start Date	Proposed End Date	Milestone Status
Assisted Living Facilities (adult residential, residential habilitation)	<p>The onsite evaluations by the DPHHS Licensure Bureau are conducted at an interval not to exceed 3 years. Follow up visits are conducted to ensure compliance ranging from weekly to quarterly depending on the circumstances. Follow up visits are generally conducted onsite. The Licensure Bureau is authorized to conduct on site visits at any time just cause is present. Just cause is defined as a referral, a complaint, or any reason where credible evidence requires an investigation.</p> <p>HCBS Case Management Teams are required to:</p> <ul style="list-style-type: none"> * Distribute satisfaction surveys to members annually. * Provide ongoing oversight of members between 90-180 day visits, depending on the waiver, which includes onsite visits to the setting. 	Member surveys are completed upon the person's entry into services and annually thereafter.	<ul style="list-style-type: none"> * The tools, including checklists used during onsite monitoring, do not include all of the new HCBS rules. * State staff do not base their monitoring on all of the new HCBS rules. 	6/1/2016	ongoing	N/A
Supported Living	<p>HCBS Case Management Teams are required to:</p> <ul style="list-style-type: none"> * Distribute satisfaction surveys to members annually. * Provide ongoing oversight of members between 90-180 day visits, depending on the waiver, which includes onsite visits to the setting. 	Member surveys are completed upon the person's entry into services and annually thereafter.	<ul style="list-style-type: none"> * The tools, including checklists used during onsite monitoring, do not include all of the new HCBS rules. * State staff do not base their monitoring on all of the new HCBS rules. 	6/1/2016	ongoing	N/A
Pre-vocational	<p>HCBS Case Management Teams are required to:</p> <ul style="list-style-type: none"> * Distribute satisfaction surveys to members annually. * Provide ongoing oversight of members between 90-180 day visits, depending on the waiver, which includes onsite visits to the setting. 	Member surveys are completed upon the person's entry into services and annually thereafter.	<ul style="list-style-type: none"> * The tools, including checklists used during onsite monitoring, do not include all of the new HCBS rules. * State staff do not base their monitoring on all of the new HCBS rules. 	6/1/2016	ongoing	N/A

State of Montana Home and Community Based Services Settings Transition Plan

Section 9: Monitoring Process

Setting	Current Process	Provider/Member Surveys	Amendments to current process	Proposed Start Date	Proposed End Date	Milestone Status
Post-acute rehabilitation	<p>HCBS Case Management Teams are required to:</p> <ul style="list-style-type: none"> * Distribute satisfaction surveys to members annually. * Provide ongoing oversight of members between 90-180 day visits, depending on the waiver, which includes onsite visits to the setting. 	N/A	<ul style="list-style-type: none"> * The tools, including checklists used during onsite monitoring, do not include all of the new HCBS rules. * State staff do not base their monitoring on all of the new HCBS rules. 	6/1/2016	ongoing	N/A
Day Habilitation and Day Supports and Activities	<p>HCBS Case Management Teams are required to:</p> <ul style="list-style-type: none"> * Distribute satisfaction surveys to members annually. * Provide ongoing oversight of members between 90-180 day visits, depending on the waiver, which includes onsite visits to the setting. 	Member surveys are completed upon the person's entry into services and annually thereafter.	<ul style="list-style-type: none"> * The tools, including checklists used during onsite monitoring, do not include all of the new HCBS rules. * State staff do not base their monitoring on all of the new HCBS rules. 	6/1/2016	ongoing	N/A
Adult Day Care	<p>The onsite evaluations by DPHHS Licensure Bureau are conducted at an interval not to exceed 3 years. Follow up visits are conducted to ensure compliance ranging from weekly to quarterly depending on the circumstances. Follow up visits are conducted to ensure compliance ranging from weekly to quarterly depending on the circumstances. Follow up visits are generally conducted onsite. The Licensure Bureau is authorized to conduct on site visits at any time just cause is present. Just cause is defined as a referral, a complaint, or any reason where credible evidence requires an investigation.</p>	Member surveys are completed upon the person's entry into services and annually thereafter.	<ul style="list-style-type: none"> * The tools, including checklists used during onsite monitoring, do not include all of the new HCBS rules. * State staff do not base their monitoring on all of the new HCBS rules. 	6/1/2016	ongoing	N/A

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Section 9: Monitoring Process

Setting	Current Process	Provider/Member Surveys	Amendments to current process	Proposed Start Date	Proposed End Date	Milestone Status
Minimum Standards for all Health Care Facilities	<p>Each facility must be licensed prior to providing a waiver service. The onsite evaluations by DPHHS Licensure Bureau is the authorized agent to inspect the health care facility to determine if the facility meets the minimum regulatory standards set for in 37.106.310. If minimum regulatory standards are met and the proposed staff is qualified, the department may issue a license for periods of up to three years. The citation and sanctions process is outlined in regulation.</p> <p>HCBS Case Management Teams are required to:</p> <ul style="list-style-type: none"> * Distribute satisfaction surveys to members annually. * Provide ongoing oversight of members between 90- 180 day visits, depending on the waiver, which includes onsite visits to the setting. 	N/A	<ul style="list-style-type: none"> * The tools, including checklists used during onsite monitoring, do not include all of the new HCBS rules. * State staff do not base their monitoring on all of the new HCBS rules. 	6/1/2016	ongoing	N/A
Therapeutic Group Homes	<p>Annual performance audits are conducted by the project supervisor or designee to ensure adherence to the policies, practices, and guidance and to identify any deficiencies and/or trends. Practices are anticipated to continuously evolve in response to emerging standards, best practices and identified issues.</p> <p>Children's Mental Health Bureau staff performs announced quality assurance reviews, to ensure that optimal services are being provided to the youth and their parent(s)/legal representatives, and that program rules and policies are being followed. Quality assurance results will be used to identify and improve programs and services.</p> <p>Data is collected on all youth and their parent(s)/legal representatives in the 1915(i) HCBS State Plan program including their progress, service use, length of time in the program, cost per individualized service plan and aggregate cost.</p>	N/A	<ul style="list-style-type: none"> * The tools, including checklists used during onsite monitoring, do not include all of the new HCBS rules. * State staff do not base their monitoring on all of the new HCBS rules. 	6/1/2016	ongoing	N/A

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Section 9: Monitoring Process

Setting	Current Process	Provider/Member Surveys	Amendments to current process	Proposed Start Date	Proposed End Date	Milestone Status
Group Homes for Individuals with Intellectual Disabilities	HCBS Case Management Teams are required to: * Distribute satisfaction surveys to members annually. * Provide ongoing oversight of members between 90-180 day visits, depending on the waiver, which includes onsite visits to the setting.	Member surveys are completed upon the person's entry into services and annually thereafter.	* The tools, including checklists used during onsite monitoring, do not include all of the new HCBS rules. * State staff do not base their monitoring on all of the new HCBS rules.	6/1/2016	ongoing	N/A
Group Homes for Individuals with Physical Disabilities	HCBS Case Management Teams are required to: * Distribute satisfaction surveys to members annually. * Provide ongoing oversight of members between 90-180 day visits, depending on the waiver, which includes onsite visits to the setting.	Member surveys are completed upon the person's entry into services and annually thereafter.	* The tools, including checklists used during onsite monitoring, do not include all of the new HCBS rules. * State staff do not base their monitoring on all of the new HCBS rules.	6/1/2016	ongoing	N/A

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