Fact Sheet: Achieving Settings Compliance

Overview: Achieving Compliance with the Settings Rule

Compliance with the Settings Final Rule requires changing the way some services are provided. Individuals have certain rights guaranteed to them when receiving services funded by Medicaid. Current providers are required to move their existing settings to full compliance in order to maintain certification and access to Medicaid funding. New providers will be required to complete the certification process including compliance with the Settings Final rule.

Compliance actions refer simply to the steps that you will take to bring your setting into alignment with the federal regulations. Taking the steps to bring your setting into compliance is the same as "remediation," or the process of curing the finding.

Identifying the deliverables to create the needed change and/or the evidence required to document compliance will be critical to your success. It is helpful to identify the person responsible for carrying out remediation actions. Include your target date for each remediation action.

The service standards and requirements under the new rules apply to all types of waiver services and are divided into two components: residential and non-residential services. Residential providers have additional requirements to meet.

Service Standards and Requirements

The following pages describe the settings requirements and examples of evidence that a setting can use to support compliance with the Settings Final Rule. Some standards in the Settings Final Rule apply to all Home- and Community-Based settings and some apply only to provider-owned or controlled residential settings.

Timeline Highlights

2015-16: Self Assessments. Providers of waiver services completed a self-assessment about compliance with each requirement of Settings Final Rule.

2017: State Review and Remediation Notices. DHSS Division of Senior and Disabilities Services completed reviews of all waiver settings and (in October) sent notices with outcomes and next steps for compliance/remediation.

2017-18: Compliance actions. Settings complete remediation in order to continue billing Medicaid for services.

Questions?

Contact SDS Settings Compliance Team at dsdscompliance@alaska.gov, or see HCBS settings web page.

HCBS Setting Requirements	Examples of Evidence
The setting is integrated in and supports full access to the greater community.	Evidence of: • a process to inform/educate/share information on community events, services, and activities; • a system to facilitate participation in community events (transportation, informing natural supports, community partnerships, faith-based organizations, cultural ties, etc.) • a process indicating how the setting facilitates community relationships and leverages partnerships with other organizations and volunteers.
Ensures an individual's rights of privacy, dignity, and respect; and freedom from coercion and restraint.	Evidence of a process to notify and educate individuals about their HCBS-specific rights. Show how process is shared with stakeholders and reflected in policies and procedures.
Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, such as daily activities, physical environment, and with whom to interact.	• Evidence of a process that assesses individual preferences that includes, but not limited to, daily activities, physical environment and at-will unrestricted interaction with other community members, unless otherwise specified and supported by evidence in a recipients support plan. • a policy, process or procedure that demonstrates how individuals give input and feedback on planned or unplanned activities; document that input • a documented process and/or policy for when an individual declines participation in an activity.
Facilitates individual choice regarding services and supports and who provides them.	Methods of Participant Notification (e.g. participant handbook, policies & procedures, operating practices) • a process or procedure that determines and documents individual/family input on services and supports they want. • Show how your setting gathers input from participants on which staff they want to work with. • Policy and/or process made available to individuals and families explaining how and to whom to make a request to change activities or supports or to add new activities or supports. • Show how your setting accommodates individual requests.
Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources	• A process or policy indicating how the setting determines preferences and how opportunities and supports will be provided to support people who want to work or seek employment. • Blank copy of Staff orientation/training that demonstrates an understanding of how to support people with work goals.

Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid home and community-based services	Support documents that inform people how opportunities and supports will be provided to ensure they are fully included in greater community with non-disabled people.
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.	Plan of Care will document settings choices.