

Section	SUB SECTION	Question #	Question	Guidance/Additional Information
CORE	Serv Del Doc	5.008^*	Are waiver services delivered in a manner which supports each individual's full participation in the greater community, considering their individual choices, preferences, and needs? 5123-9-02 42 CFR 441.301 (c)(4)(i) 42 CFR 441.710 (a)(1)(I)	<ul style="list-style-type: none"> • Are opportunities to access inclusive settings in the community being offered (refusals should be documented) • Are the activities meaningful <u>to the individual</u>, age appropriate, and similar to those without disabilities? Ask providers and individuals how activities are selected and scheduled. • If any part of the settings rule is not met due to modifications needed for a specific person, those specific qualities and conditions must be supported with a specific assessed need and justified in the person-centered service plan.
	Day Services	New Question	Is the non-residential waiver service setting integrated in and does it support access to the greater community? 42 CFR 441.301 (c)(4)(i)	<p>There is opportunity for Access. The setting facilitates individuals having opportunities to:</p> <ul style="list-style-type: none"> - Seek employment and work in competitive integrated settings <i>if receiving vocational services</i> - Engage in community life - Control personal resources - Receive services in the community to the same degree as others not receiving HCBS services <ul style="list-style-type: none"> • If any part of the settings rule is not met due to modifications needed for a specific person, those specific qualities and conditions must be supported with a specific assessed need and justified in the person-centered service plan.
	Day Services	New Question	Does the non-residential waiver service setting ensure a person's rights are protected? 42 CFR 441.301 (c)(4)(iii)	<p>There is opportunity for Rights. The setting facilitates individuals having:</p> <ul style="list-style-type: none"> - Privacy - Respect - Freedom from intimidation - Freedom from restraint

				<ul style="list-style-type: none"> If any part of the settings rule is not met due to modifications needed for a specific person, those specific qualities and conditions must be supported with a specific assessed need and justified in the person-centered service plan.
	Day Services	New Question	<p>Does the non-residential waiver service setting optimize, without controlling, personal initiative and independence in life choices?</p> <p>42 CFR 441.301 (c)(4)(iv)</p>	<p>There are opportunities for Independence. The setting facilitates individuals having opportunities for:</p> <ul style="list-style-type: none"> Daily activities Physical environment Choice in with whom to interact <p>If any part of the settings rule is not met due to modifications needed for a specific person, those specific qualities and conditions must be supported with a specific assessed need and justified in the person-centered service plan.</p>
	Day Services	New Question	<p>Does the non-residential waiver service setting facilitate personal choice regarding services and supports and who provides them?</p> <p>42 CFR 441.301 (c)(4)(v)</p>	<p>There are opportunities for choice. The setting facilitates individuals having opportunities to choose:</p> <ul style="list-style-type: none"> Direct care staff Granted access to all available services, supports, and providers. Understood and listened to – staff know the person’s capabilities, interests, preferences, and needs. Able to fully exercise individuality. Allowed to change or update their preferences at any time. <p>If any part of the settings rule is not met due to modifications needed for a specific person, those specific qualities and conditions must be supported with a specific assessed need and justified in the person-centered service plan.</p>
DAY SERV	Serv Del Doc	5.012	<p>Adult Day Support and Vocational Habilitation only: If the provider is billing the community integration rate is the service provided;</p> <ul style="list-style-type: none"> in-person 	

			<ul style="list-style-type: none"> • in the greater community (not at a location created for the specific purpose of serving HCBS waiver recipients). • in groups of four individuals or fewer individuals? <p>5123-9-14; 5123-9-17</p>	
CORE	Phys Env	9.001*	<p>If the individual lives in a setting that is provider controlled, does the individual have a lease that:</p> <ul style="list-style-type: none"> • Includes a statement that the residence is provider-controlled • Explains the relationship between the landlord and provider of waiver services • Includes a statement that the individual may choose any provider to deliver waiver services? <p>5123-9-02</p>	<ul style="list-style-type: none"> • With the exception of the acceptable provider owned settings, the entity acting as the provider cannot also provide the residence. <ul style="list-style-type: none"> ○ This includes the practice of a provider signing a lease with the landlord and then subleasing to the individual(s). <p>Provider controlled setting means a residence where the landlord is:</p> <ul style="list-style-type: none"> • An entity that is owned in whole or in part by the individual's independent provider; • An immediate family member of the individual's independent provider; • An immediate family member of an owner or a management employee of the individual's agency provider; • Affiliated with the individual's agency provider, meaning the landlord: <ul style="list-style-type: none"> ○ Employs a person who is also an owner or a management employee of the agency provider; or ○ Has, serving as a member of its board, a person who is also serving as a member of the board of the agency provider. • An entity that is owned in whole or in part by an owner, or a management employee, or an immediate family member of the individual's agency provider; or

				<ul style="list-style-type: none"> An owner or a management employee of the individual's agency provider <p>The lease cannot Impose rights restrictions on roommate selection, privacy, security, decorating, visitors, control of schedule and activities, and access to food unless indicated in the ISP.</p>
CORE	Phys Env	9.003*	<p>If the individual lives in a licensed residential facility or provider-owned setting, does the individual have a residency agreement that includes:</p> <ul style="list-style-type: none"> An explanation of the relationship between the landlord and the provider, A statement regarding whether or not the individual may choose a provider other than the residential facility or shared living provider to deliver waiver services? <p>5123-9-02</p>	<p>Residency agreement is not required if the Shared Living provider is related to the individual</p> <p>Provider owned setting means:</p> <ul style="list-style-type: none"> A setting where shared living is provided; A setting owned by an independent provider who is living in the setting and providing services to an individual who is living in the setting; or A licensed residential facility <ul style="list-style-type: none"> With the exception of the acceptable provider owned settings listed above, the entity acting as the provider cannot also provide the residence. <ul style="list-style-type: none"> This includes the practice of a provider signing a lease with the landlord and then subleasing to the individual(s). <p>The lease/residency agreement cannot: Impose rights restrictions on roommate selection, privacy, security, decorating, visitors, control of schedule and activities, and access to food unless indicated in the ISP.</p>
CORE	Phys Env	9.002* ^	<p>Are waiver services being provided in a setting that is NOT in a publicly operated or privately-operated facility that also provides inpatient institutional treatment OR in a building on the grounds of or adjacent to publicly operated facility that provides inpatient institutional treatment?</p>	<p>Contact and discuss with a DODD Review Manager.</p>

			5123-9-02	
DAY	Phys Env	9.003 ^A	<p>Are in-person day waiver services provided in a non-residential setting? 5123-9-13; 5123-9-14; 5123-9-15; 5123-9-16; 5123-9-17; 5123-9-19</p>	<p>Contact and discuss with a DODD Review Manager.</p> <p>Issue a citation if day waiver services are provided in a residential setting that is actively being used as a residence, unless authorized as virtual services.</p> <p>Excludes Individual Employment Support for maintaining Self-Employment.</p>
CORE	Phys Env	9.004* ^A	<p>In all residential waiver settings, does the individual have the freedom to:</p> <ul style="list-style-type: none"> • Select roommates, • Privacy and security including locks and keys to living unit, • Decorate their living unit, • Have visitors of their choosing at any time, • Control their schedule and activities, and • Access food at any time? <p>5123-9-02; 42 CFR 441.301(4)(iv)-(vi)(A-B)</p>	<p>All should be available to the individual, unless otherwise specified in the ISP.</p> <p>Homes where waiver services are delivered:</p> <p>Choice</p> <ul style="list-style-type: none"> • The person can make choices without unnecessary influence from others. The person can change their mind about services in and outside the house, who visit and when, and who they want to live with. <p>Control</p> <ul style="list-style-type: none"> • The person has control (when possible) over useful things/valuable supplies (time, money, food, belongings). <p>Independence and Access</p> <ul style="list-style-type: none"> • The person receives services in their neighborhood, or a different neighborhood almost the same as people not receiving HCBS services. <p>Provider-owned or controlled residential setting:</p> <ul style="list-style-type: none"> • Privacy in bedroom and living area

				<ul style="list-style-type: none"> • Entrance doors lockable by individual • Choice about roommate(s) • Free to get own furniture and decorate their bedroom and/or living area • Decide who will visit and when • Individual control and choice about schedule • Can get food when they want • Physically accessible home
New Question			<p>Did the provider ensure that residential services are provided in an unlicensed residence with no more than four unrelated individuals with developmental disabilities? 5126.01</p>	<p>Residential services cannot occur in facilities licensed by other entities.</p> <p>Contact the DODD Group Manager prior to issuing this citation</p>