

Wyoming Statewide Transition Plan - Systemic Assessment

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
		Current Rule	Comprehensive, Supports, and ABI Waiver Settings Chapter 45, Section 13, b. i (Page 21)	Complies	(b) All certified waiver providers shall provide services that are home and community-based in nature, which means the service setting: (i) Assists the participant to achieve success in the setting environment and supports full access to the greater community to the same degree as individuals not receiving Medicaid HCBS.	None Needed	--
					<p>Purpose: The purpose of this policy and procedure is to clearly define the components of a community integrated setting and provide a procedure for Division staff to follow when assessing settings for these components.</p> <p>Policy: It is the policy of the Behavioral Health Division (BHD) is that all Home and Community Based waiver providers implement the provision of services in settings that are community based and facilitate opportunities for participants to access community opportunities and resources to the same degree as people who do not have a disability.</p> <p>Procedure: Provider Support Staff (PVS) 1. During regularly scheduled, drop by, or emergency site visits, the PVS will identify the following community based setting components: a. Employment First philosophy is demonstrated, including the facilitation of opportunities to seek, obtain, and maintain employment in a competitive and integrated setting. b. Regular, ongoing access to community activities, events, and venues, both scheduled and spontaneous, is demonstrated. c. Settings and environments that are community based and not institutional in nature (i.e., are in a publicly or privately operated inpatient facility such as a nursing home or ICF/MR, are in a building or on the grounds of or adjacent to a public institution) are observed.</p>		
1	Setting is integrated in, and supports full access of, individual receiving Medicaid HCBS to the same degree of access as individuals not receiving Medicaid HCBS.	Policy and Procedure Manual, in development	Comprehensive, Supports, and ABI Waiver Settings BHD-PVS-0338-Integrated Setting Policy	Silent		Update policy and procedure, develop manual	March 31, 2018

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		Policy and Procedure Manual	Community Choices Waiver Policy	Silent	<p>Proposed Language on Page 21-22 to read "Assisted Living Facility providers must ensure that the setting is integrated in, and supports full access of, individuals receiving Medicaid HCBS to the greater community to the same degree of access as individuals not receiving Medicaid HCBS" The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices</p> <p>The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews.</p>	Update policy manual	March 31, 2018
		Current rule	Comprehensive Supports, and ABI Waiver Settings Chapter 45, Section 13 (l), Page 27	Complies	(l) Each provider certified to provide employment services, including supported employment and group supported employment services, shall ensure that: (i) The participant is involved in making informed employment related decisions; (ii) The participant is linked to services and community resources that enable them to achieve their employment objectives; (iii) The participant is given information on local job opportunities; and (iv) The participant's satisfaction with employment services is assessed on a regular basis.	None needed	--

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2	The setting includes opportunities to seek employment and work in competitive integrated settings to the same degree of access as individuals not receiving Medicaid HCBS.	Policy and Procedure Manual, in development	<u>Comprehensive Supports and ABI Waiver Settings BHD-PVS-0338-Integrated Setting Policy</u>	Silent	<p>Purpose: The purpose of this policy and procedure is to clearly define the components of a community integrated setting and provide a procedure for Division staff to follow when assessing settings for these components.</p> <p>Policy: It is the policy of the Behavioral Health Division (BHD) is that all Home and Community Based waiver providers implement the provision of services in settings that are community based and facilitate opportunities for participants to access community opportunities and resources to the same degree as people who do not have a disability.</p> <p>Procedure: Provider Support Staff (PVS) 1. During regularly scheduled, drop by, or emergency site visits, the PVS will identify the following community based setting components: a. Employment First philosophy is demonstrated, including the facilitation of opportunities to seek, obtain, and maintain employment in a competitive and integrated setting. b. Regular, ongoing access to community activities, events, and venues, both scheduled and spontaneous, is demonstrated. c. Settings and environments that are community based and not institutional in nature (i.e., are in a publicly or privately operated inpatient facility such as a nursing home or ICF/MR, are in a building or on the grounds of or adjacent to a public institution) are observed.</p>	Update policy and procedure, develop manual	March 31, 2018
		Policy and Procedure Manual	<u>Community Choices Waiver Policy</u>	Silent	<p>Proposed Language on Page 21-22 to read "Assisted Living Facility providers must ensure that the setting includes opportunities to seek employment and work in competitive integrated settings to the same degree of access as individuals not receiving Medicaid HCBS" The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices</p> <p>The Community Choices Waiver Staff will ensure that all new providers meet this requirement and will review during desk reviews and or site reviews that on-going providers continue to meet this requirement.</p>	Update policy manual	March 31, 2018

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		Current rule	Comprehensive Supports and ABI Waiver Settings Chapter 45, Section 13 (b) (Page 21)	Complies	(b) All certified waiver providers shall provide services that are home and community based in nature, which means the service setting...	None needed	-
		Current rule	Assisted Living Facility Licensing Rule, Chapter 12, Section 7, c. xii: xv: xx (Page 14)	Silent	(xii) Make visits outside the facility. The facility manager and the resident shall share responsibility for communicating with respect to scheduling such visits; (xv) Exercise choice in attending and participating in religious activities; (xx) Participate in social activities, in accordance with the assistance plan; Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	This will be included in the Community Choices Waiver Policy updates. Division of Healthcare Financing will work with licensing on their rule for any updates/changes	July 1, 2019
		Policy and Procedure Manual	Community Choices Waiver Policy	Silent	Proposed Language on Page 21-22 to read "Assisted Living Facility providers must ensure that the setting includes opportunities to engage in community life to the same degree of access as individuals not receiving Medicaid HCBS" The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews	Update policy manual	March 31, 2018

The setting includes opportunities to engage in community life to the

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3	same degree of access as individuals not receiving Medicaid HCBS.	Policy and Procedure Manual	<u>Comprehensive, Supports, and ABI Waiver Settings BHD-PVS-0338-Integrated Setting Policy</u>	Silent	<p>Purpose: The purpose of this policy and procedure is to clearly define the components of a community integrated setting and provide a procedure for Division staff to follow when assessing settings for these components.</p> <p>Policy: It is the policy of the Behavioral Health Division (BHD) is that all Home and Community Based waiver providers implement the provision of services in settings that are community based and facilitate opportunities for participants to access community opportunities and resources to the same degree as people who do not have a disability.</p> <p>Procedure: Provider Support Staff (PVS) 1. During regularly scheduled, drop by, or emergency site visits, the PVS will identify the following community based setting components: a. Employment First philosophy is demonstrated, including the facilitation of opportunities to seek, obtain, and maintain employment in a competitive and integrated setting. b. Regular, ongoing access to community activities, events, and venues, both scheduled and spontaneous, is demonstrated. c. Settings and environments that are community based and not institutional in nature (i.e., are in a publicly or privately operated inpatient facility such as a nursing home or ICF/MR, are in a building or on the grounds of or adjacent to a public institution) are observed.</p>	Update policy and procedure, develop manual	March 31, 2018
		Current rule	<u>Assisted Living Facility Licensing Rule, Chapter 12, Section 7, c. xiii (Page 14)</u>	Silent	(xiii) Make decisions and choices in the management of personal affairs, funds, or property; Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	This will be included in the Community Choices Waiver Policy updates. Division of Healthcare Financing will work with licensing on their rule for any updates/changes	July 1, 2019

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		Policy and Procedure Manual	<u>Community Choices Waiver Policy</u>	Silent	Proposed Language on Page 21-22 to read "Assisted Living Facility providers must ensure that the setting includes opportunities to control personal resources to the same degree of access as individuals not receiving Medicaid HCBS" The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews	Update policy manual	March 31, 2018
		Current rule	<u>Comprehensive, Supports, and ABI Waiver Settings Chapter 45, Section 4 (c) (xii)(Page 3)</u>	Complies	(xii) (The right to) Control over how they spend their personal resources;	None Needed	--
		Policy and Procedure Manual, in development	<u>Comprehensive, Supports, and ABI Waiver Settings BHD-PSS-0437-Participant Access to Personal Resources Policy</u>	Silent	Purpose: The purpose of this policy and procedure is to provide clear guidance on how to identify a person's choice in managing and spending his or her money, and ensure that any restriction to this right has an assessed need and a restoration plan. Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) has choice and makes decisions about how s/he budgets, manages, and spends money. Procedure: To be developed within the scope of HCB Guidance. Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/	Update policy and procedure, develop manual	March 31, 2018

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		Current Rule	Comprehensive, Supports, and ABI Waiver Settings Chapter 45, Section 13, b, ii (Page 21)	Complies	(b) All certified waiver providers shall provide services that are home and community-based in nature, which means the service setting: (ii) Is selected by the individual from options including non-disability specific settings;	None Needed	--

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5	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. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.	Policy and Procedure Manual, in development	<u>Comprehensive, Supports, and ABI Waiver Settings BHD-PVS-0339-Policy on Participant Choice</u>	Silent	<p>Purpose: The purpose of this policy and procedure is to define how participant choice is identified and demonstrated.</p> <p>Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) has choice and control in his or her life. Guardians, case managers, and providers will facilitate opportunities for the participant to learn about his or her options, and facilitate choice in where s/he wants to live; with whom s/he wants to spend time; what, when, and where s/he'd like to live; the activities and events in which s/he wants to be involved; and from whom s/he'd like to receive assistance and support.</p> <p>Procedure:</p> <ol style="list-style-type: none"> 1. During annual and modified plan review, PSS will identify the following Plan of Care components: <ol style="list-style-type: none"> a. Under Housing, if applicable, a narrative which describes other less restrictive setting that have been explored, including settings that are not disability specific. b. A plan verification form which identifies that the participant and his or her guardian have been offered choice in service providers. c. Identified activities, events, and schedule options. 2. During regularly scheduled, drop by, or emergency site visits, the PVS will observe the following: <ol style="list-style-type: none"> a. Implementation of individualized schedules that demonstrate participant choice based on the Plan of Care 3. During regularly scheduled, drop by, or emergency site visits, the PVS will ensure the following provider policies are available for participant review: <ol style="list-style-type: none"> a. Policy outlining how a participant has choice in his/her direct support staff, and implementation of this policy. b. Policy outlining how a participant has choice in his/her roommate, and implementation of this policy. c. Policy outlining how a participant has choice in what, where, when, and with whom to eat. <p>Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/</p>	Update policy and procedure, develop manual	March 31, 2018

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		Policy and Procedure Manual	<u>Community Choices Waiver Policy</u>	Silent	<p>Proposed Language on Page 21-22 to read "Assisted Living Facility providers must ensure that 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"</p> <p>Proposed Language on page to read 42 under the following requirements must be documented in the person-centered service plan: "For Assisted Living, the setting options are identified and are based on the individual's needs, preferences, and for residential settings, resources available for room and board"</p> <p>The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices</p> <p>The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews . That all person-centered services plans are documented.</p>	Update policy manual	March 31, 2018
		Current rule	<u>Assisted Living Facility Licensing Rule, Chapter 12, Section 7, c, i-vi (Page 13)</u>	Partially Compliant/Silent	(i) Be treated with respect and dignity; (ii) privacy; (iii) Free from physical or chemical restraints not required to treat the resident's medical symptoms. No chemical or physical restraints will be used except by order of a physician; (iv) Not to be isolated or kept apart from other residents; (v) Not to be physically, psychologically, sexually, or verbally abused, humiliated, intimidated, or punished; (vi) Live free from involuntary confinement or financial exploitation; Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	Amendment to CCW Waiver to reflect this	July 1, 2018

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		Policy and Procedure Manual	Community Choices Waiver Policy	Silent	<p>Proposed Language on Page 21-22 to read "Assisted Living Facility providers must ensure that individual's essential personal rights of privacy, dignity, respect, and freedom from coercion and restraint are protected. The state will need to further propose remediation to include that any modification of conditions must be supported by a specific assessed need and justified in the person-centered service plan. The following requirements must be documented in the person-centered service plan: (A) Identify a specific and individualized assessed need. (B) Document the positive interventions and supports used prior to any modifications to the person-centered service plan. (C) Document less intrusive methods of meeting the need that have been tried but did not work. (D) Include a clear description of the condition that is directly proportionate to the specific assessed need. (E) Include a regular collection and review of data to measure the ongoing effectiveness of the modification. (F) Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated. (G) Include informed consent of the individual. (H) Include an assurance that interventions and supports will cause no harm to the individual." The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices</p> <p>The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews</p>	Update policy manual	March 31, 2018
	Current Rule		Comprehensive, Supports, and ABI Waiver Settings Chapter 45, Section 4 (c)(i)-(ii), and Section 4(h); Section 18 (Page 3-5, Page 34)	Complies	(i) Ensures an individual's rights of privacy, dignity and respect; (ii) Ensures the right to freedom from coercion and restraint; (h) When rights restrictions are deemed necessary, the individual plan of care shall include a rights restriction protocol that must include the following: Section 18 (pg 34-41), which covers Restrictive Intervention Standards.	None Needed	--

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6		Policy and Procedure Manual, in development	<u>Comprehensive, Supports, and ABI Waiver Settings BHD-PSS-0438-Policy on Participant Right to Privacy, Dignity, and Freedom from Restraint</u>	Silent	<p>Purpose: The purpose of this policy and procedure is to define how a participant's essential personal rights, to include the right to privacy, dignity, respect, and freedom from coercion and restraints, should be demonstrated by providers.</p> <p>Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) be treated with dignity and respect by waiver providers, have their privacy respected to the extent possible for their health and safety, and be free from coercion and restraint, unless restraint is specifically addressed as a rights restriction in the participant's plan of care and meets the criteria in Chapter 45, Section 18.</p> <p>Procedure:</p> <ol style="list-style-type: none"> 1. During annual and modified plan review, PSS will Identify the following Plan of Care components: <ol style="list-style-type: none"> a. If a rights restriction is in place, that each of the eight (8) federal requirements are addressed, including an assessed need and a restoration plan. b. If the rights restriction for privacy is identified in the plan of care, how maximum privacy will be demonstrated. 2. During regularly scheduled, drop by, or emergency site visits, the PVS will review the following: <ol style="list-style-type: none"> a. Policy and procedures on rights restrictions and restrictive interventions, and implementation of the policy and procedures b. Policy and procedures on restraint usage, including the prohibition of coercion and seclusion. c. Policy on participant privacy, and implementation of the policy d. Policies shall include the following components: <ol style="list-style-type: none"> (i) A participant's rights cannot be curtailed unless the 8 points of criterion have been addressed, including an assessed need and restoration plan, and have been documented in the plan of care. (ii) Restraint is to be used only for the purpose of protection and should be discontinued immediately once the need for protection is over. (iii) There must be proof that all other alternatives have been tried and failed (iv) How restraints will be monitored, reviewed, and reported (v) How staff will be trained (vi) How restraint will be analyzed to ensure they were necessary and performed correctly 3. During regularly scheduled, drop by, or emergency site visits, the PVS verify that people have privacy in their living space <ol style="list-style-type: none"> a. A mechanism to lock his or her room and home. b. A secure place for personal belongings. c. Demonstration that only appropriate personnel have access to keys. <p>Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/</p>	Update policy and procedure, develop manual	March 31, 2018

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		Current rule	Assisted Living Facility Licensing Rule, Chapter 12, section 7, c, iv; ix; xi; xiii; xx (Page 13-14)	Silent	(iv) Not to be isolated or kept apart from other residents; (ix) Communicate privately, including, but not limited to, communicating by mail or telephone with anyone; (xi) Have visitors, including the right to privacy during such visits; (xiii) Make decisions and choices in the management of personal affairs, assistance plans, funds, or property; (xx) Participate in social activities, in accordance with the assistance plan; Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	This will be included in the Community Choices Waiver Policy updates. Division of Healthcare Financing will work with licensing on their rule for any updates/changes	July 1, 2019
		Policy and Procedure Manual	Community Choices Waiver Policy	Silent	Proposed Language on Page 21-22 to read "Assisted Living Facility providers must ensure that they optimizes, but do not regiment individual initiative, autonomy, and independence in making life choices. This includes but no limited to, daily activities, physical environment and with whom to interact" The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices	Update policy manual	March 31, 2018
7	Optimizes, but does not regiment individual initiative, autonomy, and independence in making life choices. This includes, but not limited	Current Rule	Comprehensive Supports, and ABI Waiver Settings Chapter 45, Section 13, b, v (Page 21)	Complies	(b) All certified waiver providers shall provide services that are home and community-based in nature, which means the service setting: (v) Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices including daily activities, recreational activities, physical environment, and with whom to interact;	None Needed	--

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	to, daily activities, physical environment, and with whom to interact.	Policy and Procedure Manual, in development	<u>Comprehensive, Supports, and ABI Waiver Settings BHD-PVS-0339-Policy on Participant Choice</u>	Silent	<p>Purpose: The purpose of this policy and procedure is to define how participant choice is identified and demonstrated.</p> <p>Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) has choice and control in his or her life. Guardians, case managers, and providers will facilitate opportunities for the participant to learn about his or her options, and facilitate choice in where s/he wants to live; with whom s/he wants to spend time; what, when, and where s/he'd like to live; the activities and events in which s/he wants to be involved; and from whom s/he'd like to receive assistance and support.</p> <p>Procedure:</p> <ol style="list-style-type: none"> 1. During annual and modified plan review, PSS will identify the following Plan of Care components: <ol style="list-style-type: none"> a. Under Housing, if applicable, a narrative which describes other less restrictive setting that have been explored, including settings that are not disability specific. b. A plan verification form which identifies that the participant and his or her guardian have been offered choice in service providers. c. Identified activities, events, and schedule options. 2. During regularly scheduled, drop by, or emergency site visits, the PVS will observe the following: <ol style="list-style-type: none"> a. Implementation of individualized schedules that demonstrate participant choice based on the Plan of Care 3. During regularly scheduled, drop by, or emergency site visits, the PVS will ensure the following provider policies are available for participant review: <ol style="list-style-type: none"> a. Policy outlining how a participant has choice in his/her direct support staff, and implementation of this policy. b. Policy outlining how a participant has choice in his/her roommate, and implementation of this policy. c. Policy outlining how a participant has choice in what, where, when, and with whom to eat. <p>Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/</p>	Update policy and procedure, develop manual	March 31, 2018

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		Current rule	<u>Assisted Living Facility Licensing Rule, Chapter 12, section 7, c. xiii, A (Page 14)</u>	Partially Compliant/Silent	(xiii) Make decisions and choices in the management of personal affairs, assistance plans, funds, or property; (A) Including choice of home health agencies, pharmacies, personal care providers and any other private pay provider. Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	This will be included in the Community Choices Waiver Policy updates. Division of Healthcare Financing will work with licensing on their rule for any updates/changes	July 1, 2019
		Policy and Procedure Manual	<u>Community Choices Waiver Policy</u>	Silent	Proposed Language on Page 21-22 to read "Assisted Living Facility providers must ensure that the individuals have choice regarding services and supports, and who provides them" Proposed Language on page to read 42 under the following requirements must be documented in the person-centered service plan: "For Assisted Living, the individual has choice regarding services and supports, and who provides them" The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews	Update policy manual	March 31, 2018

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8	Individual choice regarding services and supports, and who provides them, is facilitated.	Policy and Procedure Manual, in development	<u>Comprehensive, Supports, and ABI Waiver Settings BHD-PVS-0339-Policy on Participant Choice</u>	Silent	<p>Purpose: The purpose of this policy and procedure is to define how participant choice is identified and demonstrated.</p> <p>Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) has choice and control in his or her life. Guardians, case managers, and providers will facilitate opportunities for the participant to learn about his or her options, and facilitate choice in where s/he wants to live; with whom s/he wants to spend time; what, when, and where s/he'd like to live; the activities and events in which s/he wants to be involved; and from whom s/he'd like to receive assistance and support.</p> <p>Procedure:</p> <ol style="list-style-type: none"> 1. During annual and modified plan review, PSS will identify the following Plan of Care components: <ol style="list-style-type: none"> a. Under Housing, if applicable, a narrative which describes other less restrictive setting that have been explored, including settings that are not disability specific. b. A plan verification form which identifies that the participant and his or her guardian have been offered choice in service providers. c. Identified activities, events, and schedule options. 2. During regularly scheduled, drop by, or emergency site visits, the PVS will observe the following: <ol style="list-style-type: none"> a. Implementation of individualized schedules that demonstrate participant choice based on the Plan of Care 3. During regularly scheduled, drop by, or emergency site visits, the PVS will ensure the following provider policies are available for participant review: <ol style="list-style-type: none"> a. Policy outlining how a participant has choice in his/her direct support staff, and implementation of this policy. b. Policy outlining how a participant has choice in his/her roommate, and implementation of this policy. c. Policy outlining how a participant has choice in what, where, when, and with whom to eat. <p>Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/</p>	Update policy and procedure, develop manual	March 31. 2018

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9	<p>Provider owned or controlled residential settings: 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, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity. For settings in which landlord tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written</p>	Current Rule	<p>Comprehensive, Supports, and ABI Waiver Settings Chapter 45, Section 13 (j)(xiv)(A) (Page 25)</p>	Complies	<p>(xiv) Providers shall ensure that all participants residing in a provider owned or leased facility have: (A) A lease or residency agreement for the location in which they are agreeing to reside. The lease or agreement must be signed by the participant or legally authorized representative (if applicable), and the provider. The lease or agreement must allow the same responsibilities and protections from eviction as all tenants under landlord tenant law of the state, county, and city where the facility is located. At no time may a participant be asked to leave their residence on a regular basis to accommodate the provider;</p>	None Needed	--

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
	Other form of written agreement will be in place for each HCBS participant, and that that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.	Policy and Procedure Manual	<u>Community Choices Waiver Policy</u>	Silent	<p>Proposed Language on Page 21-22 to read "Assisted Living Facility providers must ensure that a lease, residency agreement or other form of written agreement is in place for each HCBS participant, and that that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law" The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices</p> <p>The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews</p>	Update policy manual	March 31, 2018
		Current Rule	<u>Comprehensive Supports, and ABI Waiver Settings Chapter 45, Section 13 (i)(xiv)(H) (Page 26)</u>	Complies	(xvi) Providers shall ensure that all participants residing in a provider owned or leased facility have: (H) A key or other type of access to a lock for both the housing unit, the participant's bedroom, and any form of locked storage where the participant's personal belongings are kept, with only appropriate staff having keys to doors;	None Needed	--

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
10	Provider owned or controlled residential settings: Each individual has privacy in their sleeping or living unit: Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.	Policy and Procedure Manual, in development	<u>Comprehensive Supports, and ABI Waiver Settings BHD-PSS-0438-Policy on Participant Right to Privacy, Dignity, and Freedom from Restraint</u>	Silent	<p>Purpose: The purpose of this policy and procedure is to define how a participant's essential personal rights, to include the right to privacy, dignity, respect, and freedom from coercion and restraints, should be demonstrated by providers.</p> <p>Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) be treated with dignity and respect by waiver providers, have their privacy respected to the extent possible for their health and safety, and be free from coercion and restraint, unless restraint is specifically addressed as a rights restriction in the participant's plan of care and meets the criteria in Chapter 45, Section 18.</p> <p>Procedure:</p> <ol style="list-style-type: none"> 1. During annual and modified plan review, PSS will Identify the following Plan of Care components: <ol style="list-style-type: none"> a. If a rights restriction is in place, that each of the eight (8) federal requirements are addressed, including an assessed need and a restoration plan. b. If the rights restriction for privacy is identified in the plan of care, how maximum privacy will be demonstrated. 2. During regularly scheduled, drop by, or emergency site visits, the PVS will review the following: <ol style="list-style-type: none"> a. Policy and procedures on rights restrictions and restrictive interventions, and implementation of the policy and procedures b. Policy and procedures on restraint usage, including the prohibition of coercion and seclusion. c. Policy on participant privacy, and implementation of the policy d. Policies shall include the following components: <ol style="list-style-type: none"> (i) A participant's rights cannot be curtailed unless the 8 points of criterion have been addressed, including an assessed need and restoration plan, and have been documented in the plan of care. (ii) Restraint is to be used only for the purpose of protection and should be discontinued immediately once the need for protection is over. (iii) There must be proof that all other alternatives have been tried and failed (iv) How restraints will be monitored, reviewed, and reported (v) How staff will be trained (vi) How restraint will be analyzed to ensure they were necessary and performed correctly 3. During regularly scheduled, drop by, or emergency site visits, the PVS verify that people have privacy in their living space <ol style="list-style-type: none"> a. A mechanism to lock his or her room and home. b. A secure place for personal belongings. c. Demonstration that only appropriate personnel have access to keys. <p>Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/</p>	Update policy and procedure, develop manual	March 31, 2018

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
		Policy and Procedure Manual	Community Choices Waiver Policy	Silent	<p>Proposed Policy Language on Page 21-22 to read "Assisted Living Facility providers must ensure that each individual has privacy in their sleeping or living unit: Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors" The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices</p> <p>The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews</p>	Update policy manual	March 31, 2018
		Current Rule	Comprehensive, Supports, and ABI Waiver Settings Chapter 45, section 13, (i) (xvi)(D) (Page 26)	Complies	(xvi) Providers shall ensure that all participants residing in a provider owned or leased facility have: (D) A private bedroom with no more than one (1) person in a bedroom unless a more preferred situation is identified in their plans of care and one of the following criteria is met:	None Needed	--

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
11	Provider owned or controlled residential settings: Individuals sharing units have a choice of roommates in that setting.	Policy and Procedure Manual, in development	<u>Comprehensive, Supports, and ABI Waiver Settings BHD-PVS-0339-Policy on Participant Choice</u>	Silent	<p>Purpose: The purpose of this policy and procedure is to define how participant choice is identified and demonstrated.</p> <p>Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) has choice and control in his or her life. Guardians, case managers, and providers will facilitate opportunities for the participant to learn about his or her options, and facilitate choice in where s/he wants to live; with whom s/he wants to spend time; what, when, and where s/he'd like to live; the activities and events in which s/he wants to be involved; and from whom s/he'd like to receive assistance and support.</p> <p>Procedure:</p> <p>1. During annual and modified plan review, PSS will identify the following Plan of Care components:</p> <p>a. Under Housing, if applicable, a narrative which describes other less restrictive setting that have been explored, including settings that are not disability specific.</p> <p>b. A plan verification form which identifies that the participant and his or her guardian have been offered choice in service providers.</p> <p>c. Identified activities, events, and schedule options.</p> <p>2. During regularly scheduled, drop by, or emergency site visits, the PVS will observe the following:</p> <p>a. Implementation of individualized schedules that demonstrate participant choice based on the Plan of Care</p> <p>3. During regularly scheduled, drop by, or emergency site visits, the PVS will ensure the following provider policies are available for participant review:</p> <p>a. Policy outlining how a participant has choice in his/her direct support staff, and implementation of this policy.</p> <p>b. Policy outlining how a participant has choice in his/her roommate, and implementation of this policy.</p> <p>c. Policy outlining how a participant has choice in what, where, when, and with whom to eat.</p> <p>Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/</p>	Update policy and procedure, develop manual	March 31, 2018
		Policy and Procedure Manual	<u>Community Choices Waiver Policy</u>	Silent	Proposed Policy Language on Page 21-22 to read "Assisted Living Facility providers must ensure that Individuals sharing units have a choice of roommates in that setting" The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices	Update policy manual	March 31, 2018

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
		Current rule	Assisted Living Facility Licensing Rule, Chapter 12, Section 7 n. ii, H (Page 25)	Silent	(H) Residents shall be encouraged to bring personal items and furniture for their rooms (e.g. beds, chairs, pictures, etc.), Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	This will be included in the Community Choices Waiver Policy updates. Division of Healthcare Financing will work with licensing on their rule for any updates/changes	July 1, 2019
12	Provider owned or controlled residential settings: Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.	Policy and Procedure Manual	Community Choices Waiver Policy	Silent	Proposed Policy Language on Page 21-22 to read "Assisted Living Facility providers must ensure that Individuals have freedom to furnish and decorate their sleeping or living units within the lease or other agreement" The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews	Update policy manual	March 31, 2018
		Current Rule	Comprehensive, Supports, and ABI Waiver Settings Chapter 45, section 13 (i)(xiv)(C) (Page 25)	Complies	(xvi) Providers shall ensure that all participants residing in a provider owned or leased facility have: (C) Freedom to furnish and decorate the participant's sleeping and living units within the lease or other agreement;	None Needed	--

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
		Current Rule	Comprehensive Supports, and ABI Settings Chapter 45, Section 13 (g)(i) and (m) Page 24 and 27	Complies	<p>(g) Other service standards. All service settings owned or controlled by a provider or self-directed employee must meet the following requirements: (i) In residential service and day service facilities, the provider shall ensure participants have access to food at all times, and provide nutritious meals and snacks options. Providers may not require a regimented meal schedule except as outlined in subsection (m) of this Chapter. (m) Settings that include any modification to a participant's right to food or a non-regimented meal schedule imposed by a provider must be ordered by the participant's attending medical professional with evidence in the plan of care that details the assessed need for the order and the protocols that must be followed.</p>	None Needed	--
		Current Rule	Comprehensive Supports, and ABI Settings Chapter 45, Section 4 (c)(vii) and 13 (i)(xiv)(B) Page 3 and 25	Complies	<p>Section 4(c)(vii) Freedom and support to control their own schedules and activities; Section 13(i)(xiv)(B) Freedom and support to control their own schedules and activities;</p>	None Needed	--

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
		Current Rule	Comprehensive Supports and ABI Settings Chapter 45, Section 4 (h)(ii) and (iii)	Complies	<p>Section 4(h)(ii)-(iii) For any rights restriction imposed, the following items must be addressed and documented in the individual plan of care as follows:</p> <p>(A) Identify the specific and individualized assessed need;</p> <p>(B) Document the positive interventions and supports used prior to any modifications to the person-centered service plan;</p> <p>(C) Document less intrusive methods of meeting the need that have been tried but did not work;</p> <p>(D) Include a clear description of the condition that is directly proportionate to the specific assessed need;</p> <p>(E) Include a regular collection and review of data to measure the ongoing effectiveness of the modification;</p> <p>(F) Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated;</p> <p>(G) Include the informed consent of the individual; and</p> <p>(H) Include an assurance that interventions and supports will cause no harm to the individual.</p> <p>(iii) In addition to the items mentioned above, a rights restriction must have a restoration plan that addresses the following: (A) Minimize the effect of the restriction; (B) Assist the participant with exercising their rights more fully; (C) Ensure that a participants rights are not completely removed; (D) Identify what part of the right is restricted; (E) Set goals for restoration of rights (participant training); and (F) Establish time limits for periodic reviews to determine if the restriction is still necessary or can be terminated.</p>	None Needed	--
13	Provider owned or controlled settings: Individuals have the freedom and support to control their own	Current rule	Assisted Living Facility Licensing Rule, Chapter 12, section 7, c. vii: xii: xv (Page 13-14)	Silent	(vii) Full use of the facilities common areas; (xii) Make visits outside of the facility. The facility manager and the resident shall share responsibility for communicating with respect to scheduling visits; (xv) Exercise choice in attending and participating in religious activities Available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	This will be included in the Community Choices Waiver Policy updates. Division of Healthcare Financing will work with licensing on their rule for any updates/changes	July 1, 2019

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
	control their own schedules and activities, and have access to food at any time.	Policy and Procedure Manual	<u>Community Choices Waiver Policy</u>	Silent	<p>Proposed Policy Language on Page 21-22 to read "Assisted Living Facility providers must ensure that Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time". The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices</p> <p>The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews</p>	Update policy manual	March 31, 2018

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
		Policy and Procedure Manual, in development	<u>Comprehensive, Supports, and ABI Waiver Settings BHD-PVS-0339-Policy on Participant Choice</u>	Silent	<p>Purpose: The purpose of this policy and procedure is to define how participant choice is identified and demonstrated.</p> <p>Policy: It is the policy of the Behavioral Health Division (BHD) that each participant receiving funding through the Home and Community Based Waiver (HCBS) has choice and control in his or her life. Guardians, case managers, and providers will facilitate opportunities for the participant to learn about his or her options, and facilitate choice in where s/he wants to live; with whom s/he wants to spend time; what, when, and where s/he'd like to live; the activities and events in which s/he wants to be involved; and from whom s/he'd like to receive assistance and support.</p> <p>Procedure:</p> <ol style="list-style-type: none"> 1. During annual and modified plan review, PSS will identify the following Plan of Care components: <ol style="list-style-type: none"> a. Under Housing, if applicable, a narrative which describes other less restrictive setting that have been explored, including settings that are not disability specific. b. A plan verification form which identifies that the participant and his or her guardian have been offered choice in service providers. c. Identified activities, events, and schedule options. 2. During regularly scheduled, drop by, or emergency site visits, the PVS will observe the following: <ol style="list-style-type: none"> a. Implementation of individualized schedules that demonstrate participant choice based on the Plan of Care 3. During regularly scheduled, drop by, or emergency site visits, the PVS will ensure the following provider policies are available for participant review: <ol style="list-style-type: none"> a. Policy outlining how a participant has choice in his/her direct support staff, and implementation of this policy. b. Policy outlining how a participant has choice in his/her roommate, and implementation of this policy. c. Policy outlining how a participant has choice in what, where, when and with whom to eat. <p>Will be located here: https://health.wyo.gov/behavioralhealth/dd/policy-site/</p>	Update policy and procedure, develop manual	March 31, 2018

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
		Policy and Procedure Manual	<u>Community Choices Waiver Policy</u>	Silent	<p>Proposed Policy Language on Page 21-22 to read "Assisted Living Facility providers must ensure that Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time" The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices</p> <p>The Community Choices Waiver Staff will ensure that all new providers meet this requirement and will review during desk reviews and or site reviews that on-going providers continue to meet this requirement</p>	Update policy manual	March 31, 2018
		Current rule	<u>Assisted Living Facility Licensing Rule, Chapter 12, section 7, c, xi (Page 14)</u>	Silent	(x) Have visitors, including the right to privacy during such visits; Available online at http://sos.wy.state.wy.us/Rules/RULES/6796.pdf	This will be included in the Community Choices Waiver Policy updates. Division of Healthcare Financing will work with licensing on their rule for any updates/changes	July 1, 2019
14	Provider owned or controlled settings: Individuals are able to have visitors of their choosing at any time.	Policy and Procedure Manual	<u>Community Choices Waiver Policy</u>	Silent	<p>Update Policy Language on Page 21-22 to read "Assisted Living Facility providers must ensure that Individuals are able to have visitors of their choosing at any time. The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices</p> <p>The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews</p>	Update policy manual	March 31, 2018
		Current Rule	<u>Comprehensive, Supports, and ABI Waiver Settings Chapter 45, Section 4 (c)(ix) (Page 3)</u>	Complies	(c) Other service standards. All service settings owned or controlled by a provider or self-directed employee must meet the following requirements: (ix) A participant must be able to have visitors of their choosing at any time.	None Needed	--

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
15	Provider owned or controlled residential settings: The setting is physically accessible to the individual	Current Rule	Comprehensive Supports and ABI Waiver Settings Chapter 45, Section 4 (c)(xii) (Page 3)	Complies	(xiii) All settings must be physically accessible to the individual;	None Needed	--
		Current rule	Assisted Living Facility Licensing Rule, Chapter 12	Silent	The setting must be physically accessible to the participant; Will be available online at http://soswy.state.wy.us/Rules/RULES/6796.pdf	This will be included in the Community Choices Waiver Policy updates. Division of Healthcare Financing will work with licensing on their rule for any updates/changes	July 1, 2019
		Policy and Procedure Manual	Community Choices Waiver Policy	Silent	Proposed Policy Language on Page 21-22 to read "Assisted Living Facility providers must ensure that the setting is physically accessible to the individual" The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews	Update policy manual	March 31, 2018
		Current Rule	Comprehensive Supports and ABI Waiver Settings Chapter 45, Section 13 (c) (Page 21)	Complies	(c) Settings that are not considered home and community - based include, but are not limited to:	None Needed	--

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
16	Locations that have qualities of institutional settings, as determined by the Secretary. Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public institution.	Policy and Procedure Manual, in development	<u>Comprehensive Supports, and ABI Waiver Settings BHD-PVS-0338-Integrated Setting Policy</u>	Silent	<p>Purpose: The purpose of this policy and procedure is to clearly define the components of a community integrated setting and provide a procedure for Division staff to follow when assessing settings for these components.</p> <p>Policy: It is the policy of the Behavioral Health Division (BHD) is that all Home and Community Based waiver providers implement the provision of services in settings that are community based and facilitate opportunities for participants to access community opportunities and resources to the same degree as people who do not have a disability.</p> <p>Procedure: Provider Support Staff (PVS) 1. During regularly scheduled, drop by, or emergency site visits, the PVS will identify the following community based setting components: a. Employment First philosophy is demonstrated, including the facilitation of opportunities to seek, obtain, and maintain employment in a competitive and integrated setting. b. Regular, ongoing access to community activities, events, and venues, both scheduled and spontaneous, is demonstrated. c. Settings and environments that are community based and not institutional in nature (i.e., are in a publicly or privately operated inpatient facility such as a nursing home or ICF/MR, are in a building or on the grounds of or adjacent to a public institution) are observed.</p>	Update policy and procedure, develop manual	March 31, 2018

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
		Policy and Procedure Manual	Community Choices Waiver Policy	Silent	<p>Proposed Policy Language on Page 21-22 "A setting covered by the Community Choices Waiver may not include any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public institution" The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices</p> <p>The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews</p>	Update policy manual	March 31, 2018
		Current Rule	Comprehensive, Supports, and ABI Waiver Settings Chapter 45, Section 13 (c) (Page 21)	Complies	(c) Settings that are not considered home and community-based include, but are not limited to:	None Needed	--

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
17	Home and community-based settings do not include the following: a nursing facility; institution for mental diseases; an intermediate care facility for individuals with intellectual disabilities; a hospital.	Policy and Procedure Manual, in development	<u>Comprehensive Supports and ABI Waiver Settings BHD-PVS-0338-Integrated Setting Policy</u>	Silent	<p>Purpose: The purpose of this policy and procedure is to clearly define the components of a community integrated setting and provide a procedure for Division staff to follow when assessing settings for these components.</p> <p>Policy: It is the policy of the Behavioral Health Division (BHD) is that all Home and Community Based waiver providers implement the provision of services in settings that are community based and facilitate opportunities for participants to access community opportunities and resources to the same degree as people who do not have a disability.</p> <p>Procedure: Provider Support Staff (PVS)</p> <p>1. During regularly scheduled, drop by, or emergency site visits, the PVS will identify the following community based setting components:</p> <p>a. Employment First philosophy is demonstrated, including the facilitation of opportunities to seek, obtain, and maintain employment in a competitive and integrated setting.</p> <p>b. Regular, ongoing access to community activities, events, and venues, both scheduled and spontaneous, is demonstrated.</p> <p>c. Settings and environments that are community based and not institutional in nature (i.e., are in a publicly or privately operated inpatient facility such as a nursing home or ICF/MR, are in a building or on the grounds of or adjacent to a public institution) are observed.</p>	Update policy and procedure, develop manual	March 31, 2018
		Policy and Procedure Manual	<u>Community Choices Waiver Policy</u>	Complies	Participants must be discharged from the Community Choices waiver upon admission to a nursing facility or any other institution (pg. 48). The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices	None needed	-

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
	Any modification of conditions must be supported by a specific assessed need and justified in the person-centered service plan. The following requirements must be documented in the person-centered service plan: (A) Identify a specific and individualized assessed need. (B) Document the positive interventions and supports used prior to any modifications to the person-centered service plan. (C) Document less intrusive methods of meeting the need that	Policy and Procedure Manual	<u>Community Choices Waiver Policy</u>	Silent	<p>Proposed Language on Page 21-22 to read "Assisted Living Facility providers must ensure that individual's essential personal rights of privacy, dignity, respect, and freedom from coercion and restraint are protected. The state will need to further propose remediation to include that any modification of conditions must be supported by a specific assessed need and justified in the person-centered service plan. The following requirements must be documented in the person-centered service plan: (A) Identify a specific and individualized assessed need. (B) Document the positive interventions and supports used prior to any modifications to the person-centered service plan. (C) Document less intrusive methods of meeting the need that have been tried but did not work. (D) Include a clear description of the condition that is directly proportionate to the specific assessed need. (E) Include a regular collection and review of data to measure the ongoing effectiveness of the modification. (F) Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated. (G) Include informed consent of the individual. (H) Include an assurance that interventions and supports will cause no harm to the individual." The current policy may be found at https://health.wyo.gov/healthcarefin/medicaid/homecareservices</p> <p>The Community Choices Waiver Staff will ensure that all new providers meet this requirement prior to receiving enrollment approval. For ongoing providers we will review setting compliance during desk reviews and/or site reviews</p>	Update policy manual	March 31, 2018

#	Federal Regulation	Current, future, waiver app, etc	Current State Standard of Relevance	Compliance Status (Complies, Silent, Conflicting with Regulation)	State's Current Language or Proposed Language (if compliance status is silent)	Remediation	Timeline
18	<p>meeting the need that have been tried but did not work. (D) Include a clear description of the condition that is directly proportionate to the specific assessed need. (E) Include a regular collection and review of data to measure the ongoing effectiveness of the modification. (F) Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated. (G) Include informed consent of the individual. (H) Include an assurance that interventions and supports will cause no harm to the individual.</p>	Current Rule	<p>Comprehensive Supports and ABL Waivers Chapter 45, Section 4 (h)(ii) and (iii) (Page 4-5)</p>	Complies	<p>Section 4(h)(ii)-(iii) For any rights restriction imposed, the following items must be addressed and documented in the individual plan of care as follows:</p> <p>(A) Identify the specific and individualized assessed need;</p> <p>(B) Document the positive interventions and supports used prior to any modifications to the person-centered service plan;</p> <p>(C) Document less intrusive methods of meeting the need that have been tried but did not work;</p> <p>(D) Include a clear description of the condition that is directly proportionate to the specific assessed need;</p> <p>(E) Include a regular collection and review of data to measure the ongoing effectiveness of the modification;</p> <p>(F) Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated;</p> <p>(G) Include the informed consent of the individual; and</p> <p>(H) Include an assurance that interventions and supports will cause no harm to the individual.</p> <p>(iii) In addition to the items mentioned above, a rights restriction must have a restoration plan that addresses the following: (A) Minimize the effect of the restriction; (B) Assist the participant with exercising their rights more fully; (C) Ensure that a participants rights are not completely removed; (D) Identify what part of the right is restricted; (E) Set goals for restoration of rights (participant training); and (F) Establish time limits for periodic reviews to determine if the restriction is still necessary or can be terminated.</p>	None Needed	--