

Attachment 6: State Systemic Assessments by Settings

(Updated **7/11/2016**)

DDDS State Self-Assessment by Setting *

Day Habilitation

Setting Description: Services that are regularly scheduled activities provided in a non-residential setting, separate from the participant's private residence or other residential living arrangement, such as assistance with acquisition, retention, or improvement in self-help, socialization and adaptive skills that enhance social development and develop skills in performing activities of daily living and community living, physical development, basic communication, self-care skills, domestic skills, community skills and community-inclusion activities.

Number of Individuals Served: 547

Relevant Characteristics/Requirements

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
1	<i>The setting is integrated in and supports full access to the greater community.</i>	Delaware Code, Title 16, Ch. 55, Subchapter I. Declaration of General and Special Rights of Persons Diagnosed with Intellectual Disabilities and Other Specific Developmental Disabilities, §5503 http://delcode.delaware.gov/title16/c055/index.shtml	Yes - persons diagnosed with intellectual disabilities or other specific developmental disabilities have a right to strive for productive work in meaningful occupations, economic security and a decent standard of living. (**SEE COMPANION DOCUMENT**)	N/A
DMAP Provider Specific Manual: DDDS HCBS Waiver, Section 2.0 Qualified Providers https://www.dmap.state.de.us/downloads/manuals.html		Yes – providers must comply with all applicable requirements, including HCB settings requirements. (**SEE COMPANION DOCUMENT**)	N/A	
DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html		Yes – the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A	
DDDS Policy: Alternative Care Arrangements - rev. May 2010 http://dhss.delaware.gov/dhss/ddds/policy_community.html		Yes – the policy in its entirety supports individual's in choosing and receiving alternative care arrangements. (**SEE COMPANION DOCUMENT**)	N/A	

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	The DDDS provider standards are in the process of being revised to more fully address the new HCB requirements. Once the expectation has been codified into the standards, the DDDS Office of Quality Improvement will monitor continued compliance. (**SEE COMPANION DOCUMENT**)
2	<i>There are opportunities to seek employment and work in competitive integrated settings, engage in community life and control personal resources.</i>	Delaware Code, Title 16, Ch. 55, Subchapter I. Declaration of General and Special Rights of Persons Diagnosed with Intellectual Disabilities and Other Specific Developmental Disabilities, §5503 http://delcode.delaware.gov/title16/c055/index.shtml	Yes - persons diagnosed with intellectual disabilities or other specific developmental disabilities have a right to strive for productive work in meaningful occupations, economic security and a decent standard of living. (**SEE COMPANION DOCUMENT**)	N/A
DDDS Waiver Application, Appendix C-1 http://dhss.delaware.gov/ddds/		Yes – Appendix C-1 includes the service package available to participants eligible for the DDDS waiver that facilitates integration into the community. (**SEE COMPANION DOCUMENT**)	N/A	
DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html		Yes – the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A	
DDDS Standards			New standards are being developed to address this requirement. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)	
3	<i>The individual receives services in the community with the same degree of access as individuals not receiving Medicaid</i>	DMAP Provider Specific Manual: DDDS HCBS Waiver section 2.0 Qualified Providers https://www.dmap.state.de.us/downloads/manuals.html	Yes - providers must comply with all applicable requirements, including HCB settings requirements. (**SEE COMPANION DOCUMENT**)	N/A
DDDS Policy: Rights and		Silent	The policy will be revised to include this	

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
	HCBS.	Responsibilities Policy January 2010 http://dhss.delaware.gov/ddds/policy_administrative.html		explicit requirement – ensure that individuals receive services in the community with the same degree of access as individuals not receiving Medicaid HCBS. DDDS anticipates completing this by November, 2016.
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Language is being added to the DDDS standards to clarify the providers' role in assisting the individual to select and access community resources and activities. (**SEE COMPANION DOCUMENT**)
4	<i>The setting is selected by the individual from among residential and day options that include generic settings.</i>	DMAP Provider Specific Manual: DDDS HCBS Waiver, Section 2.0 Qualified Providers https://www.dmap.state.de.us/downloads/manuals.html	Yes - providers must comply with all applicable requirements, including HCB settings requirements. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Rights and Responsibilities Policy January 2010 http://dhss.delaware.gov/ddds/policy_administrative.html	Silent	The policy will be revised to include this explicit requirement that the individual has the right to selected settings from among residential and day options that include generic settings. DDDS anticipates completing this by November, 2016.
		DDDS Waiver Application - Section D-1 Service Plan Development – D-1, c http://dhss.delaware.gov/ddds/	Silent	Amend the language in the waiver application to indicate that the individual may select a generic setting. DDDS anticipates completing this by November, 2016.
		DDDS Essential Lifestyle Planning Manual http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf	Silent	DDDS' person-centered planning process is being revised to address this element - the setting is selected by the individual from among residential and day options that include generic settings. DDDS anticipates completing this by November 2016.
5**	<i>The setting provides the participants an option to choose a</i>	N/A	N/A	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
	<i>private unit in a residential setting.</i>			
6	<i>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.</i>	DDDS Waiver Application, Appendix D-1, c and d http://dhss.delaware.gov/ddds/	Yes – Appendix D-1, c and d outlines how the person-centered plan is developed and the elements addressed in the person-centered service plan. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Essential Lifestyle Planning Manual http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf	Silent	DDDS' person-centered planning process is being revised to address this element – ensure that settings options are identified and addressed 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. DDDS anticipates completing this by November 2016.
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Language is being added to the DDDS standards to clarify the case manager's role in assisting the individual to select options. (**SEE COMPANION DOCUMENT**)
7	<i>Right to privacy.</i>	DDDS Policy: Rights and Responsibilities, January 2010 http://dhss.delaware.gov/ddds/policy_administrative.html	Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Add Language to in the DDDS Standards. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)
8	<i>Right to dignity and respect.</i>	DDDS Waiver Application – Appendix F http://dhss.delaware.gov/ddds/	Yes – Appendix F addresses the program requirements for individual protections, including right to dignity and respect. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Rights and Responsibility January 2010, Statement of Rights http://dhss.delaware.gov/ddds/pol	Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring.	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		icy_administrative.html	(**SEE COMPANION DOCUMENT**)	
9	Freedom from coercion and restraint.	DDDS Waiver Application – Appendix G-2, a.i http://dhss.delaware.gov/ddds/	Yes – Appendix G-2, a.i notes the safeguards around the use of restraints and seclusions. (**SEE COMPANION DOCUMENT**)	NA
		DDDS Policy: Abuse, assault, attempted suicide, neglect, mistreatment, financial exploitation and significant injury policy June 2011 http://dhss.delaware.gov/ddds/policy_administrative.html	Yes – the policy in its entirety establishes procedures for the reporting, investigating and follow-up of incidents involving suspected abuse, assault, attempted suicide, neglect, mistreatment, financial exploitation and significant injury. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policies: Behavior Support Policy, Behavior Modifying Medications and Use of Restraints and Restrictive Procedures for Behavior Support, October 7, 2015 http://dhss.delaware.gov/dhss/ddds/policy_community.html	Yes – these are three DDDS policies that all address the required protections of participants from restraints, seclusions and other restrictive procedures. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Rights Complaint, March 2005 http://dhss.delaware.gov/ddds/policy_administrative.html	Yes – the policy in its entirety establishes procedures for processing and resolving individual complaints. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Health Related Protection – rev. March 2009 http://dhss.delaware.gov/dhss/ddds/policy_community.html	Silent	This policy is being revised to include this explicit requirement to protect individuals from coercion and restraint. DDDS anticipates completing this by November 2016.
		Delaware Administrative Code, Title 16, Section 3320 Intensive Behavioral Support and Educational Residence, Section 20 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Title16/Section3320.htm	Yes – this section notes that all residents have the right to be free from physical or mental abuse, discipline and corporal punishment and establishes procedures to protect individuals when restraints are used. (**SEE COMPANION DOCUMENT**)	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3320.shtml		
		DDDS Person Centered Planning Process	Silent	The current DDDS policies referenced above for this requirement address the circumstances under which restraints and other restrictive interventions can be used and the protocols for monitoring the use of these interventions. These policies and protocols are consistent with the HCBS Rule. What has not been consistently communicated is that the recommendation for restraints must be documented as part of the PCP DDDS's person-centered planning process in the PCP. The planning process and manual are being revised to make it clear that the recommendation for restraints must be documented as part of the PCP. DDDS anticipates completing this by November 2016.
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	The DDDS provider standards are in the process of being revised to make it clear that any Behavior Support Plans, indicating all planned interventions, must be included as part of the person centered plan. Once the expectation has been codified into the standards, the DDDS Office of Quality Improvement will monitor continued compliance. (**SEE COMPANION DOCUMENT**)
10	Optimizes individual initiative, autonomy and independence in making life choices (including daily activities, physical and environment, and with whom to interact).	Delaware Code, Title 29, Ch. 79, Department of Health and Social Services, Subchapter I. Establishment and Organization of Department (DDDS enabling law), §7909A http://delcode.delaware.gov/title29/c079/sc01/index.shtml	Yes – establishes the mission of DDDS which includes providing supports and services to enable individuals to make informed choices that lead to an improved quality of life and meaningful participation in their communities. (**SEE COMPANION DOCUMENT**)	
		DMAP Provider Specific Manual, DDDS HCBS Waiver, 4.0 Covered Services, 4.2 Day Services	Yes – this section of the manual notes the available waiver services and supports and notes the requirements for facilitating individual choice.	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		https://www.dmap.state.de.us/downloads/manuals.html	(**SEE COMPANION DOCUMENT**)	
		DDDS Essential Lifestyle Planning Manual, Section I http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf	Yes – Section I describes the fundamentals of the Essential Lifestyle Planning Process - a way of listening to people, recording what was heard, and developing a support plan that is as unique as each individual and addresses how the person wants to live. The remainder of the manual walks through the elements of the process. (**SEE COMPANION DOCUMENT**)	N/A
11	Facilitates individual choice regarding services/supports, and who provides them.	DDDS Waiver Application, Appendix D-1 , c, Service Plan http://dhss.delaware.gov/ddds/	Yes – Appendix D-1, c describes the person-centered service planning process and the information made available to individuals to support development of the person-centered service plan. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Rights and Responsibilities, January 2010 http://dhss.delaware.gov/ddds/policy_administrative.html	Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Essential Lifestyle Planning Manual, Section I http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf	Yes - Section I describes the fundamentals of the Essential Lifestyle Planning Process - a way of listening to people, recording what was heard, and developing a support plan that is as unique as each individual and addresses how the person wants to live. The remainder of the manual walks through the elements of the process. (**SEE COMPANION DOCUMENT**)	
		DDDS Standards (proposed standards still in draft -not yet available on line)		Language is being moved from the regulation cited above to the DDDS standards to address this requirement. (**SEE COMPANION DOCUMENT**)
17	**Access to food at	**DDDS Standards (proposed	**Silent – The current language does not	**Add Language to in the DDDS Standards.

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
	any time	standards still in draft -not yet available on line)	address this requirement.	The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)
18	**Visitors at any time	** DDDS Policy: Rights and Responsibility, January 2010 http://dhss.delaware.gov/dhss/ddds/files/policy_admin_rights_jan_2010.pdf	** Yes	** (**SEE COMPANION DOCUMENT**)

Prevocational Settings

Setting Description: Provide learning and work experiences, including volunteer work and/or internships, in settings where the individual can develop general, non-job-task-specific strengths and skills that contribute to employability in paid employment in integrated community settings.

Number of Individuals Served: 220

Relevant Characteristics/Requirements

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
1	The setting is integrated in and supports full access to the greater community.	Delaware Code, Title 16, Ch. 55, Subchapter I. Declaration of General and Special Rights of Persons Diagnosed with Intellectual Disabilities and Other Specific Developmental Disabilities, §5503 http://delcode.delaware.gov/title16/c055/index.shtml	Yes - persons diagnosed with intellectual disabilities or other specific developmental disabilities have a right to strive for productive work in meaningful occupations, economic security and a decent standard of living. (**SEE COMPANION DOCUMENT**)	N/A
		DMAP Provider Specific Manual: DDDS HCBS Waiver, Section 2.0 Qualified Providers https://www.dmap.state.de.us/downloads/manuals.html	Yes - providers must comply with all applicable requirements, including HCB settings requirements. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html	Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	The DDDS provider standards are in the process of being revised to more fully address the new HCB requirements. Once the expectation has been codified into the standards, the DDDS Office of Quality Improvement will monitor continued compliance. (**SEE COMPANION DOCUMENT**)
2	<i>There are opportunities to seek employment and work in competitive integrated settings, engage in community life and control personal resources.</i>	Delaware Code, Title 16, Ch. 55, Subchapter I. Declaration of General and Special Rights of Persons Diagnosed with Intellectual Disabilities and Other Specific Developmental Disabilities, §5503 http://delcode.delaware.gov/title16/c055/index.shtml	Yes - persons diagnosed with intellectual disabilities or other specific developmental disabilities have a right to strive for productive work in meaningful occupations, economic security and a decent standard of living. (**SEE COMPANION DOCUMENT**)	N/A
Delaware Code, Title 19, Ch. 7, Employment Practices, Subchapter V. Employment First Act, §741 and §743 http://delcode.delaware.gov/title19/c007/sc05/index.shtml		Yes – this section describes the Employment First priority which requires that competitive employment in an integrated setting must be considered first when offering or providing services to persons with disabilities who are of working age. (**SEE COMPANION DOCUMENT**)	N/A	
DDDS Waiver Application, Appendix C-1 http://dhss.delaware.gov/ddds/		Yes - Appendix C-1 includes the service package available to participants eligible for the DDDS waiver that facilitates integration into the community. (**SEE COMPANION DOCUMENT**)	N/A	
DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html		Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A	
DDDS Standards (proposed standards still in draft -not yet available on line)			New standards are being developed to address this requirement. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)	
3	<i>The individual</i>	DMAP Provider Specific Manual:	Yes - providers must comply with all	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
	receives services in the community with the same degree of access as individuals not receiving Medicaid HCBS.	DDDS HCBS Waiver section 2.0 Qualified Providers https://www.dmap.state.de.us/downloads/manuals.html	applicable requirements, including HCB settings requirements. (**SEE COMPANION DOCUMENT**)	
		DDDS Policy: Rights and Responsibilities Policy January 2010 http://dhss.delaware.gov/ddds/policy_administrative.html	Silent	The policy will be revised to include this explicit requirement – ensure that individuals receive services in the community with the same degree of access as individuals not receiving Medicaid HCBS. DDDS anticipates completing this by November 2016.
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Language is being added to the DDDS standards to clarify the providers' role in assisting the individual to select and access community resources and activities. (**SEE COMPANION DOCUMENT**)
4	The setting is selected by the individual from among residential and day options that include generic settings.	DMAP Provider Specific Manual: DDDS HCBS Waiver, Section 2.0 Qualified Providers https://www.dmap.state.de.us/downloads/manuals.html	Yes - providers must comply with all applicable requirements, including HCB settings requirements. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Waiver Application, Section D-1 Service Plan Development – D-1, c http://dhss.delaware.gov/ddds/	Silent	Amend the language in the waiver application to indicate that the individual may select a generic setting. DDDS anticipates completing this by November 2016.
		DDDS Essential Lifestyle Planning Manual http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf	Silent	DDDS' person-centered planning process is being revised to address this element - the setting is selected by the individual from among residential and day options that include generic settings. DDDS anticipates completing this by November 2016.
		DDDS Policy: Rights and Responsibilities Policy January 2010 http://dhss.delaware.gov/ddds/policy_administrative.html	Silent	The policy will be revised to include this explicit requirement – the setting is selected by the individual from among residential and day options that include generic settings. DDDS anticipates completing this by November 2016.

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
5**	The setting provides the participants an option to choose a private unit in a residential setting.	N/A	N/A	N/A
6	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.	DDDS Waiver Application, Appendix D-1, c and d http://dhss.delaware.gov/ddds/	Yes - Appendix D-1, c and d outline how the person-centered plan is developed and the elements addressed in the person-centered service plan. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Essential Lifestyle Planning Manual http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf	Silent	DDDS' person-centered planning process is being revised to address this element - 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. DDDS anticipates completing this by November 2016.
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Language is being added to the DDDS standards to clarify the case manager's role in assisting the individual to select options. (**SEE COMPANION DOCUMENT**)
7	Right to privacy.	DDDS Policy: Rights and Responsibilities Policy January 2010 http://dhss.delaware.gov/ddds/policy_administrative.html	Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Add Language to in the DDDS Standards. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)
8	Right to dignity and respect.	DDDS Waiver Application, Appendix F http://dhss.delaware.gov/ddds/	Yes - Appendix F addresses the program requirements for individual protections, including right to dignity and respect. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Rights and Responsibilities Policy January 2010	Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		http://dhss.delaware.gov/ddds/policy_administrative.html	and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Add Language to in the DDDS Standards. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)
9	Freedom from coercion and restraint.	DDDS Waiver Application, Appendix G-2, a.i http://dhss.delaware.gov/ddds/	Yes - Appendix G-2, a.i notes the safeguards around the use of restraints and seclusions. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Abuse, assault, attempted suicide, neglect, mistreatment, financial exploitation and significant injury policy June 2011 http://dhss.delaware.gov/ddds/policy_administrative.html	Yes - the policy in its entirety establishes procedures for the reporting, investigating and follow-up of incidents involving suspected abuse, assault, attempted suicide, neglect, mistreatment, financial exploitation and significant injury. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Rights Complaint, March 2005 http://dhss.delaware.gov/ddds/policy_administrative.html	Yes – the policy in its entirety establishes procedures for processing and resolving individual complaints. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policies: Behavior Support Policy, Behavior Modifying Medications and Use of Restraints and Restrictive Procedures for Behavior Support, October 7, 2015 http://dhss.delaware.gov/dhss/ddds/policy_community.html	Yes - these are three DDDS policies that all address the required protections of participants from restraints, seclusions and other restrictive procedures. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Health Related Protection – rev. March 2009 http://dhss.delaware.gov/dhss/ddds/policy_community.html	Silent	This policy is being revised to include this explicit requirement to protect individuals from coercion and restraint. DDDS anticipates completing this by November 2016.
		DDDS Person Centered Planning Process	Silent	The current DDDS policies referenced above for this requirement address the circumstances under which restraints and other restrictive interventions can be used

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
				and the protocols for monitoring the use of these interventions. These policies and protocols are consistent with the HCBS Rule. What has not been consistently communicated is that the recommendation for restraints must be documented as part of the PCP. The planning process and manual are being revised to make it clear that the recommendation for restraints must be documented as part of the PCP. DDDS anticipates completing this by November 2016.
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	The DDDS provider standards are in the process of being revised to make it clear that any Behavior Support Plans, indicating all planned interventions, must be included as part of the person centered plan. Once the expectation has been codified into the standards, the DDDS Office of Quality Improvement will monitor continued compliance. (**SEE COMPANION DOCUMENT**)
10	Optimizes individual initiative, autonomy and independence in making life choices (including daily activities, physical and environment, and with whom to interact).	Delaware Code, Title 29, Ch. 79, Department of Health and Social Services, Subchapter I. Establishment and Organization of Department (DDDS enabling law), §7909A http://delcode.delaware.gov/title29/c079/sc01/index.shtml	Yes - establishes the mission of DDDS which includes providing supports and services to enable individuals to make informed choices that lead to an improved quality of life and meaningful participation in their communities. (**SEE COMPANION DOCUMENT**)	N/A
		DMAP Provider Specific Manual, DDDS HCBS Waiver, 4.0 Covered Services, 4.2 Day Services https://www.dmap.state.de.us/downloads/manuals.html	Yes - this section of the manual notes the available waiver services and supports and notes the requirements for facilitating individual choice. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Essential Lifestyle Planning Manual, Section I http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual0	Yes - Section I describes the fundamentals of the Essential Lifestyle Planning Process - a way of listening to people, recording what was heard, and	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		4012014Joy2.pdf	developing a support plan that is as unique as each individual and addresses how the person wants to live. The remainder of the manual walks through the elements of the process. (**SEE COMPANION DOCUMENT**)	
11	Facilitates individual choice regarding services/supports, and who provides them.	DDDS Waiver Application, Appendix D-1, c, Service Plan http://dhss.delaware.gov/ddds/	Yes – Appendix D-1, c describes the person-centered service planning process and the information made available to individuals to support development of the person-centered service plan. (**SEE COMPANION DOCUMENT**)	N/A
DDDS Policy: Rights and Responsibilities Policy January 2010 http://dhss.delaware.gov/ddds/policy_administrative.html		Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A	
DDDS Essential Lifestyle Planning Manual, Section I http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf		Yes - Section I describes the fundamentals of the Essential Lifestyle Planning Process - a way of listening to people, recording what was heard, and developing a support plan that is as unique as each individual and addresses how the person wants to live. The remainder of the manual walks through the elements of the process. (**SEE COMPANION DOCUMENT**)	N/A	
		DDDS Standards (proposed standards still in draft -not yet available on line)		Language is being moved from the regulation cited above to the DDDS standards to address this requirement. (**SEE COMPANION DOCUMENT**)
17	**Access to food at any time	** DDDS Standards (proposed standards still in draft -not yet available on line)	** Silent– The current language does not address this requirement.	** Add Language to in the DDDS Standards. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)
18	**Visitors at any time	** DDDS Policy: Rights and Responsibility, January 2010 http://dhss.delaware.gov/dhss/ddds/files/policy_admin_rights_jan_2010.pdf	** Yes	** (**SEE COMPANION DOCUMENT**)

Residential Habilitation

Setting Description: Residential Habilitation Services can include assistance with acquisition, retention, or improvement in skills related to activities of daily living, such as personal grooming and cleanliness, bed making and household chores, eating and the preparation of food, and the social and adaptive skills necessary to enable the individual to reside in a non-institutional community based setting.

Number of Individuals Served: 985***

Relevant Characteristics/Requirements

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
1	<i>The setting is integrated in and supports full access to the greater community.</i>	Delaware Code, Title 16, Ch. 55, Subchapter I. Declaration of General and Special Rights of Persons Diagnosed with Intellectual Disabilities and Other Specific Developmental Disabilities, §5503 http://delcode.delaware.gov/title16/c055/index.shtml	Yes - persons diagnosed with intellectual disabilities or other specific developmental disabilities have a right to strive for productive work in meaningful occupations, economic security and a decent standard of living. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities, Section 4.4 Relationships and Community Membership http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	Silent - The regulation as currently written does not make it clear that the expectation of these settings is full integration of the residents in their community.	Revise the regulation to incorporate the CMS requirement – the setting is integrated in and supports full access to the greater community. DDDS anticipates completing this by November 2016.
		DHSS Policy Memo #31 (Site Selection of Residential Facilities for People with Disabilities) http://dhss.delaware.gov/dhss/admin/pm31.html	Silent - The policy as currently written does not make it clear that it is the expectation that sites will be selected to facilitate the full integration of the residents in their community.	Revise the policy to be compliant with the requirement – the expectation is full integration of residents in the community and supports access to the greater community. DDDS anticipates completing this by November 2016.
		DMAP Provider Specific Manual: DDDS HCBS Waiver, Section 2.0	Yes - providers must comply with all applicable requirements, including HCB	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		Qualified Providers http://www.dmap.state.de.us/downloads/manuals/DD.Waiver.Provider.Specific.pdf	settings requirements. (**SEE COMPANION DOCUMENT**)	
		DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html	Yes - the policy establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS HCBS Waiver Standards http://dhss.delaware.gov/dhss/ddds/files/CertificationstdsDDDSwaiversvcsrevised060314.pdf	Silent – The current standards do not explicitly include the expectation that the settings must support full integration of the residents in their community. (**SEE COMPANION DOCUMENT**)	The entire set of standards is being revised to include all of the requirements under the HCBS final rule, including that the setting is integrated in and supports full access to the greater community. DDDS anticipates completing this by November 2016.
		DDDS Policy: Alternative Care Arrangements - rev. May 2010 http://dhss.delaware.gov/dhss/ddds/policy_community.html	Yes - the policy supports individual's in choosing and receiving alternative care arrangements. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	The DDDS provider standards are in the process of being revised to more fully address the new HCB requirements. Once the expectation has been codified into the standards, the DDDS Office of Quality Improvement will monitor continued compliance. (**SEE COMPANION DOCUMENT**)
2	<i>There are opportunities to seek employment and work in competitive integrated settings, engage in community life and control personal resources.</i>	Delaware Code, Title 16, Ch. 55, Subchapter I. Declaration of General and Special Rights of Persons Diagnosed with Intellectual Disabilities and Other Specific Developmental Disabilities, §5503 http://delcode.delaware.gov/title16/c055/index.shtml	Yes - persons diagnosed with intellectual disabilities or other specific developmental disabilities have a right to strive for productive work in meaningful occupations, economic security and a decent standard of living. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Code Title 16, Ch. 11, Subchapter 11, section 1121 Patient Rights, §1121(12)	Yes - Each patient and resident has the right to manage the patient's or resident's financial affairs. If, by written	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		http://delcode.delaware.gov/title16/c011/sc02/index.shtml	request signed by the patient or resident, or by the guardian or representative of a patient or resident who has been adjudicated incompetent, the facility manages the patient's or resident's financial affairs, it shall have available for inspection a monthly accounting, and shall furnish the patient or resident and the patient's or resident's family or representative with a quarterly statement of the patient's or resident's account. The patient and resident shall have unrestricted access to such account at reasonable hours. (**SEE COMPANION DOCUMENT**)	
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities, Sections 4.2.5.1, 4.2.5.2 and 4.6.5 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	Yes – Sections 4.2.5.1 and 4.2.5.2 allow individuals to have access to their funds and ensures assistance in the management of those funds. Section 4.6.5 requires full participation and employment in the community. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Management, Accountability & Safeguarding of Personal Funds October 1, 2011 http://dhss.delaware.gov/dhss/ddds/policy_community.html	No – As written, the policy restricts a recipient's access to his or her funds	The policy will be revised to remove the restriction of preventing recipients from having access to his or her funds. DDDS anticipates completing this by November 2016.
		DHSS Policy Memo #24 (DHSS policy on Safeguarding and Management of Resident/Client Funds) Section VII. A http://www.google.com/url?sa=t&ct=j&q=&esrc=s&frm=1&source=web&cd=1&ved=0ahUKEwiegp-VubLKAhVU_WMKHXkrBplQFggcMAA&url=http%3A%2F%2Fwww	Yes – to promotes self-sufficiency, the division shall advocate and recognize the right of each individual to manage his/her own money and finances. (**SEE COMPANION DOCUMENT**)	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		.dhss.delaware.gov/dhss/admin/files/pm24.pdf&usg=AFQjCNEOa8fzla3HQaO6urkGaVQVuU1rEA&bvm=bv.112064104.d.cWw		
		DDDS Standards (proposed standards still in draft -not yet available on line)		New standards are being developed to address this requirement. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)
3	<i>The individual receives services in the community with the same degree of access as individuals not receiving Medicaid HCBS.</i>	Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities, Sections 4.1.2, 4.2.1.5, 4.4.2 and 4.4.2.1 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	Yes – these sections note that the individual has the choice regarding the activities to pursue in the community and is supported in this interaction. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Request for New Residential Site Location http://dhss.delaware.gov/dhss/ddds/files/DDDSPolicytoRequestANewResidence121015.pdf	Yes – the policy establishes the process and protections for ensuring that individuals have the option to choose a new residential location, while facilitating maximum choice. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html	Silent	The policy will be revised to include this explicit requirement – ensure that individuals receive services in the community with the same degree of access as individuals not receiving Medicaid HCBS. DDDS anticipates completing this by November 2016.
		DMAP Provider Specific Manual: DDDS HCBS Waiver, Section 2.0 Qualified Providers http://www.dmap.state.de.us/downloads/manuals/DD.Waiver.Provi	Yes - providers must comply with all applicable requirements, including HCB settings requirements (**SEE COMPANION DOCUMENT**)	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		der.Specific.pdf		
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Language is being added to the DDDS standards to clarify the providers' role in assisting the individual to select and access community resources and activities. (**SEE COMPANION DOCUMENT**)
4	The setting is selected by the individual from among residential and day options that include generic settings.	DMAP Provider Specific Manual: DDDS HCBS Waiver , Section 2.0 Qualified Providers http://www.dmap.state.de.us/downloads/manuals/DD.Waiver.Provider.Specific.pdf	Yes - providers must comply with all applicable requirements, including HCB settings requirements. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Waiver Application, Section D-1 Service Plan Development – D-1, c http://dhss.delaware.gov/ddds/	No - The current language does not specify that service options include generic settings.	Amend the language in the waiver application to indicate that the individual may select a generic setting. DDDS anticipates completing this by November 2016.
		DDDS Essential Lifestyle Planning Manual http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf	No - The current language does not reference generic settings.	DDDS' person-centered planning process is being revised to address this element - the setting is selected by the individual from among residential and day options that include generic settings. DDDS anticipates completing this by November 2016.
		DDDS Policy: Request for New Residential Site Location http://dhss.delaware.gov/dhss/ddds/files/DDDSPolicytoRequestANewResidence121015.pdf	Yes - the policy establishes the process and protections for ensuring that individuals have the option to choose a new residential location, while facilitating maximum choice. This request extends to generic settings such as apartments, condominiums and townhouses. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html	Silent	The policy will be revised to include this requirement – ensuring that the setting is selected by the individual from among residential and day options that include generic settings. DDDS anticipates completing this by November 2016.
5	The setting	DDDS Waiver Application,	Yes – this section of the waiver	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
	<i>provides the participants an option to choose a private unit in a residential setting.</i>	Appendix C-2, c.ii http://dhss.delaware.gov/ddds/	application describes how a home and community character is maintained in residential settings. (**SEE COMPANION DOCUMENT**)	
		DDDS Policy: Recruitment and renewal of shared living/respice providers, June 2007 http://dhss.delaware.gov/dhss/ddds/policy_community.html	Yes – the policy requires that providers meet all applicable provider requirements. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Language is being added to the DDDS standards to ensure that individuals have the right to choose a private bedroom. (**SEE COMPANION DOCUMENT**)
6	<i>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.</i>	Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities, Section 4.6 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	Yes – establishes requirements for development of an Essential Lifestyle Plan that documents an individual's needs, preferences, and his/ her selected supports and services are developed for and with the individual. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Waiver Application, Appendix D-1, c and d http://dhss.delaware.gov/ddds/	Yes – Appendix D-1, c and d outlines how the person-centered plan is developed and the elements addressed in the person-centered service plan. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Recruitment and renewal of shared living/respice providers, June 2007 http://dhss.delaware.gov/dhss/ddds/policy_community.html	Yes - the policy requires that providers meet all applicable provider requirements. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Essential Lifestyle Planning Manual http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf	Silent	DDDS' person-centered planning process is being revised to address this element - 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

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
				settings, resources available for room and board. DDDS anticipates completing this by November 2016.
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Language is being added to the DDDS standards to clarify the case manager's role in assisting the individual to select options. (**SEE COMPANION DOCUMENT**)
7	Right to privacy.	Delaware Code Title 16, Ch. 11, Subchapter 11, section 1121 Patient Rights, §1121 (6), (13), (14) http://delcode.delaware.gov/title16/c011/sc02/index.shtml	Yes – these sections specify privacy rights afforded to individuals in the residential setting. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code, Title 16, Section 3320 Intensive Behavioral Support and Educational Residence, Sections 6.2.2, 6.5.1.5 and 6.6.3.4 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3320.shtml	Yes – these sections note requirements for privacy in living units and toileting and bathing. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes, Sections 5.10.11, 8.3, 8.11 and 8.13 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3315.shtml	Yes – these sections note privacy in living units and medical care program. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons	Yes – this section notes privacy requirements in bedrooms. (**SEE COMPANION DOCUMENT**)	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		with Developmental Disabilities, Section 8.2 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml		
		DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html	Yes – the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Waiver Standards http://dhss.delaware.gov/dhss/ddds/files/CertificationstdsDDDSwaiversvcsrevised060314.pdf	Silent	Develop and implement a new set of quality standards that address the HCB settings requirements – including the right to privacy. The standards will be implemented July 2018.
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Add Language to in the DDDS Standards. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)
8	Right to dignity and respect.	Delaware Code Title 16, Ch. 11, Subchapter 11, Section 1121 Patient Rights, §1121 (1) and (6) http://delcode.delaware.gov/title16/c011/sc02/index.shtml	Yes – individuals are granted the right to dignity and respect in their care, treatment plans and services. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities, Section 4.2 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	Yes - this section notes that individuals are treated as a valued and respected individual, the individual is free from physical and emotional harm and the individual is supported to exercise his/her rights and responsibilities. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code,	Yes - All residents must be afforded all	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		Title 16, Section 3320 Intensive Behavioral Support and Educational Residence, Section 5.8 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3320.shtml	protections and privileges contained in the Delaware Patient's Bill of Rights. (**SEE COMPANION DOCUMENT**)	
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes, Section 8.3 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3315.shtml	Yes - Every resident shall receive respect and privacy in the resident's own medical care program. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Waiver Application, Appendix F http://dhss.delaware.gov/ddds/	Yes - Appendix F addresses the program requirements for individual protections, including right to dignity and respect. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html	Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Add Language to in the DDDS Standards. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)
9	Freedom from coercion and restraint.	Delaware Code Title 16, Ch. 11, Subchapter 11, §§1121 (7), (15) Patient Rights, http://delcode.delaware.gov/title1	Yes – (7) individuals are free from chemical and physical restraints imposed for purposes of discipline and convenience;	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		6/c011/sc02/index.shtml	(15) individuals are free to present grievances; to recommend changes in facility policies or services on behalf of the patient's or resident's self or others; to present complaints or petitions to the facility's staff or administrator, to the Department of Health and Social Services, the protection and advocacy agency or to other persons or groups without fear of reprisal, restraint, interference, coercion or discrimination. (**SEE COMPANION DOCUMENT**)	
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities, Sections 4.2.1.4 and 4.2.2 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	No – Section 4.2.1.4 reads “free from unnecessary restraints/restrictions...”	DDDS will work with DLTCRP to modify the Administrative Code to delete the language “free from unnecessary”, targeting for July 1, 2018 completion.
		Delaware Administrative Code, Title 16, Section 3320 Intensive Behavioral Support and Educational Residence, Section 20 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3320.shtml	Yes – all residents have the right to be free from restraints of any form, imposed as a means of coercion, discipline, convenience, or retaliation by staff. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Waiver Application, Appendix G-2, a.i http://dhss.delaware.gov/ddds/	Yes - Appendix G-2, a.i notes the safeguards around the use of restraints and seclusions. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Abuse, assault, attempted suicide, neglect, mistreatment, financial	Yes - the policy in its entirety establishes procedures for the reporting, investigating and follow-up of incidents	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		exploitation and significant injury policy June 2011 http://dhss.delaware.gov/ddds/policy_administrative.html	involving suspected abuse, assault, attempted suicide, neglect, mistreatment, financial exploitation and significant injury. (**SEE COMPANION DOCUMENT**)	
		DDDS Policy: Rights Complaint, March 2005 http://dhss.delaware.gov/ddds/policy_administrative.html	Yes - the policy in its entirety establishes procedures for processing and resolving individual complaints. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Health Related Protection – rev. Mach 2009 http://dhss.delaware.gov/dhss/ddds/policy_community.html	Silent	This policy will be revised to include the CMS requirement – individuals are free from coercion and restraint. DDDS anticipates completing this by November 2016.
		DDDS Person Centered Planning Process	Silent	The current DDDS policies referenced above for this requirement address the circumstances under which restraints and other restrictive interventions can be used and the protocols for monitoring the use of these interventions. These policies and protocols are consistent with the HCBS Rule. What has not been consistently communicated is that the recommendation for restraints must be documented as part of the PCP DDDS's person-centered planning process in the PCP. The planning process and manual are being revised to make it clear that the recommendation for restraints must be documented as part of the PCP. DDDS anticipates completing this by November 2016.
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	The DDDS provider standards are in the process of being revised to make it clear that any Behavior Support Plans, indicating all planned interventions, must be included as part of the person centered plan. Once the expectation has been codified into the standards, the DDDS Office of Quality Improvement will monitor continued compliance. (**SEE COMPANION DOCUMENT**)

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
10	Optimizes individual initiative, autonomy and independence in making life choices (including daily activities, physical and environment, and with whom to interact).	Delaware Code, Title 29, Ch. 79, Department of Health and Social Services, Subchapter I. Establishment and Organization of Department (DDDS enabling law), §7909A http://delcode.delaware.gov/title29/c079/sc01/index.shtml	Yes - establishes the mission DDDS which includes providing supports and services to enable individuals to make informed choices that lead to an improved quality of life and meaningful participation in their communities. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities, Section 4.1 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	Yes – the individual has choice of providers, lifestyle, personal activities, routines and supports. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes, Section 8.20 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3315.shtml	Yes - Every resident shall be free to make choices regarding activities, roommates, schedules, health care and other aspects of the resident's life that are significant to the resident. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code, Title 16, Section 3320 Intensive Behavioral Support and Educational Residence, Section 20 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3320.shtml	Silent	DDDS will work with DLTCRP to modify the Administrative Code to address the requirement – add a requirement regarding optimizing individual initiative, autonomy and independence in making life choices (including daily activities, physical and environment, and with whom to interact), targeting for July 1, 2018 completion.



#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		DDDS Essential Lifestyle Planning Manual, Section I http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf	Yes - Section I describes the fundamentals of the Essential Lifestyle Planning Process - a way of listening to people, recording what was heard, and developing a support plan that is as unique as each individual and addresses how the person wants to live. The remainder of the manual walks through the elements of the process. (**SEE COMPANION DOCUMENT**)	N/A
11	Facilitates individual choice regarding services/supports, and who provides them.	DDDS Waiver Application, Appendix D-1, c, Service Plan http://dhss.delaware.gov/ddds/	Yes - Appendix D-1, c describes the person-centered service planning process and the information made available to individuals to support development of the person-centered service plan. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html	Yes - the policy communicates to reach waiver member the expectation that they have the right to choose their services and who provides them. The person centered planning process operationalizes that right. The case manager is charged with ensuring that the all options for services and providers are discussed during the planning process and assisting the individual in making informed choices among a set of qualified providers. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Essential Lifestyle Planning Manual, Section I http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf	Yes - Section I describes the fundamentals of the Essential Lifestyle Planning Process - a way of listening to people, recording what was heard, and developing a support plan that is as unique as each individual and addresses how the person wants to live. The remainder of the manual walks through the elements of the process. (**SEE COMPANION DOCUMENT**)	N/A







#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		Delaware Administrative Code, Title 16 Health and Safety, 3310, Section 4.1 Neighborhood Homes for Persons with Developmental Disabilities http://dhss.delaware.gov/dhss/ddds/3310regs.pdf	Yes - the regulation describes the elements of the planning process that result in members being supported to make informed chooses among service and qualified providers. (**SEE COMPANION DOCUMENT**)	
		DDDS Standards (proposed standards still in draft -not yet available on line)		Language is being moved from the regulation cited above to the DDDS standards to address this requirement. (**SEE COMPANION DOCUMENT**)
12	<i>A lease or other legally enforceable agreement to protect from eviction</i>	Delaware Code, Title 25, Part III Residential Landlord/Tenant Code http://delcode.delaware.gov/title25/c051/sc02/index.shtml	Silent - While the Landlord/Tenant code applies to all DDDS residential settings, the division does not require the lessor or the provider to sign a lease agreement with the individual. The lease is typically only between the lessor and the provider that is supporting the individual.	DDDS determined that the standard Delaware model Landlord/tenant agreement we obtained from the Delaware Board of Realtors would not be the best approach to satisfy this requirement. The Division decided to create a model residency agreement(s) for use by all DDDS HCBS providers. To that end, a committee consisting of providers, DDDS staff, the ARC of Delaware, and a licensed property manager was formed in May 2016 to develop the model residency agreement. At a minimum, the committee is developing both a two-part (consumer and landlord) and a three-part (consumer, provider and landlord) model agreement. The committee has been charged with finalizing the model agreement(s) by no later than December 2017
		DDDS Provider Contracts	Silent	DDDS will revise future contracts to include language requiring providers of residential services to ensure that there is a lease agreement or other legally enforceable agreement in place that is signed by the waiver member or their guardian. DDDS anticipates completing this by November 2016.
		DDDS Standards (proposed standards still in draft -not yet	Silent	Language is being developed in the DDDS standards to address this requirement.

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		available on line)		(**SEE COMPANION DOCUMENT**)
13	Privacy in their unit including entrances lockable by the individual (staff have keys as needed)	Delaware Administrative Code, Title 16, Section 3320 Intensive Behavioral Support and Educational Residence http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3320.shtml	Silent - The current policy does not address the CMS requirement that external and bedroom doors must be lockable.	DDDS will work DLTCRP to modify the Administrative Code to address the requirement – allowing individuals privacy in their unit including entrances lockable by the individual (staff have keys as needed), targeting for July 1, 2018 completion.
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	Silent - The current policy does not address the CMS requirement that external and bedroom doors must be lockable.	DDDS will work DLTCRP to modify the Administrative Code to address the requirement – allowing individuals privacy in their unit including entrances lockable by the individual (staff have keys as needed), targeting for July 1, 2018 completion.
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3315.shtml	Silent - The current policy does not address the CMS requirement that external and bedroom doors must be lockable.	DDDS will work DLTCRP to modify the Administrative Code to address the requirement – allowing individuals privacy in their unit including entrances lockable by the individual (staff have keys as needed), targeting for July 1, 2018 completion.
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Draft standards have been developed to make clear under what circumstances it would be appropriate for staff to have a key to a resident's bedroom. (**SEE COMPANION DOCUMENT**)

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
14	Choice of roommates	Delaware Code Title 16, Ch. 11, Subchapter 11, section 1121 Patient Rights, §1121 (28) http://delcode.delaware.gov/title16/c011/sc02/index.shtml	Yes - Every patient and resident shall receive notice before the resident's room or roommate is changed, except in emergencies. The facility shall endeavor to honor the room or roommate requests of the resident whenever possible. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code, Title 16, Section 3320 Intensive Behavioral Support and Educational Residence http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3320.shtml	Silent – The current policy does not address the choice of housemate.	DDDS will work DLTCRP to modify the Administrative Code to address the requirement – allowing individuals to have choice of roommates, targeting for July 1, 2018 completion.
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	Silent - The current policy does not address the choice of housemate.	This will be addressed in the DDDS Standards that are under development for July 1, 2018 completion.
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Language has been drafted in the revised DDDS Standards to communicate this expectation. (**SEE COMPANION DOCUMENT**)
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes, Section 8.20 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20	Yes - Every resident shall be free to make choices regarding activities, roommates, schedules, health care and other aspects of the resident's life that are significant to the resident. (**SEE COMPANION DOCUMENT**)	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3315.shtml		
15	Freedom to furnish and decorate their unit	Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities, Section 5 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	No - The current language indicates, "To the extent possible, personal furniture shall be chosen by individuals." The qualifier, "to the extent possible" needs to be removed.	DDDS will work DLTCRP to modify the Administrative Code to address the requirement – freedom to furnish and decorate their unit, targeting for July 1, 2018 completion.
		Delaware Administrative Code, Title 16, Section 3320 Intensive Behavioral Support and Educational Residence http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3320.shtml	Silent - The current language does not address this issue.	DDDS will work DLTCRP to modify the Administrative Code to address the requirement – freedom to furnish and decorate their unit, targeting for July 1, 2018 completion.
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3315.shtml	Silent - The current language does not address this issue.	DDDS will work DLTCRP to modify the Administrative Code to address the requirement – freedom to furnish and decorate their unit, targeting for July 1, 2018 completion.
16	Control of their schedule and activities	Delaware Code Title 16, Ch. 11, Subchapter 11, section 1121 Patient Rights, §1121 (25)	Yes (***SEE COMPANION DOCUMENT***)	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		http://delcode.delaware.gov/title16/c011/sc02/index.shtml Delaware Administrative Code, Title 16, Section 3320 Intensive Behavioral Support and Educational Residence, Section 5.8 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3320.shtml	Silent – This section indicates that individuals have the same rights and protections as those afforded under the Delaware Patient Bill of Rights but does not specify this as one of the requirements.	Rather than amend the regulation, as previously indicated, DDDS will address this requirement in its revised set of quality standards that apply to all providers qualified to provide services under the DDDS HCBS waiver, targeting for July 1, 2018 completion.
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities, Section 4.1.2 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	Yes - The individual's lifestyle, personal activities, routines and supports is based on personal choice and the individual is supported in making these choices. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes, Section 8.20 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3315.shtml	Yes - Every resident shall be free to make choices regarding activities, roommates, schedules, health care and other aspects of the resident's life that are significant to the resident. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Language has been drafted in the revised DDDS Standards to communicate this expectation. (**SEE COMPANION DOCUMENT**)
		 DDDS Essential Lifestyle Planning Manual, Section I0	 Yes (**SEE COMPANION DOCUMENT**)	

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf		
		 DDDS Lifestyle Plan Booklet, (booklet is in draft - not yet available on line) pages 3, 4, 7-8		 (**SEE COMPANION DOCUMENT**)
17	Access to food at any time	Delaware Administrative Code, Title 16, Section 3320 Intensive Behavioral Support and Educational Residence http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3320.shtml	Silent – The current language does not address this requirement.	DDDS will work DLTCRP to modify the Administrative Code to address the requirement – access to food at any time, targeting for July 1, 2018 completion.
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities, Section, http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	Silent – The current language does not address this requirement.	 Rather than amend the regulation, as previously indicated, DDDS will address this requirement in its revised set of quality standards that apply to all providers qualified to provide services under the DDDS HCBS waiver, targeting for July 1, 2018 completion. (**SEE COMPANION DOCUMENT**)
		 DDDS Standards (proposed standards still in draft -not yet available on line)	 Silent – The current language does not address this requirement.	 Add language to in the DDDS Standards. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3315.shtml	Silent - The current language in the regulation does not address the requirement.	DDDS will work DLTCRP to modify the Administrative Code to address the requirement – access to food at any time, targeting for July 1, 2018 completion.

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3315.shtml		
		DDDS Standards (proposed standards still in draft -not yet available on line)	**Silent – The current language does not address this requirement.	**Add language to in the DDDS Standards. The standards will be implemented July 2018. (SEE COMPANION DOCUMENT**)
18	Visitors at any time	Delaware Code Title 16, Ch. 11, Subchapter 11, section 1121 Patient Rights, §1121 (11) http://delcode.delaware.gov/title16/c011/sc02/index.shtml	Yes - Every patient and resident may associate and communicate, including visits and visitation, privately and without restriction with persons and groups of the patient's or resident's own choice at any time. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code, Title 16, Section 3320 Intensive Behavioral Support and Educational Residence http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3320.shtml	Silent – The current language does not address this requirement.	DDDS will work DLTCRP to modify the Administrative Code to address the requirement – allowing visitors at any time, targeting for July 1, 2018 completion.
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	Silent – The current language does not address this requirement.	DDDS will work DLTCRP to modify the Administrative Code to address the requirement – allowing visitors at any time, targeting for July 1, 2018 completion.
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes, Section 8.6 http://regulations.delaware.gov/A	Silent - Allows for the choice of visitors at “any reasonable hour”	DDDS will work DLTCRP to modify the Administrative Code to delete the qualifier – “at any reasonable hour”, targeting for July 1, 2018 completion.

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		dminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3315.shtml		
		DDDS Policy: Rights and Responsibility, January 2010 http://dhss.delaware.gov/dhss/ddds/files/policy_admin_rights_jan_2010.pdf	**Yes	** (SEE COMPANION DOCUMENT**)
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent – The current language does not address this requirement.	Add language to in the DDDS Standards. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)
19	Setting is physically accessible to individual	Delaware Administrative Code, Title 16, Section 3320 Intensive Behavioral Support and Educational Residence, Section 6.1.1 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3320.shtml	Yes - a licensee must ensure that the facility's or program's premises and equipment accessible to or used by residents are free from any danger to their health, safety and well-being. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities, Section 5.5 http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3310.shtml	Yes - homes serving persons with physical challenges shall be accessible to those persons with physical challenges according to the appropriate American National Standards Institute (ANSI) Standards and all other federal and state standards. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes, http://regulations.delaware.gov/A	Silent - The current language does not require the setting to be physically accessible.	DDDS will work DLTCRP to modify the Administrative Code – the setting is physically accessible to the individual, targeting for July 1, 2018 completion.

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		dminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3315.shtml		
		DDDS Policy: Accessibility http://dhss.delaware.gov/ddds/policy_administrative.html	Yes – the policy ensures that all people with disabilities have the same opportunities and reasonable accommodations with regard to access to buildings, committees, employment, social activities, transportation carriers and communication systems with the Division. (**SEE COMPANION DOCUMENT**)	N/A

Supported Employment

Setting Description: Supported Employment Services are provided to participants, who because of their disabilities, need on-going support to obtain and maintain a job in competitive or customized employment, or self-employment position, in an integrated work setting in the general workforce for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities.

Number of Individuals Served: 143

Relevant Characteristics/Requirements

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
1	<i>The setting is integrated in and supports full access to the greater community.</i>	Delaware Code, Title 16, Ch. 55, Subchapter I. Declaration of General and Special Rights of Persons Diagnosed with Intellectual Disabilities and Other Specific Developmental Disabilities, §5503 http://delcode.delaware.gov/title16/c055/index.shtml	Yes - persons diagnosed with intellectual disabilities or other specific developmental disabilities have a right to strive for productive work in meaningful occupations, economic security and a decent standard of living. (**SEE COMPANION DOCUMENT**)	N/A
		DMAP Provider Specific Manual: DDDS HCBS Waiver, Section 2.0 Qualified Providers https://www.dmap.state.de.us/downloads/manuals.html	Yes - providers must comply with all applicable requirements, including HCB settings requirements. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html	Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Alternative Care Arrangements - rev. May 2010 http://dhss.delaware.gov/dhss/ddds/policy_community.html	Yes - the policy in its entirety supports individual's in choosing and receiving alternative care arrangements. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	The DDDS provider standards are in the process of being revised to more fully address the new HCB requirements. Once the expectation has been codified into the standards, the DDDS Office of Quality Improvement will monitor continued

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
				compliance. (**SEE COMPANION DOCUMENT**)
2	<i>There are opportunities to seek employment and work in competitive integrated settings, engage in community life and control personal resources.</i>	Delaware Code, Title 19, Ch. 7, Employment Practices, Subchapter V. Employment First Act, §§741,743 http://delcode.delaware.gov/title19/c007/sc05/index.shtml	Yes - All persons, including persons with disabilities, have a right to the opportunity for competitive employment. In order to achieve meaningful and competitive employment for persons with disabilities, employment opportunities in fully-integrated work settings shall be the first and priority option explored in the service planning for working-age persons with disabilities. Competitive employment in an integrated setting shall be considered its first and priority option when offering or providing services to persons with disabilities who are of working age. (**SEE COMPANION DOCUMENT**)	N/A
DDDS Waiver Application, Appendix C-1 http://dhss.delaware.gov/ddds/		Yes - Appendix C-1 includes the service package available to participants eligible for the DDDS waiver that facilitates integration into the community. (**SEE COMPANION DOCUMENT**)	N/A	
DMAP Provider Specific Manual: DDDS HCBS Waiver, Section 4.3: Covered Services, Vocational Services https://www.dmap.state.de.us/downloads/manuals.html		Yes – defines the employment related services available to participants. (**SEE COMPANION DOCUMENT**)	N/A	
DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html		Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A	
DDDS Standards (proposed standards still in draft -not yet available on line)			New standards are being developed to address this requirement. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)	
3	<i>The individual</i>	DMAP Provider Specific Manual:	Yes - providers must comply with all	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
	receives services in the community with the same degree of access as individuals not receiving Medicaid HCBS.	DDDS HCBS Waiver, Section 2.0 Qualified Providers https://www.dmap.state.de.us/downloads/manuals.html	applicable requirements, including HCB settings requirements. (***SEE COMPANION DOCUMENT***)	
		DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html	Silent	The policy will be revised to include this explicit requirement - ensure that individuals receive services in the community with the same degree of access as individuals not receiving Medicaid HCBS. DDDS anticipates completing this by November 2016.
4	The setting is selected by the individual from among residential and day options that include generic settings.	DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Language is being added to the DDDS standards to clarify the providers' role in assisting the individual to select and access community resources and activities. (***SEE COMPANION DOCUMENT***)
		DDDS Waiver Application, Section D-1 Service Plan Development – D-1, c http://dhss.delaware.gov/ddds/	Silent	Amend the language in the waiver application to indicate that the individual may select a generic setting. DDDS anticipates completing this by November 2016.
		DDDS Essential Lifestyle Planning Manual http://dhss.delaware.gov/ddds/elp_forms.html	Silent	DDDS' person-centered planning process is being revised to address this element - the setting is selected by the individual from among residential and day options that include generic settings. DDDS anticipates completing this by November 2016.
		DDDS Policy: Rights and Responsibilities January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html	Silent	The policy will be revised to include this explicit requirement - the setting is selected by the individual from among residential and day options that include generic settings. DDDS anticipates completing this by November 2016.
5**	The setting provides the participants an option to choose a private unit in a residential setting.	N/A	N/A	N/A
6	The setting options are identified and documented in the person-centered	DDDS Waiver Application, Appendix D-1, c and d http://dhss.delaware.gov/ddds/	Yes - Appendix D-1, c and d outlines how the person-centered plan is developed and the elements addressed in the person-centered service plan.	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
	service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.		(**SEE COMPANION DOCUMENT**)	
		DDDS Essential Lifestyle Planning Manual http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf	Silent	DDDS' person-centered planning process is being revised to address this element – 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. DDDS anticipates completing this by November 2016.
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Language is being added to the DDDS standards to clarify the case manager's role in assisting the individual to select options. (**SEE COMPANION DOCUMENT**)
7	Right to privacy.	DDDS Policy: Rights and Responsibilities, January 2010 http://dhss.delaware.gov/ddds/policy_administrative.html	Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Add Language to in the DDDS Standards. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)
8	Right to dignity and respect.	DDDS Waiver Application – Appendix F http://dhss.delaware.gov/ddds/	Yes - Appendix F addresses the program requirements for individual protections, including right to dignity and respect. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights http://dhss.delaware.gov/ddds/policy_administrative.html	Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	Add Language to in the DDDS Standards. The standards will be implemented July 2018. (**SEE COMPANION DOCUMENT**)

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
9	Freedom from coercion and restraint.	DDDS Policy: Abuse, assault, attempted suicide, neglect, mistreatment, financial exploitation and significant injury policy June 2011 http://dhss.delaware.gov/ddds/policy_administrative.html	Yes - the policy in its entirety establishes procedures for the reporting, investigating and follow-up of incidents involving suspected abuse, assault, attempted suicide, neglect, mistreatment, financial exploitation and significant injury.	N/A
		DDDS Policy: Rights Complaint, March 2005 http://dhss.delaware.gov/ddds/policy_administrative.html	Yes – the policy in its entirety establishes procedures for processing and resolving individual complaints. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Waiver Application, Appendix G-2, a.i http://dhss.delaware.gov/ddds/	Yes - Appendix G-2, a.i notes the safeguards around the use of restraints and seclusions. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Behavior Support Policy, Behavior Modifying Medications and Use of Restraints and Restrictive Procedures for Behavior Support, October 7, 2015 http://dhss.delaware.gov/dhss/ddds/policy_community.html	Yes - these are three DDDS policies that all address the required protections of participants from restraints, seclusions and other restrictive procedures. (**SEE COMPANION DOCUMENT**)	N/A
		DDDS Policy: Health Related Protection – rev. Mach 2009 http://dhss.delaware.gov/dhss/ddds/policy_community.html	Silent	This policy is being revised to include this explicit requirement - to protect individuals from coercion and restraint. DDDS anticipates completing this by November 2016.
		DDDS Essential Lifestyle Planning Manual, http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf	Silent	The current DDDS policies referenced above for this requirement address the circumstances under which restraints and other restrictive interventions can be used and the protocols for monitoring the use of these interventions. These policies and protocols are consistent with the HCBS Rule. What has not been consistently communicated is that the recommendation for restraints must be documented as part of the PCP. The planning process and manual

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
				are being revised to make it clear that the recommendation for restraints must be documented as part of the PCP. DDDS anticipates completing this by November 2016.
		DDDS Standards (proposed standards still in draft -not yet available on line)	Silent	The DDDS provider standards are in the process of being revised to make it clear that any Behavior Support Plans, indicating all planned interventions, must be included as part of the person centered plan. Once the expectation has been codified into the standards, the DDDS Office of Quality Improvement will monitor continued compliance. (**SEE COMPANION DOCUMENT**)
10	Optimizes individual initiative, autonomy and independence in making life choices (including daily activities, physical and environment, and with whom to interact).	DMAP Provider Specific Manual, DDDS HCBS Waiver, 4.0 Covered Services, 4.2 Day Services https://www.dmap.state.de.us/downloads/manuals.html	Yes - this section of the manual notes the available waiver services and supports and notes the requirements for facilitating individual choice. (**SEE COMPANION DOCUMENT**)	N/A
DDDS Essential Lifestyle Planning Manual, Section I http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf		Yes - Section I describes the fundamentals of the Essential Lifestyle Planning Process - a way of listening to people, recording what was heard, and developing a support plan that is as unique as each individual and addresses how the person wants to live. The remainder of the manual walks through the elements of the process. (**SEE COMPANION DOCUMENT**)	N/A	
Delaware Code, Title 29, Ch. 79, Department of Health and Social Services, Subchapter I. Establishment and Organization of Department (DDDS enabling law), §7909A http://delcode.delaware.gov/title29/c079/sc01/index.shtml		Yes - establishes the mission of the Division of Developmental Disabilities which includes providing supports and services to enable individuals to make informed choices that lead to an improved quality of life and meaningful participation in their communities. (**SEE COMPANION DOCUMENT**)	N/A	
11	Facilitates	DDDS Waiver Application,	Yes - Appendix D-1, c describes the	DDDS Waiver Application, Appendix D-1,c,

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
	individual choice regarding services/supports, and who provides them.	Appendix D-1,c, Service Plan http://dhss.delaware.gov/ddds/	person-centered service planning process and the information made available to individuals to support development of the person-centered service plan. (**SEE COMPANION DOCUMENT**)	Service Plan http://dhss.delaware.gov/ddds/
DDDS Policy: Rights and Responsibilities, January 2010 http://dhss.delaware.gov/ddds/policy_administrative.html		Yes - the policy in its entirety establishes a process for informing and supporting individuals in exercising his/her rights and ongoing monitoring (**SEE COMPANION DOCUMENT**)	DDDS Policy: Rights and Responsibilities, January 2010 http://dhss.delaware.gov/ddds/policy_administrative.html	
DDDS Essential Lifestyle Planning Manual, Section I http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf		Yes - Section I describes the fundamentals of the Essential Lifestyle Planning Process - a way of listening to people, recording what was heard, and developing a support plan that is as unique as each individual and addresses how the person wants to live. The remainder of the manual walks through the elements of the process. (**SEE COMPANION DOCUMENT**)	DDDS Essential Lifestyle Planning Manual, Section I http://www.dhss.delaware.gov/dhss/ddds/files/RevisedELPManual04012014Joy2.pdf	
		DDDS Standards (proposed standards still in draft -not yet available on line)		Language is being moved from the regulation cited above to the DDDS standards to address this requirement. (**SEE COMPANION DOCUMENT**)

Based upon CMS guidance, supported living services is not included in this assessment because it is provided in the private residence of the waiver member.

* Where DDDS has already rescinded a policy, either because it was determined not to be compliant or for another reason, it has not been included in the crosswalk.

** Does not apply for this setting type as it is non-residential.

***Data from February stats for the DDDS PACAP.

DMMA State Self-Assessment by Setting

Assisted Living

Setting Description: A homelike and integrated community setting that provides a combination of housing, supportive services, supervision, personalized assistance and health care designed to respond to the individual needs of those who need help with Activities of Daily Living (ADLs).

Number of Individuals Served: 175

Relevant Characteristics/Requirements

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
1	<i>The setting is integrated in and supports full access to the greater community.</i>	DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf <ul style="list-style-type: none"> • Section 1 Definitions • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination 	Yes - These collective sections of the MCO contract provide the foundation for the comprehensive coverage of community supports and services for which all DSHP members are entitled to receive, how participants are informed of services and assessed to need services and the process by which participants are assisted in gaining access to all need community supports and services to allow for full community integration. (**SEE COMPANION DOCUMENT**)	
		Delaware Administrative Code Title 16 Section 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml	Yes – 12.0 Services 12.6 - In accordance with the service agreement, the assisted living facility shall be responsible for facilitating access to appropriate health care and social services for the resident. 12.7 - The assisted living facility shall assess each resident and provide or arrange appropriate opportunities for social interaction and leisure activities which promote the physical and mental well-being of each resident, including facilitating access to spiritual activities consistent with the preferences and background of the resident. (**SEE COMPANION DOCUMENT**)	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
		<p>DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4) https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/de/de-dshp-ca.pdf</p>	<p>Yes - The amendment includes the parameters for the DSHP program including coverage of community supports and services for which all DSHP members are entitled to receive and MCO responsibilities for care coordination to members are assisted in gaining access to all need community supports and services to allow for full community integration. (**SEE COMPANION DOCUMENT**)</p>	<p>N/A</p>
		<p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual Section 5.2 Content/Description of Services http://www.dmap.state.de.us/downloads/manuals/elderly_disabled_waiver_provider_specific.pdf</p>	<p>Yes - This section defines the comprehensive services available to DSHP members. (**SEE COMPANION DOCUMENT**)</p>	<p>N/A</p>
<p>2</p>	<p><i>There are opportunities to (1) seek employment and work in competitive integrated settings, (2) engage in community life and (3) control personal resources.</i></p>	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination 	<p>(1) Silent (2) Yes The contract notes the responsibility of the MCO to assist the member to access needed community supports and services. (**SEE COMPANION DOCUMENT**) (3) Silent</p>	<p>(1) & (3) DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual, which will specifically address the requirements in (1) and (3). We anticipate that the updated manual will be formally approved by November 1, 2016. Please see updated draft language below.</p> <p>(1) & (3) 2.2 Requirements for LTCCS Provider Settings</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
				<p>2.2.1 The setting is integrated in and supports full access of LTCCS recipients to the greater community, including:</p> <p>2.2.1.1 Opportunities to seek employment and work in competitive integrated settings;</p> <p>22.2.1.3 Opportunities to control personal resources;</p>
		<p>16 Del.C. Ch. 11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml</p>	<p>(1) Silent (2) Yes – 25 - Every patient and resident shall be free to make choices regarding activities, schedules, health care and other aspects of the patient's or resident's life that are significant to the patient or resident, as long as such choices are consistent with the patient's or resident's interests, assessments and plan of care and do not compromise the health or safety of the individual or other patients or residents within the facility. 26 - Every patient and resident has the right to participate in an ongoing program of activities designed to meet, in accordance with the patient's or resident's assessments and plan of care, the patient's or resident's interests and physical, mental and psychosocial well-being. 27 - Every patient and resident shall have the right to participate in social, religious and community activities that do not interfere with the rights of other patients or residents. (***SEE COMPANION DOCUMENT***) (3) Yes – 12 - patient and resident has the right to manage the patient's or resident's financial affairs. If, by written request signed by</p>	<p>DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual, which will specifically address the requirements in (1). We anticipate that the updated manual will be formally approved by November 1, 2016. Please see updated draft language below.</p> <p>(1) 2.2 Requirements for LTCCS Provider Settings</p> <p>2.2.1 The setting is integrated in and supports full access of LTCCS recipients to the greater community, including:</p> <p>2.2.1.1 Opportunities to seek employment and work in competitive integrated settings;</p>

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			<p>the patient or resident, or by the guardian or representative of a patient or resident who has been adjudicated incompetent, the facility manages the patient's or resident's financial affairs, it shall have available for inspection a monthly accounting, and shall furnish the patient or resident and the patient's or resident's family or representative with a quarterly statement of the patient's or resident's account. The patient and resident shall have unrestricted access to such account at reasonable hours.</p> <p>(**SEE COMPANION DOCUMENT**)</p>	
		<p>Delaware Administrative Code Title 16 Section 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml</p>	<p>(1) Silent (2) Yes – 12.0 Services 12.6 - In accordance with the service agreement, the assisted living facility shall be responsible for facilitating access to appropriate health care and social services for the resident. 12.7 - The assisted living facility shall assess each resident and provide or arrange appropriate opportunities for social interaction and leisure activities which promote the physical and mental well-being of each resident, including facilitating access to spiritual activities consistent with the preferences and background of the resident.</p> <p>(**SEE COMPANION DOCUMENT**)</p> <p>(3) Yes – 13.0 Service Agreements 13.2.6 - A service agreement must be developed for each participant which includes, among other things, banking, record keeping, and personal spending services.</p> <p>(**SEE COMPANION DOCUMENT**)</p>	<p>DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual, which will specifically address the requirements in (1). We anticipate that the updated manual will be formally approved by November 1, 2016. Please see updated draft language below.</p> <p>(1) 2.2 Requirements for LTCCS Provider Settings</p> <p>2.2.1 The setting is integrated in and supports full access of LTCCS recipients to the greater community, including:</p> <p>2.2.1.1 Opportunities to seek employment and work in competitive integrated settings;</p>

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3	<i>The individual receives services in the community with the same degree of access as individuals not receiving Medicaid HCBS.</i>	DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf <ul style="list-style-type: none"> • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network 	Yes - These collective sections of the MCO contract provide the foundation for the comprehensive coverage of community supports and services for which all DSHP members are entitled to receive, how participants are informed of services and assessed to need services and the process by which participants are assisted in gaining access to all need community supports and services to allow for full community integration. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code Title 16 Section 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml	Yes – Subsections 3.0, 5.0, 6.0, 7.0, 10.0, 11.0, 12.0, and 13.0 all detail the provision of HCBS in the community without distinguishing between services provided to individuals receiving Medicaid HCBS and other residents of the Assisted Living Facility. (**SEE COMPANION DOCUMENT**)	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.2 Requirements for LTCCS Provider Settings: 2.2.1.4 Opportunities to receive services in the community, to the same degree of access as individuals not receiving HCBS.
		16 Del.C. Ch. 11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml	Yes – This regulation details the provision of services in Assisted Living Facilities, which are community-based, without distinguishing between services provided to individuals receiving Medicaid HCBS and other residents of the Assisted Living Facility. (**SEE COMPANION DOCUMENT**)	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirement relating to the provision of HCBS, including Assisted Living Facilities, under section 2.2 Requirements for LTCCS

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				<p>Provider Settings:</p> <p>2.2.1.4 Opportunities to receive services in the community, to the same degree of access as individuals not receiving HCBS.</p>
4	<p><i>The setting is selected by the individual from among residential and day options that include generic settings.</i></p>	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members 	<p>Yes – The MCO contract ensures that members have access to all needed services and can freely choose those services through the person-centered planning process. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirement relating to the provision of HCBS, including Assisted Living Facilities, under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.2 In accordance with 42 CFR §441.301(c)(1), the MCO is required to utilize a person-centered planning process for all LTCCS recipients. The LTCCS recipient will lead the person-centered planning process, where possible, with the LTCCS recipient's representative having a participatory role, as needed and as defined by the recipient. The person-centered planning process:</p> <p>3.3.2.7 Offers informed choices to the recipient regarding the services and supports they receive and from whom, including the option to choose from among both residential and day settings, including generic settings.</p>

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		<p>Delaware Administrative Code Title 16 Section 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml</p>	<p>Yes – 13.0 Service Agreement 13.7 - The service agreement shall be based on the concepts of shared responsibility and resident choice. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirement relating to the provision of HCBS, including Assisted Living Facilities, under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.2 In accordance with 42 CFR §441.301(c)(1), the MCO is required to utilize a person-centered planning process for all LTCCS recipients. The LTCCS recipient will lead the person-centered planning process, where possible, with the LTCCS recipient's representative having a participatory role, as needed and as defined by the recipient. The person-centered planning process:</p> <p>3.3.2.7 Offers informed choices to the recipient regarding the services and supports they receive and from whom, including the option to choose from among both residential and day settings, including generic settings.</p>
		<p>DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4) https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/de/de-dshp-ca.pdf</p>	<p>Yes - 34.b – Choice of MCOs 56.b.4 – Choice of providers 59 – Choice of HCBS vs institutional care (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirement relating to the provision of HCBS, including Assisted Living Facilities,</p>

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				<p>under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.2 In accordance with 42 CFR §441.301(c)(1), the MCO is required to utilize a person-centered planning process for all LTCCS recipients. The LTCCS recipient will lead the person-centered planning process, where possible, with the LTCCS recipient's representative having a participatory role, as needed and as defined by the recipient. The person-centered planning process:</p> <p>3.3.2.7 Offers informed choices to the recipient regarding the services and supports they receive and from whom, including the option to choose from among both residential and day settings, including generic settings.</p>
		<p>DHSS Policy Memorandum #66- Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes – 5 - Emphasizes the importance of choice in the assessment process. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirement relating to the provision of HCBS, including Assisted Living Facilities, under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.2 In accordance with 42 CFR §441.301(c)(1), the MCO is required to utilize a person-centered planning process for all LTCCS recipients. The LTCCS recipient will lead the person-centered planning process, where possible, with the LTCCS recipient's representative having a participatory role, as needed and as defined</p>

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				<p>by the recipient. The person-centered planning process:</p> <p>3.3.2.7 Offers informed choices to the recipient regarding the services and supports they receive and from whom, including the option to choose from among both residential and day settings, including generic settings.</p>
5	<p><i>The setting provides the participants an option to choose a private unit in a residential setting.</i></p>	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.14 Member Services 	<p>Yes – The MCO Contract provides the regulatory basis for the assessment tool used in the person-centered planning process for all HCBS recipients. The assessment tool used in the person-centered planning process, while not a policy or regulation, does require that MCO case managers provide recipients options regarding their choice of residential settings and providers. Therefore, DMMA views our MCO Contract as compliant with this requirement. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirement relating to the provision of HCBS, including Assisted Living Facilities, under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.3 In accordance with 42 CFR §441.301(c)(2) and (3), the MCO is required to complete a person-centered service plan for each LTCCS recipient. The person-centered service plan must reflect the services and supports that are important for the recipient to meet the needs identified through an assessment of functional need, as well as what is important to the recipient with regard to preferences for the delivery of such services and supports. The person-centered service plan must be reviewed, and revised upon reassessment of functional need, at least every twelve (12) months, when the recipients circumstances or needs change significantly, or at the request of the recipient. The written plan must:</p> <p>3.3.3.1 Reflect that the setting in which the</p>

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		<p>Delaware Administrative Code Title 16 Section 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml</p>	<p>Yes – DMMA views this regulation as generally compliant with this requirement. The regulation prioritizes the rights and choices of residents (subsections 3.0, 5.4, 10.6.3, 10.6.4, 10.6.4.3.2, 10.6.4.3.3, 10.6.4.10, 13.7 and 14.0) when it comes to their individual living arrangements within this type of residential setting. (**SEE COMPANION DOCUMENT**)</p>	<p>recipient resides is chosen by the recipient. Recipients must also be given the opportunity to choose a private unit in a residential setting.</p> <p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.2-Requirements for LTCCS Provider Settings:</p> <p>2.2.4 The setting must facilitate recipient choice regarding services and supports, and who provides them.</p> <p>This revised manual also includes the following requirements under section 3.3 MCO Responsibilities:</p> <p>3.3.2.7 Offers informed choices to the recipient regarding the services and supports they receive and from whom.</p> <p>3.3.2.9 Records the alternative home and community-based settings that were considered by the recipient.</p> <p>3.3.3.1 Reflect that the setting in which the recipient resides is chosen by the recipient.</p> <p>...</p>

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		<p>16 Del.C. Ch. 11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml</p>	<p>Yes - DMMA views this regulation as generally compliant with this requirement. The regulation prioritizes the rights and choices of residents and the importance of individual privacy (items 1, 13, 14, 15, 25, 28 and 29 in particular) when it comes to their individual living arrangements within this type of residential setting. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.2-Requirements for LTCCS Provider Settings:</p> <p>2.2.4 The setting must facilitate recipient choice regarding services and supports, and who provides them.</p> <p>This revised manual also includes the following requirements under section 3.3 MCO Responsibilities:</p> <p>3.3.2.7 Offers informed choices to the recipient regarding the services and supports they receive and from whom.</p> <p>3.3.2.9 Records the alternative home and community-based settings that were considered by the recipient.</p> <p>3.3.3.1 Reflect that the setting in which the recipient resides is chosen by the recipient.</p>
		<p>DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes - DMMA views this policy memorandum as generally compliant with this requirement. The memorandum prioritizes the rights and choices of residents and the importance of individual privacy (Section V.- Responsibilities in particular) when it comes to their individual living arrangements. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of</p>

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				<p>HCBS, including Assisted Living Facilities, under section 2.2-Requirements for LTCCS Provider Settings:</p> <p>2.2.4 The setting must facilitate recipient choice regarding services and supports, and who provides them.</p> <p>This revised manual also includes the following requirements under section 3.3 MCO Responsibilities:</p> <p>3.3.2.7 Offers informed choices to the recipient regarding the services and supports they receive and from whom.</p> <p>3.3.2.9 Records the alternative home and community-based settings that were considered by the recipient.</p> <p>3.3.3.1 Reflect that the setting in which the recipient resides is chosen by the recipient</p>
6	<p><i>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</i></p>	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination 	<p>Yes - The MCO contract describes the requirements for the person-centered planning process and all the required elements to be captured during the process and noted in the member's person-centered service plan or plan of care. (**SEE COMPANION DOCUMENT**)</p>	N/A

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	and board.	Delaware Administrative Code Title 16 Section 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml	Yes – 11.0 Resident Assessment 11.7 - The assisted living facility shall provide an instrument to assess interests, strengths, talents, skills and preferences of each resident within 30 days of admission to be used in activity planning. (**SEE COMPANION DOCUMENT**)	N/A
		16 Del.C. Ch. 11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml	Yes - 26 - Every patient and resident has the right to participate in an ongoing program of activities designed to meet, in accordance with the patient's or resident's assessments and plan of care, the patient's or resident's interests and physical, mental and psychosocial well-being. (**SEE COMPANION DOCUMENT**)	N/A
		DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4) https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/de/de-dshp-ca.pdf	Yes – 56.b - includes the requirement that services must be delivered in accordance with the person-centered service plan and prescribes the elements to be addressed in the plan. (**SEE COMPANION DOCUMENT**)	N/A
		DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf	Yes – DMMA feels that this policy memorandum demonstrates compliance with this requirement by detailing specific requirements for the discharge planning process that would apply to the setting options identified and documented through the person-centered planning process. (**SEE COMPANION DOCUMENT**)	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following

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				<p>requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.2 Requirements for LTCCS Settings:</p> <p>2.2.4 The setting must facilitate individual choice regarding services and supports, and who provides them.</p> <p>The revised manual also includes the following requirements under section 3.3 MCO Responsibilities:</p> <p>3.3.3.1 Reflect that the setting in which the recipient resides is chosen by the recipient. The State must ensure that the setting chosen by the recipient is integrated in, and supports full access of recipients receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree of access as recipients not receiving Medicaid HCBS.</p>
7	Right to privacy.	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.14 Member Services 	<p>Yes – The MCO contract imposes requirements for applicability with all state and federal privacy standards and a member’s right to privacy and respect. (**SEE COMPANION DOCUMENT**)</p>	N/A
		<p>Delaware Administrative Code Title 16 Section 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml</p>	<p>Yes – 14.0 Resident Rights 14.2 - Each resident has the right of privacy in his/her room, including a door that locks, consistent with the safety needs of the resident. (**SEE COMPANION DOCUMENT**)</p>	N/A

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		<p>16 Del.C. Ch. 11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml</p>	<p>Yes – 6 - Each patient and resident shall receive respect and privacy in the patient's or resident's own medical care program.</p> <p>13 - If married, every patient and resident shall enjoy privacy in visits by the patient's or resident's spouse, and, if both are in-patients of the facility, they shall be afforded the opportunity where feasible to share a room, unless medically contraindicated.</p> <p>14 - Every patient and resident has the right of privacy in the patient's or resident's own room, and personnel of the facility shall respect this right by knocking on the door before entering the patient's or resident's room.</p> <p>19 -Protect the privacy of the nursing facility resident or patient and his or her family, and the Division shall establish guidelines concerning the disclosure of information relating to complaints and investigations regarding abuse, neglect, mistreatment or financial exploitation involving that resident or patient. (**SEE COMPANION DOCUMENT**)</p>	<p>N/A</p>
		<p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual Section 2.1 Elderly & Disabled Waiver Provider Responsibilities http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf</p>	<p>Yes – 2.1.3 The E&D provider must meet and comply with all federal, state and local rules, regulations, and standards that are applicable to the services rendered. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2-Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
8	Right to dignity and respect.	DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf <ul style="list-style-type: none"> • Section 1 Definitions • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.14 Member Services 	Yes – The MCO contract notes that members are to be treated with respect and dignity. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code Title 16 Section 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml	Yes – 10.0 Contracts 10.6.3 - References 16 Del C. Ch.11 Subchapter 1121 as a requirement for all member contracts (see below). (**SEE COMPANION DOCUMENT**)	N/A
		16 Del.C. Ch. 11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml	Yes – 1 - Every patient and resident shall have the right to receive considerate, respectful, and appropriate care, treatment and services, in compliance with relevant federal and state law and regulations, recognizing each person's basic personal and property rights which include dignity and individuality. 6 - Each patient and resident shall receive respect and privacy in the patient's or resident's own medical care program. Case discussion, consultation, examination and treatment shall be confidential, and shall be conducted discreetly. 14 - Every patient and resident has the right of privacy in the patient's or resident's own room, and personnel of the facility shall respect this right by	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
		<p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual</p> <p>http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf</p>	<p>knocking on the door before entering the patient's or resident's room. (**SEE COMPANION DOCUMENT**)</p> <p>Silent – While DMMA believes that our current E&D Waiver Provider Policy Manual conveys an overall tone that is generally compliant with this requirement of the rule, it does not specifically include a reference to an individual's right to dignity and respect.</p>	<p>DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2-Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p>
9	Freedom from coercion and restraint.	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.2 General • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network 	<p>Yes – The MCO contract notes that members have the right to be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience or retaliation. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p> <p>The revised manual also includes the following citations relating to this requirement under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.3.13 Document that any</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
				<p>modification of the conditions listed under Section 2.2 of this manual, 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:</p> <p>3.3.3.13.1 Identify a specific and individualized assessed need.</p> <p>3.3.3.13.2 Document the positive interventions and supports used prior to any modifications to the person-centered service plan.</p> <p>3.3.3.13.3 Document less intrusive methods of meeting the need that have been tried but did not work.</p> <p>3.3.3.13.4 Include a clear description of the condition that is directly proportionate to the specific assessed need.</p> <p>3.3.3.13.5 Include a regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>3.3.3.13.6 Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.</p> <p>3.3.3.13.7 Include informed consent of the recipient.</p> <p>3.3.3.13.8 Include an assurance that interventions and supports will cause no harm to the recipient.</p>
		Delaware Administrative Code Title 16 Section 3225 Assisted Living Facilities	Yes – 10.0 Contracts 10.6.3 references 16 Del C. Ch.11 Subchapter 1121 as a requirement for all	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of the Elderly &

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
		http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml	member contracts (see below). (**SEE COMPANION DOCUMENT**)	<p>Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p> <p>The revised manual also includes the following citations relating to this requirement under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.3.13 Document that any modification of the conditions listed under Section 2.2 of this manual, 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:</p> <p>3.3.3.13.1 Identify a specific and individualized assessed need.</p> <p>3.3.3.13.2 Document the positive interventions and supports used prior to any modifications to the person-centered service plan.</p> <p>3.3.3.13.3 Document less intrusive methods of meeting the need that have been tried but did not work.</p> <p>3.3.3.13.4 Include a clear description of the condition that is directly proportionate to the specific assessed need.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
				<p>3.3.3.13.5 Include a regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>3.3.3.13.6 Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.</p> <p>3.3.3.13.7 Include informed consent of the recipient.</p> <p>3.3.3.13.8 Include an assurance that interventions and supports will cause no harm to the recipient.</p>
		<p>16 Del.C. Ch. 11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml</p>	<p>Yes – 7 - Every patient and resident shall be free from chemical and physical restraints imposed for purposes of discipline and convenience, and not necessary to treat the patient's medical condition.</p> <p>15 - Every patient and resident has the right, personally or through other persons or in combination with others, to exercise the patient's or resident's own rights; to present grievances; to recommend changes in facility policies or services on behalf of the patient's or resident's self or others; to present complaints or petitions to the facility's staff or administrator, to the Department of Health and Social Services, the protection and advocacy agency or to other persons or groups without fear of reprisal, restraint, interference, coercion or discrimination.</p> <p>15 - Every patient and resident has the right, personally or through other persons or in combination with others, to</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p> <p>The revised manual also includes the following citations relating to this requirement under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.3.13 Document that any modification of the conditions listed under Section 2.2 of this manual, must be</p>

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			<p>exercise the patient's or resident's own rights; to present grievances; to recommend changes in facility policies or services on behalf of the patient's or resident's self or others; to present complaints or petitions to the facility's staff or administrator, to the Department of Health and Social Services, the protection and advocacy agency or to other persons or groups without fear of reprisal, restraint, interference, coercion or discrimination.</p> <p>24 - Every patient and resident shall be free from verbal, physical or mental abuse, cruel and unusual punishment, involuntary seclusion, withholding of monetary allowance, withholding of food and deprivation of sleep.</p> <p>(**SEE COMPANION DOCUMENT**)</p>	<p>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:</p> <p>3.3.3.13.1 Identify a specific and individualized assessed need.</p> <p>3.3.3.13.2 Document the positive interventions and supports used prior to any modifications to the person-centered service plan.</p> <p>3.3.3.13.3 Document less intrusive methods of meeting the need that have been tried but did not work.</p> <p>3.3.3.13.4 Include a clear description of the condition that is directly proportionate to the specific assessed need.</p> <p>3.3.3.13.5 Include a regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>3.3.3.13.6 Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.</p> <p>3.3.3.13.7 Include informed consent of the recipient.</p> <p>3.3.3.13.8 Include an assurance that interventions and supports will cause no harm to the recipient.</p>

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		<p>DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes – DMMA believes that this memorandum is generally compliant with this requirement due to its focus on consumer involvement and the need to prioritize individual choice and preferences. The memorandum includes specific language prohibiting entities from penalizing individuals for making decisions against professional advice. It also includes specific language under I(B)(5)-Choice and Self-Determination, emphasizing the principles of freedom, authority, support and responsibility. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.2-Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p> <p>The revised manual also includes the following citations relating to this requirement under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.3.13 Document that any modification of the conditions listed under Section 2.2 of this manual, 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:</p> <p>3.3.3.13.1 Identify a specific and individualized assessed need.</p> <p>3.3.3.13.2 Document the positive interventions and supports used prior to any modifications to the person-centered service plan.</p> <p>3.3.3.13.3 Document less intrusive methods of meeting the need that have been tried but did not work.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
				<p>3.3.3.13.4 Include a clear description of the condition that is directly proportionate to the specific assessed need.</p> <p>3.3.3.13.5 Include a regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>3.3.3.13.6 Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.</p> <p>3.3.3.13.7 Include informed consent of the recipient.</p> <p>3.3.3.13.8 Include an assurance that interventions and supports will cause no harm to the recipient.</p>
		<p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual</p> <p>http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf</p>	<p>Silent- While DMMA believes that our current E&D Waiver Provider Policy Manual conveys an overall tone that is generally compliant with this requirement of the rule, it does not specifically include a reference to recipients being free from coercion or restraint.</p> <p>(**SEE COMPANION DOCUMENT**)</p>	<p>DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2-Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p> <p>The revised manual also includes the following citations relating to this requirement under section 3.3 Managed Care Organization (MCO) Responsibilities:</p>

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				<p>3.3.3.13 Document that any modification of the conditions listed under Section 2.2 of this manual, 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:</p> <p>3.3.3.13.1 Identify a specific and individualized assessed need.</p> <p>3.3.3.13.2 Document the positive interventions and supports used prior to any modifications to the person-centered service plan.</p> <p>3.3.3.13.3 Document less intrusive methods of meeting the need that have been tried but did not work.</p> <p>3.3.3.13.4 Include a clear description of the condition that is directly proportionate to the specific assessed need.</p> <p>3.3.3.13.5 Include a regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>3.3.3.13.6 Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.</p> <p>3.3.3.13.7 Include informed consent of the recipient.</p> <p>3.3.3.13.8 Include an assurance that interventions and supports will cause no harm to the recipient.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
10	Optimizes individual initiative, autonomy and independence in making life choices (including daily activities, physical and environment, and with whom to interact).	DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.6 Care Coordination • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network • Section 3.14 Member Services 	Yes – MCOs are required to inform members of services, determine assessed needs and deliver services through a person centered planning process, with the member the member driving the process and making decisions. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code Title 16 Section 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml	Yes – 11.0 Resident Assessment 11.7 - The assisted living facility shall provide an instrument to assess interests, strengths, talents, skills and preferences of each resident within 30 days of admission to be used in activity planning. Section 12.0 Services 12.7 - The assisted living facility shall assess each resident and provide or arrange appropriate opportunities for social interaction and leisure activities which promote the physical and mental well-being of each resident, including facilitating access to spiritual activities consistent with the preferences and background of the resident. (**SEE COMPANION DOCUMENT**)	N/A
		16 Del.C. Ch. 11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml	Yes - 25 - Every patient and resident shall be free to make choices regarding activities, schedules, health care and other aspects of the patient's or resident's life that are significant to the	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
			<p>patient or resident, as long as such choices are consistent with the patient's or resident's interests, assessments and plan of care and do not compromise the health or safety of the individual or other patients or residents within the facility. (**SEE COMPANION DOCUMENT**)</p>	
		<p>DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4) https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/de/de-dshp-ca.pdf</p>	<p>Yes - 56.b.i – Individuals must have informed choices about treatment and service decisions. (**SEE COMPANION DOCUMENT**)</p>	<p>N/A</p>
		<p>DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes - Section V notes that a discharge/transition plan must include consumer involvement and reflect the individual's preferences and choices. The plan is more likely to be successful when the individual has a sense of ownership of it. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.2 The setting must optimize, but not regiment, recipient initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
		Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual Section 1.1 Waiver Objectives http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf	Yes - 1.1.2 The goal of the waiver is to provide services to persons in a manner which responds to each participant's abilities, assessed needs, and preferences, and ensures maximum self-sufficiency, independent functioning and safety. This goal is accomplished through the delivery of a range of home and community-based long-term care services which target the special needs of the population. (**SEE COMPANION DOCUMENT**)	N/A
11	Facilitates individual choice regarding services/supports, and who provides them.	DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf <ul style="list-style-type: none"> • Section 3.2 Enrollment, Transfers and Disenrollment • Section 3.4 Covered Services • Section 3.6 Care Coordination • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network • Section 3.14 Member Services 	Yes – The MCO's person-centered process is to facilitate member choice regarding supports and services received. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code Title 16 Section 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml	Yes – 13.0 Service Agreement 13.7 - The service agreement shall be based on the concepts of shared responsibility and resident choice. To participate fully in shared responsibility, residents shall be provided with clear and understandable information about the possible consequences of their decision-making. If a resident's	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
			<p>preference or decision places the resident or others at risk or is likely to lead to adverse consequences, a managed/negotiated risk agreement section may be included in the service agreement. (**SEE COMPANION DOCUMENT**)</p>	
		<p>16 Del.C. Ch. 11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml</p>	<p>Yes - 25 - Every patient and resident shall be free to make choices regarding activities, schedules, health care and other aspects of the patient's or resident's life that are significant to the patient or resident, as long as such choices are consistent with the patient's or resident's interests, assessments and plan of care and do not compromise the health or safety of the individual or other patients or residents within the facility. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed as the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.4 The setting must facilitate recipient choice regarding services and supports, and who provides them.</p>
		<p>DHSS Policy Memorandum #66- Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes – V – regarding discharge and transition planning the policy notes that plans must include consumer involvement and reflect the individual's preferences and choices. The plan is more likely to be successful when the individual has a sense of ownership of it. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed as the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.4 The setting must facilitate recipient choice regarding services and supports, and who provides them.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
		<p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual Section 1.1 Waiver Objectives http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf</p>	<p>Yes - 1.1.2 The goal of the waiver is to provide services to persons in a manner which responds to each participant's abilities, assessed needs, and preferences, and ensures maximum self-sufficiency, independent functioning and safety. This goal is accomplished through the delivery of a range of home and community-based long-term care services which target the special needs of the population. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed as the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.4 The setting must facilitate recipient choice regarding services and supports, and who provides them.</p>
12	<i>A lease or other legally enforceable agreement to protect from eviction</i>	<p>Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.pdf</p>	<p>Yes – 3.0 Glossary of Terms and 10.0 Contract - Assisted living facilities must develop and execute a written contract with members. The contract will serve as the legally binding written agreement between the facility and the member which enumerates all charges for services, materials, and equipment, as well as non-financial obligations of both parties. (**SEE COMPANION DOCUMENT**)</p>	N/A
		<p>25 Del.C. Ch. Part III Residential Landlord-Tenant Code http://delcode.delaware.gov/title25/index.shtml#TopOfPage</p>	<p>Yes – Provides protections for residents in provider owned settings by establishing requirements that govern the relationship and establish roles and responsibilities. (**SEE COMPANION DOCUMENT**)</p>	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
13	Privacy in their unit including entrances lockable by the individual (staff have keys as needed)	<p>Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.pdf</p>	<p>Yes – 14.0 Resident Rights 14.2 - Each resident has the right of privacy in his/her room, including a door that locks, consistent with the safety needs of the resident. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed as the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.3-Requirements Specific to Provider-Owned or Controlled Residential Settings:</p> <p>2.3.1.2 Each recipient must have privacy in their sleeping or living unit.</p> <p>2.3.1.2.1 Units have entrance and bathroom doors lockable by the recipient, with only appropriate staff having keys to doors.</p>
		<p>16 Del.C. Ch.11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml</p>	<p>Silent – While DMMA feels that this regulation is generally compliant with this requirement (specifically item 1), it does not include specific language regarding lockable entrances in the unit.</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.3-Requirements Specific to Provider-Owned or Controlled Residential Settings:</p> <p>2.3.1.2 Each recipient must have privacy in their sleeping or living unit.</p> <p>2.3.1.2.1 Units have entrance and bathroom doors lockable by the recipient, with only appropriate staff having keys to doors.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
14	Choice of roommates	Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml	Silent - DMMA views this regulation as generally compliant with this requirement. The regulation includes a subsection specifically referencing changes in roommate assignment as well as an overall emphasis on the rights and choices of residents (subsections 5.4, 10.6.3, 10.6.4, 10.6.4.3.2, 10.6.4.3.3, 10.6.4.10, 13.7 and 14.0) within this type of residential setting. However, it does not include specific language regarding choice of roommates.	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.3-Requirements Specific to Provider-Owned or Controlled Residential Settings: 2.3.1.2.2 Recipients who share units must have a choice of roommates in that setting.
		16 Del.C. Ch.11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml	Silent – DMMA views this regulation as generally compliant with this requirement due to its overall emphasis on the importance of individual rights, choice, dignity and individuality. The regulation also includes a reference under item 28 requiring that facilities honor room and/or roommate requests of the individual whenever possible. However, it does not include specific language regarding choice of roommates.	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved as a final regulation by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.3-Requirements Specific to Provider-Owned or Controlled Residential Settings: 2.3.1.2.2 Recipients who share units must have a choice of roommates in that setting.
15	Freedom to furnish and decorate their unit	Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml	Yes – 3.0 Glossary of Terms – The code notes that every resident has the opportunity to live in a “homelike” setting with the option to modify one’s living area to suit one’s individual preferences, in accordance with the facility’s policies. A homelike environment provides residents with an opportunity for self-expression	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
			and encourages interaction with community, family, and friends. (**SEE COMPANION DOCUMENT**)	requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.3-Requirements Specific to Provider-Owned or Controlled Residential Settings: 2.3.1.2.3 Recipients must be given the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.
16	Control of their schedule and activities	Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml ,	Yes – 10.0 Contracts 10.6.3 references 16 Del C. Ch.11 Subchapter 1121 as a requirement for all member contracts. 13.0 Service Agreement 13.7 - The service agreement shall be based on the concepts of shared responsibility and resident choice. To participate fully in shared responsibility, residents shall be provided with clear and understandable information about the possible consequences of their decision-making. If a resident's preference or decision places the resident or others at risk or is likely to lead to adverse consequences, a managed/negotiated risk agreement section may be included in the service agreement. (**SEE COMPANION DOCUMENT**)	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.2 Requirements for LTCCS Provider Settings: 2.2.2 The setting must optimize, but not regiment, recipient initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact. 2.2.4 The setting must facilitate recipient choice regarding services and supports, and who provides them. 2.2.6 Recipients should have the freedom and support to control their own schedules and activities, and have access to food at any time. The revised manual also includes the following requirement under section 3.3 Managed Care Organization (MCO)

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
				<p>Responsibilities:</p> <p>3.3.3.13 Document that any modification of the conditions listed under Section 2.2 of this manual must be supported by a specific assessed need and justified in the person-centered service plan. ...</p>
		<p>16 Del.C. Ch.11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml</p>	<p>Yes – (25) Every patient and resident shall be free to make choices regarding activities, schedules, health care and other aspects of the patient's or resident's life that are significant to the patient or resident, as long as such choices are consistent with the patient's or resident's interests, assessments and plan of care and do not compromise the health or safety of the individual or other residents within the facility. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.2 The setting must optimize, but not regiment, recipient initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p> <p>2.2.4 The setting must facilitate recipient choice regarding services and supports, and who provides them.</p> <p>2.2.6 Recipients should have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> <p>The revised manual also includes the following requirement under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.3.13 Document that any modification of</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
				the conditions listed under Section 2.2 of this manual must be supported by a specific assessed need and justified in the person-centered service plan. ...
17	Access to food at any time	Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.pdf	Yes – 12.0 Services 12.1.1 notes at members shall have “three meals, snacks and prescribed food supplements are available during each 24-hour period, 7 days per week” (**SEE COMPANION DOCUMENT**)	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.3 Requirements of Provider-Owned or Controlled Residential Settings: 2.2.6 Recipients should have the freedom and support to control their own schedules and activities, and have access to food at any time.
18	Visitors at any time	Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.pdf	Yes – 10.0 Contracts 10.6.3 references 16 Del C. Ch.11 Subchapter 1121 regarding requirements for all member contracts (see below). (**SEE COMPANION DOCUMENT**)	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.3 Requirements Specific to Provider-Owned or Controlled Residential Settings: 2.2.6 Residents should be able to have visitors of their choosing at any time.
		16 Del.C. Ch.11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml	Yes – (11) Every patient and resident may associate and communicate, including visits and visitation, privately and without restriction with	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual,

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
			<p>persons and groups of the patient's or resident's own choice (on the patient's or resident's own or their initiative) at any reasonable hour; (**SEE COMPANION DOCUMENT**)</p>	<p>renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.3 Requirements Specific to Provider-Owned or Controlled Residential Settings:</p> <p>2.2.6 Residents should be able to have visitors of their choosing at any time.</p>
19	<p>Setting is physically accessible to individual</p>	<p>Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.pdf</p>	<p>Yes – Environment and Physical Plant 17.1 - notes that each assisted living facility shall comply with applicable federal, state and local laws including: 17.1.1 – requires adherence to requirements of Rehabilitation Act, Section 504 (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Assisted Living Facilities, under section 2.2 Requirements for LTCCS Providers:</p> <p>2.2.5 The setting must be physically accessible.</p>

Adult Day

Setting Description: A non-institutional, community-based setting, encompassing both health and social services needed to ensure optimal functioning of a member based on an identified need and/or goal in the member's person-centered plan.

Number of Individuals Served: 223*

Relevant Characteristics/Requirements

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
1	<i>The setting is integrated in and supports full access to the greater community.</i>	DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf <ul style="list-style-type: none"> • Section 1 Definitions • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination 	Yes - These collective sections of the MCO contract provide the foundation for the comprehensive coverage of community supports and services for which all DSHP members are entitled to receive, how participants are informed of services and assessed to need services and the process by which participants are assisted in gaining access to all need community supports and services to allow for full community integration. (**SEE COMPANION DOCUMENT**)	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Provider Settings: 2.2.1 The setting is integrated in and supports full access of LTCCS recipients to the greater community, including: 2.2.1.1 Opportunities to seek employment and work in competitive integrated settings; 2.2.1.2 Opportunities to engage in community life; 2.2.1.3 Opportunities to control personal resources; 2.2.1.4 Opportunities to receive services in the community, to the same degree of access as recipients not receiving Medicaid HCBS.

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
		<p>DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4) https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/de/de-dshp-ca.pdf</p>	<p>Yes - The amendment includes the parameters for the DSHP program including coverage of community supports and services for which all DSHP members are entitled to receive and MCO responsibilities for care coordination to ensure members are assisted in gaining access to all needed community supports and services to allow for full community integration. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.1 The setting is integrated in and supports full access of LTCCS recipients to the greater community, including:</p> <p>2.2.1.1 Opportunities to seek employment and work in competitive integrated settings;</p> <p>2.2.1.2 Opportunities to engage in community life;</p> <p>2.2.1.3 Opportunities to control personal resources;</p> <p>2.2.1.4 Opportunities to receive services in the community, to the same degree of access as recipients not receiving Medicaid HCBS.</p>
		<p>Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml</p>	<p>Yes - Section 1.0 Purpose contains the following description of this type of setting: The regulations for Adult Day Care Facilities apply to any program that provides health, social, and related support services as described in these regulations for four or more functionally impaired adults who reside in the community and are in need of these services as determined by a pre-admission assessment.</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities,</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
			Section 10.0 Activities 10.1 Each facility licensed under these regulations shall provide appropriate programming for each participant. Programming shall take into consideration individual differences in age, health status, sensory deficits, lifestyle, ethnicity, religious affiliation, values, experiences, needs, interests, abilities, and skills by providing opportunities for a variety of types and levels of involvement. (**SEE COMPANION DOCUMENT**)	under section 2.2 Requirements for LTCCS Provider Settings: 2.2.1.4 Opportunities to receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.
		Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual Section 5.2 Content/Description of Services http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf	Yes - This section defines the comprehensive services available to DSHP members. (**SEE COMPANION DOCUMENT**)	N/A
2	<i>There are opportunities to (1) seek employment and work in competitive integrated settings, (2) engage in community life and (3) control personal resources.</i>	DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination 	(1) Silent (2) Yes – 12.6 - In accordance with the service agreement, the assisted living facility shall be responsible for facilitating access to appropriate health care and social services for the resident. 12.7 - The assisted living facility shall assess each resident and provide or arrange appropriate opportunities for social interaction and leisure activities which promote the physical and mental well-being of each resident, including facilitating access to spiritual activities consistent with the preferences and background of the resident. (**SEE COMPANION DOCUMENT**) (3) Silent	(1) & (3) DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual, which will specifically address the requirements in (1) and (3). We anticipate that the updated manual will be formally approved by November 1, 2016. Please see updated draft language below. (1) & (3) 2.2 Requirements for LTCCS Provider Settings 2.2.1 The setting is integrated in and supports full access of LTCCS recipients to the greater community, including: 2.2.1.1 Opportunities to seek employment

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
		<p>Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml</p>	<p>(1) Silent (2) Yes 1.0 Purpose The regulations for Adult Day Care Facilities apply to any program that provides health, social, and related support services as described in these regulations for four or more functionally impaired adults who reside in the community and are in need of these services as determined by a pre-admission assessment. (**SEE COMPANION DOCUMENT**) (3) Yes 11.0 Rights of Participants 11.4 Each participant shall have the right to be encouraged and supported in maintaining one's independence to the extent that conditions and circumstances permit, and to be involved in a program of services designed to promote personal independence. (**SEE COMPANION DOCUMENT**)</p>	<p>and work in competitive integrated settings; 2.2.1.2 Opportunities to engage in community life; 22.2.1.3 Opportunities to control personal resources; (1) DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual, which will specifically address the requirements in (1), (2) and (3). We anticipate that the updated manual will be formally approved by November 1, 2016. Please see updated draft language below. 2.2 Requirements for LTCCS Provider Settings 2.2.1 The setting is integrated in and supports full access of LTCCS recipients to the greater community, including: 2.2.1.1 Opportunities to seek employment and work in competitive integrated settings; 22.2.1.3 Opportunities to control personal resources;</p>
3	<p><i>The individual receives services in the community with the same degree of access as individuals not receiving Medicaid HCBS.</i></p>	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network 	<p>Yes - These collective sections of the MCO contract provide the foundation for the comprehensive coverage of community supports and services for which all DSHP members are entitled to receive, how participants are informed of services and assessed to need services and the process by which participants are assisted in gaining access to all need community supports and services to allow for full community integration. (**SEE COMPANION DOCUMENT**)</p>	<p>N/A</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
		<p>Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml</p>	<p>Yes – This regulation details the provision of services in Adult Day Care Facilities, which are community-based, without distinguishing between services provided to individuals receiving Medicaid HCBS and other individuals receiving services through the Adult Day Care Facility. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.1.4 Opportunities to receive services in the community, to the same degree of access as individuals not receiving HCBS.</p>
4	<p><i>The setting is selected by the individual from among residential and day options that include generic settings.</i></p>	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members 	<p>Yes - MCO contract ensures that members have access to all needed services and can freely choose those services through the person-centered planning process. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirement relating to the provision of HCBS, including Adult Day Care Facilities, under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.2 In accordance with 42 CFR §441.301(c)(1), the MCO is required to utilize a person-centered planning process for all LTCCS recipients. The LTCCS recipient will lead the person-centered planning process, where possible, with the</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
				<p>LTCCS recipient's representative having a participatory role, as needed and as defined by the recipient. The person-centered planning process:</p> <p>3.3.2.7 Offers informed choices to the recipient regarding the services and supports they receive and from whom, including the option to choose from among both residential and day settings, including generic settings.</p>
		<p>DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4) https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/de/de-dshp-ca.pdf</p>	<p>Yes - 34.b – Choice of MCOs 56.b.4 – Choice of providers 59 – Choice of HCBS vs institutional care (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirement relating to the provision of HCBS, including Adult Day Care Facilities, under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.2 In accordance with 42 CFR §441.301(c)(1), the MCO is required to utilize a person-centered planning process for all LTCCS recipients. The LTCCS recipient will lead the person-centered planning process, where possible, with the LTCCS recipient's representative having a participatory role, as needed and as defined by the recipient. The person-centered planning process:</p> <p>3.3.2.7 Offers informed choices to the recipient regarding the services and supports they receive and from whom, including the option to choose from among both residential and day settings, including generic settings.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
		<p>DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes - 5 - Emphasizes the importance of choice in the assessment process. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirement relating to the provision of HCBS, including Adult Day Care Facilities, under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.2 In accordance with 42 CFR §441.301(c)(1), the MCO is required to utilize a person-centered planning process for all LTCCS recipients. The LTCCS recipient will lead the person-centered planning process, where possible, with the LTCCS recipient's representative having a participatory role, as needed and as defined by the recipient. The person-centered planning process:</p> <p>3.3.2.7 Offers informed choices to the recipient regarding the services and supports they receive and from whom, including the option to choose from among both residential and day settings, including generic settings.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
5**	The setting provides the participants an option to choose a private unit in a residential setting.	N/A	N/A	N/A
6	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.	DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination 	Yes - The MCO contract describes the requirements for the person-centered planning process and all the required elements to be captured during the process and noted in the member's person-centered service plan or plan of care. (**SEE COMPANION DOCUMENT**)	N/A
		Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml	Yes – 10.0 Activities 10.1 Each facility licensed under these regulations shall provide appropriate programming for each participant. Programming shall take into consideration individual differences in age, health status, sensory deficits, lifestyle, ethnicity, religious affiliation, values, experiences, needs, interests, abilities, and skills by providing opportunities for a variety of types and levels of involvement. 10.3 Activities shall be planned and shall include: 10.3.2 Personalized options for individuals with varying interests and needs. (**SEE COMPANION DOCUMENT**) 11.0 Rights of Participants 11.5 Each participant shall have the right to self-determination and choice within the adult day care setting, including the opportunity to: 11.5.1 Participate in developing one's	N/A

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
			<p>plan for services; 11.5.2 Decide whether or not to participate in any given activity; and 11.5.3 Be involved, to the greatest extent possible, in program planning and operation.</p>	
		<p>DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4) https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/de/de-dshp-ca.pdf</p>	<p>Yes - 56.b - includes the requirement that services must be delivered in accordance with the person-centered service plan and prescribes the elements to be addressed in the plan. (**SEE COMPANION DOCUMENT**)</p>	<p>N/A</p>
		<p>DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes - DMMA feels that this policy memorandum demonstrates compliance with this requirement by detailing specific requirements for the discharge planning process that would apply to the setting options identified and documented through the person-centered planning process. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Settings:</p> <p>2.2.4 The setting must facilitate individual choice regarding services and supports, and who provides them.</p> <p>The revised manual also includes the following requirements under section 3.3 MCO Responsibilities:</p> <p>3.3.3.1 Reflect that the setting in which the recipient resides is chosen by the recipient. The State must ensure that the setting chosen by the recipient is integrated in, and supports full access of recipients receiving</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
				Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree of access as recipients not receiving Medicaid HCBS.
7	Right to privacy.	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.14 Member Services 	<p>Yes - The MCO contract imposes requirements for applicability with all state and federal privacy standards and a member's right to privacy and respect. (**SEE COMPANION DOCUMENT**)</p>	N/A
		<p>Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml</p>	<p>Yes – 11.0 Rights of Participants 11.6 Each participant shall have the right to privacy and confidentiality. (**SEE COMPANION DOCUMENT**)</p>	N/A
		<p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual Section 2.1 Elderly & Disabled Waiver Provider Responsibilities http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf</p>	<p>Yes - 2.1.3 The E&D provider must meet and comply with all federal, state and local rules, regulations, and standards that are applicable to the services rendered. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2-Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and</p>

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				freedom from coercion and restraint.
8	Right to dignity and respect.	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 1 Definitions • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.14 Member Services <p>Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml</p> <p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf</p>	<p>Yes - The MCO contract notes that members are to be treated with respect and dignity. (**SEE COMPANION DOCUMENT**)</p> <p>Yes – 11.0 Rights of Participants 11.1 Each participant shall be treated as an adult, with respect and dignity. (**SEE COMPANION DOCUMENT**)</p> <p>Silent – While DMMA believes that our current E&D Waiver Provider Policy Manual conveys an overall tone that is generally compliant with this requirement of the rule, it does not specifically include a reference to an individual’s right to dignity and respect.</p>	<p>N/A</p> <p>N/A</p> <p>DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2-Requirements for LTCCS Provider Settings:</p>

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				<p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p>
9	<p>Freedom from coercion and restraint.</p>	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.2 General • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network • Section 3.14 Member Services 	<p>Yes - The MCO contract notes that members have the right to be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience or retaliation. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p> <p>The revised manual also includes the following citations relating to this requirement under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.3.13 Document that any modification of the conditions listed under Section 2.2 of this manual, 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:</p> <p>3.3.3.13.1 Identify a specific and individualized assessed need.</p> <p>3.3.3.13.2 Document the positive</p>

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				<p>interventions and supports used prior to any modifications to the person-centered service plan.</p> <p>3.3.3.13.3 Document less intrusive methods of meeting the need that have been tried but did not work.</p> <p>3.3.3.13.4 Include a clear description of the condition that is directly proportionate to the specific assessed need.</p> <p>3.3.3.13.5 Include a regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>3.3.3.13.6 Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.</p> <p>3.3.3.13.7 Include informed consent of the recipient.</p> <p>3.3.3.13.8 Include an assurance that interventions and supports will cause no harm to the recipient.</p>
		<p>Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml</p>	<p>Yes – 11.0 Rights of Participants</p> <p>11.7 Each participant shall have the right to be protected from abuse, neglect, mistreatment, financial exploitation, solicitation and harassment.</p> <p>11.8 Each participant shall have the right to voice grievances without discrimination or reprisal.</p> <p>11.9 Each participant shall have the right to be free from physical and chemical restraints. When a restraint becomes necessary, the facility must comply with federal law 42 CFR 482.13 and 42 CFR 483.13 and state law (16 Del.C. §1121). (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and</p>

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				<p>freedom from coercion and restraint.</p> <p>The revised manual also includes the following citations relating to this requirement under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.3.13 Document that any modification of the conditions listed under Section 2.2 of this manual, 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:</p> <p>3.3.3.13.1 Identify a specific and individualized assessed need.</p> <p>3.3.3.13.2 Document the positive interventions and supports used prior to any modifications to the person-centered service plan.</p> <p>3.3.3.13.3 Document less intrusive methods of meeting the need that have been tried but did not work.</p> <p>3.3.3.13.4 Include a clear description of the condition that is directly proportionate to the specific assessed need.</p> <p>3.3.3.13.5 Include a regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>3.3.3.13.6 Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.</p> <p>3.3.3.13.7 Include informed consent of the recipient.</p>

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				<p>3.3.3.13.8 Include an assurance that interventions and supports will cause no harm to the recipient.</p>
		<p>DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes - DMMA believes that this memorandum is generally compliant with this requirement due to its focus on consumer involvement and the need to prioritize individual choice and preferences. The memorandum includes specific language prohibiting entities from penalizing individuals for making decisions against professional advice. It also includes specific language under I(B)(5)-Choice and Self-Determination, emphasizing the principles of freedom, authority, support and responsibility. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p> <p>The revised manual also includes the following citations relating to this requirement under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.3.13 Document that any modification of the conditions listed under Section 2.2 of this manual, 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:</p> <p>3.3.3.13.1 Identify a specific and individualized assessed need.</p> <p>3.3.3.13.2 Document the positive</p>

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				<p>interventions and supports used prior to any modifications to the person-centered service plan.</p> <p>3.3.3.13.3 Document less intrusive methods of meeting the need that have been tried but did not work.</p> <p>3.3.3.13.4 Include a clear description of the condition that is directly proportionate to the specific assessed need.</p> <p>3.3.3.13.5 Include a regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>3.3.3.13.6 Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.</p> <p>3.3.3.13.7 Include informed consent of the recipient.</p> <p>3.3.3.13.8 Include an assurance that interventions and supports will cause no harm to the recipient.</p>
		<p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf</p>	<p>Silent- While DMMA believes that our current E&D Waiver Provider Policy Manual conveys an overall tone that is generally compliant with this requirement of the rule, it does not specifically include a reference to recipients being free from coercion or restraint.</p>	<p>DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p>

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				<p>The revised manual also includes the following citations relating to this requirement under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.3.13 Document that any modification of the conditions listed under Section 2.2 of this manual, 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:</p> <p>3.3.3.13.1 Identify a specific and individualized assessed need.</p> <p>3.3.3.13.2 Document the positive interventions and supports used prior to any modifications to the person-centered service plan.</p> <p>3.3.3.13.3 Document less intrusive methods of meeting the need that have been tried but did not work.</p> <p>3.3.3.13.4 Include a clear description of the condition that is directly proportionate to the specific assessed need.</p> <p>3.3.3.13.5 Include a regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>3.3.3.13.6 Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.</p> <p>3.3.3.13.7 Include informed consent of the recipient.</p>

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				3.3.3.13.8 Include an assurance that interventions and supports will cause no harm to the recipient.
10	Optimizes individual initiative, autonomy and independence in making life choices (including daily activities, physical and environment, and with whom to interact).	DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.6 Care Coordination • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network • Section 3.14 Member Services 	Yes - MCOs are required to inform members of services, determine assessed needs and deliver services through a person centered planning process, with the member the member driving the process and making decisions. (**SEE COMPANION DOCUMENT**)	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Provider Settings: 2.2.2 The setting must optimize, but not regiment, recipient initiative, autonomy, independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact. 2.2.6 Recipients should have the freedom and support to control their own schedules and activities, and have access to food at any time. 2.2.7 Recipients should be able to have visitors of their choosing at any time.

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		<p>Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml</p>	<p>Yes – 11.0 Rights of Participants 11.1 Each participant shall be treated as an adult, with respect and dignity. 11.2 Each participant shall have the right to participate in a program of services and activities which promotes positive attitudes regarding one's usefulness and capabilities. 11.3 Each participant shall have the right to participate in a program of services designed to encourage learning, growth and awareness of constructive ways to develop one's interests and talents. 11.4 Each participant shall have the right to be encouraged and supported in maintaining one's independence to the extent that conditions and circumstances permit, and to be involved in a program of services designed to promote personal independence. 11.5 Each participant shall have the right to self-determination and choice within the adult day care setting, including the opportunity to: 11.5.1 Participate in developing one's plan for services; 11.5.2 Decide whether or not to participate in any given activity; and 11.5.3 Be involved, to the greatest extent possible, in program planning and operation. 11.6 Each participant shall have the right to privacy and confidentiality. 11.7 Each participant shall have the right to be protected from abuse, neglect, mistreatment, financial exploitation, solicitation and harassment. 11.8 Each participant shall have the right to voice grievances without discrimination or reprisal. 11.9 Each participant shall have the right to be free from physical and chemical restraints. When a restraint becomes</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.2 The setting must optimize, but not regiment, recipient initiative, autonomy, independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p> <p>2.2.6 Recipients should have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> <p>2.2.7 Recipients should be able to have visitors of their choosing at any time.</p>

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			<p>necessary, the facility must comply with federal law 42 CFR 482.13 and 42 CFR 483.13 and state law (16 Del.C. §1121). 11.10 Each participant shall have the right to be fully informed, as evidenced by the participant's written acknowledgment of these rights, and of all rules and regulations regarding participant conduct and responsibilities. 11.11 Each participant shall have the right to be fully informed, at the time of acceptance into the program, of services and activities available and related charges.</p> <p>(**SEE COMPANION DOCUMENT**)</p>	
		<p>DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4) https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/de/de-dshp-ca.pdf</p>	<p>Yes - 56.b.i – Individuals must have informed choices about treatment and service decisions.</p> <p>(**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.2 The setting must optimize, but not regiment, recipient initiative, autonomy, independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p> <p>2.2.6 Recipients should have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> <p>2.2.7 Recipients should be able to have</p>

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				visitors of their choosing at any time.
		<p>DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes - Section V notes that a discharge/transition plan must include consumer involvement and reflect the individual's preferences and choices. The plan is more likely to be successful when the individual has a sense of ownership of it. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.2 The setting must optimize, but not regiment, recipient initiative, autonomy, independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p> <p>2.2.6 Recipients should have the freedom and support to control their own schedules and activities, and have access to food at any time.</p> <p>2.2.7 Recipients should be able to have visitors of their choosing at any time.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
11	Facilitates individual choice regarding services/supports, and who provides them.	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.2 Enrollment, Transfers and Disenrollment • Section 3.4 Covered Services • Section 3.6 Care Coordination • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network • Section 3.14 Member Services 	<p>Yes - The MCO's person-centered process is to facilitate member choice regarding supports and services received. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.4 The setting must facilitate recipient choice regarding services and supports, and who provides them.</p>
		<p>Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml</p>	<p>Yes – 11.0 Rights of Participants 11.4 Each participant shall have the right to be encouraged and supported in maintaining one's independence to the extent that conditions and circumstances permit, and to be involved in a program of services designed to promote personal independence. 11.5 Each participant shall have the right to self-determination and choice within the adult day care setting, including the opportunity to: 11.5.1 Participate in developing one's plan for services; 11.5.2 Decide whether or not to participate in any given activity; and 11.5.3 Be involved, to the greatest extent possible, in program planning and operation. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.4 The setting must facilitate recipient choice regarding services and supports, and who provides them.</p>

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		<p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual Section 1.1 Waiver Objectives http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf</p>	<p>Yes - 1.1.2 The goal of the waiver is to provide services to persons in a manner which responds to each participant's abilities, assessed needs, and preferences, and ensures maximum self-sufficiency, independent functioning and safety. This goal is accomplished through the delivery of a range of home and community-based long-term care services which target the special needs of the population. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.4 The setting must facilitate recipient choice regarding services and supports, and who provides them.</p>
		<p>DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes - V – regarding discharge and transition planning the policy notes that plans must include consumer involvement and reflect the individual's preferences and choices. The plan is more likely to be successful when the individual has a sense of ownership of it. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.4 The setting must facilitate recipient choice regarding services and supports, and who provides them.</p>

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12	Access to food at any time	Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml	Silent – Despite being generally compliant with this requirement, the regulation does not specifically mention access to food at any time. 9.5 Nutrition and Food Services 9.5.1 Kitchen and Food Storage Areas 9.5.1.1 If meals are prepared by the adult day care facility the State of Delaware Food Code shall apply. 9.5.2 The adult day care facility shall assure the availability of meals and supplemental snacks in accordance with each participant’s individual plan of care. 9.5.3 The adult day care facility shall provide or make arrangements for a minimum of one meal daily which is of suitable quality and quantity for participants who are in the center for four (4) or more hours. The meal shall meet at least one-third (1/3) of an adult’s current recommended dietary allowance (RDA) of the Food and Nutrition Board, National Academy of Sciences-National Research Council. 9.5.4 A morning snack shall be offered daily to participants. Those participants remaining in the facility for more than three (3) hours after completion of lunch shall be offered a mid-afternoon snack. Facilities open in the evening shall serve an evening meal. Evening meals shall be served approximately four (4) hours after completion of lunch, but no later than seven (7) p.m. Beverages shall be available to participants at all times and shall be offered periodically to promote good hydration. Snacks shall have nutritional value. 9.5.5 Food shall be stored, prepared, served, or any combination of these on site in accordance with the State of Delaware Food Code. 9.5.6 Food that is prepared for the adult	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Provider Settings: 2.2.6 Recipients should have the freedom and support to control their own schedules and activities, and have access to food at any time.

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			<p>day facility at an alternate site shall be prepared in a facility which is in compliance with the State of Delaware Food Code and has been issued a permit.</p> <p>9.5.7 Menus shall be planned and written for a minimum of a two-week cycle, if meals are prepared on-site, and approved by a dietitian.</p> <p>9.5.8 The menu shall be dated for the week of service and posted in a prominent area for the availability to the participant and representative, if any.</p> <p>9.5.9 A therapeutic diet shall be provided for a participant when prescribed in writing by a physician. Therapeutic diet menus shall be prepared by a dietitian.</p> <p>9.5.10 A dietitian shall be available for consultation with staff on basic and special nutritional needs and proper food handling techniques and shall provide in-service training to staff on these topics at least annually.</p> <p>9.5.11 Appropriate food containers and utensils shall be available as needed for use by disabled participants.</p> <p>9.5.12 Equipment for adequate refrigeration to maintain foods at 40°F and for the heating of foods shall be provided if needed to assist in the provision of meals and snacks.</p> <p>9.5.13 Drinking water shall be easily accessible to the participants and provided by either an angle jet drinking fountain with mouth guard or by a running water supply with individual service drinking cups.</p>	

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
13	Visitors at any time	Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml	<p>Silent – Despite being generally compliant with this requirement, and emphasizing the importance of personal choice in all aspects of treatment and services, the regulation does not specifically include language addressing the issue of visitors within the setting.</p> <p>11.0 Rights Of Participants 11.1 Each participant shall be treated as an adult, with respect and dignity. 11.2 Each participant shall have the right to participate in a program of services and activities which promotes positive attitudes regarding one’s usefulness and capabilities. 11.3 Each participant shall have the right to participate in a program of services designed to encourage learning, growth and awareness of constructive ways to develop one’s interests and talents. 11.4 Each participant shall have the right to be encouraged and supported in maintaining one’s independence to the extent that conditions and circumstances permit, and to be involved in a program of services designed to promote personal independence. 11.5 Each participant shall have the right to self-determination and choice within the adult day care setting, including the opportunity to: 11.5.1 Participate in developing one’s plan for services; 11.5.2 Decide whether or not to participate in any given activity; and 11.5.3 Be involved, to the greatest extent possible, in program planning and operation. 11.6 Each participant shall have the right to privacy and confidentiality. 11.7 Each participant shall have the right to be protected from abuse, neglect,</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Adult Day Care Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.7 Recipients should be able to have visitors of their choosing at any time.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No/Silent)	Corrective Action
			<p>mistreatment, financial exploitation, solicitation and harassment.</p> <p>11.8 Each participant shall have the right to voice grievances without discrimination or reprisal.</p> <p>11.9 Each participant shall have the right to be free from physical and chemical restraints. When a restraint becomes necessary, the facility must comply with federal law 42 CFR 482.13 and 42 CFR 483.13 and state law (16 Del.C. §1121).</p> <p>11.10 Each participant shall have the right to be fully informed, as evidenced by the participant's written acknowledgment of these rights, and of all rules and regulations regarding participant conduct and responsibilities.</p> <p>11.11 Each participant shall have the right to be fully informed, at the time of acceptance into the program, of services and activities available and related charges.</p>	

Day Habilitation

Setting Description: A non-residential, community-based setting that provides assistance with the acquisition, retention and/or improvement of self-help, socialization and adaptive skills to foster greater independence and personal choice for members to address a need/needs identified in the member's person-centered service plan.

Number of Individuals Served: 57*

Relevant Characteristics/Requirements

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
1	<i>The setting is integrated in and supports full access to the greater community.</i>	DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination 	Yes - These collective sections of the MCO contract provide the foundation for the comprehensive coverage of community supports and services for which all DSHP members are entitled to receive, how participants are informed of services and assessed to need services and the process by which participants are assisted in gaining access to all need community supports and services to allow for full community integration. (**SEE COMPANION DOCUMENT**)	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Day Habilitation, under section 2.2 Requirements for LTCCS Provider Settings: <p>2.2.1 The setting is integrated in and supports full access of LTCCS recipients to the greater community, including:</p> <p>2.2.1.1 Opportunities to seek employment and work in competitive integrated settings;</p> <p>2.2.1.2 Opportunities to engage in community life;</p> <p>2.2.1.3 Opportunities to control personal resources;</p> <p>2.2.1.4 Opportunities to receive services in the community, to the same degree of access as recipients not receiving Medicaid</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
				HCBS.
		<p>DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4) https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/de/de-dshp-ca.pdf</p>	<p>Yes - The amendment includes the parameters for the DSHP program including coverage of community supports and services for which all DSHP members are entitled to receive and MCO responsibilities for care coordination to ensure members are assisted in gaining access to all needed community supports and services to allow for full community integration. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Day Habilitation, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.1 The setting is integrated in and supports full access of LTCCS recipients to the greater community, including:</p> <p>2.2.1.1 Opportunities to seek employment and work in competitive integrated settings;</p> <p>2.2.1.2 Opportunities to engage in community life;</p> <p>2.2.1.3 Opportunities to control personal resources;</p> <p>2.2.1.4 Opportunities to receive services in the community, to the same degree of access as recipients not receiving Medicaid HCBS.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		<p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual</p> <p>Section 5.2 Content/Description of Services</p> <p>http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf</p>	<p>Yes - This section defines the comprehensive services available to DSHP members.</p> <p>(**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Day Habilitation, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.1 The setting is integrated in and supports full access of LTCCS recipients to the greater community, including:</p> <p>2.2.1.1 Opportunities to seek employment and work in competitive integrated settings;</p> <p>2.2.1.2 Opportunities to engage in community life;</p> <p>2.2.1.3 Opportunities to control personal resources;</p> <p>2.2.1.4 Opportunities to receive services in the community, to the same degree of access as recipients not receiving Medicaid HCBS.</p>
2	<p><i>There are opportunities to (1) seek employment and work in competitive integrated settings, (2) engage in community life and (3) control personal resources.</i></p>	<p>DMMA 2016 MCO Contract</p> <p>http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination 	<p>(1) Silent</p> <p>(2) Yes –</p> <p>12.6 - In accordance with the service agreement, the assisted living facility shall be responsible for facilitating access to appropriate health care and social services for the resident.</p> <p>12.7 - The assisted living facility shall assess each resident and provide or arrange appropriate opportunities for social interaction and leisure activities</p>	<p>(1) & (3) DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual, which will specifically address the requirements in (1) and (3). We anticipate that the updated manual will be formally approved by November 1, 2016. Please see updated draft language below.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
			<p>which promote the physical and mental well-being of each resident, including facilitating access to spiritual activities consistent with the preferences and background of the resident. (**SEE COMPANION DOCUMENT**) (3) Silent</p>	<p>(1) & (3) 2.2 Requirements for LTCCS Provider Settings</p> <p>2.2.1 The setting is integrated in and supports full access of LTCCS recipients to the greater community, including:</p> <p>2.2.1.1 Opportunities to seek employment and work in competitive integrated settings;</p> <p>2.2.1.3 Opportunities to control personal resources;</p>
3	<p><i>The individual receives services in the community with the same degree of access as individuals not receiving Medicaid HCBS.</i></p>	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network 	<p>Yes - These collective sections of the MCO contract provide the foundation for the comprehensive coverage of community supports and services for which all DSHP members are entitled to receive, how participants are informed of services and assessed to need services and the process by which participants are assisted in gaining access to all need community supports and services to allow for full community integration. (**SEE COMPANION DOCUMENT**)</p>	<p>N/A</p>
4	<p><i>The setting is selected by the individual from among residential and day options that include generic settings.</i></p>	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members 	<p>Yes - MCO contract ensures that members have access to all needed services and can freely choose those services through the person-centered planning process. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirement relating to the provision of HCBS, including Day Habilitation Facilities, under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.2 In accordance with 42 CFR §441.301(c)(1), the MCO is required to</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
				<p>utilize a person-centered planning process for all LTCCS recipients. The LTCCS recipient will lead the person-centered planning process, where possible, with the LTCCS recipient's representative having a participatory role, as needed and as defined by the recipient. The person-centered planning process:</p> <p>3.3.2.7 Offers informed choices to the recipient regarding the services and supports they receive and from whom, including the option to choose from among both residential and day settings, including generic settings.</p>
		<p>DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4) https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/de/de-dshp-ca.pdf</p>	<p>Yes - 34.b – Choice of MCOs 56.b.4 – Choice of providers 59 – Choice of HCBS vs institutional care (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirement relating to the provision of HCBS, including Day Habilitation Facilities, under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.2 In accordance with 42 CFR §441.301(c)(1), the MCO is required to utilize a person-centered planning process for all LTCCS recipients. The LTCCS recipient will lead the person-centered planning process, where possible, with the LTCCS recipient's representative having a participatory role, as needed and as defined by the recipient. The person-centered planning process:</p> <p>3.3.2.7 Offers informed choices to the recipient regarding the services and</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
				<p>supports they receive and from whom, including the option to choose from among both residential and day settings, including generic settings.</p>
		<p>DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes - 5 - Emphasizes the importance of choice in the assessment process. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirement relating to the provision of HCBS, including Day Habilitation Facilities, under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.2 In accordance with 42 CFR §441.301(c)(1), the MCO is required to utilize a person-centered planning process for all LTCCS recipients. The LTCCS recipient will lead the person-centered planning process, where possible, with the LTCCS recipient's representative having a participatory role, as needed and as defined by the recipient. The person-centered planning process:</p> <p>3.3.2.7 Offers informed choices to the recipient regarding the services and supports they receive and from whom, including the option to choose from among both residential and day settings, including generic settings.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
5**	The setting provides the participants an option to choose a private unit in a residential setting.	N/A	N/A	N/A
6	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.	DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination 	Yes - The MCO contract describes the requirements for the person-centered planning process and all the required elements to be captured during the process and noted in the member's person-centered service plan or plan of care. (**SEE COMPANION DOCUMENT**)	N/A
		DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4) https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/de/de-dshp-ca.pdf	Yes - 56.b - includes the requirement that services must be delivered in accordance with the person-centered service plan and prescribes the elements to be addressed in the plan. (**SEE COMPANION DOCUMENT**)	N/A
		DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf	Yes - DMMA feels that this policy memorandum demonstrates compliance with this requirement by detailing specific requirements for the discharge planning process that would apply to the setting options identified and documented through the person-centered planning process. (**SEE COMPANION DOCUMENT**)	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Day Habilitation Facilities, under section 2.2 Requirements for LTCCS Settings: 2.2.4 The setting must facilitate individual choice regarding services and supports, and who provides them.

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
				<p>The revised manual also includes the following requirements under section 3.3 MCO Responsibilities:</p> <p>3.3.3.1 Reflect that the setting in which the recipient resides is chosen by the recipient. The State must ensure that the setting chosen by the recipient is integrated in, and supports full access of recipients receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree of access as recipients not receiving Medicaid HCBS.</p>
7	Right to privacy.	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.14 Member Services 	<p>Yes - The MCO contract imposes requirements for applicability with all state and federal privacy standards and a member's right to privacy and respect. (**SEE COMPANION DOCUMENT**)</p>	N/A
		<p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual Section 2.1 Elderly & Disabled Waiver Provider Responsibilities http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf</p>	<p>Yes - 2.1.3 The E&D provider must meet and comply with all federal, state and local rules, regulations, and standards that are applicable to the services rendered. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2-Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
8	Right to dignity and respect.	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 1 Definitions • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.14 Member Services 	<p>Yes - The MCO contract notes that members are to be treated with respect and dignity. (**SEE COMPANION DOCUMENT**)</p>	<p>N/A</p>
9	Freedom from coercion and restraint.	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.2 General • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network • Section 3.14 Member 	<p>Yes - The MCO contract notes that members have the right to be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience or retaliation. (**SEE COMPANION DOCUMENT**)</p>	<p>DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2-Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
		Services		<p>rights of privacy, dignity and respect, and freedom from coercion and restraint.</p> <p>The revised manual also includes the following citations relating to this requirement under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.3.13 Document that any modification of the conditions listed under Section 2.2 of this manual, 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:</p> <p>3.3.3.13.1 Identify a specific and individualized assessed need.</p> <p>3.3.3.13.2 Document the positive interventions and supports used prior to any modifications to the person-centered service plan.</p> <p>3.3.3.13.3 Document less intrusive methods of meeting the need that have been tried but did not work.</p> <p>3.3.3.13.4 Include a clear description of the condition that is directly proportionate to the specific assessed need.</p> <p>3.3.3.13.5 Include a regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>3.3.3.13.6 Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.</p> <p>3.3.3.13.7 Include informed consent of</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
				<p>the recipient.</p> <p>3.3.3.13.8 Include an assurance that interventions and supports will cause no harm to the recipient.</p>
		<p>DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes - DMMA believes that this memorandum is generally compliant with this requirement due to its focus on consumer involvement and the need to prioritize individual choice and preferences. The memorandum includes specific language prohibiting entities from penalizing individuals for making decisions against professional advice. It also includes specific language under I(B)(5)-Choice and Self-Determination, emphasizing the principles of freedom, authority, support and responsibility. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p> <p>The revised manual also includes the following citations relating to this requirement under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.3.13 Document that any modification of the conditions listed under Section 2.2 of this manual, 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:</p> <p>3.3.3.13.1 Identify a specific and individualized assessed need.</p> <p>3.3.3.13.2 Document the positive</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
				<p>interventions and supports used prior to any modifications to the person-centered service plan.</p> <p>3.3.3.13.3 Document less intrusive methods of meeting the need that have been tried but did not work.</p> <p>3.3.3.13.4 Include a clear description of the condition that is directly proportionate to the specific assessed need.</p> <p>3.3.3.13.5 Include a regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>3.3.3.13.6 Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.</p> <p>3.3.3.13.7 Include informed consent of the recipient.</p> <p>3.3.3.13.8 Include an assurance that interventions and supports will cause no harm to the recipient.</p>
		<p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf</p>	<p>Silent- While DMMA believes that our current E&D Waiver Provider Policy Manual conveys an overall tone that is generally compliant with this requirement of the rule, it does not specifically include a reference to recipients being free from coercion or restraint.</p>	<p>DMMA has drafted an updated version of the Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following citation specifically addressing this requirement under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.3 The setting must ensure a recipient's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
				<p>The revised manual also includes the following citations relating to this requirement under section 3.3 Managed Care Organization (MCO) Responsibilities:</p> <p>3.3.3.13 Document that any modification of the conditions listed under Section 2.2 of this manual, 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:</p> <p>3.3.3.13.1 Identify a specific and individualized assessed need.</p> <p>3.3.3.13.2 Document the positive interventions and supports used prior to any modifications to the person-centered service plan.</p> <p>3.3.3.13.3 Document less intrusive methods of meeting the need that have been tried but did not work.</p> <p>3.3.3.13.4 Include a clear description of the condition that is directly proportionate to the specific assessed need.</p> <p>3.3.3.13.5 Include a regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>3.3.3.13.6 Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.</p> <p>3.3.3.13.7 Include informed consent of the recipient.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
				3.3.3.13.8 Include an assurance that interventions and supports will cause no harm to the recipient.
10	Optimizes individual initiative, autonomy and independence in making life choices (including daily activities, physical and environment, and with whom to interact).	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.6 Care Coordination • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network • Section 3.14 Member Services 	<p>Yes - MCOs are required to inform members of services, determine assessed needs and deliver services through a person centered planning process, with the member the member driving the process and making decisions. (**SEE COMPANION DOCUMENT**)</p>	N/A
		<p>DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4) https://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Waivers/1115/downloads/de/de-dshp-ca.pdf</p>	<p>Yes - 56.b.i – Individuals must have informed choices about treatment and service decisions. (**SEE COMPANION DOCUMENT**)</p>	N/A
		<p>DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes - Section V notes that a discharge/transition plan must include consumer involvement and reflect the individual's preferences and choices. The plan is more likely to be successful when the individual has a sense of ownership of it. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
				<p>The revised manual includes the following requirements relating to the provision of HCBS, including Day Habilitation Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.2 The setting must optimize, but not regiment, recipient initiative, autonomy, independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p>
11	<p>Facilitates individual choice regarding services/supports, and who provides them.</p>	<p>DMMA 2016 MCO Contract http://www.dhss.delaware.gov/dhss/dmma/files/2016mcocontract.pdf</p> <ul style="list-style-type: none"> • Section 3.2 Enrollment, Transfers and Disenrollment • Section 3.4 Covered Services • Section 3.6 Care Coordination • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network • Section 3.14 Member Services 	<p>Yes - The MCO's person-centered process is to facilitate member choice regarding supports and services received. (**SEE COMPANION DOCUMENT**)</p>	N/A
		<p>DHSS Policy Memorandum #66-Discharge/Transition Practices/Guidelines in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf</p>	<p>Yes V – regarding discharge and transition planning the policy notes that plans must include consumer involvement and reflect the individual's preferences and choices. The plan is more likely to be successful when the individual has a sense of ownership of it. (**SEE COMPANION DOCUMENT**)</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed as the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following</p>

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				<p>requirements relating to the provision of HCBS, including Day Habilitation Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.4 The setting must facilitate recipient choice regarding services and supports, and who provides them.</p>
		<p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual Section 1.1 Waiver Objectives http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf</p>	<p>Yes - 1.1.2 The goal of the waiver is to provide services to persons in a manner which responds to each participant's abilities, assessed needs, and preferences, and ensures maximum self-sufficiency, independent functioning and safety. This goal is accomplished through the delivery of a range of home and community-based long-term care services which target the special needs of the population. (**SEE COMPANION DOCUMENT**)</p>	<p>N/A</p>
12	Access to food at any time	<p>Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual Section 1.1 Waiver Objectives http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf</p>	<p>Silent – Although generally compliant with this requirement, these regulations do not include language specifically addressing access to food at any time.</p> <p>5.2.7 Day Habilitation – Day Habilitation service is the assistance with the acquisition, reacquisition, retention, or improvement in self-help, socialization and adaptive skills that take place in a non-residential setting separate from the participant's private residence. Activities and environments are designed to foster the acquisition of skills, appropriate behavior, greater independence, and personal choice. Meals provided as part of these services shall not constitute a "full nutritional regiment" (3 meals per day). Day habilitation services focus on enabling the participant to attain or maintain his or her maximum functional</p>	<p>In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Day Habilitation Facilities, under section 2.2 Requirements for LTCCS Provider Settings:</p> <p>2.2.6 Recipients should have the freedom and support to control their own schedules and activities, and have access to food at any time.</p>

#	Requirement	Relevant Material Reviewed	Compliant (Yes/No)/Silent	Corrective Action
			level and shall be coordinated with any physical, occupational, or speech therapies in the service plan. In addition, day habilitation services may serve to reinforce skills or lessons taught in other settings. This service is provided to participants who demonstrate a need based on cognitive, social, and/or behavioral deficits such as those that may result from an acquired brain injury. This service does not duplicate a service provided under the state plan as an expanded EPSDT service.	
13	Visitors at any time	Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Policy Manual Section 1.1 Waiver Objectives http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf	Silent - Despite being generally compliant with this requirement by emphasizing the importance of person-centered planning and services, the regulation does not specifically include language addressing the issue of visitors within the setting.	In order to further support this specific requirement of the regulation, DMMA has drafted an updated version of our Elderly & Disabled Waiver Provider Policy Manual, renamed the Long Term Care Community Services (LTCCS) Provider Policy Manual. We anticipate that the revised manual will be formally approved by November 1, 2016. The revised manual includes the following requirements relating to the provision of HCBS, including Day Habilitation Facilities, under section 2.2 Requirements for LTCCS Provider Settings: 2.2.7 Recipients should be able to have visitors of their choosing at any time.

* Current as of 12/31/2015

** Does not apply for this setting type as it is non-residential.