

**Rhode Island EOHHS  
Systemic Assessment/Remediation Grid  
November 17, 2016**

**The systemic assessment grid describes the impact of the federal regulation on applicable State statutes, administrative rules, administrative and operational policies.**

**\*The proposed timelines are contingent upon approval of the plan by the Centers for Medicare and Medicaid Services (CMS)**

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
<p>The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to engage in community life and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.</p>	<p>Rite@Home Program Standards</p> <p>5.2.1.1 The caregiver shall provide companionship and opportunities for socialization.</p> <p>5.2.1.7 The caregiver shall provide, to the maximum degree possible, for the maintenance of skills that are already present to foster independence and community integration</p> <p><a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/RI">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/RI</a></p>	<p>Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)</p> <p>Add exact federal language to Rite@Home Program standards in 5.2.2 Host Home/Caregiver Requirements</p>	<p>Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders</p> <p>Revise Rite@Home program standards and review with legal and external stakeholders</p>	<p>06/30/17</p>	<p>Silent</p>

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
	<p><a href="#">te.at.Home.Program.standards.final9.26.12..pdf</a></p> <p>Policy -No longer allow new entrants into Sheltered Workshops.</p> <p>44.02 g) assistance in establishing friendships, using public transportation, participating in community events, or otherwise undertaking activities to promote community integration</p> <p>42.11 d) pre-service training includes community integration and creation and support of natural supports</p> <p><a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a></p>	<p>Close sheltered workshops. Find integrated employment for individuals.</p> <p>Amend 44.01 adding “Day program services shall be integrated into the greater community.”</p> <p>Amend 39 adding “Residential support services shall be integrated into the greater community.”</p> <p><a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a></p>	<p>Conversion Institute is providing technical assistance to the nine Developmental Disabilities Organizations (DDOs) that have Sheltered Workshops.</p> <p>Each of these DDOs has received funding from a Trust Fund dedicated solely to providing funds to assist in closing the workshops and restructuring their programs to be able to provide Supported Employment Services in an integrated employment/community setting. The nine Providers submitted plans to the State detailing how they would utilize the Trust Fund dollars they were requesting.</p>	<p>09/01/17</p>	<p>Silent</p>

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
<p>The setting includes opportunities to seek employment and work in competitive integrated settings, to the same degree of access as individuals not receiving Medicaid HCBS.</p>		<p>Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)</p> <p>Add exact federal language to Rite@Home Program standards in 5.2.2 Host Home/Caregiver Requirements  <a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf</a></p>	<p>Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders</p> <p>Revise Rite@Home program standards and review with legal and external stakeholders</p>	06/30/17	Silent
	<p>RI BHDDH regulation 20.09 (3)            To engage in any activity including employment, appropriate to his or her age, and interests in the most integrated community setting;  <a href="http://sos.ri.gov/documents/archives/reg">http://sos.ri.gov/documents/archives/reg</a></p>	<p>Amend Reg. 20.09(3) adding “with the same degree of access as individuals not receiving Medicaid HCBS”.</p>	<ul style="list-style-type: none"> <li>• Submit regulation language changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement</li> </ul>	09/01/17	Non-Compliant

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
	<a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">docs/released/pdf/MHRH/7826.pdf</a> RI Employment First Policy  <a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a>				
The setting includes opportunities to control personal resources to the same degree of access as individuals not receiving Medicaid HCBS.		Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)  Add exact federal language to Rite@Home Program standards in 5.2.2 Host Home/Caregiver Requirements <a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf</a>	Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders  Revise Rite@Home program standards and review with legal and external stakeholders	06/30/17	Silent
		Change Statute - § 40.1-26-3 (11) Amend to strike “a reasonable amount of.” (applies to all participants receiving day	<ul style="list-style-type: none"> <li>• Submit regulations changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement</li> </ul>	09/01/17	Non-Compliant

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
		<p>program services and/or residential services)</p> <p><a href="http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/40.1-26/40.1-26-3.HTM">http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/40.1-26/40.1-26-3.HTM</a></p> <p>Amend regulation 21.01 (d) by striking “reasonable” and inserting “have.”</p> <p><a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a></p> <p>Strike the existing language 20.12 (these are descriptions of rights that can be restricted; as part of complying with the HCBS Final Rules, restricting these rights is no longer allowed)</p>			
The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting.	<p>Rite@Home Program Standards</p> <p>5.1 The recipient (or his/her designated representative) must be able to make a</p>	Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)	Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders	06/30/17	Silent

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
<p>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.</p>	<p>decision on which host home to select from homes that have been identified by the Rite@Home agency, and participate in the development his/her Service and Safety Plan.</p> <p><a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf</a></p>	<p>Rite @Home Program standards are only partially compliant. Add exact federal language that an individual can select settings from among non-disability specific settings in 5.1.</p>	<p>Revise Rite@Home program standards and review with legal and external stakeholders</p>		
	<p>20.14 “give a prospective resident an opportunity to visit the DDO’s residential program prior to admission. The prospective resident shall participate in the decision-making regarding his/her admission.”</p>	<p>Amend regulation 39.01 by adding “(a) The residential setting shall be selected by the Participate from the setting options available, including non-disabled settings and options for a private room, these options will be identified and discussed during the Person Centered Planning Process and documented</p>	<ul style="list-style-type: none"> <li>• Submit regulations changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement.</li> </ul>	<p>09/01/17</p>	<p>Silent</p>

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
	42.04.05 “Ensuring participant’s choice in determining shared living arrangement contractor”	<p>in the Individual Service Plan (ISP).”</p> <p><a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a></p> <p>Amend 20.09 by adding “the individual selects their setting from among setting options including non-disability specific settings and an option for a private unit, which are identified and documented in the Individual Service Plan (ISP) and are based on the individual’s needs, preferences, and resources available.”</p>			
Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.	<p>Rite@Home Program Standards</p> <p>Appendix V: Rite @ Home Program Client Rights and Responsibilities</p> <p>Each client has the right to:</p>	<p>Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)</p> <p>Rite @Home Program standards are only partially compliant. Add exact federal language that an individual is free</p>	<p>Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders</p> <p>Revise Rite@Home program standards and review with legal and external stakeholders</p>	06/30/17	Silent

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
	<p>1. Be treated as an adult with respect and dignity; 8. Privacy in communication;</p> <p><a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/RI%20at.Home.Program.standards.final9.26.12..pdf">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/RI at.Home.Program.standards.final9.26.12..pdf</a></p>	<p>from coercion and restraint in Appendix V.</p>			
	<p>20.09 a)(1) “to be treated with dignity, respect for privacy, and have the right to a safe and supportive environment.” .... (8) “to be free from unnecessary restraint” 20.09 q) “to be protected from coercion”</p> <p><a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a></p>			<p>N/A</p>	<p>Compliant</p>

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
<p>Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p>	<p>Rite@Home Program Standard</p> <p>5.2.1.7 The caregiver shall provide, to the maximum degree possible, for the maintenance of skills that are already present to foster independence and community integration.</p> <p><a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf</a></p>	<p>Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)</p> <p>Rite @Home Program standards are only partially compliant. Add exact federal language that the caregiver optimizes individual autonomy and independence in making life choices.</p>	<p>Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders</p> <p>Revise Rite@Home program standards and review with legal and external stakeholders</p>	<p>06/30/17</p>	<p>Silent</p>
	<p>20 k) to be encouraged and assisted throughout services to exercise his/her rights without threat of discrimination</p> <p>44.06 e) “Participants shall be encouraged to take part in activities, but may</p>	<p>Change Statute § 40.1-26-3(9) Amend to strike “reasonable” and add “at any time.”</p> <p>Change Statute – § 40.1-26-3(16) Amend to strike “reasonable.”</p>	<ul style="list-style-type: none"> <li>• Submit regulations changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement.</li> </ul>	<p>09/01/17</p>	<p>Non-Compliant</p>

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
	<p>choose not to do so or may choose another activity” 44.06 j) “programming shall be designed to promote personal growth and enhance...” 44.07 “the environment shall be conducive to facilitating activities and Participants shall be assisted in maintaining maximum mobility and independence.”</p>	<p><a href="http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/40.1-26/40.1-26-3.HTM">http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/40.1-26/40.1-26-3.HTM</a></p> <p>Amend 44.07 adding “and autonomy in making life choices, including but not limited to daily activities, physical environment, and with whom to interact.” (applies to day programs)</p> <p>Amend 39 to include “the DDO shall optimize, but not regiment individual initiative, autonomy, and independence in making life choices, including but not limited to daily activities, physical environment, and with whom to interact.” (applies to residential programs)</p> <p><a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a></p>			
Facilitates individual choice regarding services	Rite@Home Program Standard	Add exact federal language to DEA Assisted Living Certification	Revise DEA Assisted Living Certification Standards and review	06/30/17	Silent

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
<p>and supports, and who provides them.</p>	<p>5.2.4 Assessment and Rite@Home Planning Process</p> <p>The agency then presents the consumer with a choice of up to three host caregiver homes or caregivers. (More choices can be provided as needed when appropriate and available.)</p> <p>Appendix V: Rite @ Home Program Client Rights and Responsibilities</p> <p>Each client has the right to:</p> <p>6. Choose care providers</p> <p><a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf</a></p>	<p>Standards (not available electronically)</p> <p>Rite @Home Program standards are only partially compliant. Add exact federal language that the agency facilitates individual choice regarding services and supports.</p>	<p>with legal and external stakeholders</p> <p>Revise Rite@Home program standards and review with legal and external stakeholders</p>		

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
		<p>Amend 20 adding “individual is afforded choice regarding services and supports, and who provides them”</p> <p>Amend 39 and 44 by adding “DDO shall facilitate individual choice regarding services and supports and who provides them”</p> <p><a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a></p>	<ul style="list-style-type: none"> <li>• Submit regulations changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement.</li> </ul>	09/01/17	Silent
<p>Provider owned or controlled residential settings: The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under</p>		<p>Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)</p> <p>Add exact federal language to the Rite@Home Program Standards in 5.2.2</p> <p><a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rlte.at.Home.Progra">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rlte.at.Home.Progra</a></p>	<p>Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders</p> <p>Revise Rite@Home program standards and review with legal and external stakeholders</p>	06/30/17	Silent

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
<p>the landlord/tenant law of the State, county, city, or other designated entity. For settings in which landlord tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.</p>		<a href="http://m.standards.final9.26.12..pdf">m.standards.final9.26.12..pdf</a>			
		<p>Add - 20.12 To have a legally enforceable written agreement that includes, at minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant laws of the state, county, city or other designated entity.</p> <p><a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a></p>	<ul style="list-style-type: none"> <li>• Submit regulations changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement.</li> </ul>	09/01/17	Silent
<p>Provider owned or controlled residential settings: Each individual has privacy in their sleeping or living unit: Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</p>	<p>Rite@Home Program Standard</p> <p>5.2.2 The host home/caregiver provides the recipient with a private bedroom</p> <p><a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procu">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procu</a></p>	<p>Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)</p> <p>Rite @Home Program standards are only partially compliant. Add exact federal language that the sleeping/living unit has entrance door</p>	<p>Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders</p> <p>Revise Rite@Home program standards and review with legal and external stakeholders</p>	06/30/17	Silent

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
	<a href="#">rement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf</a>	lockable by the individual with only individual and caregiver having key			
		Add - 20.12 To have lockable entrance doors and sleeping area with only appropriate staff having keys to doors.  <a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a>	<ul style="list-style-type: none"> <li>• Submit regulations changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement.</li> </ul>	09/01/17	Silent
Provider owned or controlled residential settings: Individuals sharing units have a choice of roommates in that setting.		Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)  Rite @Home Program standards are compliant because the individual has a private bedroom.  <a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf</a>	Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders  Revise Rite@Home program standards and review with legal and external stakeholders	06/30/17	Silent

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
		Add – 20.12 To have choice of roommate when there is a shared unit.  <a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a>	<ul style="list-style-type: none"> <li>• Submit regulations changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement.</li> </ul>	09/01/17	Silent
Provider owned or controlled residential settings: Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.		Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)  Add exact federal language to the Rite @Home Program standards in 5.2.2  <a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf</a>	Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders  Revise Rite@Home program standards and review with legal and external stakeholders	06/30/17	Silent
		Add – 20.12 To have freedom to furnish or decorate one’s own sleeping or living space.  <a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a>	<ul style="list-style-type: none"> <li>• Submit regulations changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement.</li> </ul>	09/01/17	Silent

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
<p>Provider owned or controlled residential settings: Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.</p>		<p>Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)</p> <p>Add exact federal language to the Rite @Home Program standards in 5.2.2</p> <p><a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf</a></p>	<p>Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders</p> <p>Revise Rite@Home program standards and review with legal and external stakeholders</p>	06/30/17	Silent
		<p>Add – 20.12 To have control and support, when necessary, over one’s own activities and schedule.</p> <p>Add – 20.12 To have access to food at any time.</p> <p><a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a></p>	<ul style="list-style-type: none"> <li>• Submit regulations changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement.</li> </ul>	09/01/17	Silent

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
<p>Provider owned or controlled residential settings: Individuals are able to have visitors of their choosing at any time.</p>		<p>Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)</p> <p>Add exact federal language to the Rite @Home Program standards in 5.2.2</p> <p><a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf</a></p>	<p>Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders</p> <p>Revise Rite@Home program standards and review with legal and external stakeholders</p>	6/30/17	Silent
		<p>Change Statute - § 40.1-26-3 Amend to strike Amend (10) strike “all reasonable hours” and add “at any time”</p> <p><a href="http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/INDEX.HTM">http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/INDEX.HTM</a></p> <p>Change regulation - 20.09.10 Strike the words “all reasonable hours” and add “at any time”.</p>	<ul style="list-style-type: none"> <li>• Submit regulations changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement.</li> </ul>	09/01/17	Non-Compliant

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
		<a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a>			
<p>Provider owned or controlled residential settings: The setting is physically accessible to the individual.</p>		<p>Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)</p> <p>Add exact federal language to the Rite@Home Program standards in 5.2.2</p> <p><a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf</a></p>	<p>Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders</p> <p>Revise Rite@Home program standards and review with legal and external stakeholders</p>	06/30/17	Silent
	<p>Access To Independence Program. 12.01 The DDO shall ensure that all locations where licensed services are provided are accessible to meet the needs of people receiving services from the DDO and</p>			N/A	Compliant

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
	<p>designed to protect the health and safety of all persons.</p> <p>Regulation 12.04 – Restrooms shall be available and accessible for Participants and staff in all of the facilities where licensed services are provided.</p> <p><a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a></p>				
<p>Provider owned or controlled residential settings: Any modification of the additional conditions (lease, privacy, schedule control, visitors) must be supported by a specific assessed need and justified in the person-centered plan. The following requirements must be documented in</p>		<p>Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)</p> <p>Add exact federal language to the Rite@Home Program standards in 5.2.2</p> <p><a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Lib">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Lib</a></p>	<p>Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders</p> <p>Revise Rite@Home program standards and review with legal and external stakeholders</p>	<p>06/30/17</p>	<p>Silent</p>

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
<p>the person-centered service plan:</p> <p>(1) Identify a specific and individualized assessed need.</p> <p>(2) Document the positive interventions and supports used prior to any modifications to the person-centered service plan.</p> <p>(3) Document less intrusive methods of meeting the need that have been tried but did not work.</p> <p>(4) Include a clear description of the condition that is directly proportionate to the specific assessed need.</p> <p>(5) Include regular collection and review of data to measure the ongoing effectiveness of the modification.</p> <p>(6) Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.</p>	<p>20.13 The following criteria shall apply when any of the rights listed in section 20.12 above are restricted:</p> <p>20.13.01 The Human Rights Committee shall review, approve, and monitor all restrictions to be implemented. Such approval shall be identified on the ISP.</p> <p>20.13.02 Reasons for the restriction must be explained to the Participant.</p> <p>20.13.03 The participant’s annual ISP shall address ways for the Participant to gain or regain the restricted right(s).</p>	<p><a href="#">rory/RIte.at.Home.Program.standards.final9.26.12..pdf</a></p> <p>Amend 20.13 to add “or modified”</p> <p>Amend 20.13.01 to add “or modifications to be implemented” and “shall be identified on the ISP with the assessed need”</p> <p>Amend 20.13.04 to add that the alternative, less intrusive methods that did not work</p> <p>Add 20.13.07 to add that there should be regular collection and review of data to measure the effectiveness of the modification</p> <p>Add 20.13.08 to add an assurance that interventions and support will cause no harm to the individual</p> <p>Amend regulation 20.12 by amending the</p>	<ul style="list-style-type: none"> <li>• Submit regulations changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement.</li> </ul>	<p>09/01/17</p>	<p>Non-Compliant</p>

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
<p>(7) Include the informed consent of the individual.</p> <p>(8) Include an assurance that interventions and supports will cause no harm to the individual.</p>	<p>20.13.04 Restrictions shall be as limited as possible and should not occur if there is an alternative, less restrictive way for the Participant to participate in the program and attain his or her goals.</p> <p>20.13.05 All restrictions shall be reviewed by the multidisciplinary team and the program administrators within thirty (30) days of implementation and at least quarterly thereafter.</p> <p>20.13.06 Information about such restrictions shall be immediately forwarded to legal guardians or family members.</p>	<p>language to read “Except to the extent that the residential program director determines that a limitation or a modification of any of the following rights would be in the Participant’s best interests and further, unless the director documents the good cause reasons for the limitation or modification in the Participant’s individual service plan, the Participant shall be entitled to the following:</p> <ul style="list-style-type: none"> <li>a) A legally enforceable agreement that includes the same responsibilities and protections from evictions that tenants have under the landlord/tenants laws</li> <li>b) Privacy in their sleeping or living unit, including entrance doors</li> </ul>			

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
		<p>that are lockable by the individual, with only appropriate staff having keys, choice of roommate, and freedom to furnish/decorate their sleeping/living unit</p> <p>c) The freedom and support to control their own schedules and activities, and access to food at any time.</p> <p>d) Visitors of their choosing at any time</p> <p><a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a></p>			
Locations that have qualities of institutional settings, as determined by the Secretary. Any setting that is located in a building that is also a		Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)	Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders	6/30/17	Silent

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
publicly or privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public institution.		<p>Add exact federal language to the Rite @Home Program standards in 5.2.2</p> <p><a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf</a></p>	<p>Revise Rite@Home program standards and review with legal and external stakeholders</p>		
		<p>Two group homes “special care facilities” in the State run group home system.</p> <p>Amend 39 to add “locations that have qualities of institutional settings, including a setting that is located in a building that is also a publicly or privately owned facility that provides inpatient treatment, or in a building on the grounds of or immediately adjacent to a public institution, or a setting that has the effect of isolating individuals, are not permitted to be</p>	<p>Transition Plan for closing of the two facilities.</p> <p>Notify the Union</p> <p>Notify the individuals living in the facility.</p> <p>Notify family members.</p> <p>Assist individuals with securing new living arrangement.</p> <ul style="list-style-type: none"> <li>• Submit regulations changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement.</li> </ul>	09/01/17	Silent

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
		<p>an approved residential support services setting.”</p> <p>Amend 44 to add “locations that have qualities of institutional settings, including a setting that is located in a building that is also a publicly or privately owned facility that provides inpatient treatment, or in a building on the grounds of or immediately adjacent to a public institution, or a setting that has the effect of isolating individuals, are not permitted to be an approved day program services setting.”</p> <p><a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a></p>			
Home and community-based settings do not include the following: a nursing facility; institution for mental diseases; an	Rite@Home Program Standard 5.2.2 The host home/caregiver does not meet the definition of an	Add exact federal language to DEA Assisted Living Certification Standards (not available electronically)	Revise DEA Assisted Living Certification Standards and review with legal and external stakeholders	6/30/17	Silent

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
intermediate care facility for individuals with intellectual disabilities; a hospital.	institution or assisted living facility in RI. <a href="http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf">http://www.eohhs.ri.gov/Portals/0/Uploads/Documents/Procurement%20Library/Rite.at.Home.Program.standards.final9.26.12..pdf</a>	Rite @Home Program standards are only partially compliant. Add exact federal language that the host home does not is not one of the federally-defined non-HCB settings	Revise Rite@Home program standards and review with legal and external stakeholders		
		<p>Amend 39 to add “home and community-based settings do not include the following: a nursing facility, an institution for mental diseases, an intermediate care facility for individuals with intellectual disabilities, a hospital; these settings are not permitted to be an approved residential support services setting.”</p> <p>Amend 44 to add “home and community-based settings do not include the following: a nursing facility, an institution for mental diseases, an intermediate care facility for individuals with intellectual disabilities, a</p>	<ul style="list-style-type: none"> <li>• Submit regulations changes;</li> <li>• Public notice; and</li> <li>• Stakeholder engagement</li> </ul>	09/01/17	Silent

HCBS Final Rules – Setting Requirements	RI Regulations: Areas of Compliance	RI Regulations: Remediation Required	Action Steps	*Timeline	Compliant/Non-Compliant /Silent
		<p>hospital; these settings are not permitted to be an approved day program services setting.”</p> <p><a href="http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf">http://sos.ri.gov/documents/archives/regdocs/released/pdf/MHRH/7826.pdf</a></p>			