



HCBS Final Rule Cross Walk

Licensed Adult care homes – Assisted Living, Residential Health Care, Home Plus, Adult Day Care:

Data source column identifies the regulatory requirement for licensed care homes that are reviewed during the regular annual survey process and may be reviewed during complaint surveys.

Assisted Living Facilities and Residential Health Care Facilities Physically Disabled and Frail Elderly

Document Review (policies, procedures, and regulations)					
CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Setting optimizes individual initiative, autonomy, and independence in making life choices; Participant has his/her own bedroom or shares a room with a roommate of choice	1. Per policy/regulation, is the participant provided the opportunity to reside in their own bedroom or select their roommate(s) and furnish their living arrangement to their preference?	26-39-103 (o) 26-39-103 (h)(2)	The administrator or operator shall ensure that each resident is afforded the right to retain and use personal possessions, including furnishings and appropriate clothing as space permits unless doing so would infringe upon the rights or health and safety of other residents. The administrator or operator shall ensure that designated staff member informs the resident, the resident's legal representative or authorized family members whenever the designated staff member learns that the resident will have a change in room or roommate assignment.	Partial compliance	Regulation only requires facility to inform of roommate change. Seek regulatory change during 2017/18

Assisted Living Facilities and Residential Health Care Facilities Physically Disabled and Frail Elderly

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Setting does not isolate participants from individuals not receiving Medicaid HCBS in the broader community	2. Per policy/regulation, is the participant provided the opportunity for visitors to come at his/her preference without limitations to the specified hours (as long as the health and welfare of the participant is not compromised as identified in the person-centered plan)?	26-39-103 (m)(1) (E,F)	The administrator or operator shall ensure the provision of immediate access to any resident by ... immediate family or other relatives of the resident and others who are visiting with the consent of the resident subject to reasonable restrictions.	Compliant	Reviewed during survey process
Participant has unrestricted access in the setting	3. Per policy/regulation, is the participant provided the opportunity for accessing any area in the setting (excluding areas that would serve a safety hazard or would interfere with the privacy of other participants)?	ALF/RHCF: 28-39-254 (h) (k)(l)	Common use areas: each entrance shall be at ground level and shall be accessible to individuals with disabilities; . . . each common use area shall have access from a general corridor without passing through any intervening use areas. The facility shall have a dining room with the capacity to seat all residents. The facility shall have common areas for social and recreational use by residents.	Compliant	ALF/RHCF special care unit may restrict access to areas outside of unit without supervision. This is addressed in PCP. Reviewed during survey process.
Setting supports participant comfort, independence, and preferences	4. Per policy/regulation, is the participant provided the opportunity to have access to basic household equipment as identified in the person-center plan (i.e., kitchen appliances)?	ALF/RHCF: 28-39-254 (g)(1)(D); (h)(1); (l)	Each assisted living facility shall consist of apartment which contain at least the following: . . . a kitchen area equipped with a sink, a refrigerator, a stove or a microwave and space for storage of utensils and supplies. Assisted living and residential health care facility common use areas: each entrance shall be at found level and shall be accessible to individuals with disabilities. The facility shall have common areas for social and recreational use by residents.	Compliant	Reviewed during survey process.

Assisted Living Facilities and Residential Health Care Facilities Physically Disabled and Frail Elderly

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant has a legally enforceable agreement for the unit or dwelling where the participants resides	5. Per policy/regulation, is the participant provided the opportunity to have a legally enforceable agreement/lease for the setting?	26-39-102 (a) (2, 3)	Before admission, the administrator or operator, or the designee shall inform the prospective resident or resident's legal representative in writing of the rates and charges for the adult care home's services and the resident's obligations regarding payment. . . and. . shall execute with the resident or the resident's legal representative a written agreement that describes in detail the services and good the resident will receive and specifies the obligations that the resident has toward the adult care home;	Partial	Will require regulatory change for written agreement with landlord tenant act protections. Will go through the regulatory process in 2017/2018

Assisted Living Facilities and Residential Health Care Facilities Physically Disabled and Frail Elderly

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant is protected from eviction and afforded appeals rights in the same manner as all persons in the State who are not receiving Medicaid HCBS	6. Per policy/regulation, is the participant provided the opportunity to know his/her rights regarding housing and when they could be required to relocate?	26-39-102 (d); (e) (1, 2); (f)	The administrator or operator of each adult care home shall ensure that each resident is permitted to remain in the adult care home and is not transferred or discharged from the adult care home unless one of the following conditions is met: the transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the current adult care home; the health or safety of other individuals in the adult care home is endangered; the resident has failed, after reasonable and appropriate notice, to pay the rates and charges imposed by the adult care home. Before involuntary transfer or discharge, the administrator or operator shall: notify the resident, the resident's legal representative, and if known, a designated family member of the transfer or discharge and the reasons; and record the reasons for the transfer or discharge in the resident's clinical record.	Not compliant	Currently regulations do not allow for appeal rights. This will be addressed in regulation. This will go through the regulatory process in 2017/2018.

Assisted Living Facilities and Residential Health Care Facilities Physically Disabled and Frail Elderly

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant is protected from eviction and afforded appeals rights in the same manner as all persons in the State who are not receiving Medicaid HCBS	7. Per policy/regulation, is the participant provided the opportunity for protections to address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant laws?	26-39-102 (g)	<p>The administrator or operator or the designee shall provide a notice of transfer or discharge in writing to the resident or resident's legal representative at least 30 days before the resident is transferred or discharged involuntarily unless one of the following conditions is met: the safety of other individuals in the adult care home would be endangered; the resident's urgent medical needs require an immediate transfer to another health care facility.</p> <p>Each written transfer or discharge notice shall include the following: the reason for the transfer or discharge, the effective date of the transfer or discharge; the address and telephone number of the complaint program . . .where a complaint related to involuntary transfer or discharge can be registered, the address and telephone number of the state long-term care ombudsman and for residents who have developmental disabilities or who are mentally ill, the address and telephone number of the Kansas advocacy and protection organization.</p>	Not compliant	Complaint can be filed but no appeal right. This to be addressed in regulation. This will go through the regulatory process for change in 2017/2018

Assisted Living Facilities and Residential Health Care Facilities Physically Disabled and Frail Elderly

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participants have full access to the community; Setting support participation in unscheduled and scheduled community activities in the same manner as individuals not receiving Medicaid HCBS services; Participant is employed or active in the community outside the setting	8. Per policy/regulation, is the participant provided the opportunity to schedule and attend activities/appointments (work, social, medical, etc.) at their preference?	26-39-103 (a)(b)	Each administrator or operator shall ensure the protection and promotion of the rights of each resident as set forth in this regulation. Each resident has the right to a dignified existence, self-determination and communication with and access to persons and services inside and outside the adult care home. The administrator or operator shall ensure that each resident is afforded the right to exercise the resident's right as a resident of an adult care home and as a citizen.	Compliant	Reviewed during survey process.
Participants have full access to the community; Setting supports participation in unscheduled and scheduled community activities in the same manner as individuals not receiving Medicaid HCBS services; Participant is employed or active in the community outside the setting	9. Per policy/regulation, is the participant provided the opportunity to access services and support that will help gain access to the larger community (i.e., public transportation)?	26-39-103 (a)(b)	Each administrator or operator shall ensure the protection and promotion of the rights of each resident as set forth in this regulation. Each resident has the right to a dignified existence, self-determination and communication with and access to persons and services inside and outside the adult care home. The administrator or operator shall ensure that each resident is afforded the right to exercise the resident's right as a resident of an adult care home and as a citizen	Compliant	Reviewed during survey process.

Assisted Living Facilities and Residential Health Care Facilities Physically Disabled and Frail Elderly

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant chooses and controls a schedule that meets his/her wishes in accordance with a person-centered plan	10. Per policy/regulation, is the participant provided the opportunity to set his/her own schedule for waking, bathing, eating, exercising, activities, etc.?	26-41-202 (a)(b)(d)(f)	<p>The administrator or operator. . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The NSA shall provide . . a description of the services the resident will receive and identification of the provider of each service; . . .shall promoted dignity, privacy, choice, individuality and autonomy of the resident.</p> <p>Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . .if requested by the resident or the resident’s legal representative.</p> <p>If a resident or the resident’s legal representative refuses a service that the administrator or operator, the licensed nurse, the resident’s medical care provider, or the case manager believes is necessary for the resident’s health and safety, the NSA shall include . . the service refused, identification of any potential negative outcomes for the resident if the service is not provided; evidence of provision on education to the resident or the resident’s legal representative of the potential risk of any negative outcomes if the service is not provided and indication of the acceptance by the resident or the resident’s legal representative of the potential risk</p>	Compliant	Reviewed during survey process.

Assisted Living Facilities and Residential Health Care Facilities Physically Disabled and Frail Elderly

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant controls his/her personal resources	11. Per policy/regulation, is the participant provided opportunity to control their own personal resources?	26-39-103 (g)	The administrator or operator shall ensure that each resident is afforded the right to manage personal financial affairs and is not required to deposit personal funds with the adult care home.	Compliant	Reviewed during survey process.
Participant's right to dignity and privacy is respected	12. Per policy/regulation, is the participant provided the opportunity to store personal items in an area that is not accessible to others?	26-39-103 (o)	The administrator or operator shall ensure that each resident if afforded the right to retain and use personal possessions including furnishings and appropriate clothing as space permits	Compliant	Reviewed during survey process.
Participant's right to dignity and privacy is respected	13. Per policy/regulation, is the participant provided the opportunity to lock his/her door and maintain private living areas?	28-39-254 (g)(1)(F); (3)(D)	ALF/RHCF: . . . apartment includes. . . an entrance door which has only one locking device which releases with operation of the inside door handle. This lock shall be master-keyed from the corridor side.	Partial Compliance	Only those needing access shall have keys, This will be addressed in regulation and PCP. Regulatory process in 2017/2018
Participant's right to dignity and privacy is respected	14. Per policy/regulation, are the participant's right to dignity and privacy is respected?	26-39-103 (i)	The administrator or operator shall ensure that each resident is afforded the right to personal privacy and confidentiality of personal and clinical records; the administrator or operator shall ensure that each resident is provided privacy during medical and nursing treatment, written and telephone communication, personal care, visits, and meetings of family and resident groups.	Compliant	Reviewed during survey process.

Assisted Living Facilities and Residential Health Care Facilities Physically Disabled and Frail Elderly

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant chooses when and what to eat	15. Per policy/regulation, is the participant provided the opportunity to select the meal of his/her preference?	26-41-206 (c)(2) 26-41-202 (a)	A method shall be established to incorporate input by resident in the selection of food to be served and scheduling of meal service. The administrator or operator. . shall ensure the development of a written negotiated service agreement for each resident based on the resident's functional capacity screening, service needs and preferences, in collaboration with the resident or the resident's legal representative, the case manager and if agreed to by the resident, the resident's family.	Partial compliance	This is expected in the PCP currently in the Negotiated Service Agreement. Training on PCP by the state staff in 2017. Reviewed as part of survey process.
Participant chooses when and what to eat	16. Per policy/regulation, is the participant provided the opportunity to select the time he/she prefers to eat?	26-41-206 (c) (2) 26-43-202 (a)	A method shall be established to incorporate input by resident in the selection of food to be served and scheduling of meal service. The administrator or operator. . shall ensure the development of a written negotiated service agreement for each resident based on the resident's functional capacity screening, service needs and preferences, in collaboration with the resident or the resident's legal representative, the case manager and if agreed to by the resident, the resident's family.	Partial compliance	This is in the Negotiated Service Agreement and will be added to the PCP. Staff training by the state will occur in 2017 on PCP. Will be part of survey process.
Participant chooses with whom to eat or to eat alone	17. Per policy/regulation, is the participant provided the opportunity to select with whom he/she prefers to eat?			Not compliant	Not addressed in regulation. Will become part of the PCP. Reviewed during survey process

Assisted Living Facilities and Residential Health Care Facilities Physically Disabled and Frail Elderly

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant has access to make private telephone calls/text/email at the participant's preference and convenience	18. Per policy/regulation, is the participant provided the opportunity to make private phone calls/text/email at his/her preference?	26-39-103 (n) 26-38-103 (i)	The administrator or operator shall ensure that each resident is afforded the right to reasonable access to a telephone in a place where calls can be made without being overheard. The administrator or operator shall ensure that each resident is provided privacy during medical and nursing treatment, written and telephone communication, personal care, visits, and meetings of family and resident groups.	Compliant	Facility required to provide phone for private call; no regulation to require provision for text or email. The individual can bring their personal devices for use in the ALF/RHCF
Participants are free from coercion	19. Per policy/regulation, is the participant provided the opportunity to be educated on the process for filing a complaint?	26-39-103 (j) 26-41-101(k) 26-39-102 (c)	The administrator or operator shall ensure that each resident is afforded the right to voice grievances with respect to treatment or care that was or was not furnished, be free from discrimination or reprisal for voicing grievances and receive prompt efforts by the administrator or operation to resolve and grievances that the resident could have. . Each administrator or operator shall ensure the posting of the names, addresses, and telephone numbers of the Kansas department for aging and the office of the long-term care ombudsman with information that these agencies can be contacted to report actual or potential abuse, neglect, or exploitation of residents or to register complaints concerning the operation of the facility. The administrator or operator shall provide a copy of resident rights. . and the grievance policy to each resident or resident's legal representative before the prospective resident signs any admission agreement.	Compliant	Reviewed during survey process.

Assisted Living Facilities and Residential Health Care Facilities Physically Disabled and Frail Elderly

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Setting meets the needs of the participants who require supports and is physically accessible to the participants	20. Per policy/regulation, is the participant provided the extra support needed as identified on the person-centered service plan (i.e., ramps, grab bars, etc.)	ALF/RHCF: 28-39-254 (f) (1); (g)(1)(C, E); 3 (B, C) 26-41-204(a)	Each exterior pathway or access to the facility's common use areas and entrance or exit ways shall be made of hard smooth material, barrier free, and maintained in good repair. ALF/RHCF apartments contain a toilet room which contains a toilet, lavatory, and bathtub or shower accessible to a resident with disabilities, a storage area with a door, a shelf and a hanging rod accessible to the resident	Compliant	Reviewed during survey process.
Participants who need assistance to dress are dressed in their own clothes appropriate for the time and individual preference	21. Per policy/regulation, is the participant provided the opportunity to receive assistance with tasks appropriately and according to preference?	26-41-202 (a) 26-41-204 (a)	The administrator or operator shall ensure the development of a written negotiated service agreement for each resident based on the resident's functional capacity screening, service needs and preferences, in collaboration with the resident or the resident's legal representative, the case manager and if agreed to by the resident, the resident's family. The administrator or operator shall ensure that a licensed nurse provides or coordinate the provision of necessary health care services that meet the needs of each resident and are in accordance with the functional capacity screen and negotiated service agreement.	Compliant	Reviewed during survey process.
Participant has privacy in their sleeping space and toileting facility	22. Per policy/regulation, is the participant provided the opportunity to access locked areas for privacy?	28-39-254(g) (1)(F); (3)(D)	ALF/RHCF: . . . apartment includes. . . an entrance door which has only one locking device which releases with operation of the inside door handle. This lock shall be master-keyed from the corridor side.	Compliant	Reviewed during survey process.

Home Plus Frail Elderly and Physically Disabled

Document Review (policies, procedures, and regulations)					
CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Setting optimizes individual initiative, autonomy, and independence in making life choices; Participant has his/her own bedroom or shares a room with a roommate of choice	1. Per policy/regulation, is the participant provided the opportunity to reside in their own bedroom or select their roommate(s) and furnish their living arrangement to their preference?	26-39-103 (o) 26-39-103 (h)(2)	The administrator or operator shall ensure that each resident is afforded the right to retain and use personal possessions, including furnishings and appropriate clothing as space permits unless doing so would infringe upon the rights or health and safety of other residents. The administrator or operator shall ensure that designated staff member informs the resident, the resident's legal representative or authorized family members whenever the designated staff member learns that the resident will have a change in room or roommate assignment.	Partial	Regulation only requires facility to inform of roommate change. This to be addressed in regulation in 2017/18
Setting does not isolate participants from individuals not receiving Medicaid HCBS in the broader community	2. Per policy/regulation, is the participant provided the opportunity for visitors to come at his/her preference without limitations to the specified hours (as long as the health and welfare of the participant is not compromised as identified in the person-centered plan)?	26-39-103 (m) (1) (E, F)	The administrator or operator shall ensure the provision of immediate access to any resident by ... immediate family or other relatives of the resident and others who are visiting with the consent of the resident subject to reasonable restrictions.	Compliant	Reviewed during survey process.

Home Plus

Document Review (policies, procedures, and regulations)					
CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments

Participant has unrestricted access in the setting	3. Per policy/regulation, is the participant provided the opportunity for accessing any area in the setting (excluding areas that would serve a safety hazard or would interfere with the privacy of other participants)?	28-39-437 (d) (e)(2)(A); (3)(C,D)	Each exterior pathway or access to the facility's common use areas and entrance or exit ways shall be made of hard, smooth material. . and be barrier free. General building interior: there shall be at least one toilet room with a lavatory and a shower or tub for each five individuals living in the facility; each facility shall provide living, dining and activity areas that. . have sufficient space to accommodate all resident activities and are located in an area or areas accessible to all residents	Compliant	Reviewed during survey process.
Setting supports participant comfort, independence, and preferences	4. Per policy/regulation, is the participant provided the opportunity to have access to basic household equipment as identified in the person-center plan (i.e., kitchen appliances)?	28-39-437 (e)	General building interior: . . . each facility shall provide living, dining and activity areas that. . have sufficient space to accommodate all resident activities and are located in an area or areas accessible to all residents	Compliant	Does not specifically address access to basic household equipment. Will be incorporated into PCP based on safety of individual.
Participant has a legally enforceable agreement for the unit or dwelling where the participants resides	5. Per policy/regulation, is the participant provided the opportunity to have a legally enforceable agreement/lease for the setting?	26-39-102 (a) (2, 3)	Before admission, the administrator or operator, or the designee shall inform the prospective resident or resident's legal representative in writing of the rates and charges for the adult care home's services and the resident's obligations regarding payment. . . and. . shall execute with the resident or the resident's legal representative a written agreement that describes in detail the services and good the resident will receive and specified s the obligations that the resident has toward the adult care home;	Partial	Written agreement will require landlord tenant act protections. This to be addressed in regulation during 2017/18..

Home Plus

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant is protected from eviction and afforded appeals rights in the same manner as all persons in the State who are not receiving Medicaid HCBS	6. Per policy/regulation, is the participant provided the opportunity to know his/her rights regarding housing and when they could be required to relocate?	26-39-102 (d); (e) (1, 2); (f)	<p>The administrator or operator of each adult care home shall ensure that each resident is permitted to remain in the adult care home and is not transferred or discharged from the adult care home unless one of the following conditions is met: the transfer or discharge is necessary for the resident’s welfare and the resident’s needs cannot be met in the current adult care home; the safety of other individuals in the adult care home is endangered; the health of other individuals in the adult care home is endangered; the resident has failed, after reasonable and appropriate notice, to pay the rates and charges imposed by the adult care home; the adult care home ceases to operate.</p> <p>Before the resident is transferred or discharged involuntarily, the administrator or operator or the designee shall: notify the resident, the resident’s legal representative, and if known, a designated family member of the transfer or discharge and the reasons; and record the reasons for the transfer or discharge. . in the resident’s clinical record. .</p>	Partial	Currently appeal rights not in regulation. This will be addressed in regulation during 2017/18.

Home Plus

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant is protected from eviction and afforded appeals rights in the same manner as all persons in the State who are not receiving Medicaid HCBS	7. Per policy/regulation, is the participant provided the opportunity for protections to address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant laws?	26-39-102 (g)	<p>The administrator or operator or the designee shall provide a notice of transfer or discharge in writing to the resident or resident's legal representative at least 30 days before the resident is transferred or discharged involuntarily unless one of the following conditions is met: the safety of other individuals in the adult care home would be endangered; the resident's urgent medical needs require an immediate transfer to another health care facility.</p> <p>Each written transfer or discharge notice shall include the following: the reason for the transfer or discharge, the effective date of the transfer or discharge; the address and telephone number of the complaint program . . .where a complaint related to involuntary transfer or discharge can be registered, the address and telephone number of the state long-term care ombudsman and for residents who have developmental disabilities or who are mentally ill, the address and telephone number of the Kansas advocacy and protection organization.</p>	Partial	Complaint can be filed but no appeal right. This will be addressed in regulation during 2017/2018.

Home Plus

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
<p>Participants have full access to the community; Setting support participation in unscheduled and scheduled community activities in the same manner as individuals not receiving Medicaid HCBS services; Participant is employed or active in the community outside the setting</p>	<p>8. Per policy/regulation, is the participant provided the opportunity to schedule and attend activities/appointments (work, social, medical, etc.) at their preference?</p>	<p>26-39-103 (a) (b)</p>	<p>Each administrator or operator shall ensure the protection and promotion of the rights of each resident as set forth in this regulation. Each resident has the right to a dignified existence, self-determination and communication with and access to persons and services inside and outside the adult care home. The administrator or operator shall ensure that each resident is afforded the right to exercise the resident’s right as a resident of an adult care home and as a citizen.</p>	<p>Compliant</p>	<p>Reviewed during survey process.</p>
<p>Participants have full access to the community; Setting support participation in unscheduled and scheduled community activities in the same manner as individuals not receiving Medicaid HCBS services; Participant is employed or active in the community outside the setting</p>	<p>9. Per policy/regulation, is the participant provided the opportunity to access services and support that will help gain access to the larger community (i.e., public transportation)?</p>	<p>26-39-103 (a)(b)</p>	<p>Each administrator or operator shall ensure the protection and promotion of the rights of each resident as set forth in this regulation. Each resident has the right to a dignified existence, self-determination and communication with and access to persons and services inside and outside the adult care home. The administrator or operator shall ensure that each resident is afforded the right to exercise the resident’s right as a resident of an adult care home and as a citizen</p>	<p>Compliant</p>	<p>Reviewed during survey process.</p>

Home Plus

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant chooses and controls a schedule that meets his/her wishes in accordance with a person-centered plan	10. Per policy/regulation, is the participant provided the opportunity to set his/her own schedule for waking, bathing, eating, exercising, activities, etc.?	26-42-202 (a)(b)(d)(f)	<p>The administrator or operator . . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The NSA shall provide . . a description of the services the resident will receive, identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident.</p> <p>Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident’s legal representative.</p> <p>If a resident or the resident’s legal representative refuses a service that the administrator or operator, the licensed nurse, the resident’s medical care provider, or the case manager believes is necessary for the resident’s health and safety, the NSA shall include . . the service refused, identification of any potential negative outcomes for the resident if the service is not provided; evidence of provision on education to the resident or the resident’s legal representative of the potential risk of any negative outcomes if the service is not provided and indication of the acceptance by the resident or the resident’s legal representative of the potential risk</p>	Compliant	Reviewed during survey process.

Home Plus

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant controls his/her personal resources	11. Per policy/regulation, is the participant provided opportunity to control their own personal resources?	26-39-103 (g)	The administrator or operator shall ensure that each resident is afforded the right to manage personal financial affairs and is not required to deposit personal funds with the adult care home.	Compliant	Reviewed during survey process.
Participant's right to dignity and privacy is respected	12. Per policy/regulation, is the participant provided the opportunity to store personal items in an area that is not	26-39-103 (o)	The administrator or operator shall ensure that each resident if afforded the right to retain and use personal possessions including furnishings and appropriate clothing as space permits	Compliant	Reviewed during survey process.
Participant's right to dignity and privacy is respected	13. Per policy/regulation, is the participant provided the opportunity to lock his/her door and maintain private living areas?	26-39-103 (i)	The administrator or operator shall ensure that each resident is afforded the right to personal privacy	Compliant	Regulations do not specifically address locks on bedroom doors. This will be addressed in PCP. These units are for dementia or special care units. Will be reviewed during survey process.
Participant's right to dignity and privacy is respected	14. Per policy/regulation, are the participant's right to dignity and privacy is respected?	26-39-103 (i)	The administrator or operator shall ensure that each resident is afforded the right to personal privacy and confidentiality of personal and clinical records; the administrator or operator shall ensure that each resident is provided privacy during medical and nursing treatment, written and telephone communication, personal care, visits, and meetings of family and resident groups.	Compliant	Reviewed during survey process.

Home Plus

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant chooses when and what to eat	15. Per policy/regulation, is the participant provided the opportunity to select the meal of his/her preference?	26-42-206 (c)(2) 26-42-202 (a)	A method shall be established to incorporate input by resident in the selection of food to be served and scheduling of meal service. The administrator or operator . shall ensure the development of a written negotiated service agreement for each resident based on the resident's functional capacity screening, service needs and preferences, in collaboration with the resident or the resident's legal representative, the case manager and if agreed to by the resident, the resident's family.	Compliant	Is in the NSA and will be in PCP, Training by the state on PCP to be completed in 2017.
Participant chooses when and what to eat	16. Per policy/regulation, is the participant provided the opportunity to select the time he/she prefers to eat?	26-42-206 (c) (2) 26-42-202 (a)	A method shall be established to incorporate input by resident in the selection of food to be served and scheduling of meal service. The administrator or operator . shall ensure the development of a written negotiated service agreement for each resident based on the resident's functional capacity screening, service needs and preferences, in collaboration with the resident or the resident's legal representative, the case manager and if agreed to by the resident, the resident's family.	Compliant	Reviewed during survey process
Participant chooses with whom to eat or to eat alone	17. Per policy/regulation, is the participant provided the opportunity to select with whom he/she prefers to eat?			Partial	Not addressed in regulation. Will be expected in the PCP

Home Plus

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant has access to make private telephone calls/text/email at the participant's preference and convenience	18. Per policy/regulation, is the participant provided the opportunity to make private phone calls/text/email at his/her preference?	26-39-103 (n) 26-39-103 (i)	The administrator or operator shall ensure that each resident is afforded the right to reasonable access to a telephone in a place where calls can be made without being overheard. The administrator or operator shall ensure that each resident is provided privacy during medical and nursing treatment, written and telephone communication, personal care, visits, and meetings of family and resident groups.	Compliant	Facility required to provide phone for private call; no regulation to require provision for text or email. The individual may bring their device for use.
Participants are free from coercion	19. Per policy/regulation, is the participant provided the opportunity to be educated on the process for filing a complaint?	26-39-103 (j) 26-42-101(k) 26-39-102 (c)	The administrator or operator shall ensure that each resident is afforded the right to voice grievances with respect to treatment or care that was or was not furnished, be free from discrimination or reprisal for voicing grievances and receive prompt efforts by the administrator or operation to resolve and grievances that the resident could have. . Each administrator or operator shall ensure the posting of the names, addresses, and telephone numbers of the Kansas department for aging and the office of the long-term care ombudsman with information that these agencies can be contacted to report actual or potential abuse, neglect, or exploitation of residents or to register complaints concerning the operation of the facility. The administrator or operator shall provide a copy of resident rights. . and the grievance policy to each resident or resident's legal representative before the prospective resident signs any admission agreement.	Compliant	Reviewed during survey process.

Home Plus

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Setting meets the needs of the participants who require supports and is physically accessible to the participants	20. Per policy/regulation, is the participant provided the extra support needed as identified on the person-centered service plan (i.e., ramps, grab bars, etc.)	28-39-437 (e)(2)(B); (3) 26-42-204(a)	Each exterior pathway or access to the facility’s common use areas and entrance or exit ways shall be made of hard smooth material, barrier free, and maintained in good repair. The facility shall provide grab bars or equivalent assistive devices at each toilet, tub, or shower if required for resident safety. Each facility shall provide living, dining and activity areas . . . located in an area accessible to all residents The administrator or operator shall ensure that a licensed nurse provides or coordinate the provision of necessary health care services that meet the needs of each resident and are in accordance with the functional capacity screen and negotiated service agreement.	Compliant	Reviewed during survey process.
Participants who need assistance to dress are dressed in their own clothes appropriate for the time and individual preference	21. Per policy/regulation, is the participant provided the opportunity to receive assistance with tasks appropriately and according to preference?	26-42-202 (a) 26-42-204 (a)	The administrator or operator . . shall ensure the development of a written negotiated service agreement for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The administrator or operator shall ensure that a licensed nurse provides or coordinate the provision of necessary health care services that meet the needs of each resident and are in accordance with the functional capacity screen and negotiated service agreement.	Compliant	Reviewed during survey process.

Home Plus

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant has privacy in their sleeping space and toileting facility	22. Per policy/regulation, is the participant provided the opportunity to access locked areas for privacy?	26-39-103 (i)	The administrator or operator shall ensure that each resident is afforded the right to personal privacy. .	Compliant	Regulation does not address locks on bedroom doors. This is addressed in the individualized PCP.

Adult Day Care

Document Review (policies, procedures, and regulations)					
CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Setting optimizes individual initiative, autonomy, and independence in making life choices; Participant has his/her own bedroom or shares a room with a roommate of choice	1. Per policy/regulation, is the participant provided the opportunity to reside in their own bedroom or select their roommate(s) and furnish their living arrangement to their preference?	26-39-103 (o)	The administrator or operator shall ensure that each resident is afforded the right to retain and use personal possessions, including furnishings and appropriate clothing as space permits unless doing so would infringe upon the rights or health and safety of other residents.	Compliant	Reviewed during survey
Setting does not isolate participants from individuals not receiving Medicaid HCBS in the broader community	2. Per policy/regulation, is the participant provided the opportunity for visitors to come at his/her preference without limitations to the specified hours (as long as the health and welfare of the participant is not compromised as identified in the person-centered plan)?	26-39-103 (m)(1) (E, F)	The administrator or operator shall ensure the provision of immediate access to any resident by ... immediate family or other relatives of the resident and others who are visiting with the consent of the resident subject to reasonable restrictions.	Compliant	Reviewed during survey
Participant has unrestricted access in the setting	3. Per policy/regulation, is the participant provided the opportunity for accessing any area in the setting (excluding areas that would serve a safety hazard or would interfere with the privacy of other participants)?	28-39-289 (e)(1); (f)(1)(C)	Each exterior pathway or access to the facility's common use areas and entrance and exit ways shall be made of hard, smooth material and be free of barriers. Each facility shall have sufficient common-use space to accommodate the full range of program activities and services; each facility shall have social, recreational and dining areas that provide for the activity needs of residents.	Compliant	Reviewed during survey

Adult Day Care

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Setting supports participant comfort, independence, and preferences	4. Per policy/regulation, is the participant provided the opportunity to have access to basic household equipment as identified in the person-center plan (i.e., kitchen appliances)?	28-39-289 (f) (1)(C)	Each facility shall have sufficient common-use space to accommodate the full range of program activities and services; each facility shall have social, recreational and dining areas that provide for the activity needs of residents.	Compliant	Does not specifically address access to basic household equipment. This will be covered in the PCP.
Participant has a legally enforceable agreement for the unit or dwelling where the participants resides	5. Per policy/regulation, is the participant provided the opportunity to have a legally enforceable agreement/lease for the setting?	26-39-102 (a) (2, 3)	Before admission, the administrator or operator, or the designee shall inform the prospective resident or resident's legal representative in writing of the rates and charges for the adult care home's services and the resident's obligations regarding payment. . . . and . . shall execute with the resident or the resident's legal representative a written agreement that describes in detail the services and good the resident will receive and specifies the obligations that the resident has toward the adult care home;	Compliant	Reviewed during survey process.

Adult Day Care

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant is protected from eviction and afforded appeals rights in the same manner as all persons in the State who are not receiving Medicaid HCBS	6. Per policy/regulation, is the participant provided the opportunity to know his/her rights regarding housing and when they could be required to relocate?	26-39-102 (d); (e) (1,2); (f)	<p>The administrator or operator of each adult care home shall ensure that each resident is permitted to remain in the adult care home and is not transferred or discharged from the adult care home unless one of the following conditions is met: the transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the current adult care home; the safety of other individuals in the adult care home is endangered; the health of other individuals in the adult care home is endangered; the resident has failed, after reasonable and appropriate notice, to pay the rates and charges imposed by the adult care home; the adult care home ceases to operate.</p> <p>Before the resident is transferred or discharged involuntarily, the administrator or operator or the designee shall: notify the resident, the resident's legal representative, and if known, a designated family member of the transfer or discharge and the reasons; and record the reasons for the transfer or discharge. . in the resident's clinical record. .</p>	Partial	Currently there are not appeal rights for involuntary discharge. This will be addressed in regulation 2017/2018.

Adult Day Care

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant is protected from eviction and afforded appeals rights in the same manner as all persons in the State who are not receiving Medicaid HCBS	7. Per policy/regulation, is the participant provided the opportunity for protections to address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant laws?	26-39-102 (g)	<p>The administrator or operator or the designee shall provide a notice of transfer or discharge in writing to the resident or resident's legal representative at least 30 days before the resident is transferred or discharged involuntarily unless one of the following conditions is met: the safety of other individuals in the adult care home would be endangered; the resident's urgent medical needs require an immediate transfer to another health care facility.</p> <p>Each written transfer or discharge notice shall include the following: the reason for the transfer or discharge, the effective date of the transfer or discharge; the address and telephone number of the complaint program . . . where a complaint related to involuntary transfer or discharge can be registered, the address and telephone number of the state long-term care ombudsman and for residents who have developmental disabilities or who are mentally ill, the address and telephone number of the Kansas advocacy and protection organization.</p>	Partial	Complaint can be filed but no appeal right. This to be addressed in regulation in 2017/2018.

Adult Day Care

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
<p>Participants have full access to the community; Setting support participation in unscheduled and scheduled community activities in the same manner as individuals not receiving Medicaid HCBS services; Participant is employed or active in the community outside the setting</p>	<p>8. Per policy/regulation, is the participant provided the opportunity to schedule and attend activities/appointments (work, social, medical, etc.) at their preference?</p>	<p>26-39-103 (a)(b)</p>	<p>Each administrator or operator shall ensure the protection and promotion of the rights of each resident as set forth in this regulation. Each resident has the right to a dignified existence, self-determination and communication with and access to persons and services inside and outside the adult care home. The administrator or operator shall ensure that each resident is afforded the right to exercise the resident's right as a resident of an adult care home and as a citizen.</p>	<p>Compliant</p>	<p>Reviewed during survey.</p>
<p>Participants have full access to the community; Setting supports participation in unscheduled and scheduled community activities in the same manner as individuals not receiving Medicaid HCBS services; Participant is employed or active in the community outside the setting</p>	<p>9. Per policy/regulation, is the participant provided the opportunity to access services and support that will help gain access to the larger community (i.e., public transportation)?</p>	<p>26-39-103 (a)(b)</p>	<p>Each administrator or operator shall ensure the protection and promotion of the rights of each resident as set forth in this regulation. Each resident has the right to a dignified existence, self-determination and communication with and access to persons and services inside and outside the adult care home. The administrator or operator shall ensure that each resident is afforded the right to exercise the resident's right as a resident of an adult care home and as a citizen</p>	<p>Compliant</p>	<p>Reviewed during survey</p>

Adult Day Care

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant chooses and controls a schedule that meets his/her wishes in accordance with a person-centered plan	10. Per policy/regulation, is the participant provided the opportunity to set his/her own schedule for waking, bathing, eating, exercising, activities, etc.?	26-43-202 (a)(b)(d)(f)	<p>The administrator or operator . . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’s family. The NSA shall provide . . a description of the services the resident will receive, identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident.</p> <p>Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident’s legal representative.</p> <p>If a resident or the resident’s legal representative refuses a service that the administrator or operator, the licensed nurse, the resident’s medical care provider, or the case manager believes is necessary for the residents health and safety, the NSA shall include . . the service refused, identification of any potential negative outcomes for the resident if the service is not provided; evidence of provision on education to the resident or the resident’s legal representative of the potential risk of any negative outcomes if the service is not provided and indication of the acceptance by the resident or the resident’s legal representative of the potential risk</p>	Compliant	Reviewed during survey process.

Adult Day Care

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant controls his/her personal resources	11. Per policy/regulation, is the participant provided opportunity to control their own personal resources?	26-39-103 (g)	The administrator or operator shall ensure that each resident is afforded the right to manage personal financial affairs and is not required to deposit personal funds with the adult care home.	Compliant	Reviewed during survey process.
Participant's right to dignity and privacy is respected	12. Per policy/regulation, is the participant provided the opportunity to store personal items in an area that is not accessible to others?	26-39-103 (o)	The administrator or operator shall ensure that each resident if afforded the right to retain and use personal possessions including furnishings and appropriate clothing as space permits	Compliant	Reviewed during survey process
Participant's right to dignity and privacy is respected	13. Per policy/regulation, is the participant provided the opportunity to lock his/her door and maintain private living areas?			Compliant	Reviewed during survey process
Participant's right to dignity and privacy is respected	14. Per policy/regulation, are the participant's right to dignity and privacy is respected?	26-39-103 (i)	The administrator or operator shall ensure that each resident is afforded the right to personal privacy and confidentiality of personal and clinical records; the administrator or operator shall ensure that each resident is provided privacy during medical and nursing treatment, written and telephone communication, personal care, visits, and meetings of family and resident groups.	Compliant	Reviewed during survey process.

Adult Day Care

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant chooses when and what to eat	15. Per policy/regulation, is the participant provided the opportunity to select the meal of his/her preference?	26-43-206 (c)(2) 26-43-202 (a)	A method shall be established to incorporate input by resident in the selection of food to be served and scheduling of meal service. The administrator or operator. . shall ensure the development of a written negotiated service agreement for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’s family.	Compliant	Reviewed during survey process
Participant chooses when and what to eat	16. Per policy/regulation, is the participant provided the opportunity to select the time he/she prefers to eat?	26-43-206 (c) 26-43-202 (a)	A method shall be established to incorporate input by resident in the selection of food to be served and scheduling of meal service. The administrator or operator. . shall ensure the development of a written negotiated service agreement for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family.	Compliant	Reviewed during survey process

Adult Day Care

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant chooses with whom to eat or to eat alone	17. Per policy/regulation, is the participant provided the opportunity to select with whom he/she prefers to eat?			Partial	Not addressed in regulation. To be addressed in the PCP Training on PCP to be conducted by the state in 2017
Participant has access to make private telephone calls/text/email at the participant's preference and convenience	18. Per policy/regulation, is the participant provided the opportunity to make private phone calls/text/email at his/her preference?	26-39-103 (n) 26-39-103 (i)	The administrator or operator shall ensure that each resident is afforded the right to reasonable access to a telephone in a place where calls can be made without being overheard. the administrator or operator shall ensure that each resident is provided privacy during medical and nursing treatment, written and telephone communication, personal care, visits, and meetings of family and resident groups.	Compliant	Facility required to provide phone for private call; no regulation to require provision for text or email. The individual may bring their own device for use. Reviewed during survey process

Adult Day Care

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participants are free from coercion	19. Per policy/regulation, is the participant provided the opportunity to be educated on the process for filing a complaint?	26-39-103 (j) 26-43-101(k) 26-39-102 ©	The administrator or operator shall ensure that each resident is afforded the right to voice grievances with respect to treatment or care that was or was not furnished, be free from discrimination or reprisal for voicing grievances and receive prompt efforts by the administrator or operation to resolve and grievances that the resident could have. . Each administrator or operator shall ensure the posting of the names, addresses, and telephone numbers of the Kansas department for aging and the office of the long-term care ombudsman with information that these agencies can be contacted to report actual or potential abuse, neglect, or exploitation of residents or to register complaints concerning the operation of the facility. The administrator or operator shall provide a copy of resident rights. . and the grievance policy to each resident or resident's legal representative before the prospective resident signs any admission agreement.	Compliant	Reviewed during survey.
Setting meets the needs of the participants who require supports and is physically accessible to the participants	20. Per policy/regulation, is the participant provided the extra support needed as identified on the person-centered service plan (i.e., ramps, grab bars, etc.)	28-39-289(e) (1, 3)	Each exterior pathway or access to the facility's common use areas and entrance and exit ways shall be made of hard, smooth materials and be free of barriers; each resident room shall be accessible to residents with disabilities.	X	

Adult Day Care

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participants who need assistance to dress are dressed in their own clothes appropriate for the time and individual preference	21. Per policy/regulation, is the participant provided the opportunity to receive assistance with tasks appropriately and according to preference?	26-43-202 (a) 26-43-204 (a)	The administrator or operator . shall ensure the development of a written negotiated service agreement for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The administrator or operator shall ensure that a licensed nurse provides or coordinate the provision of necessary health care services that meet the needs of each resident and are in accordance with the functional capacity screen and negotiated service agreement.	Compliant	Reviewed during survey
Participant has privacy in their sleeping space and toileting facility	22. Per policy/regulation, is the participant provided the opportunity to access locked areas for privacy?				Not applicable. Not overnight

Assisted Living and Residential Health Care Facilities

Person-Centered Service Process or Plan					
CMS Assurances	Review	Data Source	Regulation	Compliance	Remediation/Comments
Participant chooses from whom they receive services and supports	1. PCSP provides opportunity for the participant to get a choice of service provider	26-41-202 (j)	If the resident’s negotiated service agreement includes the use of outside resources, the designated facility staff shall provide the resident, the resident’s legal representative, and the case manager with a list of providers available to provide needed services, and assist the resident, if requested in contacting outside resources for services.	Partial	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018. Current regulations require a Negotiated Service Agreement that includes many elements of the PCP
Participant chooses from whom they receive services and supports	2. PCSP provides opportunity for the participant to be educate on how to request a change in provider	26-41-202 (a) (d) (j)	<p>The administrator or operator. . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident.</p> <p>Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident’s legal representative.</p> <p>If the resident’s negotiated service agreement includes the use of outside resources, the designated facility staff shall provide the resident, the resident’s legal representative, and the case manager with a list of providers available to provide needed services, and assist the resident, if requested in contacting outside resources for services.</p>	Partial	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.

Assisted Living and Residential Health Care Facilities

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation	Compliance	Remediation/Comments
Participant, or representative, has an active role in the development and update of the person-centered plan	3. PCSP provides opportunity for the participant to express individuals that are important to the participant and may visit the residential settings	26-41-202 (a) (d)	The administrator or operator. . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident. Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident’s legal	Partial	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.
Participant is employed or active in the community outside of the setting	4. PCSP provides opportunity for the participant to explore option for employment in the community	26-41-101 (d)(1)(3)(6)	Each administrator or operator shall ensure development and implementation of policies and procedures that incorporate principles of individuality, autonomy, dignity, choice, privacy. . the recognition of each resident’s rights, responsibilities, needs and preferences; the development and maintenance of social ties for each resident by providing opportunity for meaningful interaction and involvement within the facility and the community, and the maintenance of each resident’s lifestyle if there are not adverse effects on the rights and safety of other residents.	Partial	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.

Assisted Living and Residential Health Care Facilities

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation	Compliance	Remediation/Comments
<p>Plan supports participant's comfort, independence, and preferences; Participant/representative has an active role in the development and update of the person-centered plan</p>	<p>5. PCSP provides opportunity to reflect participant's needs and preferences</p>	<p>26-41-202 (a) (d)</p>	<p>The administrator or operator. . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident's functional capacity screening, service needs and preferences, in collaboration with the resident or the resident's legal representative, the case manager and if agreed to by the resident, the resident' family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident. Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident's legal representative.</p>	<p>Partial</p>	<p>All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.</p>
<p>Participant chooses when and what to eat; Participant chooses with whom to eat or to eat alone</p>	<p>6. PCSP provides opportunity to reflect the participant's preferences related to food and eating arrangements</p>	<p>26-41-202 (a) (d)</p>	<p>The administrator or operator. . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident's functional capacity screening, service needs and preferences, in collaboration with the resident or the resident's legal representative, the case manager and if agreed to by the resident, the resident' family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident. Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident's legal representative.</p>	<p>Partial</p>	<p>All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.</p>

Assisted Living and Residential Health Care Facilities

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation	Compliance	Remediation/Comments
<p>Plan documents the needs of the participant who require supports and ensures the setting is physically accessible to the participants</p>	<p>7. PCSP provides opportunity to reflect the additional support needs of the participant (i.e., grab bars, wheelchair ramps, etc.)</p>	<p>26-41-202 (a) (d) 26-41-204 (a)</p>	<p>The administrator or operator . . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident.</p> <p>Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident’s legal representative.</p> <p>The administrator or operator in each facility shall ensure that a licensed nurse provides or coordinates the provision of necessary health care services that meet the needs of each resident.</p>	<p style="text-align: center;">Partial</p>	<p>All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.</p>

Home Plus

Person-Centered Service Process or Plan					
CMS Assurances	Review	Data Source	Regulation	Compliance	Remediation/Comments
Participant chooses from whom they receive services and supports	1. PCSP provides opportunity for the participant to get a choice of service provider	26-42-202 (j)	If the resident's negotiated service agreement includes the use of outside resources, the designated facility staff shall provide the resident, the resident's legal representative, and the case manager with a list of providers available to provide needed services, and assist the resident, if requested in contacting outside resources for services.	Not currently PCP. Partial	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.

Home Plus

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation	Compliance	Remediation/Comments
Participant chooses from whom they receive services and supports	2. PCSP provides opportunity for the participant to be educate on how to request a change in provider	26-42-202 (a) (d) (j)	<p>The administrator or operator. . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident.</p> <p>Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident’s legal representative. If the resident’s negotiated service agreement includes the use of outside resources, the designated facility staff shall provide the resident, the resident’s legal representative, and the case manager with a list of providers available to provide needed services, and assist the resident, if requested in contacting outside resources for services.</p>	Partial	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.

Home Plus

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation	Compliance	Remediation/Comments
Participant, or representative, has an active role in the development and update of the person-centered plan	3. PCSP provides opportunity for the participant to express individuals that are important to the participant and may visit the residential settings	26-42-202 (a) (d)	<p>The administrator or operator . . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident.</p> <p>Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident’s legal representative.</p>	Partial	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.

Home Plus

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation	Compliance	Remediation/Comments
Participant is employed or active in the community outside of the setting	4. PCSP provides opportunity for the participant to explore option for employment in the community	26-42-101 (d)(1)(3)(6)	Each administrator or operator shall ensure development and implementation of policies and procedures that incorporate principles of individuality, autonomy, dignity, choice, privacy. . the recognition of each resident’s rights, responsibilities, needs and preferences; the development and maintenance of social ties for each resident by providing opportunity for meaningful interaction and involvement within the facility and the community, and the maintenance of each resident’s lifestyle if there are not adverse effects on the rights and safety of other residents.	Partial	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.
Plan supports participant’s comfort, independence, and preferences; Participant/representative has an active role in the development and update of the person-centered plan	5. PCSP provides opportunity to reflect participant’s needs and preferences	26-42-202 (a) (d)	The administrator or operator. . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident. Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident’s legal representative.	Partial	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.

Home Plus

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation	Compliance	Remediation/Comments
<p>Participant chooses when and what to eat; Participant chooses with whom to eat or to eat alone</p>	<p>6. PCSP provides opportunity to reflect the participant's preferences related to food and eating arrangements</p>	<p>26-42-202 (a) (d)</p>	<p>The administrator or operator . . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident's functional capacity screening, service needs and preferences, in collaboration with the resident or the resident's legal representative, the case manager and if agreed to by the resident, the resident' family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident. Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident's legal representative.</p>	<p>Non compliant</p>	<p>All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.</p>

Home Plus

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation	Compliance	Remediation/Comments
<p>Plan documents the needs of the participant who require supports and ensures the setting is physically accessible to the participants</p>	<p>7. PCSP provides opportunity to reflect the additional support needs of the participant (i.e., grab bars, wheelchair ramps, etc.)</p>	<p>26-42-202 (a) (d) 26-42-204 (a)</p>	<p>The administrator or operator . . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident. Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . .if requested by the resident or the resident’s legal representative. The administrator or operator in each facility shall ensure that a licensed nurse provides or coordinates the provision of necessary health care services that meet the needs of each resident.</p>	<p>Partial</p>	<p>All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.</p>

Adult Day Care

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant chooses from whom they receive services and supports	1. PCSP provides opportunity for the participant to get a choice of service provider	26-43-202 (j)	If the resident's negotiated service agreement includes the use of outside resources, the designated facility staff shall provide the resident, the resident's legal representative, and the case manager with a list of providers available to provide needed services, and assist the resident, if requested in contacting outside resources for services.	Partial	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.

Adult Day Care

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant chooses from whom they receive services and supports	2. PCSP provides opportunity for the participant to be educated on how to request a change in provider	26-43-202 (a) (d) (j)	<p>The administrator or operator . . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident.</p> <p>Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident’s legal representative.</p> <p>If the resident’s negotiated service agreement includes the use of outside resources, the designated facility staff shall provide the resident, the resident’s legal representative, and the case manager with a list of providers available to provide needed services, and assist the resident, if requested in contacting outside resources for services.</p>	Partial Compliance	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.

Adult Day Care

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant, or representative, has an active role in the development and update of the person-centered plan	3. PCSP provides opportunity for the participant to express individuals that are important to the participant and may visit the residential settings	26-43-202 (a) (d)	<p>The administrator or operator . . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident.</p> <p>Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident’s legal representative.</p>	Partial Compliance	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.

Adult Day Care

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant is employed or active in the community outside of the setting	4. PCSP provides opportunity for the participant to explore option for employment in the community	26-43-101 (d)(1)(3)(6)	Each administrator or operator shall ensure development and implementation of policies and procedures that incorporate principles of individuality, autonomy, dignity, choice, privacy. . the recognition of each resident’s rights, responsibilities, needs and preferences; the development and maintenance of social ties for each resident by providing opportunity for meaningful interaction and involvement within the facility and the community, and the maintenance of each resident’s lifestyle if there are not adverse effects on the rights and safety of other residents.	Partial compliance	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.
Plan supports participant’s comfort, independence, and preferences; Participant/representative has an active role in the development and update of the person-centered plan	5. PCSP provides opportunity to reflect participant’s needs and preferences	26-43-202 (a) (d)	The administrator or operator. . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . .shall promoted dignity, privacy, choice, individuality and autonomy of the resident. Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . .if requested by the resident or the resident’s legal representative.	Partial Compliance	All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.

Adult Day Care

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
<p>Participant chooses when and what to eat; Participant chooses with whom to eat or to eat alone</p>	<p>6. PCSP provides opportunity to reflect the participant's preferences related to food and eating arrangements</p>	<p>26-43-202 (a) (d)</p>	<p>The administrator or operator . . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident's functional capacity screening, service needs and preferences, in collaboration with the resident or the resident's legal representative, the case manager and if agreed to by the resident, the resident' family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident. Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident's legal representative.</p>	<p>Partial Compliance</p>	<p>All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.</p>

Adult Day Care

Person-Centered Service Process or Plan

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
<p>Plan documents the needs of the participant who require supports and ensures the setting is physically accessible to the participants</p>	<p>7. PCSP provides opportunity to reflect the additional support needs of the participant (i.e., grab bars, wheelchair ramps, etc.)</p>	<p>26-43-202 (a) (d) 26-43-204 (a)</p>	<p>The administrator or operator . . shall ensure the development of a written negotiated service agreement (NSA) for each resident based on the resident’s functional capacity screening, service needs and preferences, in collaboration with the resident or the resident’s legal representative, the case manager and if agreed to by the resident, the resident’ family. The NSA shall provide . . a description of the services the resident will receive, and identification of the provider of each service; . . shall promoted dignity, privacy, choice, individuality and autonomy of the resident.</p> <p>Each administrator or operator shall ensure the review and if necessary, revision of each NSA. . at least once every 365 days, following any significant change in condition, . . if requested by the resident or the resident’s legal representative.</p>	<p>Partial</p>	<p>All NSA will incorporate all elements required in the PCP. This will be addressed in regulation through the regulatory process 2017/2018.</p>

IDD Facilities

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Setting optimizes individual initiative, autonomy, and independent in making life choices; Participant has his/her own bedroom or shares a room with a roommate of choice	1. Per policy/regulation, is the participant provided the opportunity to reside in their own bedroom or select their roommate(s) and furnish their living arrangement to their preference?	30-63-21	(a)(2) Contain a description of the person's preferred lifestyle... (A) In what type of setting the person wants to live (B) with whom the person wants to live	Compliant	Reviewed during licensing and onsite visits
Setting does not isolate participants from individuals not receiving Medicaid HCBS in the broader community	2. Per policy/regulation, is the participant provided the opportunity for visitors to come at his/her preference without limitations to the specified hours (as long as the health and welfare of the participant is not compromised as identified in the person-centered plan)?	30-63-21 30-63-22	(a)(2)(D) with whom the person wants to socialize (b)(6) being able to associate and communicate publicly or privately with any person or group of people of the person's choice.	Compliant	Reviewed during licensing and onsite visits
Participant has unrestricted access in the setting	3. Per policy/regulation, is the participant provided the opportunity for accessing any area in the setting (excluding areas that would serve a safety hazard or would interfere with the privacy of other participants)?	30-63-21 30-63-22	(a)(2) Contain a description of the person's preferred lifestyle... (A) In what type of setting the person wants to live (B) with whom the person wants to live. (b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities... These rights shall include the following: (3) being able to receive, purchase, have, and use the person's personal property	Compliant	Reviewed during licensing and onsite visits

IDD Facilities

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Setting supports participant comfort, independence, and preferences	4. Per policy/regulation, is the participant provided the opportunity to have access to basic household equipment as identified in the person-center plan (i.e., kitchen appliances)?	30-63-21 30-63-22	(a)(3) List and describe the necessary activities, training, materials, equipment, assistive technology, and services that are needed to assist the person to achieve the person's preferred lifestyle. (b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities... These rights shall include the following: (3)being able to receive, purchase, have, and use the person's personal property	Compliant	Reviewed during licensing and onsite visits
Participant has a legally enforceable agreement for the unit or dwelling where the participants resides	5. Per policy/regulation, is the participant provided the opportunity to have a legally enforceable agreement/lease for the setting?	30-63-10 30-63-22 30-63-30	(a)(C)The person directing and controlling the services owns, rents, or leases the whole or a portion of the home in which services are provided. b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities... These rights shall include the following: (11) receiving due process. (a) A provider shall maintain each site in which services are provided to any person and that is owned , leased, or made available by contract to be operated by a provider, any employee or board member of a provider, or any entity owned or controlled by a provider, a provider's employee or a provider's board member....	Compliant	Reviewed during licensing and onsite visits

IDD Facilities

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant is protected from eviction and afforded appeals rights in the same manner as all persons in the state who are not receiving Medicaid HCBS	6. Per policy/regulation, is the participant provided the opportunity to know his/her rights regarding housing and when they could be required to relocate?	30-63-10 30-63-22	(a)(C)The person directing and controlling the services owns, rents, or leases the whole or a portion of the home in which services are provided. (D) If any person providing services also lives in the home in which services are provided, there is a written agreement specifying that the person receiving services will not be required to move from the home if there is any change in who provides services, and that any person chosen to provide services will be allowed full and reasonable access to the home in order to provide services. (b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities... These rights shall include the following: (11) receiving due process.	Compliant	Reviewed during licensing and onsite visits
Participant is protected from eviction and afforded appeals rights in the same manner as all persons in the state who are not receiving Medicaid HCBS	7. Per policy/regulation, is the participant provided the opportunity for protections to address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant laws?	30-63-10 30-63-22	a)(C)The person directing and controlling the services owns, rents, or leases the whole or a portion of the home in which services are provided. b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities... These rights shall include the following: (11) receiving due process.	Compliant	Reviewed during licensing and onsite visits

IDD Facilities

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
<p>Participants have full access to the community; Setting support participation in unscheduled and scheduled community activities in the same manner as individuals not receiving Medicaid HCB services; Participant is employed or active in the community outside the setting</p>	<p>8. Per policy/regulation, is the participant provides the opportunity to schedule and attend activities/appointments (work, social, medical, etc.) at their preference?</p>	<p>30-63-21 30-63-22</p>	<p>(a)The provider shall prepare a written person-centered support plan for each person serviced that shall meet these requirements: (2) contain a description of the person’s preferred lifestyle, including describing the following: (C) what work or other valued activity the person wants to do, (E) in what social, leisure, religious, or other activities the person wants to participate. (4) Describe how opportunities of choice will be provided... (a)(2)(D) with whom the person wants to socialize (b)(6) Being able to associate and communicate publicly or privately with any person or group of people of the person’s choice.</p>	<p>Compliant</p>	<p>Reviewed during licensing and onsite visits</p>

IDD Facilities

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participants have full access to the community; Setting support participation in unscheduled and scheduled community activities in the same manner as individuals not receiving Medicaid HCB services; Participant is employed or active in the community outside the setting.	9. Per policy/regulation, is the participant provides the opportunity to access services and support that will help gain access to the larger community (i.e., public transportation)?	30-63-21 30-63-22	a)The provider shall prepare a written person-centered support plan for each person serviced that shall meet these requirements: (2) contain a description of the person’s preferred lifestyle, including describing the following: (C) what work or other valued activity the person wants to do, (E) in what social, leisure, religious, or other activities the person wants to participate. (4) Describe how opportunities of choice will be provided... (a)(2)(D) with whom the person wants to socialize (b)(6) Being able to associate and communicate publicly or privately with any person or group of people of the person’s choice.	Compliant	Reviewed during licensing and onsite visits
Participant chooses and controls a schedule that meets his/her wishes in accordance with a person-centered plan	10. Per policy/regulation, is the participant provided the opportunity to set his/her own schedule for waking, bathing, eating, exercising, activities, etc.?	30-63-21	(a)The provider shall prepare a written person-centered support plan for each person serviced that shall meet these requirements: (2) contain a description of the person’s preferred lifestyle... (4) describe how opportunities of choice will be provided. (6) prioritize and structure the delivery of services toward the goal of achieving the person’s preferred lifestyle. (7) contribute to the continuous movement of the person towards the achievement of the person’s preferred lifestyle. (b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities... These rights shall include the following: (4) actively and meaningfully making decisions affecting the person’s life.	Compliant	Reviewed during licensing and onsite visits

IDD Facilities

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant controls his/her personal resources	11. Per policy/regulation, is the participant provided opportunity to control their own personal resources?	30-63-22	b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities... These rights shall include the following: (2) having control over the person's own financial resources. (4) actively and meaningfully making decisions affecting the person's life.	Compliant	Reviewed during licensing and onsite visits
Participant's right to dignity and privacy is respected	12. Per policy/regulation, is the participant provided the opportunity to store personal items in an area that is not accessible to others?	30-63-22	b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities... These rights shall include the following: (3) being able to receive, purchase, have, and use the person's personal property (5) having privacy (10) being treated with dignity and respect.	Compliant	Reviewed during licensing and onsite visits
Participant's right to dignity and privacy is respected	13. Per policy/regulation, is the participant provided the opportunity to lock his/her door and maintain private living areas?	30-63-22	b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities... These rights shall include the following: (5) having privacy (10) being treated with dignity and respect.	Compliant	Reviewed during licensing and onsite visits
Participant's right to dignity and privacy is respected	14. Per policy/regulation, are the participant's right to dignity and privacy is respected?	30-63-22	b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities... These rights shall include the following: (5) having privacy (10) being treated with dignity and respect.	Compliant	Reviewed during licensing and onsite visits

IDD Facilities

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant chooses when and what to eat	15. Per policy/regulation, is the participant provided the opportunity to select the meal of his/her preference?	30-63-21 30-63-25	a)The provider shall prepare a written person-centered support plan for each person serviced that shall meet these requirements: (2) contain a description of the person’s preferred lifestyle...(4) describe how opportunities of choice will be provided.(6)prioritize and structure the delivery of services toward the goal of achieving the person’s preferred lifestyle. (7) contribute to the continuous movement of the person towards the achievement of the person’s preferred lifestyle. (a)...the provider shall assist each person served in obtaining daily access to a well-balanced, nutritious diet consistent with the provisions of K.A.R. 30-63-21 regarding opportunities of choice.	Compliant	Reviewed during licensing and onsite visits
Participant chooses when and what to eat	16. Per policy/regulation, is the participant provided the opportunity to select the time he/she prefers to eat?	30-63-21 30-63-25	a)The provider shall prepare a written person-centered support plan for each person serviced that shall meet these requirements: (2) contain a description of the person’s preferred lifestyle...(4) describe how opportunities of choice will be provided.(6)prioritize and structure the delivery of services toward the goal of achieving the person’s preferred lifestyle. (7) contribute to the continuous movement of the person towards the achievement of the person’s preferred lifestyle. (a)...the provider shall assist each person served in obtaining daily access to a well-balanced, nutritious diet consistent with the provisions of K.A.R. 30-63-21 regarding opportunities of choice.	Compliant	Reviewed during licensing and onsite visits

IDD Facilities

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant chooses with whom to eat or to eat alone	17. Per policy/regulation, is the participant provided the opportunity to select with whom he/she prefers to eat?	30-63-21 30-63-25	a)The provider shall prepare a written person-centered support plan for each person serviced that shall meet these requirements: (2) contain a description of the person’s preferred lifestyle...(4) describe how opportunities of choice will be provided.(6)prioritize and structure the delivery of services toward the goal of achieving the person’s preferred lifestyle. (7) contribute to the continuous movement of the person towards the achievement of the person’s preferred lifestyle. (a)...the provider shall assist each person served in obtaining daily access to a well-balanced, nutritious diet consistent with the provisions of K.A.R. 30-63-21 regarding opportunities of choice.	Compliant	This expected to be included in the PCP. Reviewed during licensing and onsite visits
Participant has access to make private telephone calls/text/email at the participant’s preference and convenience	18. Per policy/regulation, is the participant provided the opportunity to make private phone calls/text/email at his/her preference?	30-63-22	b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities... These rights shall include the following: (5) having privacy (6) being able to associate and communicate publicly or privately with any person or group of people of the person’s choice. (10) being treated with dignity and respect.	Compliant	Reviewed during licensing and onsite visits

IDD Facilities

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participants are free from coercion	19. Per policy/regulation, is the participant provided the opportunity to be educated on the process for filing a complaint?	30-63-22 30-63-28	b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities... (b) each agency shall exercise any authority that the agent has for the purpose of the prevention of abuse, neglect or exploitation of each person served.	Compliant	Reviewed during licensing and onsite visits
Setting meets the needs of the participants who require supports and is physically accessible to the participants	20. Per policy/regulation, is the participant provides the extra support needed as identified on the person-centered service plan (i.e., ramps, grab bars, etc.)	30-63-30	(a)A provider shall maintain each site in which services are provided to any person... (10) have appropriate assistive devices and any necessary structural modifications so that the facility meets the needs of person with physical disabilities.	Compliant	Reviewed during licensing and onsite visits
Participants who need assistance to dress are dressed in their own clothes appropriate for the time and individual preference	21. Per policy/regulation, is the participant provided the opportunity to receive assistance with tasks appropriately and according to preference?	30-63-21 30-63-22	a)The provider shall prepare a written person-centered support plan for each person serviced that shall meet these requirements: (2) contain a description of the person's preferred lifestyle...(4) describe how opportunities of choice will be provided.(6)prioritize and structure the delivery of services toward the goal of achieving the person's preferred lifestyle. (7) contribute to the continuous movement of the person towards the achievement of the person's preferred lifestyle b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities...(4) actively and meaningfully making decisions affecting the person's life.	Compliant	This is expected in the PCP. Reviewed during licensing and onsite visits

IDD Facilities

Document Review (policies, procedures, and regulations)

CMS Assurances	Review	Data Source	Regulation(s)	Compliance	Remediation/Comments
Participant has privacy in their sleeping space and toileting facility	22. Per policy/regulation, is the participant provided the opportunity to access locked areas for privacy?	30-63-22 30-63-30	b) Each person served shall be guaranteed the same rights afforded to individuals without disabilities... These rights shall include the following: (5) having privacy (10) being treated with dignity and respect. (a)A provider shall maintain each site in which services are provided to any person... (11) be sufficiently sized to meet the living space needs of the person or persons residing there...(C) sleeping (D) bathing, toileting, and hand washing	Compliant	Reviewed during licensing and onsite visits