

HCBS-SED Transition Plan

Proposed Timeframe: 2 years

Posted June 13, 2014

Open for Comment until July 15, 2014

PURPOSE

KDADS will review provider settings to make sure they meet the qualities of the HCBS Settings Rule

Over the next five years, the Kansas Department for Aging and Disability Services (KDADS) will ensure that all residential and non-residential locations where a person receives home and community-based services (HCBS) through Medicaid allows individuals to be integrated in and have support for full access to services in the greater community, including opportunities to seek employment and work in competitive integrated settings, to control personal resources, and to engage in community life in the same way as individuals not receiving Medicaid HCBS.

PROVIDER CONTROLLED SETTINGS MUST COMPLY WITH NEW RULES

Persons with SED will have

- Freedom, support, control
- Access to the community
- Privacy and respect
- Choice of activities, visitors
- Access to competitive, integrated employment

Check out the list of Consumer Rights & Freedoms at www.kdads.ks.gov

In HCBS settings that are owned or controlled by a provider for children with **Serious Emotional Disturbance (SED)**, the child will have:

- A lease or a written agreement with eviction and appeals rights
- Choice of settings and roommates based on their needs, preferences, and resources
- Choice of services and supports, and who provides
- Rights of privacy (lockable doors), dignity, respect, and freedom from coercion and restraint
- Right to control personal resources and make money in a job in the community
- Support for choice of daily activities, physical environment, and with whom to interact
- Freedom and support to control their own schedules, activities, and access food at any time
- Right and ability to have visitors of their choosing at any time
- A setting that is physically accessible, including ADA compliant
- **Any limit or restriction** supported by a specific assessed need (such as age), evaluated frequently, and be **approved by the individual, parent or guardian**

HCBS-SED SETTINGS THAT MAY BE AFFECTED

Non-residential and residential settings will be reviewed

All provider controlled and owned residential and non-residential settings will be reviewed (regardless of license requirements), within 180 days of approval of the Transition Plan to identify settings that do not meet the rule and need additional time to address.

KDADS does not expect to have issues related to HCBS-SED because all of the recipients are children who are served in their family homes, school or similar settings, and the identified limitations in residential settings will not apply to their services and supports. The settings will be evaluated for compliance regarding non-residential settings when federal guidance is available. Noncompliance will be addressed on a case-by-case basis.

TRANSITION PLAN

For the complete, detailed Statewide Transition Plan go to www.kdads.ks.gov

During 2015, KDADS will assess all HCBS-SED settings by June 30, 2015 to identify settings that comply with the HCBS Setting Rule and review state law and program policies that may need to be changed. KDADS will make changes to the Transition Plan in 2015 to set more specific timelines and benchmarks for compliance. By December 31, 2015, KDADS will identify all providers and individuals who may be affected by the changing rules and seek public input on timeframes and benchmarks. During 2016, KDADS will notify all HCBS-SED providers of non-compliance areas, timelines for compliance and benchmarks for achieving compliance in the shortest period possible.

KDADS may change the Transition Plan to ensure compliance with the HCBS Setting Rules based on the State's Transition Plan for Access, Compliance and Public Engagement.

COMMENTS, QUESTIONS AND PUBLIC INPUT

KDADS is available for presentations and Question & Answer sessions related to the HCBS Final Rule upon request.

Contact KDADS with comments, questions and public input until July 15, 2014.

HCBS Setting Final Rule Public Comment Sessions the week of June 16th
http://www.aging.ks.gov/HCBSProvider/Documents/2014_HCBS_Public_Comment_Sessions.pdf

Lunch and Learn Calls on Wednesday June 18th from 12:00 pm to 1:00 pm

Call in Number: 1-866-620-7326 Conference Code: 4283583031

http://www.kdads.ks.gov/CSP/IDD/KanCare_Imp/IDD_Implementation_Calendar.html

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