HCBS-TA Transition Plan
Proposed Timeframe: 2 years

Posted June 13, 2014
Open for Comment until July 15, 2014

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.

In HCBS settings for Technology Assisted (TA) individuals, the individual 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, evaluated frequently, and be approved by the individual, parent or guardian

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 do not expect to have issues related to HCBS-AUTISM 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.

During 2015, KDADS will assess all HCBS-IDD 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 timelines and benchmarks. During 2016, KDADS will notify all HCBS-IDD 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.

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

HCBS Setting Final Rule Public Comment Sessions the week of June 16th

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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