Reviewer Name and Email or Mailing Address:

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| **Example:** Jane DoeJane.Doe@email.com123 Main StreetCity, CA Zip |

Please describe your organization, or relationship to the Home and Community-Based Services (HCBS) Waiver:

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| **Example:** HCBS advocate**Example:** Parent of HCBS Waiver participant**Example:** HCBS Waiver provider, residential care facility |

General Comments:

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| **Federal Requirement Category** | **Specific Question** | **Does the Question Address the HCB Settings Rule?****Yes/No** | **Does the Question Make Sense? Yes/No** | **How Can the Question be Improved?****Please Explain** |
| *1. The setting is integrated in and supports full access to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCB Services.* | 1. Do the residents have the freedom to move about inside and outside the HCB setting or are they primarily restricted to one room or area? If restricted, please explain.
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| 1. Are there resources in the larger community, outside the HCB setting that is available to the residents; such as convenience stores, hair salons, grocery stores, service agencies (insurance offices, tax offices), etc.?
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| 1. Do residents regularly receive information regarding services in the broader community and access options, such as public bus/light rail, taxi/van services, special transportation providers, etc.? If no, please explain.

Note: “Regularly” must be documented as defined in program policies and procedures. |  |  |  |
| 1. Is the larger community, outside the HCB setting accessible to residents, such as easily walked routes or public transportation to and from community shopping and activities? If no, please explain. Are there major impediments to access, such as major highways or busy intersections or few sidewalks? If yes, please explain.
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| 1. Is such access safe during the times that residents would desire such access? If no, please explain.
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| 1. Do the residents regularly access the larger community outside the HCB setting? If no, please explain. Does the HCB setting assist in this access? If so, describe how that assistance takes place; such as transportation, information regarding community activities, companionship during outings?

Note: “Regularly” must be documented as defined in program policies and procedures. |  |  |  |
| 1. If desired, can the resident seek meaningful employment commensurate with the resident’s abilities and desires outside the HCB setting? If no, please explain.
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| 1. Are there restrictions while at the HCB setting on access to the community outside the HCB setting, such as a curfew? Please describe.
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| *2. The setting gives individuals the right to select from among various setting options, including non-disability specific settings and an option for a private unit in a residential setting.** The consumer has the right to fully participate in a person-centered planning process commensurate with the consumer’s abilities and desires.
* The consumer

has the right to exercise choice about what, when, where and how services will be provided. | 1. Do all of the residents have on file a person-centered care plan? Please briefly describe the care planning process and who participates. Are residents and their families allowed to participate? If no, please explain
 |  |  |  |
| 2. Do the residents have a choice regarding the setting in which they receive services? Please briefly describe this process. |  |  |  |
| 3. Does the care planning process allow for changes/choice regarding services provided? If no, please explain. |  |  |  |

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| 1. *The setting*

*ensures an individual’s rights of privacy, dignity, respect, and freedom from coercion and restraint.** The consumer has the right to privacy in personal activities and for medical and personal information.
 | 1. Do the residents have access to a private telephone, email or other means of communication? Please describe.
 |  |  |  |
| 2. Are communications with providers, such as therapists, physicians, social workers and with HCB setting staff regarding the residents’ medical conditions, financial situation and others held in a place where privacy/confidentiality is assured? Please describe. |  |  |  |
| 1. Can residents close and lock their bedroom door? Their bathroom door? If no to either, please explain.
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| 1. Does the HCB setting offer a secure place to store residents’ personal belongings for the period of time they are receiving services?
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| * The consumer has the right to receive easily understood written and oral communications.
 | 1. Please briefly describe the method(s) of communication with the residents at the setting.
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| 1. What kinds of information do the residents receive on a regular basis?
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| * The consumer has the ability to determine clothing, hair and make-up, other personal aspects of living.
 | 1. Are residents allowed to dress or groom in a manner that is different from other residents; such as a different hairstyle? If no, please explain.
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| * The consumer

has a right to a minimum of curfews and other related restraints. | 1. Please briefly describe any curfews or day or time restrictions regarding access to the community or to services within the HCB setting.
 |  |  |  |
| 1. Are these day or time restrictions driven primarily by the operation requirements of the setting or the resident’s care plan?
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| * Prohibition of locked internal doors by local fire authorities.
 | 1. Please describe the fire and facility policies regarding internally locked doors? |  |  |  |
| 2. Do such policies significantly restrict residents’ access to the setting? If yes, please explain. |  |  |  |
| * Facility access to consumer living quarters to ensure the health and safety of individual consumers as outlined in their person-centered care plan.
 | 1. Please briefly describe the policy regarding facility access to residents’ living quarters? Under what circumstances would the facility use such access without the resident’s permission? |  |  |  |
| * The consumer has the right to secured egress to ensure the health and safety of the individual consumer as outlined in his/her person-centered care plan.
 | 1. Please briefly describe the HCB setting’s policy on restriction of egress from the setting?
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| 2. Are these egress restrictions driven primarily by the operation requirements of the setting or the resident’s care plan? |  |  |  |

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| *4. The setting optimizes individual initiative, autonomy and independence in making life choices, including daily activities, physical environment and with whom to interact.** The consumer

has the right of association with roommates, facility staff and visitors. | 1. Can residents choose with whom to interact with or participate with in activities? If desired, can they choose to dine or do other activities alone or in their rooms? Please describe.
 |  |  |  |
| * The consumer has the right to set one’s own schedule for meals/snacks, participating in activities, having visitors, coming and going.
 | 1. Do residents have the choice regarding daily activities? If no, please explain. How is this choice communicated to the residents? What activities are included in “choice” (such as walking, bathing, eating, exercising, in-setting activities)? |  |  |  |

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| *5. The setting facilitates individual choice regarding services and supports, and who provides them.** The consumer has a right to be informed of and understand how to request a modification of services, change of providers, and how to file a complaint.
 | 1. Can residents seek services from a service provider other than the one assigned to their particular case; such as a different therapist or social worker? If no, please explain.
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| 1. Can residents seek services from service providers other than those employed or contracted by the HCB setting? If so, please describe the process for this. If no, please explain.
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| 1. Do residents know how to file a complaint with the HCB setting regarding their concerns or questions? Are they assured privacy/confidentiality in doing so? If no to either, please explain.
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| 1. Is there a process for allowing the residents to voice concerns or ask questions regarding the services received? Please describe.
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| *6. The setting provides for a legally enforceable agreement between the provider and the consumer that allows the consumer to own, rent or occupy the residence and provides protection against eviction.* | 1. As applicable, do residents have a lease or, for settings in which landlord-tenant laws do not apply, a written residency agreement? If no, please explain.
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| 1. Are residents informed of their rights regarding housing and when they could be required to relocate? Please describe.
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| *7. The setting provides for privacy in units including lockable doors, choice of roommates and freedom to furnish and decorate the sleeping or living unit within the lease or other agreement.** The consumer has the right to freedom of association with roommates, facility staff and visitors.
 | 1. Do residents have a choice regarding roommates or private accommodations? If no, please explain.
 |  |  |  |
| 1. Is there a process for changing roommates or acquiring other accommodations if desired by the resident? Please describe.
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| * The consumer

has the right to determine his/her room décor, other personal aspects of living | 1. Can residents choose their own bedroom furniture and accessories? Can personal belongings from their home be used in the HCB setting? If no to either, please explain.
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| *8. The setting provides for options for individuals to control their own schedules including access to food at any time.* | 1. Please briefly describe the routine for meals and snacks. Do residents have access to food as desired? Are there set meal times that allow for some flexibility in eating times?
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| 1. Do residents have the option of eating in their rooms or in a private dining area?
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| *9. The setting provides Individuals the freedom to have visitors at any time.** The consumer has the right of freedom of association with roommates, facility staff and visitors.
 | 1. Are visitors welcome to visit residents? If no, please explain. Are the times of visits restricted in any way? If restricted, please explain.
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| 1. Can visitors see the residents in the residents’ rooms or in common areas of the HCB setting?
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| 1. Can visitors take the residents outside the setting; such as for a meal or shopping? If no or yes with restrictions, please explain.
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| 1. Can visitors take the residents for a longer visit outside the setting, such as for holidays or a weekend? If no or yes with restrictions, please explain.
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| *10. The setting is a physically accessible setting.** The consumer has the right to access to all the public areas of the facility.
 | 1. Is there any public area within the HCB setting that is not accessible to all residents? Please describe.
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| 1. Can residents access the setting and its amenities at will? Please describe.
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| 1. Do residents have access to the usual services/supports found in one’s home, such as a kitchen, laundry, dining area and comfortable seating in common areas? If no, please explain.
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| 1. For those residents who need additional support, is such support available; such as grab bars, seats in the bathroom, ramps for wheelchairs and table/counter heights appropriate to the residents? If no, please explain.
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