Reviewer Name and Email or Mailing (Optional):

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| **Example:** Jane Doe  [Jane.Doe@email.com](mailto:Jane.Doe@email.com)  123 Main Street  City, 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, day program |

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 participants 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. |  |  |  |
| 1. Are there resources in the larger community, outside the HCB setting that is available to the participants; such as convenience stores, hair salons, grocery stores, service agencies (insurance offices, tax offices), etc.? |  |  |  |
| 1. Do participants 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.?   Note: “Regularly” must be documented as defined in program policies and procedures. |  |  |  |
| 1. Is the larger community, outside the HCB setting accessible to participants, 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. |  |  |  |
| 1. Is such access safe during the times that participants would desire such access? If no, please explain. |  |  |  |
| 1. Do the participants 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. Are there restrictions while at the HCB setting on access to the community outside the HCB setting, such as a curfew? Please describe. |  |  |  |
| 1. If this is an employment setting, are participants provided with the opportunity to participant in negotiating work schedules, break/lunch times and leave and medical benefits? |  |  |  |

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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 participants have on file a person-centered care plan? Please briefly describe the care planning process and who participates. Are participants and their families allowed to participate? If no, please explain |  |  |  |
| 2. Do the participants 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 participants 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 participants’ medical conditions, financial situation and others held in a place where privacy/confidentiality is assured? Please describe. |  |  |  |
| 1. Can participants close and lock their bathroom door? If no, please explain. |  |  |  |
| 1. Does the HCB setting offer a secure place to store participants’ personal belongings for the period of time they are receiving services? |  |  |  |
| * The consumer has the right to receive easily understood written and oral communications. | 1. Please briefly describe the method(s) of communication with the participants at the setting. |  |  |  |
| 1. What kinds of information do the participants receive on a regular basis? |  |  |  |
| * The consumer has the ability to determine clothing, hair and make-up, other personal aspects of living. | 1. Are participants allowed to dress or groom in a manner that is different from other participants; such as a different hairstyle? If no, please explain. |  |  |  |
| * 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 participant’s care plan? |  |  |  |
| * 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 participants’ access to the setting? If yes, please explain. |  |  |  |
| * 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? |  |  |  |
| 2. Are these egress restrictions driven primarily by the operation requirements of the setting or the participant’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 participants 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 a private area? 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 participants have the choice regarding daily activities? If no, please explain. How is this choice communicated to the participants? 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 participants 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. |  |  |  |
| 1. Can participants seek services from service providers other than those employed or contracted by the HCB setting? If so, please describe the process for this. |  |  |  |
| 1. Do participants know how to file a complaint with the HCB setting regarding their concerns or questions? If no, please explain. Are they assured privacy/confidentiality in doing so? If no, please explain. |  |  |  |
| 1. Is there a process for allowing the participants 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.* | Not Applicable to Non-Residential Settings |  |  |  |

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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.* | Not Applicable to Non-Residential Settings |  |  |  |

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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 participants have access to food as desired? Are there set meal times that allow for some flexibility in eating times? |  |  |  |
| 1. Do participants have the option of eating 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 participants? If no, please explain. Are the times of visits restricted in any way? If restricted, please explain. |  |  |  |
| 1. Can visitors see the participants in common areas of the HCB setting? If no, please explain. |  |  |  |
| 1. Can visitors take the participants outside the setting; such as for a meal or shopping? 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 participants? Please describe. |  |  |  |
| 1. Can participants access the setting and its amenities at will? Please describe. |  |  |  |
| 1. For those participants 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 participants? If no, please explain. |  |  |  |