

Appendix H

Regulation Chapter Name: Home and Community-Based Services Waiver for Children with Autism Spectrum Disorder Residential Habilitation, Therapeutic Intergration						
Reference: COMAR 10.09.56						
http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.09.56.*						
Service Setting						
Applicable to the following settings: Residential Habilitation, Therapeutic Integration Services						
#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1a	1915c: §441.301(c)(4)(i) 1915i: §441.710(a)(1)(i) 1915k: §441.530(a)(1)(i) The setting is integrated in the greater community	X			10.09.56.05A (7) Is located and integrated into a residential community.	
1b	The setting supports full access of individuals receiving Medicaid HCBS to the greater community	X			10.09.56.05A(6) Provides opportunities for participants to participate in community activities	
1c	The setting supports opportunities to seek employment and work in competitive integrated settings	X			10.09.56.19B9(1)(2) Adult life planning services shall: (1) Result in the participant's transition from Autism Waiver services to comparable, necessary adult life services; (2) Be based on the participant's need for services and support after disenrollment from the Autism Waiver; and 10.09.56.11F(6) Functional Living Skills Training. The residential rehabilitation program shall train the participant in self-reliance, money management, and money handling and purchases.	
1d	The setting supports individuals to engage in community life			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Service Setting

Applicable to the following settings: Residential Habilitation, Therapeutic Integration Services

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1e	The setting supports individuals to control personal resources			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
1f	The setting supports individuals to receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
2a	1915c: §441.301(c)(4)(ii) 1915i: §441.710(a)(1)(ii) 1915k: §441.530(a)(1)(ii) The setting is selected by the individual from among setting options including non-disability specific settings			X	Parental Rights and Responsibilities, Effective Date 11/1/2013. When receiving Autism Waiver services, parents have the right to: Choose from among the services that have been approved in the Autism Waiver and included in program regulations, COMAR 10.09.56.	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
2b	Settings include an option for a private unit in a residential setting			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
2c	The setting options are identified and documented in the person-centered service plan			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
2d	The settings options are based on the individual's needs and preferences	X			Parental Rights and Responsibilities, Effective Date 11/1/2013. When receiving Autism Waiver services, parents have the right to: Choose from among the services that have been approved in the Autism Waiver and included in program regulations, COMAR 10.09.56. 10.09.56.02B(9) Chooses, or the parent or parents of a minor child chooses on the child's behalf, to receive Autism Waiver services as an alternative to	

Service Setting

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#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
2d	The settings options are based on the individual's needs and preferences	X			services in an ICF-ID, and documents that choice on the consent form for Autism Waiver services;	
2e	For residential settings, options are based on resources available for room and board			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3a	1915c: 441.301(c)(4)(iii) 1915i: §441.710(a)(1)(iii) 1915k: §441.530(a)(1)(iii) The settings ensures an individual's rights of privacy			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3b	The settings ensure dignity and respect			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3c	The settings ensure freedom from coercion			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3d	The settings ensure freedom from restraint			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
4a	1915c: 441.301(c)(4)(iv) 1915i: §441.710(a)(1)(iv) 1915k: §441.530(a)(1)(iv) The settings optimize, but does not regiment, individual initiative, autonomy	X			10.09.56.05A(4) Provides opportunities for participants to have personal items in the participant's bedroom that reflect the participant's personal tastes;	

Service Setting

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4b	The settings optimize independence in making life choices	X			10.09.56.11B(3) Be designed to assist Autism Waiver participants in acquiring, retaining, and improving the self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings; 10.09.56.11F(5)	
4c	The settings optimize independence in daily activities			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
4d	The settings optimize independence in the physical environment			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
4e	The settings optimize independence with whom to interact.	X			10.09.56.11F(7) Socialization. The residential rehabilitation program shall train, supervise, or assist the participant to facilitate the participant's involvement in general community activities and establishment of relationships with peer	
5a	1915c: §441.301(c)(4)(v) 1915i: §441.710(a)(1)(v) 1915k: §441.530(a)(1)(v) The settings facilitate individual choice regarding services and supports			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
5b	The settings facilitate who provides services and supports			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Residential Services - Provider Owned or Controlled Settings
Applicable to the following setting: Residential Habilitation

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6a(1)	1915c: §441.301(c)(4)(vi) 1915i: §441.710(a)(1)(vi) 1915k: §441.530(a)(1)(vi) (A) The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6a(2)	The individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6a(3)	For settings in which landlord tenant laws do not apply, the State ensures that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6a(4)	The State ensures that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6b	(B) Each individual has privacy in their sleeping or living unit			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Residential Services - Provider Owned or Controlled Settings
Applicable to the following setting: Residential Habilitation

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6b(1)	Units have entrance doors lockable by the individual			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6b(2)	Only appropriate staff have keys to the lockable entrance doors			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6c(1)	(C) Individuals have the freedom and support to control their own schedules			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6c(2)	Individuals have the freedom and support to control their own activities			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6c(3)	Individuals have the freedom to access food at any time			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6d	(D) Individuals are able to have visitors of their choosing at any time			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6e	(E) The setting is physically accessible to the individual			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Residential Services - Provider Owned or Controlled Settings
Applicable to the following setting: Residential Habilitation

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6f	(F) Individuals sharing units have a choice of roommates in that setting			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6g	(G) Individuals have freedom to furnish and decorate their sleeping units or living units within the lease or other agreement			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
	1915c: §441.301 1915i: §441.710 1915k: §441.530					
7	The following requirements must be documented in the person-centered service plan upon any modification of the additional conditions:			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7a	*Identify a specific and individualized assessed need.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7b	*Document the positive interventions and supports used prior to any modifications to the person-centered service plan.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7c	*Document less intrusive methods of meeting the need that have been tried but did not work.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
7d	*Include a clear description of the condition that is directly proportionate to the specific assessed need.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7e	* Include a regular collection and review of data to measure the ongoing effectiveness of the modification.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7f	*Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7g	*Include informed consent of the individual.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7h	*Include an assurance that interventions and supports will cause no harm to the individual.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria