

OMH SED Waiver

Standard/Quality	Degree of Compliance				Documentation/Citations	Documentation/Citations	
	Non-Compliant	Partially Compliant	Silent	Compliant			
All Settings: All services are provided in private homes which New York State presumes compliant with the HCBS rule							
1. Fully integrated into the broader community to the same degree of access as individuals not receiving Medicaid HCBS		x			<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families will be revised by OMH to include "Fully integrated into the broader community to the same degree of access as individuals not receiving Medicaid HCBS" by March 2019.</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>	<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families: Webpage header: "The least restrictive environment is the environment of choice for a child and family's success. Services are provided in the home and the community, making full use of natural supports"</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>	
opportunities to seek employment/ work in			x		<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families will be revised by OMH to include opportunities to seek employment/work in.</p>		
engage in community life			x		<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families will be revised by OMH to include engage in community life by March 2019.</p>		
control personal resources		x			<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families will be revised by OMH to include " control personal resources" by March 2019.</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>	<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families: Webpage header: Child and Families participation and freedom of choice are essential to planning and strategizing for effective outcomes "The unique strengths and need of each child and family direct the design of every service plan." "Priorities identified by the child and family guide the development of goals and services to be delivered" "To ensure families the choice of providers, Waiver ICC agencies are expected to develop a network of providers for the remaining five services"</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>	
receive services in the community				x	<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families states the waiver will "serve children with complex and significant mental health needs in their homes and communities.</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>	<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families: Webpage header: The least restrictive environment is the environment of choice for a child and family's success: "Services are provided in the home and community, making full use of natural supports"</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>	<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families: Webpage header: Goals: "...to serve children with complex and significant mental health needs in their homes and communities. " "To provide the services and supports that are specifically needed by each unique family to ultimately developed the ability to care for the child in their home in a supportive environment"</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>
2. Selected by the individual among options including non-disability specific settings and an option for a private unit in a residential setting		x			<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families will be revised by OMH to include "Selected by the individual among options including non-disability specific settings and an option for a private unit in a residential setting" by March 2019.</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>	<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families: "Child and family participation and freedom of choice are essential to planning and strategizing for effective outcomes....To ensure families the choice of providers."</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>	
the options are identified and documented in the person-centered service plan		x			<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families will be revised by OMH to include "the options are identified and documented in the person-centered service plan" by March 2019</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>	<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families: Webpage header: Child and family participation and freedom of choice are essential to planning and strategizing for effective outcomes "The unique strengths and needs of each child and family direct the design of every service plan"</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>	<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families: Webpage header: All domains of life impact on a child's level of functioning and overall wellness and must be considered in service planning "Information pertaining to domains is integrated in the service plan"</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>
the options are based on the individual's needs, preference, and for residential settings, resources available for room and board		x			<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families will be revised by OMH to include "the options are based on the individual's needs, preference, and for residential settings, resources available for room and board" by March 2019.</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>	<p>Home and Community Based Services Waiver Guidance Document Division of Children and Families: Web Header: Psychiatric diagnosis alone does not define the child. The family environment plays a key role in child's progress and continued success: "Agree upon goals and services are mutually worked on to support changes in the home environments that reinforce a child's healthy development"</p> <p>Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.</p>	

3. Ensure an individual's rights of privacy.			x		Home and Community Based Services Waiver Guidance Document Division of Children and Families will be revised by OAH to include documentation to ensure an individual's rights of privacy" by March 2019.
Ensure an individual's rights of dignity and respect.			x		Home and Community Based Services Waiver Guidance Document Division of Children and Families will be revised by OAH to include language to "ensure an individual's rights of dignity and respect" by March 2019.
Ensure an individual's rights of freedom from coercion and restraint			x		Home and Community Based Services Waiver Guidance Document Division of Children and Families will be revised by OAH to include language to "ensure an individual's rights of freedom from coercion and restraint" by March 2019.
4. Optimize and doesn't regiment individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.			x		Home and Community Based Services Waiver Guidance Document Division of Children and Families will be revised to "optimize and doesn't regiment individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact" by March 2019.
5. Facilitate individual choice regarding services and supports, and who provides them.			x		Home and Community Based Services Waiver Guidance Document Division of Children and Families will be revised by OAH to include "facilitate individual choice regarding services and supports, and who provides them" by March 2019.

Provider Owned or Controlled Settings:					
6. A specific place that can be owned, rented or occupied under a legally enforceable agreement by the individual receiving services. The individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the jurisdiction's landlord/tenant law or equivalent.				N/A	Home and Community Based Services Waiver Guidance Document Division of Children and Families. "Services are provided in the home and community, making full use of natural supports." Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.
7. Each individual has privacy in their sleeping or living unit				N/A	Home and Community Based Services Waiver Guidance Document Division of Children and Families. "Services are provided in the home and community, making full use of natural supports." Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.
units have entrance doors lockable by the individual with only appropriate staff having keys.				N/A	Home and Community Based Services Waiver Guidance Document Division of Children and Families. "Services are provided in the home and community, making full use of natural supports." Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.
Individuals sharing units have a choice of roommates in that setting				N/A	Home and Community Based Services Waiver Guidance Document Division of Children and Families. "Services are provided in the home and community, making full use of natural supports." Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.
Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.				N/A	Home and Community Based Services Waiver Guidance Document Division of Children and Families. "Services are provided in the home and community, making full use of natural supports." Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.
control their own schedules and activities;				N/A	Home and Community Based Services Waiver Guidance Document Division of Children and Families. "Services are provided in the home and community, making full use of natural supports." Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families.
have access to food at any time.				N/A	Home and Community Based Services Waiver Guidance Document Division of Children and Families. "Services are provided in the home and community, making full use of natural supports."

					Click here to access Home and Community Based Services Waiver Guidance Document Division of Children and Families
9. Individuals are able to have visitors of their choosing at anytime				N/A	Home and Community Based Services Waiver Guidance Document Division of Children and Families. "Services are provided in the home and community, making full use of natural supports."
10. The setting is physically accessible to the individual				N/A	Home and Community Based Services Waiver Guidance Document Division of Children and Families. "Services are provided in the home and community, making full use of natural supports."
Heightened Scrutiny: (Note: if any site meets any of the below criteria then they fall under heightened scrutiny)	YES (Indicate How Many)		No		List Heightened Scrutiny Sites - Use Additional Sheets if Necessary
11. Are any settings in facilities that also provide inpatient institutional services?			x		
12. Are any settings in facilities on the grounds of, or immediately adjacent to a public institution?			x		
13. Do any of the settings serve to isolate individuals in receipt of Medicaid-funded HCBS from the broader community?			x		

*OMH will ensure compliance with CMS' ruling on person-centered planning process by disseminating guidance to providers by March 2019.

OMH 1115 HARP Care Management

Standard/Quality	Degree of Compliance				Documentation/Citations	Documentation/Citations	Documentation/Citations	Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant				
<p>All Settings:</p> <p>1. Fully integrated into the broader community to the same degree of access as individuals not receiving Medicaid HCBS</p>		x			<p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual: OMH will revise to include language stating that settings should be fully integrated into the broader community to the same degree of access as individuals not receiving Medicaid HCBS by March 2019.</p> <p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual</p>	<p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual: (Pg. 3-4) The Behavioral Health Home and Community Based Services (BH HCBS) provide opportunities for adult Medicaid beneficiaries with mental illness and/or substance use disorders to receive services in their own home or community.</p> <p>(p. 38) In addition, the final rule 441.305(c)(5)(iv) specifies that the following settings are presumed to have the Qualities of an institution (and therefore likely do not meet the HCBS standard without documentation to support otherwise):</p> <ul style="list-style-type: none"> • Any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS. <p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual</p>		
opportunities to seek employment/ work in				x	<p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual: (Pg. 3-4) "A recovery model of care emphasizes and supports a person's potential for recovery by optimizing quality of life and reducing symptoms of mental illness and substance use disorders through empowerment, choice, treatment, educational, employment, housing, and health and well-being goals."</p> <p>Recovery Oriented: Services should be provided based on the principle that all individuals have the capacity to recover from mental illness and/or substance use disorders. Specifically, services should support the acquisition of living, employment, and social skills and be offered in home and community-based settings that promote hope and encourage each person to establish an individual path towards recovery."</p> <p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual</p>	<p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual: Section IV: Person Centered Planning and Service Delivery" (pg. 5) "The Plan of Care must include services chosen by the individual to support independent community living in the setting of his or her own choice and must support integration in the community, including opportunities to seek employment, engage in community life, control personal resources, and to receive services within the community."</p> <p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual</p>		
engage in community life				x	<p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual: (Pg. 3-4) "Services should be provided based on the principle that all individuals have the capacity to recover from mental illness and/or substance use disorders. Specifically, services should support the acquisition of living, employment, and social skills and be offered in home and community-based settings that promote hope and encourage each person to establish an individual path towards recovery."</p> <p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual</p>	<p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual: Section IV: Person Centered Planning and Service Delivery" (pg. 5) "The Plan of Care must include services chosen by the individual to support independent community living in the setting of his or her own choice and must support integration in the community, including opportunities to seek employment, engage in community life, control personal resources, and to receive services within the community."</p> <p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual</p>		
control personal resources				x	<p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual: Section IV: Person Centered Planning and Service Delivery" (pg. 5) "The Plan of Care must include services chosen by the individual to support independent community living in the setting of his or her own choice and must support integration in the community, including opportunities to seek employment, engage in community life, control personal resources, and to receive services within the community."</p> <p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual</p>	<p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual: Section IV: Person Centered Planning and Service Delivery" (pg. 5) "The Plan of Care must include services chosen by the individual to support independent community living in the setting of his or her own choice and must support integration in the community, including opportunities to seek employment, engage in community life, control personal resources, and to receive services within the community."</p> <p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual</p>		
receive services in the community				x	<p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual: (Pg. 3-4) "Services should be provided based on the principle that all individuals have the capacity to recover from mental illness and/or substance use disorders. Specifically, services should support the acquisition of living, employment, and social skills and be offered in home and community-based settings that promote hope and encourage each person to establish an individual path towards recovery."</p> <p>Flexible and Mobile: Services should adapt to the specific and changing needs of each individual, using off-site community service delivery approaches along with therapeutic methods and recovery approaches which best suit each individual's needs. BH HCBS, where indicated, may be provided in home or off-site, including appropriate community settings such as where an individual works, attends school or socializes."</p> <p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual</p>	<p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual: Section IV: Person Centered Planning and Service Delivery" (pg. 5) "The Plan of Care must include services chosen by the individual to support independent community living in the setting of his or her own choice and must support integration in the community, including opportunities to seek employment, engage in community life, control personal resources, and to receive services within the community."</p> <p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual</p>		

<p>2. Selected by the individual among options including non-disability specific settings and an option for a private unit in a residential setting</p>		x		<p>Behavioral Health Home and Community Based Services Plan of Care will be revised by ODM to include that setting "selected by the individual among options including non-disability specific settings and an option for a private unit in a residential setting" by March 2025.</p>	<p>Behavioral Health Home and Community Based Services Plan of Care (Pg. 9) "Recipient Rights for Individuals Receiving Behavioral Health Home and Community Based Services (BH HCBS), I qualify for BH HCBS which are essential to my health and wellness and may be provided to me within the program limits. My signature below indicates that I agree with the following: <input type="checkbox"/> I have been informed that I am eligible to receive services. <input type="checkbox"/> I understand that I may choose to remain in the community and receive the services, as designated in my Plan of Care. ... <input type="checkbox"/> I have been offered a choice of settings in which I can receive BH HCBS."</p> <p>Click here to access Behavioral Health Home and Community Based Services Plan of Care</p>	<p>Behavioral Health Home and Community Based Services Plan of Care [Template] "Section 1: Demographic Information" (Pg. 1) "Is the address listed above a setting chosen by the individual? (Does the individual want to live in the above setting?) <input type="checkbox"/> Yes No The address listed above is not: (1) a nursing home; (2) an institution for mental diseases; (3) an intermediate care facility for individuals with developmental disabilities; (4) a hospital; (5) an OMR licensed Congregate Treatment Site (Community Residence); or (6) any other location that has the qualities of an institution, as determined by New York State. <input type="checkbox"/> Yes No *** If the individual does not wish to live in his or her current setting, the CM should assist in developing a plan to facilitate a move. The Housing Questionnaire may be used as a tool to assist with this process."</p> <p>Behavioral Health Home and Community Based Services Plan of Care [Template]</p>	<p>Behavioral Health Home and Community Based Services Plan of Care [Template] "Section 1: Demographic Information" (Pg. 1) "Is the address listed above a setting chosen by the individual? (Does the individual want to live in the above setting?) <input type="checkbox"/> Yes No The address listed above is not: (1) a nursing home; (2) an institution for mental diseases; (3) an intermediate care facility for individuals with developmental disabilities; (4) a hospital; (5) an OMR licensed Congregate Treatment Site (Community Residence); or (6) any other location that has the qualities of an institution, as determined by New York State. <input type="checkbox"/> Yes No *** If the individual does not wish to live in his or her current setting, the CM should assist in developing a plan to facilitate a move. The Housing Questionnaire may be used as a tool to assist with this process."</p> <p>Behavioral Health Home and Community Based Services Plan of Care [Template]</p>	<p>Federal Adult Behavioral Health HCBS Person-Centered Planning Process Requirements/ Characteristics (Pg. 1) "Records the alternative HCBS settings that were considered by the individual (e.g., if the individual agrees to receiving psychosocial rehab, the POC must document that the individual was offered different settings to receive that service)."</p> <p>Federal Adult Behavioral Health HCBS Person-Centered Planning Process Requirements/ Characteristics</p>	<p>NYS BH HCBS Expedited Workflow Guidance (pg. 2) "When an individual is found eligible for BH HCBS and resides in a setting deemed not appropriate for BH HCBS, the IHCM will not move on through this process or complete the Full Community Mental Health Assessment (CMHA). At the point when the individual chooses to move and discharge planning from this ineligible setting into a BH HCBS eligible setting begins, the care manager should ensure an Eligibility assessment has been completed and begin the Expedited Workflow process to link the individual to BH HCBS (if the individual chooses). Ideally this process will start early enough to allow the individual to begin to receive BH HCBS immediately upon entering the eligible setting."</p> <p>NYS BH HCBS Expedited Workflow Guidance</p>
<p>the options are identified and documented in the person-centered service plan</p>		x		<p>Behavioral Health Home and Community Based Services Plan of Care (Pg. 9) "Recipient Rights for Individuals Receiving Behavioral Health Home and Community Based Services (BH HCBS), I qualify for BH HCBS which are essential to my health and wellness and may be provided to me within the program limits. My signature below indicates that I agree with the following: <input type="checkbox"/> I have been informed that I am eligible to receive services. <input type="checkbox"/> I understand that I may choose to remain in the community and receive the services, as designated in my Plan of Care. ... <input type="checkbox"/> I have been offered a choice of settings in which I can receive BH HCBS."</p> <p>Click here to access Behavioral Health Home and Community Based Services Plan of Care</p>	<p>Federal Adult Behavioral Health HCBS Person-Centered Planning Process Requirements/ Characteristics (Pg. 1) "Records the alternative HCBS settings that were considered by the individual (e.g., if the individual agrees to receiving psychosocial rehab, the POC must document that the individual was offered different settings to receive that service)."</p> <p>Federal Adult Behavioral Health HCBS Person-Centered Planning Process Requirements/ Characteristics</p>	<p>DDH Health Home Standards and Requirements: (Pg. 1) Lead Health Home must have planning, and policies and procedures in place to ensure care managers create, document, execute and update an individualized, person-centered plan of care for each individual... 2b. The individual's plan of care integrates the continuum of medical, behavioral health services, rehabilitative, long term care and social service needs and clearly identifies the primary care physician/nurse practitioner, specialist(s), behavioral health care provider(s), care manager and other providers directly involved in the individual's care. 1c. The individual (or their guardian) play a central and active role in the development and execution of their plan of care and should agree with the goals, interventions and time frames contained in the plan. 1d. The individual's plan of care clearly identifies primary, specialty, behavioral health and community networks and supports that address their needs. 1e. The individual's plan of care clearly identifies family members and other supports involved in the individual's care. Family and other supports are included in the plan and execution of care as requested by the individual. 1f. The individual's plan of care clearly identifies goals and timeframes for improving the individual's health and health care status and the interventions that will produce this effect.</p> <p>DDH Health Home Standards and Requirements</p>	<p>Federal Adult Behavioral Health HCBS Person-Centered Planning Process Requirements/ Characteristics (Pg. 1) "Records the alternative HCBS settings that were considered by the individual (e.g., if the individual agrees to receiving psychosocial rehab, the POC must document that the individual was offered different settings to receive that service)."</p> <p>Federal Adult Behavioral Health HCBS Person-Centered Planning Process Requirements/ Characteristics</p>	<p>NYS BH HCBS Expedited Workflow Guidance (pg. 4) "Update Plan of Care: Individuals already enrolled in a Health Home will have a comprehensive, integrated and person-centered POC (per requirements of the DDH Health Home Standards) to build on. The POC is a fluid document that will change and evolve over time as the individual's needs are realized and new services and supports are identified. The IHCM should work with collateral, such as supportive friends and family, providers, and the MCO as applicable, to assist in the ongoing development of the POC. Due to federal requirements associated with BH HCBS, there are additional key elements required within the Plan of Care in order to access BH HCBS. The federal requirements for BH HCBS can be found here: BH HCBS Plan of Care Federal Rules and Regulations Checklist." ... "...We encourage that an individual be given the opportunity to sign the POC whenever it is revised for any reason. However, at a minimum, the individual must sign the POC at least once prior to final POC review by the MCO."</p> <p>NYS BH HCBS Expedited Workflow Guidance</p>	<p>NYS BH HCBS Expedited Workflow Guidance</p>
<p>the options are based on the individual's needs, preference, and for residential settings, resources available for room and board</p>		x		<p>Federal Adult Behavioral Health HCBS Person-Centered Planning Process Requirements/ Characteristics (Pg. 1) "The individual will lead the person-centered planning process where possible. The individual's representative should have a participatory role, as needed and as defined by the individual, unless State law confers decision-making authority to the legal representative. All references to individuals include the role of the individual's representative, in addition to being led by the individual receiving services and supports, the person centered planning process"</p>	<p>Behavioral Health Home and Community Based Services Plan of Care [Template] Housing Questionnaire (Pg. 11-14) This questionnaire is to be completed by the Health Home Care Manager in collaboration with the individual receiving services and his or her treatment and support team (if applicable)... 2. Do you prefer to live by yourself, with a roommate, or with family? <input type="checkbox"/> Alone <input type="checkbox"/> With a roommate <input type="checkbox"/> With family <input type="checkbox"/> haven't given much thought to living in my own place 3. Are you willing to share an apartment with a roommate? <input type="checkbox"/> Yes <input type="checkbox"/> No 4. Are you willing to live without a roommate? <input type="checkbox"/> Yes <input type="checkbox"/> No 5. In what neighborhood or town in New York do you prefer to live? 6A. Why do you prefer this neighborhood or town? 6B. List the County of this preferred location?"</p> <p>Behavioral Health Home and Community Based Services Plan of Care [Template]</p>	<p>Behavioral Health Home and Community Based Services Plan of Care [Template] Housing Questionnaire (Pg. 11-14) 7. How important are the following to you? (Not important Somewhat important Very important): Eligibility in near services, recreation, and transportation <input type="checkbox"/> Having a pet <input type="checkbox"/> Being able to have a car and parking <input type="checkbox"/> What floor your place is on (list): <input type="checkbox"/> Having privacy <input type="checkbox"/> Having people around that you can talk to <input type="checkbox"/> Living near a grocery store <input type="checkbox"/> Living near my workplace <input type="checkbox"/> Living near my family <input type="checkbox"/> Living near my church <input type="checkbox"/> Living near my provider/agency <input type="checkbox"/> Living near a pharmacy Other things that are important to you: 8D. Do you need anything to assist you to move around your house or apartment? <input type="checkbox"/> Yes <input type="checkbox"/> No 8E. If yes, what do you need: <input type="checkbox"/> No steps <input type="checkbox"/> Wheelchair ramp <input type="checkbox"/> Elevator <input type="checkbox"/> Assistive device(s) for visual impairments <input type="checkbox"/> Assistive device(s) for hearing impairment <input type="checkbox"/> Disability Accessible Unit <input type="checkbox"/> Other assistance not noted. "</p> <p>Behavioral Health Home and Community Based Services Plan of Care [Template]</p>	<p>Behavioral Health Home and Community Based Services Plan of Care [Template] Housing Questionnaire (Pg. 11-14) 7. How important are the following to you? (Not important Somewhat important Very important): Eligibility in near services, recreation, and transportation <input type="checkbox"/> Having a pet <input type="checkbox"/> Being able to have a car and parking <input type="checkbox"/> What floor your place is on (list): <input type="checkbox"/> Having privacy <input type="checkbox"/> Having people around that you can talk to <input type="checkbox"/> Living near a grocery store <input type="checkbox"/> Living near my workplace <input type="checkbox"/> Living near my family <input type="checkbox"/> Living near my church <input type="checkbox"/> Living near my provider/agency <input type="checkbox"/> Living near a pharmacy Other things that are important to you: 8D. Do you need anything to assist you to move around your house or apartment? <input type="checkbox"/> Yes <input type="checkbox"/> No 8E. If yes, what do you need: <input type="checkbox"/> No steps <input type="checkbox"/> Wheelchair ramp <input type="checkbox"/> Elevator <input type="checkbox"/> Assistive device(s) for visual impairments <input type="checkbox"/> Assistive device(s) for hearing impairment <input type="checkbox"/> Disability Accessible Unit <input type="checkbox"/> Other assistance not noted. "</p> <p>Behavioral Health Home and Community Based Services Plan of Care [Template]</p>	<p>Federal Adult Behavioral Health HCBS Person-Centered Planning Process Requirements/ Characteristics (Pg. 1) "Records the alternative HCBS settings that were considered by the individual (e.g., if the individual agrees to receiving psychosocial rehab, the POC must document that the individual was offered different settings to receive that service)."</p> <p>Federal Adult Behavioral Health HCBS Person-Centered Planning Process Requirements/ Characteristics</p>	<p>NYS BH HCBS Expedited Workflow Guidance</p>
<p>3. Ensure an individual's rights of privacy.</p>		x		<p>NYS Home and Community Services Application Guide. Below is a summary of key elements of the final rule related to HCBS setting. The final rule requires that all home and community based settings meet particular regulatory requirements. These include that the setting: ... + Ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint;</p> <p>NYS HCBS Service Application Guide</p>					
<p>Ensure an individual's rights of dignity and respect.</p>		x		<p>NYS Home and Community Services Application Guide. Below is a summary of key elements of the final rule related to HCBS setting. The final rule requires that all home and community based settings meet particular regulatory requirements. These include that the setting: ... + Ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint;</p> <p>NYS HCBS Service Application Guide</p>					

Ensure an individual's rights of freedom from coercion and restraint				x	<p>NYS Home and Community Services Application Guide. Below is a summary of key elements of the final rule related to HCBS setting. The final rule requires that all home and community based settings meet particular regulatory requirements. These include that the setting: —</p> <ul style="list-style-type: none"> • Ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint; " 	
4. Optimize and doesn't regiment individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.				x	<p>NYS HCBS Service Application Guide.</p> <p>New York State Home and Community Based Services Application Guide (Comment #2) The final rule requires that all home and community-based settings meet particular regulatory requirements. These include that the setting:</p> <ul style="list-style-type: none"> • Is integrated in and supports full access to the greater community; • Is selected by the individual from among setting options; • Ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint; • Optimizes autonomy and independence in making life choices; and • Facilitates choice regarding services and who provides them <p>NYS HCBS Service Application Guide.</p>	<p>Section IV. Person Centered Planning and Service Delivery (pg. 5) "The Plan of Care must include services chosen by the individual to support independent community living in the setting of his or her own choice and must support integration in the community, including opportunities to seek employment, engage in community life, control personal resources, and to receive services within the community."</p> <p>NYS Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual.</p>
5. Facilitate individual choice regarding services and supports, and who provides them.				x	<p>New York State Home and Community Based Services Application Guide (Comment #2) The final rule requires that all home and community-based settings meet particular regulatory requirements. These include that the setting: —</p> <ul style="list-style-type: none"> • Facilitates choice regarding services and who provides them <p>Click here to access the NYS HCBS Service Application Guide.</p>	<p>New York State Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual (Pg. 3-4)</p> <p>Person-Centered Care: Services should reflect an individual's goals and emphasize shared decision-making approaches that empower members, provide choice, and minimize stigma. Services should be designed to optimally treat illness and emphasize wellness and attention to the persons overall wellbeing and full community inclusion.</p> <p>Section IV. Person Centered Planning and Service Delivery. (Pg. 5)</p> <p>11. The Plan of Care must include services chosen by the individual to support independent community living in the setting of his or her own choice and must support integration in the community, including opportunities to seek employment, engage in community life, control personal resources, and to receive services within the community."</p> <p>New York State Health and Recovery Plan (HARP) Adult Behavioral Health Home and Community Based Services (BH HCBS) Provider Manual.</p>

Provider Owned or Controlled Settings:							
6. A specific place that can be owned, rented or occupied under a legally enforceable agreement by the individual receiving services. The individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the jurisdiction's landlord/tenant law or equivalent.				N/A	<p>Medicaid Health Homes- Comprehensive Care Management. "A "health Home" is not a physical place; it is a group of health care and service providers working together to make sure you get the care and services you may need to stay healthy..."</p> <p>Medicaid Health Homes- Comprehensive Care Management.</p>		
7. Each individual has privacy in their sleeping or living unit:				N/A			
— units have entrance doors lockable by the individual with only appropriate staff having keys.				N/A			
— individuals sharing units have a choice of roommates in that setting.				N/A			
8. Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other				N/A			
— control their own schedules and activities;				N/A			
— have access to food at any time.				N/A			
9. Individuals are able to have visitors of their choosing at anytime				N/A			
10. The setting is physically accessible to the individual				N/A			
Heightened Scrutiny: (Note: if any site meets any of the below criteria then they fall under heightened scrutiny)	YES (Indicate How Many)		No		List Heightened Scrutiny Sites - Use Additional Sheets if Necessary		
11. Are any settings in facilities that also provide inpatient institutional services?			TBD				
12. Are any settings in facilities on the grounds of, or immediately adjacent to a public institution?			TBD				
13. Do any of the settings serve to isolate individuals in receipt of Medicaid-funded HCBS from the broader community?			TBD				

*OMH will ensure compliance with CMS' ruling on person-centered planning process by disseminating guidance to providers by March 2019.

OMH 1115 Supported Housing

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
All Settings:					
1. Fully integrated into the broader community to the same degree of access as individuals not			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS
- opportunities to seek employment/ work in			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- engage in community life			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- control personal resources			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- receive services in the community			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
2. Selected by the individual among options including non-disability specific settings and an option for a private unit in a residential setting			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- the options are identified and documented in the person-centered service plan			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- the options are based on the individual's needs, preference, and for residential settings, resources available for room and board			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
3. Ensure an individual's rights of privacy.			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- Ensure an individual's rights of dignity and respect.			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- Ensure an individual's rights of freedom from coercion and restraint			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
4. Optimize and doesn't regiment individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
5. Facilitate individual choice regarding services and supports, and who provides them.			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
Provider Owned or Controlled Settings:					

<p>6. A specific place that can be owned, rented or occupied under a legally enforceable agreement by the individual receiving services. The individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the jurisdiction's landlord/tenant law or equivalent.</p>		x			<p>Supported Housing Guidelines 2014 state on page 11: "The Provider often plays a dual role in helping the recipient maintain an amicable tenant/landlord relationship. As an advocate for the recipient, the Provider should ensure that the tenant's rights are guaranteed by the lease and under applicable law and that the recipient".</p> <p>OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019. In accordance with 42 CFR 441.301(c)(4)(vi)(F) any modification of the additional conditions, under 42 CFR 441.301 (c)(4)(vi)(A) through (D), will be supported by a specific assessed need and justified in the person-centered service plan.</p> <p>www.omh.ny.gov/omhweb/adults/supportedhousing/supported-housing-guidelines.pdf</p>
<p>7. Each individual has privacy in their sleeping or living unit</p>			x		<p>OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019. In accordance with 42 CFR 441.301(c)(4)(vi)(F) any modification of the additional conditions, under 42 CFR 441.301 (c)(4)(vi)(A) through (D), will be supported by a specific assessed need and justified in the person-centered service plan.</p>
<p>- units have entrance doors lockable by the individual with only appropriate staff having keys.</p>			x		<p>Same as above response in column F row 34.</p>
<p>- individuals sharing units have a choice of roommates in that setting</p>			x		<p>Same as above response in column F row 34.</p>
<p>8. Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p>			x		<p>Same as above response in column F row 34.</p>
<p>- control their own schedules and activities;</p>			x		<p>Same as above response in column F row 34.</p>

- have access to food at any time.			x	Same as above response in column F row 34.
9. Individuals are able to have visitors of their choosing at anytime			x	Same as above response in column F row 34.
10. The setting is physically accessible to the individual			x	OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised state guidelines by March 2019.
Heightened Scrutiny: (Note: if any site meets any of the below criteria then they fall under heightened scrutiny)	YES (Indicate How Many)		No	List Heightened Scrutiny Sites - Use Additional Sheets if Necessary
11. Are any settings in facilities that also provide inpatient institutional services?			TBD	
12. Are any settings in facilities on the grounds of, or immediately adjacent to a public institution?			TBD	
13. Do any of the settings serve to isolate individuals in receipt of Medicaid-funded HCBS from the broader community?			TBD	

*OMH will ensure compliance with CMS' ruling on person-centered planning process by disseminating guidance to providers by March 2019.

OMH 1115 SP-SRO

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
All Settings:					
1. Fully integrated into the broader community to the same degree of access as individuals not receiving Medicaid HCBS			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- opportunities to seek employment/ work in			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- engage in community life			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- control personal resources			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- receive services in the community			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
2. Selected by the individual among options including non-disability specific settings and an option for a private unit in a residential setting			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- the options are identified and documented in the person-centered service plan			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- the options are based on the individual's needs, preference, and for residential settings, resources available for room and board			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
3. Ensure an individual's rights of privacy.			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- Ensure an individual's rights of dignity and respect.			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
- Ensure an individual's rights of freedom from coercion and restraint			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
4. Optimize and doesn't regiment individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
5. Facilitate individual choice regarding services and supports, and who provides them.			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
Provider Owned or Controlled Settings:					

<p>6. A specific place that can be owned, rented or occupied under a legally enforceable agreement by the individual receiving services. The individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the jurisdiction's landlord/tenant law or equivalent.</p>		x			<p>Supported Housing Guidelines 2014 state on page 11: "The Provider often plays a dual role in helping the recipient maintain an amicable tenant/landlord relationship. As an advocate for the recipient, the Provider should ensure that the tenant's rights are guaranteed by the lease and under applicable law and that the recipient". OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019. In accordance with 42 CFR 441.301(c)(4)(vi)(F) any modification of the additional conditions, under 42 CFR 441.301(c)(4)(vi)(A) through (D), will be supported by a specific assessed need and justified in the person-centered service plan.</p> <p>www.omh.ny.gov/omhweb/adults/supportedhousing/supported-housing-guidelines.pdf</p>
<p>7. Each individual has privacy in their sleeping or living unit</p>			x		<p>OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019. In accordance with 42 CFR 441.301(c)(4)(vi)(F) any modification of the additional conditions, under 42 CFR 441.301(c)(4)(vi)(A) through (D), will be supported by a specific assessed need and justified in the person-centered service plan.</p>
<p>- units have entrance doors lockable by the individual with only appropriate staff having keys.</p>			x		<p>Same as above response in column F row 34.</p>
<p>- individuals sharing units have a choice of roommates in that setting</p>			x		<p>Same as above response in column F row 34.</p>
<p>8. Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p>			x		<p>Same as above response in column F row 34.</p>
<p>- control their own schedules and activities;</p>			x		<p>Same as above response in column F row 34.</p>

- have access to food at any time.			x		Same as above response in column F row 34.
9. Individuals are able to have visitors of their choosing at anytime			x		Same as above response in column F row 34.
10. The setting is physically accessible to the individual			x		OMH is currently updating the Supported Housing Guidelines 2014. OMH will incorporate HCBS standards from column A into revised guidelines by March 2019.
Heightened Scrutiny: (Note: if any site meets any of the below criteria then they fall under heightened scrutiny)	YES (Indicate How Many)		No		List Heightened Scrutiny Sites - Use Additional Sheets If Necessary
11. Are any settings in facilities that also provide inpatient institutional services?				TBD	
12. Are any settings in facilities on the grounds of, or immediately adjacent to a public institution?				TBD	
13. Do any of the settings serve to isolate individuals in receipt of Medicaid-funded HCBS from the broader community?				TBD	

*OMH will ensure compliance with CMS' ruling on person-centered planning process by disseminating guidance to providers by March 2019.

1. Fully integrated into the broader community to the same degree of access as individuals not receiving Medicaid HCBS		x			<p>OMH 14 NYCRR Part 595 Operations of Residential section (595.1 a) states: "The purpose of residential programs for individuals diagnosed with a severe and persistent mental illness is to provide residential services which support and assist individuals with their goal of integration into the community".</p> <p>OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.</p> <p>https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=Icb5a98e0b7ec11dd9120824eac0ffce&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)&bhcp=1</p>
- opportunities to seek employment/ work in			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
- engage in community life			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
- control personal resources			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
- receive services in the community			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
2. Selected by the individual among options including non-disability specific settings and an option for a private unit in a residential setting			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
- the options are identified and documented in the person-centered service plan			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
- the options are based on the individual's needs, preference, and for residential settings, resources available for room and board			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.

3. Ensure an individual's rights of privacy.			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
- Ensure an individual's rights of dignity and respect.			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
- Ensure an individual's rights of freedom from coercion and restraint			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
4. Optimize and doesn't regiment individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
5. Facilitate individual choice regarding services and supports, and who provides them.			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
<u>Provider Owned or Controlled Settings:</u>					
6. A specific place that can be owned, rented or occupied under a legally enforceable agreement by the individual receiving services. The individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the jurisdiction's landlord/tenant law or equivalent.	x				OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019. In accordance with 42 CFR 441.301(c)(4)(vi)(F) any modification of the additional conditions, under 42 CFR 441.301(c)(4)(vi)(A) through (D), will be supported by a specific assessed need and justified in the person-centered service plan.
7. Each individual has privacy in their sleeping or living unit			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019. In accordance with 42 CFR 441.301(c)(4)(vi)(F) any modification of the additional conditions, under 42 CFR 441.301(c)(4)(vi)(A) through (D), will be supported by a specific assessed need and justified in the person-centered service plan.
- units have entrance doors lockable by the individual with only appropriate staff having keys.			x		Same as above response in column F row 34.

- individuals sharing units have a choice of roommates in that setting			x		Same as above response in column F row 34.
- Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.			x		Same as above response in column F row 34.
- control their own schedules and activities;			x		Same as above response in column F row 34.
- have access to food at any time.			x		Same as above response in column F row 34.
9. Individuals are able to have visitors of their choosing at anytime	x				Same as above response in column F row 34.

10. The setting is physically accessible to the individual			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.

OMH 1115 Apartment Tx

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
All Settings:					
1. Fully integrated into the broader community to the same degree of access as individuals not receiving Medicaid HCBS		x			OMH 14 NYCRR Part 595 Operations of Residential section (595.1 a) states: "The purpose of residential programs for individuals diagnosed with a severe and persistent mental illness is to provide residential services which support and assist individuals with their goal of integration into the community". OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019. https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=icb5a98e0b7ec11dd9120824eac0ffce&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)&bhcp=1
- opportunities to seek employment/ work in			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
- engage in community life			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
- control personal resources			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
- receive services in the community			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
2. Selected by the individual among options including non-disability specific settings and an option for a private unit in a residential setting			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
- the options are identified and documented in the person-centered service plan			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
- the options are based on the individual's needs, preference, and for residential settings, resources available for room and board			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
3. Ensure an individual's rights of privacy.			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
- Ensure an individual's rights of dignity and respect.			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.

- Ensure an individual's rights of freedom from coercion and restraint			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
4. Optimize and doesn't regiment individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
5. Facilitate individual choice regarding services and supports, and who provides them.			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
Provider Owned or Controlled Settings:					
6. A specific place that can be owned, rented or occupied under a legally enforceable agreement by the individual receiving services. The individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the jurisdiction's landlord/tenant law or equivalent.	x				OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019. In accordance with 42 CFR 441.301(c)(4)(vi)(F) any modification of the additional conditions, under 42 CFR 441.301(c)(4)(vi)(A) through (D), will be supported by a specific assessed need and justified in the person-centered service plan.
7. Each individual has privacy in their sleeping or living unit			x		Same response as above row 32 column f.
- units have entrance doors lockable by the individual with only appropriate staff having keys.			x		Same response as above row 32 column f.
- individuals sharing units have a choice of roommates in that setting			x		Same response as above row 32 column f.
8. Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.			x		Same response as above row 32 column f.

- control their own schedules and activities;			x		Same response as above row 32 column f.
- have access to food at any time.			x		Same response as above row 32 column f.
9. Individuals are able to have visitors of their choosing at anytime	x				Same response as above row 32 column f.
10. The setting is physically accessible to the individual			x		OMH is currently updating the 14 NYCRR Part 595 Operations of Residential Programs Housing Regulations that will include HCBS standards' language in column A by March 2019.
Heightened Scrutiny: (Note: if any site meets any of the below criteria then they fall under heightened scrutiny)	YES (Indicate How Many)		No		List Heightened Scrutiny Sites - Use Additional Sheets if Necessary
11. Are any settings in facilities that also provide inpatient institutional services?				TBD	
12. Are any settings in facilities on the grounds of, or immediately adjacent to a public institution?				TBD	
13. Do any of the settings serve to isolate individuals in receipt of Medicaid-funded HCBS from the broader community?				TBD	

*OMH will ensure compliance with CMS' ruling on person-centered planning process by disseminating guidance to providers by March 2019.