

ATTACHMENT 3



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Developmental Disabilities Services

**State Self-Assessment
Of
Laws, Rules, Policies, etc.
to Support the
CMS HCBS Community Rule
July 17, 2015**

Requirement 1: The setting is integrated in and supports full access of individuals receiving Medicaid HCBS 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 with the same degree of access as individuals not receiving Medicaid HCBS.

#	Requirement	Assurance	Gaps	Corrective Action
1.	<i>The setting is integrated in and supports full access to the greater community and opportunities to engage in community life.</i>	DMAP Provider Specific Manual: DDDS HCBS Waiver, Section 2.0 Qualified Providers		
		DDDS Policy: Planned Residential Transition, Oct 2009; section V. C. Standards	The current policy does not address access to transportation and other supports to enable residents to access the community.	Revise the policy to include language stating this requirement.
		DDDS Office of Quality Improvement Protocol for Review of New Neighborhood Home; Checklist - Environment	Does not include the expectation that the settings must support full integration of the residents in their community.	Revise the protocol to include language stating this requirement.
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities 4.4 Relationships and Community Membership	The regulation as currently written does not make it clear that the expectation of these settings is full integration of the residents in their community.	Revise the regulation to incorporate the CMS requirements.
		DHSS Policy Memo #31 (Site Selection of Residential Facilities for People with Disabilities)	The policy as currently written does not make it clear that it is the expectation that sites will be selected to facilitate the full integration of the residents in their community.	Revise the policy to be compliant with the Rule.
		DDDS Policy: Rights and Responsibilities, January 2010 - Statement of Rights		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Working with Families and Other Support Networks – L1 • Community Inclusion – L1, 3, 4 • You've Got a Friend – L1, 2, 3 		

#	Requirement	Assurance	Gaps	Corrective Action
		Delaware Code, Title 16, Ch 55, Subchapter I. Declaration of General and Special Rights of Persons Diagnosed with Intellectual Disabilities and Other Specific Developmental Disabilities		
2.	<i>There are opportunities to seek employment and work in competitive integrated setting.</i>	DDDS Waiver CMS Approved HCBS Application, Appendix C-1		
DMAP Provider Specific Manual: DDDS HCBS Waiver, Section 4.3: Covered Services, Vocational Services				
Delaware General Assembly: House Bill 319 Employment First				
DDDS Policy: Right and Responsibility, January 2010, Statement of Rights and Responsibilities				
Delaware Administrative Code, Section 3310, Neighborhood Homes for Persons with Developmental Disabilities				
Delaware Code, Title 16, Ch 55, Subchapter I. Declaration of General and Special Rights of Persons Diagnosed with Intellectual Disabilities and Other Specific Developmental Disabilities				
College of Direct Support Training Modules: <ul style="list-style-type: none"> • Employment Supports – All lessons • Supporting Jobs and Careers in the Community – All 				
			DDDS is working on a revised set of quality standards to be implemented in July 2016.	
3.	<i>There are opportunities to control personal resources.</i>	DHSS Policy Memo #24 (DHSS policy on Safeguarding and Management of Resident/Client Funds) Section VII. A	The current policy does not optimize independence and not person-centered.	The policy will be revised to be compliant with the Rule.
DDDS Policy: Management, Accountability & Safeguarding of Personal Funds October 1, 2011		Current DDDS policy indicates that individuals may only keep \$100 cash on hand in the residence and must request permission use more than \$500 per day of their funds.	Revise the policy to eliminate these requirements.	

#	Requirement	Assurance	Gaps	Corrective Action
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities Section 4.2.5.2		
		DDDS Rights and Responsibilities, January 2010		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Employment Supports – All lessons • Supporting Jobs and Careers in the Community – All 		
4.	<i>The individual receives services in the community with the same degree of access as individuals not receiving Medicaid HCBS</i>	DDDS Policy: Rights and Responsibilities Policy January 2010		
		DMAP Provider Specific Manual: DDDS HCBS Waiver section 2.0 Qualified Providers		
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		DDDS Draft Policy: Request for New Residential Site Location		
		College of Direct Support Training Modules: Community Inclusion – L1, 3, 4 You've Got a Friend – L2, 3		
				DDDS is working on a revised set of quality standards to be implemented in July 2016.

Requirement 2: The setting (home or community-based) is selected by the individual from among options including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences and, for residential settings, resources available for room and board.

#	Requirement	Assurance	Gaps	Plan of Improvement
5.	The setting is selected by the individual from among residential and day options that include generic settings.	<p>Application for HCBS Waiver Section D-1 Service Plan Development page 77, D-1, c</p> <p>DDDS Essential Lifestyle Planning Manual</p> <p>DDDS Policy: Rights and Responsibilities January 2010</p> <p>DDDS Draft Policy: Request for New Residential Site Location</p> <p>College of Direct Support Training Modules:</p> <ul style="list-style-type: none"> • Person Centered Planning and Supports – L4 • Intro to Individual Rights and Choice – L1, 4 • Civil Rights and Advocacy – L4 	<p>The current language does not specify that service options include generic settings.</p> <p>The current language does not reference generic settings.</p> <p>The current language does not reference generic settings.</p>	<p>Amend the language in the waiver application to indicate that the individual may select a generic setting.</p> <p>DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.</p> <p>Revise the language to indicate that the individual may select a generic setting.</p>
6.	The setting provides the participant an option to choose a private unit in a residential setting.	<p>DDDS Policy: Recruitment and renewal of shared living/respite providers, June 2007</p> <p>Approved DDDS 1915(c) Waiver Application, Appendix C-2 c. ii.</p> <p>DDDS Policy: Rights and Responsibilities, January 2010</p>		

#	Requirement	Assurance	Gaps	Plan of Improvement
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Person Centered Planning and Supports – L4 • Intro to Individual Rights and Choice – L1, 4 		
7.	<i>The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences and, for residential settings, resources available for room and board.</i>	Approved DDDS 1915(c) Waiver Application, Appendix D-1, c.		
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
				DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.
				DDDS is working on a revised set of quality standards to be implemented in July 2016.

Requirement 3: Ensure right to privacy, dignity and respect and freedom from coercion and restraint.

#	Requirement	Assurance	Gaps	Plan of Improvement
8.	Right to privacy	DDDS Policy: Rights and Responsibilities, January 2010		
		Approved DDDS 1915(c) Waiver Application, Appendix C-2. c., ii.		
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes		
		Delaware Administrative Code, Title 16, section 3320 Intensive Behavioral Support and Educational Residence		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Intro to Individual Rights and Choice – All lessons • Civil Rights and Advocacy – L1,4 • Positive Behavioral Supports – L1,3,4,5 • Direct Support Professionalism – L4, 6 • Professional Documentation Practices 0 L5,6 		
9.	Right to Dignity and Respect	DDDS Policy: Rights and Responsibility January 2010, Statement of Rights		
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		Approved DDDS 1915(c) Waiver Application, Appendix F		
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes		

#	Requirement	Assurance	Gaps	Plan of Improvement
		Delaware Administrative Code, Title 16, section 3320 Intensive Behavioral Support and Educational Residence		
		Delaware Code, Title 16, Section 1121 Patient Bill of Rights	This law only applies to rest homes, nursing homes, boarding homes and related institutions, which includes neighborhood group homes and shared living providers supporting two or more residents.	
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Intro to Individual Rights and Choice – All lessons • Civil Rights and Advocacy – L1,4 • Positive Behavioral Supports – L1,3,4,5 • Direct Support Professionalism – L4, 6 • Professional Documentation Practices 0 L5,6 		
				DDDS is working on a revised set of quality standards to be implemented in July 2016.
10.	<i>Freedom from Coercion and Restraint</i>	DDDS Policy: Rights Complaint, March 2005		
		DDDS Policy: Behavior/Mental Health Support, June 4, 2009		
		Approved DDDS 1915(c) Waiver Application, Appendix G-2, a.i		
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		Delaware Administrative Code, Title 16, section 3320 Intensive Behavioral Support and Educational Residence		
		DDDS Policy: Abuse, assault, attempted suicide, neglect, mistreatment, financial exploitation and significant injury policy		

#	Requirement	Assurance	Gaps	Plan of Improvement
		June 2011 College of Direct Support Training Modules: <ul style="list-style-type: none"> • Intro to Individual Rights and Choice – All lessons • Civil Rights and Advocacy – L1,4 • Positive Behavioral Supports – L1,3,4,5 • Direct Support Professionalism – L4, 6 • Professional Documentation Practices – L5,6 		
				DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.

Requirement 4: Optimizes individual initiative, autonomy and independence in making life choices (including daily activities, physical and environment and with whom to interact)

#	Requirement	Assurance	Gaps	Plan of Improvement
11.		DDDS Essential Lifestyle Manual		
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		DMAP Manual, 4.0 Covered Services, 4.2 Day Services		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Intro to Individual Rights and Choice – All lessons • Civil Rights and Advocacy – L1,4 • Safety – L2,3 		
				DDDS is working on a revised set of quality standards to be implemented in July 2016.

Requirement 5: Facilitates individual choice regarding services/ supports, and who provides them.

#	Requirement	Assurance	Gaps	Plan of Improvement
12.		Approved DDDS 1915(c) Waiver Application, Appendix D-1 Service Plan, c		
		DDDS Policy: Rights and Responsibilities, January 2010		
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Intro to Individual Rights and Choice – All lessons 		
				DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.

Provider Owned/Controlled Residential Settings

Requirement 1: The dwelling is a specific place that can be owned, rented, or occupied under a legally enforceable agreement (e.g., a lease), and the individual has the same responsibilities and protections from eviction that tenants have under landlord/tenant laws.

#	Requirement	Assurance	Gaps	Plan of Improvement
13.		Delaware Code, Title 25, Part III Residential Landlord/Tenant Code	While the Landlord/Tenant code applies to all DDDS residential settings, the division does not require the lessor or the provider to sign a lease agreement with the individual. The lease is typically only between the lessor and the provider that is supporting the individual.	<p>DDDS is in the process of developing a standardized lease agreement between the lessor and the lessee that can be used for waiver members.</p> <p>The DDDS provider contract Appendix A-1 for Residential Service providers will be revised to require providers to ensure that DDDS waiver members are a party to a lease agreement.</p>
				To ensure that the requirement to have a lease agreement in place signed by the waiver member will apply to waiver members regardless of the State regulation category that governs their living setting, DDDS will revise its quality standards, provider contracts and waiver application to include this requirement.
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Person Centered Planning and Supports – L4 		

Requirement 2: Each individual has privacy in their sleeping or living unit, including: entrance doors are lockable by the individual (staff have keys as needed); individuals sharing units have a choice of roommates in that setting; and individuals have the freedom to furnish and decorate their sleeping unit within the lease agreement.

#	Requirement	Assurance	Gaps	Plan of Improvement
14.	Privacy in sleeping or living unit	DDDS Rights and Responsibility Policy January 2010	The current policy does not address the CMS requirement that external and bedroom doors must be lockable.	Revise the language to require the ability of the resident to lock the door to their bedroom.
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes	The current policy does not address the CMS requirement that external and bedroom doors must be lockable.	DDDS will propose this change to the regulation to DLTCRP.
		Delaware Administrative Code, Title 16, section 3320 Intensive Behavioral Support and Educational Residence	The current policy does not address the CMS requirement that external and bedroom doors must be lockable.	
				DDDS will revise Appendix C-2 c. ii of the DDDS waiver application
		College of Direct Support Training Modules: • Home and Community Living – L1,2		
				DDDS is working on a revised set of quality standards to be implemented in July 2016.
15.	Choice of roommates	Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes		
		Delaware Administrative Code, Title 16, section 3320, Intensive Behavioral Support and Educational Residence	The current regulation does not address the issue of choice of housemate.	
				Revise Appendix C-2 c. ii of the DDDS waiver application to include this requirement.
		College of Direct Support Training Modules: • Individual Rights and Choice – L1,4 • Person Centered Planning and Supports – L1,2,4		

				DDDS is working on a revised set of quality standards to be implemented in July 2016.
16.	<i>Freedom to furnish and decorate their unit</i>	Delaware Code, Title 16, Chapter 11 Nursing Facilities and Similar Facilities, section 1121	The current language that addresses the resident's personal belongings is not strong enough.	DDDS will ask DLTCRP to revise the regulation to include this requirement.
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes	The current language that addresses the resident's personal belongings is not strong enough.	DDDS will ask DLTCRP to revise the regulation to include this requirement.
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities, Section 5.0 Environment	The current language indicates, "To the extent possible, personal furniture shall be chosen by individuals." The qualifier, "to the extent possible" needs to be removed.	DDDS will ask DLTCRP to revise the regulation to include this requirement.
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Home and Community Living – L1,2 		
				DDDS provider contract Appendix A-1 for Residential Service providers needs to be revised to require providers to honor waiver member's freedom to furnish and decorate their living space.

Requirement 3: Individuals have the freedom and support to control their own scheduled and activities, and have access to food at any time.

#	Requirement	Assurance	Gaps	Plan of Improvement
17.	Control Schedule and activities	Delaware Code, Title 16, Chapter 11 Nursing Facilities and Similar Facilities, section 1121	The current language is in the section of the Code that governs "Nursing Facilities and Similar Facilities". It applies to licensed neighborhood group homes but does not apply to other residential settings available under the DDDS waiver.	
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		Delaware Administrative Code, Title 16, section 3320, Intensive Behavioral Support and Educational Residence		
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Individual Rights and Choice – L1,4 • Person Centered Planning and Supports – L1,2,4 • Personal and Self Care – L1,2 		
				DDDS is working on a revised set of quality standards to be implemented in July 2016.
18.	Access to food at any time		None of the applicable governing regulations or standards requires access to food at any time.	The DDDS Rights Policy will be revised to indicate that waiver members have the right to access food at any time.
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes	The current language in the regulation does not address the requirement.	DDDS will ask DLTCRP to revise the regulation to include this requirement.

	Delaware Administrative Code, Title 16, section 3320, Intensive Behavioral Support and Educational Residence	The current language in the regulation does not address the requirement.	DDDS will ask DLTCRP to revise the regulation to include this requirement.
	College of Direct Support Training Modules: • Individual Rights and Choice – L1,4		
			DDDS is working on a revised set of quality standards to be implemented in July 2016.

Requirement 4: Individuals are able to have visitors of their choosing at any time.

#	Requirement	Assurance	Gaps	Plan of Improvement
19.		DDDS Policy: Rights and Responsibilities, January 2010	The current language does not indicate that the person may have visitors at any time.	The Rights Policy will be revised to include this requirement, subject to any "house rules" that may be mutually agreed to by house residents.
		Delaware Code, Title 16, Chapter 11 Nursing Facilities and Similar Facilities, section 1121	This law only applies to "Nursing Facilities and Similar Facilities". This covers neighborhood group homes and shared living providers with two or more residents. It indicates that a resident may have visitors "at any reasonable hour".	
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • You've Got a Friend – L1,3 • Person Centered Planning and Supports – L1,2,4 		

Requirement 5: The setting is physically accessible to the individual.

#	Requirement	Assurance	Gaps	Plan of Improvement
20.		DDDS Policy: Accessibility		
		DMAP Provider Specific Manual, DDDS HCBS Waiver		
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		Delaware Administrative Code, Title 16 Health and Safety DHSS Division of LTC Resident Protection 3315 Rest (Family) Care Homes	The current language in the regulation does not require this setting to be physically accessible.	DDDS will ask DLTCRP to revise the regulation to include this requirement. DDDS will revise its provider contracts to address this requirement.
		Delaware Administrative Code, Title 16, section 3320, Intensive Behavioral Support and Educational Residence		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Home and Community Living – L1,2 		

Requirement 6: Any modifications to the settings requirements must be supported by a specific assessed need and justified in the person-centered service plan.

#	Requirement	Assurance	Gaps	Plan of Improvement
21.	Documentation exists to indicate that positive interventions and supports were used prior to any plan modifications. Documentation exists to indicate that less intrusive methods were tried.	DDDS Policy: Level of Supports DDDS Policy: Behavior and/or Mental Health Supports, section V Standards, June 2009 and Exhibit A – Functional Assessment Guidelines		
22.	The plan includes a clear description of the condition that is directly proportionate to the specific assessed need and the effectiveness of the intervention.	DDDS Policy: Level of Supports DDDS Policy: Behavior and/or Mental Health Supports, section V Standards, June 2009 and Exhibit A – Functional Assessment Guidelines		

HCBS Person-Centered Service Plan Process Requirements

Requirement 1: Include people chosen by the individual.

#	Requirement	Assurance	Gaps	Plan of Improvement
23.		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		DDDS Essential Lifestyle Plan Manual		DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.
		DDDS Essential Lifestyle Plan Policy, section V. Standards		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Working with Families and Other Support Networks – L1,2,3 • Person Centered Planning and Supports – L1,2,3 		

Requirement 2: Provides necessary information and support to ensure that the individual directs the process to the maximum extent possible, and is enabled to make informed choices and decisions.

#	Requirement	Assurance	Gaps	Plan of Improvement
24.		DDDS Essential Lifestyle Plan Manual		DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Person Centered Planning and Supports – L1,3 		

Requirement 3: Is timely and occurs at times and locations of convenience to the individual.

#	Requirement	Assurance	Gaps	Plan of Improvement
25.		DDDS Essential Lifestyle Plan Manual		DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.
		DDDS Essential Lifestyle Plan Policy, section V. Standards		
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Working with Families and Other Support Networks – L1,3,4 • Person Centered Planning and Supports – L1,3,4 		

Requirement 4: Reflects cultural considerations of the individual and is conducted by providing information in plain language and in a manner that is accessible to individuals with disabilities and persons who are limited English proficient.

#	Requirement	Assurance	Gaps	Plan of Improvement
26.		DDDS Essential Lifestyle Plan Manual		DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Cultural Competence – All lessons • Person Centered Planning and Supports – L1,2,4 • Teaching People with Developmental Disabilities – L1,2,3 		

Requirement 5: Includes strategies for solving conflict or disagreement within the process, including clear conflict of interest guidelines for all planning participants.

#	Requirement	Assurance	Gaps	Plan of Improvement
27.		DDDS Essential Lifestyle Plan Manual		DDDS is in the process of developing a contract for mediation to offer additional resources of conflict resolution.
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Working with Families and Other Support Networks – L4 		

Requirement 6: Offers choices to the individual regarding the service and supports the individual receives and from whom.

#	Requirement	Assurance	Gaps	Plan of Improvement
28.		DDDS Essential Lifestyle Plan Manual		DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.
		Approved DDDS 1915(c) Waiver Application, Appendix D-1 c., d. and f.		
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Individual Rights and Choice – L1,4 • Person Centered Planning and Supports – L1,3,4 		

Requirement 7: Includes a method for individuals to request updates to the plan, as needed.

#	Requirement	Assurance	Gaps	Plan of Improvement
29.		Approved DDDS 1915(c) Waiver Application, Appendix D-1 a.		
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Person Centered Planning and Supports – L3,4 		

Requirement 8: Records the alternative home and community-based settings that were considered by the individual.

#	Requirement	Assurance	Gaps	Plan of Improvement
30.			There is no current policy that addresses this requirement.	DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.

HCBS Person-Centered Service Plan Documentation Requirements

Requirement 1: The written plan must reflect that the setting in which the individual resides is chosen by the individual and supports full access to the community, 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, are receiving services in the community to the same degree of access as individuals not receiving Medicaid HCBS.

#	Requirement	Assurance	Gaps	Plan of Improvement
31.		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Person Centered Planning and Supports – L3 • Professional Documentation Requirements – All lessons • Community Inclusion – L1,3,4 • You've Got a Friend – L1 • Employment Supports – L1 • Supporting Jobs and Careers – All lessons • Supporting Healthy Lives – L1 		
32.	<i>The plan indicates that the setting is chosen by the individual, is integrated in and supports full access to the greater community.</i>	Approved DDDS 1915(c) Waiver Application, Appendix D-1 c. Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.

#	Requirement	Assurance	Gaps	Plan of Improvement
33.	<i>The plan indicates there are opportunities to seek employment and work in competitive integrated settings.</i>	Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
34.	<i>The plan indicates there are opportunities to control personal resources.</i>	DDDS Essential Lifestyle Manual		DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.
35.	<i>The plan indicates the person receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS.</i>	Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.

Requirement 2: The plan reflects the individual's strengths and preferences.

#	Requirement	Assurance	Gaps	Plan of Improvement
36.		DDDS Essential Lifestyle Plan Manual		DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.
		Approved DDDS 1915(c) HCBS Waiver Appendix D-1 d. Service Plan Development		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Person Centered Planning and Supports – L1,3,4 • Individual Rights and Choice – L1,4 		

Requirement 3: The plan reflects clinical and support needs as identified through an assessment of functional need.

#	Requirement	Assurance	Gaps	Plan of Improvement
37.		Approved DDDS 1915(c) Waiver Application, Appendix D-1 d. Service Plan Development		
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		DDDS Policy: Behavior and/or Mental Health Support, June 2009		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> Person Centered Planning and Supports – L1,3 		
				DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.

Requirement 4: The plan includes individually identified goals and desired outcomes.

#	Requirement	Assurance	Gaps	Plan of Improvement
38.		DDDS Essential Lifestyle Plan Manual: Action Plan		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> Person Centered Planning and Supports – L3,4 		
				DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.

Requirement 5: The plan reflects services and supports (paid and unpaid) that will assist the individual to achieve identified goals, and the providers of those services and supports, including natural supports.

#	Requirement	Assurance	Gaps	Plan of Improvement
39.		DDDS Essential Lifestyle Plan Manual		DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.
		DDDS Policy: Essential Lifestyle Plan		
		Approved DDDS 1915(c) Waiver Application, Appendix D-1 d. Service Plan Development		
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Working with Families and Other Support Networks – L1 		

Requirement 6: The plan reflects risks factors and measures in place to minimize them, including individual backup plans and strategies when needed.

#	Requirement	Assurance	Gaps	Plan of Improvement
40.		DDDS Behavior and/or Mental Health Support Policy June 2009		
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Safety – L1,2,3 and L4 Personal Safety Plans • Positive Behavior Supports – L1,3,4,5 		
				DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.

Requirement 7: The plan must be understandable to the individual receiving services and supports, and the individuals important in supporting him or her. It must be written in plain language and in a manner that is accessible to individuals with disabilities and persons who are limited English.

#	Requirement	Assurance	Gaps	Plan of Improvement
41.		Approved DDDS 1915(c) Waiver Application HCBS Waiver Appendix D-1, d. Service Plan Development		
		DDDS Essential Lifestyle Plan Manual		DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Person Centered Planning and Supports – L1,3,4 • Teaching People with Developmental Disabilities – L1,2,3 		

Requirement 8: The plan must identify the individuals responsible for monitoring the plan.

#	Requirement	Assurance	Gaps	Plan of Improvement
42.		Approved DDDS 1915(c) Waiver Application HCBS Waiver Appendix D-1, d. Service Plan Development		
		DDDS Policy: Essential Lifestyle Planning March 2009, IV Definitions		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Person Centered Planning and Supports – L3 		

Requirement 9: The plan must be finalized and agreed to, with the informed consent of the individual in writing, and signed by all individuals and providers responsible for its implementation.

#	Requirement	Assurance	Gaps	Plan of Improvement
43.		Approved DDDS 1915(c) Waiver Application, Approved DDDS 1915 (c) HCBS Waiver Appendix D-1, d. Service Plan Development		
		DDDS Essential Lifestyle Plan Manual	The current language does not detail the requirements for the distribution of the plan.	DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.
		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Professional Documentation Practices – L4,5,6,7,8 		

Requirement 10: The service plan is to be distributed to the individual and other people involved in the plan.

#	Requirement	Assurance	Gaps	Plan of Improvement
44.		Delaware Administrative Code, Title 16 Health and Safety, 3310 Neighborhood Homes for Persons with Developmental Disabilities		
		DDDS Policy: Essential Lifestyle Planning, March 2009	The current language in the policy does not address the distribution of the plan	The policy will be revised
	College of Direct Support Training Modules: <ul style="list-style-type: none"> • Person Centered Planning and Supports – L3 • Professional Documentation Practices – L4,5,6,7,8 			

Requirement 11: The plan includes those services, the purchase and control of which the individual elects to self-direct.

45. The Delaware DDDS HCBS waiver DE0009 does not offer the option for self-direction at this time.

Requirement 12: The plan prevents the provision of unnecessary or inappropriate services and supports.

#	Requirement	Assurance	Gaps	Plan of Improvement
46.		DDDS Policy: Behavior and/or Mental Health Support, June 2009		
		College of Direct Support Training Modules: <ul style="list-style-type: none"> • Safety – L1,2,3,4 		
				DDDS's person-centered planning process is being revised and will incorporate this element for implementation by no later than the spring of 2016.

Documents reviewed as part of this evaluation include:

- Delaware Code
 - Title 14, Ch 31, section 3124, Interagency Collaborative Team – determined to be not applicable
 - Title 16, Ch 11, Subchapter II. Rights of Patients (applies to residents of “nursing facilities and similar facilities” - “similar facilities” includes all facilities licensed by DLTCRP, so it applies to DDDS Neighborhood Group Homes and Shared Living homes with two or more residents)
 - Title 16, Ch 55, Subchapter I. Declaration of General and Special Rights of Persons Diagnosed with Intellectual Disabilities and Other Specific Developmental Disabilities
 - Title 16 Ch. 94 Community-based Attendant Services Act – determined to be not applicable
 - Title 25, Part III Landlord/Tenant Code
 - Title 19 §§740-747 Employment First Act
 - Title 24 Ch. 19 Nurse Practice Act – determined to be not applicable
 - Title 29 §7909A DDDS enabling law
 - Title 29 §7910C DDDS Advisory Council enabling law
- Delaware Administrative Code
 - Title 16, DHSS, Section 3000 DLTCRP, 3310 Neighborhood Homes for Persons with Developmental Disabilities (interpretive guidelines)
 - Title 16, 3320 Delaware Administrative Code, Title 16, section 3320, Intensive Behavioral Support and Educational Residence
 - Title 16, 3315 Rest (Family) Care Home regulations (covers shared living providers where 2 or more DDDS consumers reside)
- Department Policies
 - PM 24 – Safeguarding client funds
 - PM 25 Voter Registration – Federally Funded Programs
 - PM 31 Site Selection for People with disabilities
 - PM 36 Standardized Requirements During the Development Phase of Community Based Residential Homes for the DHSS/Division
 - PM 40 w/ Addendum A: Criminal Background Check
 - PM 46 Policy Memorandum concerning Patient Abuse/Injury/Self Harm, etc.
 - PM 62 Housing/Rent Calculations
- DMAP DDDS Provider Manual (on DMAP website)
- DDDS Waiver Provider Qualification Application
- Approved DDDS 1915(c) Waiver Application, July 1, 2014 renewal
- DDDS Provider Contracts:
 - Day and Residential Appendix A
 - Residential Appendix A-1
 - Shared living contract Appendix A and related documents
- DDDS standards
 - DDDS Waiver Qualification Standards (on DDDS website)
- DDDS manuals

- Case Manager Desk Manual
- ELP Manual and Forms
- Nurse Consultant manual
- DDDS policies (see companion documents for results of the review of DDDS policies)
 - Community Services
 - Alternative Care Arrangements
 - Assistance with Self-Administration of Medication
 - Attendance
 - Bath/Shower Water Temperature Monitoring
 - Behavior and/or Mental Health Support
 - Communicable Diseases
 - Day Program Special Trips
 - Death of an Individual
 - Dispute Resolution for Neighborhood Homes
 - Emergency Contact System
 - Emergency Medical Response
 - Emergency Temporary Living Arrangement
 - General Event Reporting
 - Health Care Services
 - Health Related Protection
 - Level of Support
 - Management, Accountability and Safeguarding of Personal Funds
 - Missing Individual
 - Planned Residential Transition Policy
 - Pools at Neighborhood Homes
 - Recruitment and Renewal of Shared Living/Respite Care Providers
 - Respite Policy & Guidelines
 - Sanitizing and Disinfecting
 - Standard Suspension Request
 - Transportation – Community Services Programs/Adult Special Populations
 - Transportation – Day Program
 - Treatment of An Illness and/or Injury At Day Habilitation Centers
 - Training Policy for Direct Support Professionals
 - Administrative Policies
 - Abuse, Neglect, Mistreatment, Financial Exploitation & Significant Injury
 - Accessibility
 - Appeals Process
 - Behavior Support/Crisis Intervention Curriculum Review
 - Confidentiality & Release of Information- eff. Date 02/10/12
 - Consent
 - Consent (Elective Surgery) by Division Director/Designee
 - DDDS Registry
 - Essential Lifestyle Planning

- Essential Lifestyle Planning (ELP) Oversight Committee
- HIPAA – PHI Accounting and Disclosure Procedures
- HIPAA Privacy Complaints
- Human Rights Committee
- Individual Ability to Pay
- Individual Eligibility for Home & Community-based Services
- Intake Eligibility Process (exhibit revision Dec. 2012)
- Mortality Review Committee
- Nursing Home Reform Act/Level II Process
- Performance Analysis Committee
- Policy Development (replaces PARC)
- Rights And Responsibilities
- Rights Complaint
- Risk Management
- Sponsorship Program
- Transfer Planning Conference
- Volunteer Applicant Screening
- Voter Registration
- Voter Rights
- DDDS monitoring tools
 - Case manager monthly contact (in ECR)
 - OQI Survey tool (used in the CSR and also in agency reviews)
- Provider lease agreements
- College of Direct Support Training Curriculum (Elsevier) – All modules



Division of Medicaid & Medical Assistance

**State Self-Assessment
Of
Laws, Rules, Policies
to Support the
CMS HCBS Community Rule
July 7, 2015**

Requirement 1: The setting is integrated in and supports full access of individuals receiving Medicaid HCBS 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 with the same degree of access as individuals not receiving Medicaid HCBS.

#	Requirement	Assurance	Gaps	Plan of Improvement
1.	The setting is integrated in and supports full access to the greater community.	DMMA 2015 MCO Contract <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination 	The MCO contract addresses the requirement for LTSS members to receive services in an integrated setting and for them to access services in the community based on personal choice, but it does not address the settings themselves or their characteristics in terms of location and integration with the greater community.	Perhaps we could draft updated definitions (Assisted Living, Residence, Day Habilitation, and Adult Day Care) in Section 1 of the MCO contract to further define the settings in which LTSS members receive services and demonstrate our compliance with the CMS rule?
		DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4)	Includes language regarding Day Habilitation indicating that these services are provided in a non-residential setting, separate from the participant's private residence.	See above-updated definition should address this gap.
		PACE Program Agreement H5493-DMMA, CMS, St. Francis LIFE	n/a	n/a
		Title 16 Department of Health and Social Services Delaware Administrative Code 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml	n/a	n/a

#	Requirement	Assurance	Gaps	Plan of Improvement
		Delaware Medical Assistance Program (DMAP) Elderly & Disabled Waiver Provider Specific Policy Manual Section 5.2.1 Available Services/Adult Day Services, 5.2.8 Assisted Living http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf	5.2.7 Day Habilitation discusses services as taking place in a “non-residential setting”.	Update the policy to include language regarding Day Habilitation services being provided in an integrated setting.
		DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4)	n/a	n/a
		DHSS Policy Memorandum #66 (Discharge/Transition Practices/Guidelines Language in DHSS Grants, Contracts and State Plans)	n/a	n/a
2.	<i>There are opportunities to seek employment and work in competitive integrated settings, engage in community life and control personal resources.</i>	DMMA 2015 MCO Contract <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination 16 Del.C. Ch.11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml Delaware 16 Del.C. Ch.94 http://delcode.delaware.gov/title16/c094/index.shtml Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml	Not specific enough to encompass all members receiving HCBS and all requirements in this section – specifically the opportunity to seek employment and work in competitive integrated settings and to control personal resources (only addressed for Pathways members). Only addresses requirement to allow members to control personal resources (AL).	Recommending (per DAG) that a directive be issued to the MCOs indicating that they must include these specific items as part of the person-centered planning process for HCBS members- perhaps use language from Pathways or PROMISE? n/a n/a n/a

#	Requirement	Assurance	Gaps	Plan of Improvement
3.	<i>The individual receives services in the community with the same degree of access as individuals not receiving Medicaid HCBS</i>	DMMA 2015 MCO Contract <ul style="list-style-type: none"> • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • 3.9 Provider Network 	n/a	n/a
		PACE Program Agreement H5493-DMMA, CMS, St. Francis LIFE	n/a	n/a
		Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml	n/a	n/a
		16 Del.C. Ch.11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml	n/a	n/a

Requirement 2: The setting (home or community-based) is selected by the individual from among options including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.

#	Requirement	Assurance	Gaps	Plan of Improvement
4.	The setting is selected by the individual from among residential and day options that include generic settings.	DMMA 2015 MCO Contract <ul style="list-style-type: none"> Section 3.4 Covered Services Section 3.7 Case Management for DSHP Plus LTSS Members 	n/a	n/a
		DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4)		
		PACE Program Agreement H5493-DMMA, CMS, St. Francis LIFE	n/a	n/a
		Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.shtml	n/a	n/a
		16 Del.C. Ch.94 http://delcode.delaware.gov/title16/c094/index.shtml	n/a	n/a
		DHSS Policy Memorandum #66 (Discharge/Transition Practices/Guidelines Language in DHSS Grants, Contracts and State Plans)	n/a	n/a
5.	The setting provides the participants an option to choose a private unit in a residential setting.	DMMA 2015 MCO Contract <ul style="list-style-type: none"> Section 3.4 Covered Services Section 3.7 Case Management for DSHP Plus LTSS Members Section 3.14 Member Services 	n/a	n/a
		16 Del.C. Ch.11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml	n/a	n/a

#	Requirement	Assurance	Gaps	Plan of Improvement
		Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.pdf		
		DHSS Policy Memorandum #66 (Discharge/Transition Practices/Guidelines Language in DHSS Grants, Contracts and State Plans)	n/a	n/a
6.	<i>The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.</i>	DMMA 2015 MCO Contract <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination 	n/a	n/a
		DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4)	n/a	n/a
		PACE Program Agreement H5493-DMMA, CMS, St. Francis LIFE	n/a	n/a
		Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.pdf	n/a	n/a
		DHSS Policy Memorandum #66 (Discharge/Transition Practices/Guidelines Language in DHSS Grants, Contracts and State Plans)	n/a	n/a

Requirement 3: Ensure right to privacy, dignity and respect, and freedom from coercion and restraint.

#	Requirement	Assurance	Gaps	Plan of Improvement
7.	Right to privacy	DMMA 2015 MCO Contract <ul style="list-style-type: none"> Section 3.7 Case Management for DSHP Plus LTSS Members Section 3.14 Member Services 	n/a	n/a
		PACE Program Agreement H5493-DMMA, CMS, St. Francis LIFE	n/a	n/a
		16 Del.C. Ch.11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml	n/a	n/a
		Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.pdf	n/a	n/a
		Delaware Administrative Code Title 16 3301 Group Home Facilities for Persons with AIDS http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3301.shtml	n/a	n/a
8.	Right to Dignity and Respect	DMMA 2015 MCO Contract <ul style="list-style-type: none"> Section 1 Definitions Section 3.4 Covered Services Section 3.7 Case Management for DSHP Plus LTSS Members Section 3.14 Member Services 	n/a	n/a
		PACE Program Agreement H5493-DMMA, CMS, St. Francis LIFE	n/a	n/a
		16 Del.C. Ch.11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml	n/a	n/a

#	Requirement	Assurance	Gaps	Plan of Improvement
		2/index.shtml		
		Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.pdf	n/a	n/a
		Delaware Administrative Code Title 16 3301 Group Home Facilities for Persons with AIDS http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3301.shtml	n/a	n/a
		16 Del.C. Ch.51, Subchapter V http://www.delcode.delaware.gov/title16/c051/sc05/index.shtml	n/a	n/a
		Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml	n/a	n/a
9.	Freedom from Coercion and Restraint	DMMA 2015 MCO Contract <ul style="list-style-type: none"> • Section 3.2 General • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network • Section 3.14 Member Services 	n/a	n/a
		PACE Program Agreement H5493-DMMA, CMS, St. Francis LIFE	n/a	n/a
		Delaware Administrative Code Title 16 3225	n/a	n/a

#	Requirement	Assurance	Gaps	Plan of Improvement
		Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.pdf		
		16 Del.C. Ch.11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml	n/a	n/a
		Delaware Administrative Code Title 16 3301 Group Home Facilities for Persons with AIDS http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3301.shtml	n/a	n/a
		16 Del.C. Ch.51, Subchapter V http://www.delcode.delaware.gov/title16/c051/sc05/index.shtml	n/a	n/a
		DHSS Policy Memorandum #66- Discharge/Transition Practices/Guidelines Language in DHSS Grants, Contracts and State Plans http://dhss.delaware.gov/dhss/admin/files/PM_66.pdf	n/a	n/a
		Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml	n/a	n/a

Requirement 4: Optimizes individual initiative, autonomy and independence in making life choices (including daily activities, physical and environment and with whom to interact)

#	Requirement	Assurance	Gaps	Plan of Improvement
10.	Optimizes individual initiative, autonomy and independence in making life choices (including daily activities, physical and environment, and with whom to interact).	DMMA 2015 MCO Contract <ul style="list-style-type: none"> • Section 3.4 Covered Services • Section 3.6 Care Coordination • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network • Section 3.14 Member Services 	n/a	n/a
		DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4)	n/a	n/a
		PACE Program Agreement H5493-DMMA, CMS, St. Francis LIFE	n/a	n/a
		DHSS Policy Memorandum #66 (Discharge/Transition Practices/Guidelines Language in DHSS Grants, Contracts and State Plans)	n/a	n/a
		Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.pdf	n/a	n/a
		16 Del.C. Ch.11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml	n/a	n/a
		16 Del.C. Ch.94 http://delcode.delaware.gov/title16/c094/index.shtml	n/a	n/a

#	Requirement	Assurance	Gaps	Plan of Improvement
		Delaware Administrative Code Title 16 4469 Personal Assistance Services Agencies http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4469.shtml	n/a	n/a
		Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml	n/a	n/a

Requirement 5: Facilitates individual choice regarding services/ supports, and who provides them.

#	Requirement	Assurance	Gaps	Plan of Improvement
11.	Facilitates individual choice regarding services/supports, and who provides them.	DMMA 2015 MCO Contract <ul style="list-style-type: none"> • Section 3.2 Enrollment, Transfers and Disenrollment • Section 3.4 Covered Services • Section 3.6 Care Coordination • Section 3.7 Case Management for DSHP Plus LTSS Members • Section 3.8 Service Coordination • Section 3.9 Provider Network • Section 3.14 Member Services 	n/a	n/a
		DSHP Medicaid section 1115 demonstration Amendment (no. 11-W-00036/4)	n/a	n/a
		PACE Program Agreement H5493-DMMA, CMS, St. Francis LIFE	n/a	n/a
		Delaware Administrative Code Title 16 Delaware Social Services Manual 20775 Program of All-Inclusive Care For The Elderly (PACE)	n/a	n/a
		DHSS Policy Memorandum #66 (Discharge/Transition Practices/Guidelines Language in DHSS Grants, Contracts and State Plans)	n/a	n/a
		Delaware Administrative Code Title 16 3225 Assisted Living Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Long%20Term%20Care%20Residents%20Protection/3225.pdf	n/a	n/a
		16 Del.C. Ch.11, Subchapter II http://delcode.delaware.gov/title16/c011/sc02/index.shtml	n/a	n/a
		16 Del.C. Ch.94 http://delcode.delaware.gov/title16/c094/ind	n/a	n/a

#	Requirement	Assurance	Gaps	Plan of Improvement
		ex.shtml Delaware Administrative Code Title 16 4469 Personal Assistance Services Agencies http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4469.shtml	n/a	n/a
		Delaware Administrative Code Title 16 4402 Regulations for Adult Day Care Facilities http://regulations.delaware.gov/AdminCode/title16/Department%20of%20Health%20and%20Social%20Services/Division%20of%20Public%20Health/Health%20Systems%20Protection%20(HSP)/4402.shtml	n/a	n/a



Documents reviewed as part of this evaluation include:

- Delaware Code
 - Title 16, Chapter 1-DHSS (Licensure and Certification)
 - Title 16, Chapter 11-Nursing Facilities and Similar Facilities (Licensure by the State)
 - Title 16, Chapter 94-Community Based Attendant Services
 - Title 24, Chapter 17-Medical Practice Act (Medical Licensure and Discipline)
 - Title 25, Part III-Residential Landlord-Tenant Code
 - Title 31, Chapter 1-DHSS (Department Authority)
 - Title 31, Chapter 5, Section 503(b)
- Delaware Administrative Code
 - Medicaid DSSM 20000-Long Term Care (Long Term Care Community Services)
 - Division of Long Term Care Residents Protection
 - 3102 Long Term Care Transfer, Discharge and Readmission Procedures
 - 3225 Assisted Living Facilities
 - 3230 Rest (Residential) Home Regulations
 - 3301 Group Home Facilities for Persons with AIDS
 - Division of Public Health, Health Systems Protections
 - 4402 Regulations for Adult Day Care Facilities
 - 4406 Home Health Agencies—Aide Only (Licensure)
 - 4410 Skilled Home Health Agencies (Licensure)
 - 4469 Personal Assistance Services Agencies
- DMMA 2015 MCO Contract
- Delaware Medical Assistance Program (DMAP) General Policy Manual
- DDDS Waiver Provider Specific Policy Manual
- DMAP Elderly & Disabled Waiver Provider Specific Policy Manual
- DMAP Home Health Provider Specific Policy Manual
- DMAP Private Duty Nursing Provider Specific Policy Manual
- CMS approved DSHP Medicaid section 1115 demonstration Amendment-11-W-00036/4
- DHSS Policy Memoranda
- Other Policy Documents
 - Pre-Admission Evaluation (PAE) Long Term Care Tool-001
 - PACE Program Agreement H5493