

FIDA

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
All Settings:	FIDA participants generally live in their own homes or the home of a family member. FIDA is due to end 12/31/19.				Click here for FIDA Contract
1. Fully integrated into the broader community to the			X		FIDA is sunseting 12/31/2019. New York will incorporate the requirements of the final rule into any integrated platform we develop to replace the FIDA demonstration and expand options for an integrated managed care plan to all New Yorkers in need of Long Term Care.
same degree of access as individuals not receiving Medicaid HCBS.					The vast majority of FIDA participants live in their own home or supportive housing not associated with Medicaid-funded HCBS service provision. [Regulated adult homes will be assessed to evaluate where there may be residents receiving Medicaid-funded HCBS in order to assess these settings for compliance.]
-- opportunities to seek employment/ work in			X		see response above
-- engage in community life			X		see response above
-- control personal resources			X		see response above
-- receive services in the community			X		see response above
2. Selected by the individual among options including non-disability specific settings and an option for a private unit in a residential setting.			X		see response above
--the options are identified and documented in the person-centered service plan			X		see response above
--the options are based on the individual's needs, preferences, and for residential settings, resources available for room and board.			X		see response above
3. Ensure an individual's rights of privacy.				X	"...each participant must be gauranteed the right to...be treated with consideration, respect and full consideration of his or her dignity, privacy and individuality." Click here for Apendix B- Participant's Rights and Responsibilities, p. 291
Ensure an individual's rights of dignity and respect.				X	see above
Ensure an individual's rights of freedom from coercion and restraint.				X	see above link for "each participant must be gauranteed the right to...be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience or retaliation. P. 291

FIDA

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
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		see response above
5. Facilitate individual choice regarding services and supports, and who provides them.	X				see response above
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.					see response above
7. Each individual has privacy in their sleeping or living unit: -- units have entrance doors lockable by the individual with only appropriate staff having keys; -- individuals sharing units have a choice of roommates in that setting; -- Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.					see response above
8. Individuals have the freedom and support to: --control their own schedules and activities; --have access to food at any time.					see response above
9. Individuals are able to have visitors of their					see response above

FIDA

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
choosing at any time.					
10. The setting is physically accessible to the individual.					see response above
Heightened Scrutiny: (Note: if any site meets any of the below criteria then they fall under heightened scrutiny)	YES	NO	How Many?		List Heightened Scrutiny Sites - Use Additional Sheets If Necessary
11. Are any settings in facilities that also provide inpatient institutional services?					see response above
12. Are any settings in facilities on the grounds of, or immediately adjacent to a public institution?					see response above
13. Do any of the settings serve to isolate individuals in receipt of Medicaid-funded HCBS from the broader community?					

MAP

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
All Settings:	Managed Care participants generally live in their own homes or the home of a family member. As noted, regulated adult homes, where some managed care recipients live, will be assessed for compliance with the final rule. Before March 2019 we will be providing specific person-centered planning guidance to plans currently that includes guidance on appropriate HCBS settings for both residential and non-residential LTSS. In addition, all model contracts will be amended to provide specific guidance on appropriate settings that assessors and/or case managers should use in developing person-centered service plans prior to 3/17/2019.				Click here for Medicaid Advantage Plus Model Contract
1. Fully integrated into the broader community to the			X		Prior to March 17, 2019 we will revise the Medicaid Advantage Plus Model Contract to explicitly include the HCBS standards marked silent and partially compliant in this chart.
same degree of access as individuals not receiving Medicaid HCBS.					The vast majority of MAP participants live in their own home or supportive housing not associated with Medicaid-funded HCBS service provision. [Regulated adult homes will be assessed in 2016 to evaluate where there may be residents receiving Medicaid-funded HCBS in order to assess these settings for compliance.]
-- opportunities to seek employment/ work in			X		see above response
-- engage in community life			X		see above response
-- control personal resources			X		see above response
-- receive services in the community			X		see above response
2. Selected by the individual among options including non-disability specific settings and an option for a private unit in a residential setting.			X		see above response
--the options are identified and documented in the person-centered service plan			X		see above response
--the options are based on the individual's needs, preferences, and for residential settings, resources available for room and board.			X		see above response
3. Ensure an individual's rights of privacy.			X		see above response
Ensure an individual's rights of dignity and respect.			X		see above response
Ensure an individual's rights of freedom from coercion			X		see above response

MAP

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
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		see above response
5. Facilitate individual choice regarding services and supports, and who provides them.		X			"The Contractor shall advise potential Enrollees, in written materials related to enrollment, to verify with the medical services providers they prefer, or have an existing relationship with, that such medical services providers are Participating Providers and are available to serve the Prospective Enrollee." .Click here for 5. Contractor Responsibilities Section L. We will revise the MAP contract pursuant to HCBS compliance prior with this standard prior to March 2019. This section notes that the individual is eligible for skilled nursing care and opts into the plan.
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.			X		Settings where MAP participants live will be assessed to evaluate if there are provider-owned and controlled settings applicable to these standards. If there are applicable provider-owned and controlled residential or non-residential settings, we will issue person-centered planning guidance by March 17, 2019 in accordance with 42 CFR 441.301(c)(4)(vi)(F), stating that 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.
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		

MAP

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
7. Each individual has privacy in their sleeping or living unit:			X		
-- units have entrance doors lockable by the individual with only appropriate staff having keys;			X		
-- individuals sharing units have a choice of roommates in that setting;			X		
-- Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.			X		
8. Individuals have the freedom and support to:					
--control their own schedules and activities;			X		
--have access to food at any time.			X		
9. Individuals are able to have visitors of their choosing at any time.			X		
10. The setting is physically accessible to the individual.			X		
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?					Settings where MAP participants live will be assessed to evaluate if there are settings which fall under heightened scrutiny.
12. Are any settings in facilities on the grounds of, or immediately adjacent to a public institution?					
13. Do any of the settings serve to isolate individuals in receipt of Medicaid-funded HCBS from the broader community?					

Partial Plan

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
All Settings:	Managed Care participants generally live in their own homes or the home of a family member. As noted, regulated adult homes, where some managed care recipients live, will be assessed for compliance with the final rule. We are providing specific person-centered planning guidance to plans currently that includes specific guidance on appropriate HCBS settings for both residential and non-residential LTSS. In addition, all model contracts will be amended to provide specific guidance on appropriate settings that assessors and/or case managers should use in developing person-centered service plans prior to 3/17/2019.				
					Click here for Partial Capitation Contract. We will revise the Partial Plan Contract to explicitly include standards marked silent and partially compliant below pursuant to HCBS compliance prior to March 17 2019.
1. Fully integrated into the broader community to the same degree of access as individuals not receiving Medicaid HCBS.			x		
-- opportunities to seek employment/ work in			x		see response above
-- engage in community life			x		see response above
-- control personal resources			x		see response above
-- receive services in the community			x		see response above
2. Selected by the individual among options including non-disability specific settings and an option for a private unit in a residential setting.			x		see response above
--the options are identified and documented in the person-centered service plan			x		see response above
--the options are based on the individual's needs, preferences, and for residential settings, resources available for room and board.			x		see response above
3. Ensure an individual's rights of privacy.				x	"You have the Right to privacy about your medical record and when you get treatment." See Appendix L of Partial Capitation Contract (See link above)
Ensure an individual's rights of dignity and respect.				x	"You have the Right to be treated with respect and dignity." See Appendix L of Partial Capitation Contract

Partial Plan

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
Ensure an individual's rights of freedom from coercion and restraint.				x	"You have the Right to be free from any form of restraint or seclusion used as a means of coercion, discipline, convenience or retaliation." See Appendix L of Partial Capitation Contract
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		We will revise applicable policies pursuant to HCBS compliance prior to 2019.
5. Facilitate individual choice regarding services and supports, and who provides them.		x			"You have the Right to take part in decisions about your health care, including the right to refuse treatment." See Appendix L of Partial Capitation Contract. We will revise applicable policies pursuant to HCBS compliance prior to 2019.
Provider Owned or Controlled Settings:					Settings where Partial Plan participants live will be assessed to evaluate if there are provider-owned and controlled settings applicable to these standards. If there are applicable provider-owned and controlled residential or non-residential settings, we will issue person-centered planning guidance by March 17, 2019 in accordance with 42 CFR 441.301(c)(4)(vi)(F), stating that 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.
6. A specific place that can be owned, rented or occupied under a legally enforceable agreement by the individual receiving services.			X		see response above
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		
7. Each individual has privacy in their sleeping or			X		see response above

Partial Plan

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
living unit:					
-- units have entrance doors lockable by the individual with only appropriate staff having keys;			X		
-- individuals sharing units have a choice of roommates in that setting;			X		
-- Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.			X		
8. Individuals have the freedom and support to:					see response above
--control their own schedules and activities;			X		
--have access to food at any time.			X		
9. Individuals are able to have visitors of their choosing at any time.			X		see response above
10. The setting is physically accessible to the individual.			X		see response above
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?					Settings where Partial Plan participants live will be assessed to evaluate if there are settings which fall under heightened scrutiny.
12. Are any settings in facilities on the grounds of, or immediately adjacent to a public institution?					see response above
13. Do any of the settings serve to isolate individuals in receipt of Medicaid-funded HCBS from the broader community?					see response above

Social Adult Day Care

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		Click here for Social Adult Day Care Regulations
-- opportunities to seek employment/ work in			x		see above response
-- engage in community life			x		see above response
-- control personal resources			x		see above response
-- receive services in the community			x		see above response
2. Selected by the individual among options including non-disability specific settings and an option for a private unit in a residential setting.			x		see above response
--the options are identified and documented in the person-centered service plan			x		see above response
--the options are based on the individual's needs, preferences, and for residential settings, resources available for room and board.			x		see above response
3. Ensure an individual's rights of privacy.		x			Click here for Section (E) Participant Rights of the Social Adult Day Care Regulation; see p. 12 for "(vi)...information about participants shall be kept confidential"
Ensure an individual's rights of dignity and respect.				x	"Participants shall be treated with dignity and respect." See link above, page 12.
Ensure an individual's rights of freedom from coercion and restraint.				x	"Participants shall not be subject to coercion, discrimination, or reprisal by the program." See link above, page 12.
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		same response as in column F row 7

Social Adult Day Care

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
5. Facilitate individual choice regarding services and supports, and who provides them.		X			"Participants shall be free to make personal choices about accepting or refusing the services and activities offered." See link above, page 12. Will issue SADC HCBS subregulatory guidance to explicitly address this determination by March 17, 2019
<u>Provider Owned or Controlled Settings:</u>					We are unsure of any provider-owned and controlled settings at this time and will be assessing for this via site specific assessments. If there are applicable provider-owned and controlled non-residential settings, we will issue person-centered planning guidance by March 17, 2019 in accordance with 42 CFR 441.301(c)(4)(vi)(F), stating that any modification of the additional conditions, under 42 CFR 441.301(c)(4)(vi)(C) and (D), will be supported by a specific assessed need and justified in the person-centered service plan.
6. A specific place that can be owned, rented or occupied under a legally enforceable agreement by the individual receiving services.					not applicable to non-residential
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.					not applicable to non-residential
7. Each individual has privacy in their sleeping or living unit:					not applicable to non-residential
-- units have entrance doors lockable by the individual with only appropriate staff having keys;					not applicable to non-residential
-- individuals sharing units have a choice of roommates in that setting;					not applicable to non-residential
-- Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.					not applicable to non-residential
8. Individuals have the freedom and support to:					
--control their own schedules and activities;			x		see response in column F row 38
--have access to food at any time.			x		see response in column F row 38

Social Adult Day Care

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
9. Individuals are able to have visitors of their choosing at any time.			x		see response in column F row 38
10. The setting is physically accessible to the individual.					not a modifiable standard
Heightened Scrutiny: (Note: if any site meets any of the below criteria then they fall under heightened scrutiny)	YES	NO	How Many?		List Heightened Scrutiny Sites - Use Additional Sheets If Necessary
11. Are any settings in facilities that also provide inpatient institutional services?					Settings where Partial Plan participants live will be assessed to evaluate if there are settings which fall under heightened scrutiny.
12. Are any settings in facilities on the grounds of, or immediately adjacent to a public institution?					
13. Do any of the settings serve to isolate individuals in receipt of Medicaid-funded HCBS from the broader community?					

Adult Day Health Care Programs

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				Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020 - removing the requirement for a program to operate at a residential health care facility's primary site and ensuring program registrants are integrated into the broader community to the same degree of access as individuals not receiving Medicaid HCBS.
-- opportunities to seek employment/ work in			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020.
-- engage in community life			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020.
-- control personal resources			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019
-- receive services in the community			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020.
2. Selected by the individual among options including:			x		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020.
non-disability specific settings			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020.
option for a private unit in a residential setting.			X		Not applicable. The program model is non-residential as defined at 10 NYCRR 425.1.
					Click here for 10 NYCRR 425.1 - Definitions

Adult Day Health Care Programs

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
the options are identified and documented in the person-centered service plan			x		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020. 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.
--the options are based on the individual's needs,			x		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020.
preferences, and for residential settings, resources					Not applicable. The program model is non-residential as defined at 10 NYCRR 425.1.
available for room and board.					Not applicable. The program model is non-residential as defined at 10 NYCRR 425.1.
3. Ensure an individual's rights of privacy.			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020.
Ensure an individual's rights of dignity and respect.		X			"(a) Dignity. The facility shall promote care for residents in a manner and in an environment that maintains or enhances each resident's dignity and respect in full recognition of his or her individuality." Compliance will be fully met by amending regulation 10 NYCRR 415 to include "respect" by 3/2020. Click here for 10 NYCRR 415.5(g)(1) related to dignity.
Ensure an individual's rights of freedom from coercion			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020.

Adult Day Health Care Programs

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
and restraint.			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020. 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.
4. Optimize and doesn't regiment individual			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020.
initiative, autonomy, and independence in making			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020.
life choices, including but not limited to, daily			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020. 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.
activities, physical environment, and with whom			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020.
to interact.			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020. 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.
5. Facilitate individual choice regarding services			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019
and supports, and who provides them.					

Adult Day Health Care Programs

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
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.					Not Applicable: The program model is a non-residential, community-based model. Click here for 10 NYCRR 425.1 - Definitions
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.					
7. Each individual has privacy in their sleeping or living unit:					Not Applicable: The program model is a non-residential, community-based model. Click here for 10 NYCRR 425.1 - Definitions
-- units have entrance doors lockable by the individual with only appropriate staff having keys;					
-- individuals sharing units have a choice of roommates in that setting;					
-- Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.					
8. Individuals have the freedom and support to:					
--control their own schedules and activities;		X			

Adult Day Health Care Programs

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
--have access to food at any time.			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020. 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)(C) and (D), will be supported by a specific assessed need and justified in the person-centered service plan.
9. Individuals are able to have visitors of their choosing at any time.			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019
10. The setting is physically accessible to the individual			X		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020.
Heightened Scrutiny: (Note: if any site meets any of the below criteria then they fall under heightened scrutiny)					
	YES	NO	How Many?		List Heightened Scrutiny Sites - Use Additional Sheets If Necessary
11. Are any settings in facilities that also provide inpatient institutional services?	X		87		87 Adult Day Health Care Programs are set inside nursing homes as per regulation. Click here to view 10 NYCRR 425.1(c)
12. Are any settings in facilities on the grounds of, or immediately adjacent to a public institution?	X		9		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020 - removing the requirement for a program to operate at a residential health care facility's primary site. Additionally, facility assessment results will provide remediation menus as cues for programs to minimize the institutional feel of programs located within, or on the grounds of, a Residential Health Care Facility.

Adult Day Health Care Programs

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
13. Do any of the settings serve to isolate individuals in	X		Still assessing		Compliance will be met through issuance of sub-regulatory guidance by 3/2019 and amendment of regulation 10 NYCRR 425 to include the language of and be fully aligned with 42 CFR 441.301 (c)(1 - 4) by 3/2020 - removing the requirement for a program to operate at a residential health care facility's primary site. Additionally, facility assessment results will provide remediation menus as cues for programs to minimize isolating impacts of program locations.
receipt of Medicaid-funded HCBS from the broader community?					

CFCO

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
All Settings:	CFCO participants must live in their own homes or the homes of a family member according to the SPA. DOH will provide guidance to FFS, MMC and MLTC care managers to review these standards with members during the person-centered planning process.				Click here for State Amendment Plan 13-0035
1. Fully integrated into the broader community to the same degree of access as individuals not receiving Medicaid HCBS.			X		All participants must live in their own home or the home of a family member to receive services. Prior to March 17, 2019 we will issue HCBS CFCO subregulatory guidance to explicitly include the HCBS standards marked silent in this chart.
-- opportunities to seek employment/ work in			X		
-- engage in community life			X		
-- control personal resources			X		
-- receive services in the community			X		
2. Selected by the individual among options including non-disability specific settings and an option for a private unit in a residential setting.			X		see above response
--the options are identified and documented in the person-centered service plan			X		
--the options are based on the individual's needs, preferences, and for residential settings, resources available for room and board.			X		
3. Ensure an individual's rights of privacy.			X		see above response
Ensure an individual's rights of dignity and respect.			X		
Ensure an individual's rights of freedom from coercion and restraint.			X		
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		see above response

CFCO

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
5. Facilitate individual choice regarding services and supports, and who provides them.			X		see above response
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.			X		We are unsure of any provider-owned and controlled settings at this time and will be assessing for this via site specific assessments. If there are applicable provider-owned and controlled non-residential settings, we will issue person-centered planning guidance by March 17, 2019 in accordance with 42 CFR 441.301(c)(4)(vi)(F), stating that 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.
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		see above statement column F row 39
7. Each individual has privacy in their sleeping or living unit:			X		see above statement column F row 39
-- units have entrance doors lockable by the individual with only appropriate staff having keys;			X		see above statement column F row 39
-- individuals sharing units have a choice of roommates in that setting;			X		see above statement column F row 39
-- Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.			X		see above statement column F row 39
8. Individuals have the freedom and support to:					
--control their own schedules and activities;			X		see above statement column F row 39
--have access to food at any time.			X		see above statement column F row 39
9. Individuals are able to have visitors of their choosing at any time.			X		see above statement column F row 39

CFCO

Standard/Quality	Degree of Compliance				Documentation/Citations
	Non-Compliant	Partially Compliant	Silent	Compliant	
10. The setting is physically accessible to the individual.			X		not a modifiable standard
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?	N/A				
12. Are any settings in facilities on the grounds of, or immediately adjacent to a public institution?	N/A				
13. Do any of the settings serve to isolate individuals in receipt of Medicaid-funded HCBS from the broader community?	N/A				