

Adult Day Care/Adult Day Health Care Policy Crosswalk

The following documents were reviewed: Rules and Regulations for Adult Day Care Providers in Arkansas, the Rules and Regulations for Adult Day Health Care Providers in Arkansas, and the ARChoices in Homecare Provider Manual, and the AAS-9503 ARChoices Person-Centered Service Plan. The results shown here indicate whether the language in these three documents supported the federal regulations, conflicted with the federal regulations, or was silent in respect to the federal regulations. A more detailed crosswalk follows this summary.

Rules and Regulations for Adult Day Care Providers in Arkansas <http://humanservices.arkansas.gov/dms/oltcDocuments/adc.pdf>

Rules and Regulations for Adult Day Health Care Providers in Arkansas <http://humanservices.arkansas.gov/dms/oltcDocuments/adhc.pdf>

ARChoices in Homecare Provider Manual, 201.105 Provider Assurances <https://www.medicaid.state.ar.us/Provider/docs/archoices.aspx>

AAS-9503 ARChoices Person-Centered Service Plan

42 CFR HCBS Settings Requirements	Evidence	Compliance Level	Remediation Strategies
	<p>Services (HCBS) Settings regulations as established by CMS. The federal regulation for the new rule is 42 CFR 441.301 (c)(4)-(5).</p> <ul style="list-style-type: none"> • Settings that are HCBS must be integrated in and support full access of beneficiaries receiving Medicaid HCBS to the greater community, including...engage in community life...to the same degree of access as beneficiaries not receiving Medicaid HCBS. • HCBS Settings must have the following characteristics: <ul style="list-style-type: none"> ○ The setting is integrated in and supports full access of beneficiaries receiving Medicaid HCBS to the greater community, including...engage in community life...to the same degree of access as beneficiaries not receiving Medicaid HCBS. 		<p>HCBS requirements on January 1, 2016.</p>
<p>The setting includes opportunities to control personal resources to the same degree of access as individuals not receiving Medicaid HCBS.</p>	<p>ARChoices in Homecare Home and Community-Based Waiver 201.105 Provider Assurances</p> <ul style="list-style-type: none"> • All providers must meet the...Home and Community-Based Services (HCBS) Settings regulations as established by CMS. The federal regulation for the new rule is 42 CFR 441.301 (c)(4)-(5). • Settings that are HCBS must be integrated in and support full access of beneficiaries receiving Medicaid HCBS to the greater community, including...control personal resources...to the same degree of access as beneficiaries not receiving Medicaid HCBS. • HCBS Settings must have the following characteristics: <ul style="list-style-type: none"> ○ The setting is integrated in and supports full access of beneficiaries receiving Medicaid HCBS to the greater community, including...control personal resources...to the same degree of access as beneficiaries not receiving Medicaid HCBS. 	<p>Compliant</p>	<p>ARChoices Provider Manual and Provider Assurances were updated to reflect the HCBS requirements on January 1, 2016.</p>
<p>The setting is selected by the individual from among setting options including non-</p>	<p>AAS-9503 ARChoices Person-Centered Service Plan</p> <ul style="list-style-type: none"> • ARChoices Person-Centered Service Plan lists Adult Day Center as a waiver service along with all other waiver services. 	<p>Compliant</p>	<p>ARChoices Provider Manual and Provider Assurances were updated to reflect the</p>

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<p>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.</p>	<p>ARChoices in Homecare Home and Community-Based Waiver 201.105 Provider Assurances</p> <ul style="list-style-type: none"> • All providers must meet the following Home and Community-Based Services (HCBS) Settings regulations as established by CMS. The federal regulation for the new rule is 42 CFR 441.301 (c)(4)-(5). • HCBS settings must have the following characteristics: <ul style="list-style-type: none"> ○ Chosen by the individual from among setting options including non-disability specific settings... <ul style="list-style-type: none"> ▪ Choice must be identified/included in the person-centered service plan ▪ Choice must be based on the individual’s needs, preferences... 	<p>Compliant</p>	<p>HCBS requirements on January 1, 2016.</p>
<p>The setting ensures an individual’s rights of privacy, dignity respect, and freedom from coercion and restraint are protected.</p>	<p>ADC Rules and Regulations 405 Bill of Rights, ADHC Rules and Regulations 404 Bill of Rights</p> <ul style="list-style-type: none"> • In addition to the provisions of Section 404.1(1) and (2), each client in the Adult Day Care has the right to, and the facility shall ensure that clients shall: <ul style="list-style-type: none"> ○ Be treated with respect, kindness, consideration, and recognition of his or her dignity and individuality, without regard to race, religion, national origin, gender, age, disability, marital status, sexual orientation or source of payment. This means that the client: <ul style="list-style-type: none"> ▪ Has the right to make his or her own choices regarding personal affairs, care, benefits, and services. ▪ Has the right to be free from abuse, neglect, and exploitation. ○ Not to be confined to his or her chair. ○ Be allowed unaccompanied access to a telephone. ○ Have privacy while attending to personal needs, and a 	<p>Partially Compliant</p>	<p>The state will review the ADC/ADHC Rules and Regulations to ensure that the facilities that receive HCBS funding will be compliant with the HCBS Settings rule. The DAAS Provider Certification Unit will monitor and ensure settings compliance for existing providers and any new providers.</p>

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	<p>private place for receiving visitors or associating with other clients, unless providing privacy would infringe on the rights of other clients. The right applies to medical treatment, toileting and bathing, written communications, telephone conversations, and meeting with family.</p> <ul style="list-style-type: none"> ○ Be allowed to determine his or her dress, hairstyle, or other personal appearance according to individual preference, except the client has the responsibility to maintain personal hygiene. <p>ARChoices in Homecare Home and Community-Based Waiver 201.105 Provider Assurances</p> <ul style="list-style-type: none"> • All providers must meet the following Home and Community-Based Services (HCBS) Settings regulations as established by CMS. The federal regulation for the new rule is 42 CFR 441.301 (c)(4)-(5). • HCBS settings must have the following characteristics: <ul style="list-style-type: none"> ○ Ensures an individual’s rights of privacy, dignity and respect and freedom from coercion and restraint. 	<p>Compliant</p>	<p>ARChoices Provider Manual and Provider Assurances were updated to reflect the HCBS requirements on January 1, 2016.</p>
<p>The setting optimizes, but does not regiment individual initiative, autonomy, and independence in making life choices. This includes, but is not limited to, daily activities, physical environment, and with whom to interact.</p>	<p>ADC Rules and Regulations 405 Bill of Rights, ADHC Rules and Regulations 404 Bill of Rights</p> <ul style="list-style-type: none"> • In addition to the provisions of Section 404.1(1) and (2), each client in the Adult Day Care has the right to, and the facility shall ensure that clients shall: <ul style="list-style-type: none"> ○ Be permitted to participate in activities of social, religious, or community groups unless the participation interferes with the rights of others. ○ Be provided a schedule of individual and group activities appropriate to individual client’s needs, interests and wishes. ○ ...has the right to make his or her own choices regarding personal affairs, care, benefits, and services. ○ Not be prohibited from communicating in his or her 	<p>Compliant</p>	<p>The state will review the ADC/ADHC Rules and Regulations to ensure that the facilities that receive HCBS funding will be compliant with the HCBS Settings rule. The DAAS Provider Certification Unit will monitor and ensure settings compliance for existing providers and any new providers.</p>

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	<p>native language with other clients or personnel/staff/employees.</p> <ul style="list-style-type: none"> ○ Be allowed communication, including personal visitation with any person of the client’s choice, including family members, representatives of advocacy groups, and community service organizations. ○ Has the right and be allowed to choose and retain a personal physician or advance practice nurse. ○ Participate in the development of the individual care that describes the client’s direct care services and how the needs will be met. ○ Be given the opportunity to refuse medical treatment or services after the client or his or her responsible party: <ul style="list-style-type: none"> ▪ Is advised by the person providing services of the possible consequences of refusing treatment or services, and ▪ Acknowledges that he or she understands the consequences of refusing treatment or services. ○ Be allowed to determine his or her dress, hairstyle, or other personal appearance according to individual preference, except the client has the responsibility to maintain personal hygiene. ○ Be allowed to immediately leave the Adult Day Care facility, either temporarily or permanently, subject to contractual or financial obligations as specified in Section 401.1. <p>ARChoices in Homecare Home and Community-Based Waiver 201.105 Provider Assurances</p> <ul style="list-style-type: none"> • All providers must meet the following Home and Community-Based Services (HCBS) Settings regulations as established by CMS. The federal regulation for the new rule is 42 CFR 	<p>Compliant</p>	<p>ARChoices Provider Manual and Provider Assurances were updated to reflect the HCBS requirements on January 1, 2016.</p>

Summary of Adult Day Center/Adult Day Health Center Policy Crosswalk

Upon review of the Rules and Regulations for Adult Day Care Providers in Arkansas, the Rules and Regulations for Adult Day Health Care Providers in Arkansas, the ARChoices in Homecare Provider Manual and Provider Assurances, the AAS-9503 ARChoices Person-Centered Service Plan, the following federal regulations are supported: setting includes opportunities to seek employment and work in competitive settings; setting includes opportunities to control personal resources; setting is selected by the individual from among setting options; and setting optimizes individual initiative, autonomy, and independence in making life choices.

Upon review of the Rules and Regulations for Adult Day Care Providers in Arkansas, the Rules and Regulations for Adult Day Health Care Providers in Arkansas, the ARChoices in Homecare Provider Manual and Provider Assurances, the AAS-9503 ARChoices Person-Centered Service Plan, the following federal regulations are partially supported: setting is integrated in and supports access to the greater community; setting includes opportunities to engage in community life; and setting ensures rights to privacy, respect, and freedom from coercion and restraint.

Upon review of the Rules and Regulations for Adult Day Care Providers in Arkansas, the Rules and Regulations for Adult Day Health Care Providers in Arkansas, the ARChoices in Homecare Provider Manual and Provider Assurances, the AAS-9503 ARChoices Person-Centered Service Plan, the following federal regulations are not supported: setting facilitates individual choice regarding services and supports and who provides them.

Note: The state would like to acknowledge that the ARChoices provider manual and provider assurances were updated to reflect the HCBS requirements on January 1, 2016. The state will review the ADC/ADHC Rules and Regulations to ensure that the facilities that receive HCBS funding will be compliant with the HCBS Settings rule. The DAAS Provider Certification Unit will monitor and ensure settings compliance for existing providers and any new providers.