

# HCBS-IDD Transition Plan

Proposed Timeframe: 5 years

Posted June 13, 2014

Open for Comment until July 15, 2014

## PURPOSE

KDADS will review provider settings to make sure they meet the qualities of the HCBS Settings Rule

Over the next five years, the Kansas Department for Aging and Disability Services (KDADS) will ensure that all residential and non-residential locations where a person receives home and community-based services (HCBS) through Medicaid allows individuals to be integrated in and have support for full access to services in the greater community, including opportunities to seek employment and work in competitive integrated settings, to control personal resources, and to engage in community life in the same way as individuals not receiving Medicaid HCBS.

## PROVIDER CONTROLLED SETTINGS MUST COMPLY WITH NEW RULES

Persons with IDD will have

- Written agreements/lease
- Freedom, support, control
- Access to the community
- Privacy and respect
- Choice of activities, visitors
- Access to competitive, integrated employment

Check out the list of Consumer Rights & Freedoms at [www.kdads.ks.gov](http://www.kdads.ks.gov)

In HCBS settings that are owned or controlled by a provider for individuals with **Intellectual and Developmental Disabilities (IDD)**, the individual will have:

- A lease or a written agreement with eviction and appeals rights
- Choice of settings and roommates based on their needs, preferences, and resources
- Choice of services and supports, and who provides
- Rights of privacy (lockable doors), dignity, respect, and freedom from coercion and restraint
- Right to control personal resources and make money in a job in the community
- Support for choice of daily activities, physical environment, and with whom to interact
- Freedom and support to control their own schedules, activities, and access food at any time
- Right and ability to have visitors of their choosing at any time
- A setting that is physically accessible, including ADA compliant
- **Any limit or restriction** supported by a specific assessed need, evaluated frequently, and **be approved by the individual, parent or guardian**

## HCBS-IDD SETTINGS THAT MAY BE AFFECTED

Non-residential and residential settings will be reviewed

**All provider controlled and owned residential and non-residential settings will be reviewed** (regardless of license requirements), within 180 days of approval of the Transition Plan to identify settings that do not meet the rule and need additional time to address. These settings include:

- **Residential Supports** including host homes, children's residential and foster care
- **Day Supports** including sheltered workshops
- **Supported Employment** including disability-specific work crews

## TRANSITION PLAN

For the complete, detailed Statewide Transition Plan go to [www.kdads.ks.gov](http://www.kdads.ks.gov)

During 2015, KDADS will assess all HCBS-IDD Settings by June 30, 2015 to identify settings that comply with the HCBS Setting Rule and review state law and program policies that may need to be changed. KDADS will make changes to the Transition Plan in 2015 to set more specific timelines and benchmarks for compliance. By December 31, 2015, KDADS will identify all providers and individuals who may be affected by the changing rules and seek public input on timeframes and benchmarks. During 2016, KDADS will notify all HCBS-IDD providers of non-compliance areas, timelines for compliance and benchmarks for achieving compliance in the shortest period possible.

**KDADS may change the Transition Plan to ensure compliance with the HCBS Setting Rules based on the State's Transition Plan for Access, Compliance and Public Engagement.**

## COMMENTS, QUESTIONS AND PUBLIC INPUT

KDADS is available for presentations and Question & Answer sessions related to the HCBS Final Rule upon request.

**Contact KDADS** with comments, questions and public input until July 15, 2014.

**HCBS Setting Final Rule Public Comment Sessions the week of June 16<sup>th</sup>**  
[http://www.aging.ks.gov/HCBSProvider/Documents/2014\\_HCBS\\_Public\\_Comment\\_Sessions.pdf](http://www.aging.ks.gov/HCBSProvider/Documents/2014_HCBS_Public_Comment_Sessions.pdf)

**Lunch and Learn Calls on Wednesday June 18<sup>th</sup> from 12:00 pm to 1:00 pm**

Call in Number: 1-866-620-7326 Conference Code: 4283583031

[http://www.kdads.ks.gov/CSP/IDD/KanCare\\_Imp/IDD\\_Implementation\\_Calendar.html](http://www.kdads.ks.gov/CSP/IDD/KanCare_Imp/IDD_Implementation_Calendar.html)

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