

HCBS-AUTISM Transition Plan

Proposed Timeframe: 1 year

Posted June 13, 2014

Open for Comment until July 15, 2014

PURPOSE

State must assess and ensure Kansas provider settings meet the qualities of the HCBS Setting 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

Children with Autism have:

- Freedom, support, control
- Access to the community
- Privacy and respect
- Choice of activities, visitors

Check out the list of Consumer Rights & Freedoms at www.kdads.ks.gov

In HCBS settings that are owned or controlled by a provider for children with **Autism**, the child will have:

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

HCBS-AUTISM 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.

KDADS does not expect to have issues related to HCBS-AUTISM because all of the recipients are children who are served in their family homes, school or similar settings, and the identified limitations in residential settings will not apply to their services and supports. The settings will be evaluated for compliance regarding non-residential settings when federal guidance is available. Noncompliance will be addressed on a case-by-case basis.

TRANSITION PLAN

For the complete, detailed Statewide Transition Plan go to www.kdads.ks.gov

During 2015, KDADS will assess all HCBS-AUTISM Settings by June 30, 2015 to identify settings that comply with the Final Rule and review state law and program policies. The Transition Plan will be updated in 2015 to establish 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-AUTISM providers of non-compliance areas timelines for compliance and benchmarks for achieving compliance (shortest period possible).

KDADS will make changes to ensure compliance with the HCBS Setting Rules based on the State's Transition Plan's Access, Compliance and Public Engagement Plans.

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 16th

http://www.aging.ks.gov/HCBSProvider/Documents/2014_HCBS_Public_Comment_Sessions.pdf

Lunch and Learn Calls on Wednesday June 18th 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

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