



# Individualized Skills & Socialization

Organizational Strategies for Compliance at All Times

# Presentation Topics

- Rules and Requirements
  - Home and Community Based Services (HCBS) Settings Rules
  - Program Billing Requirements
  - Certification Principles
  - Licensing Rules
- Onsite Compliance with HCBS
- Types of Individualized Skills and Socialization
- Prohibited Settings
- Q&A



# Your Presenters

## **Kaliope Schmidt**

Director of Provider Monitoring

Contract Administration & Provider  
Monitoring

Medicaid & CHIP Services

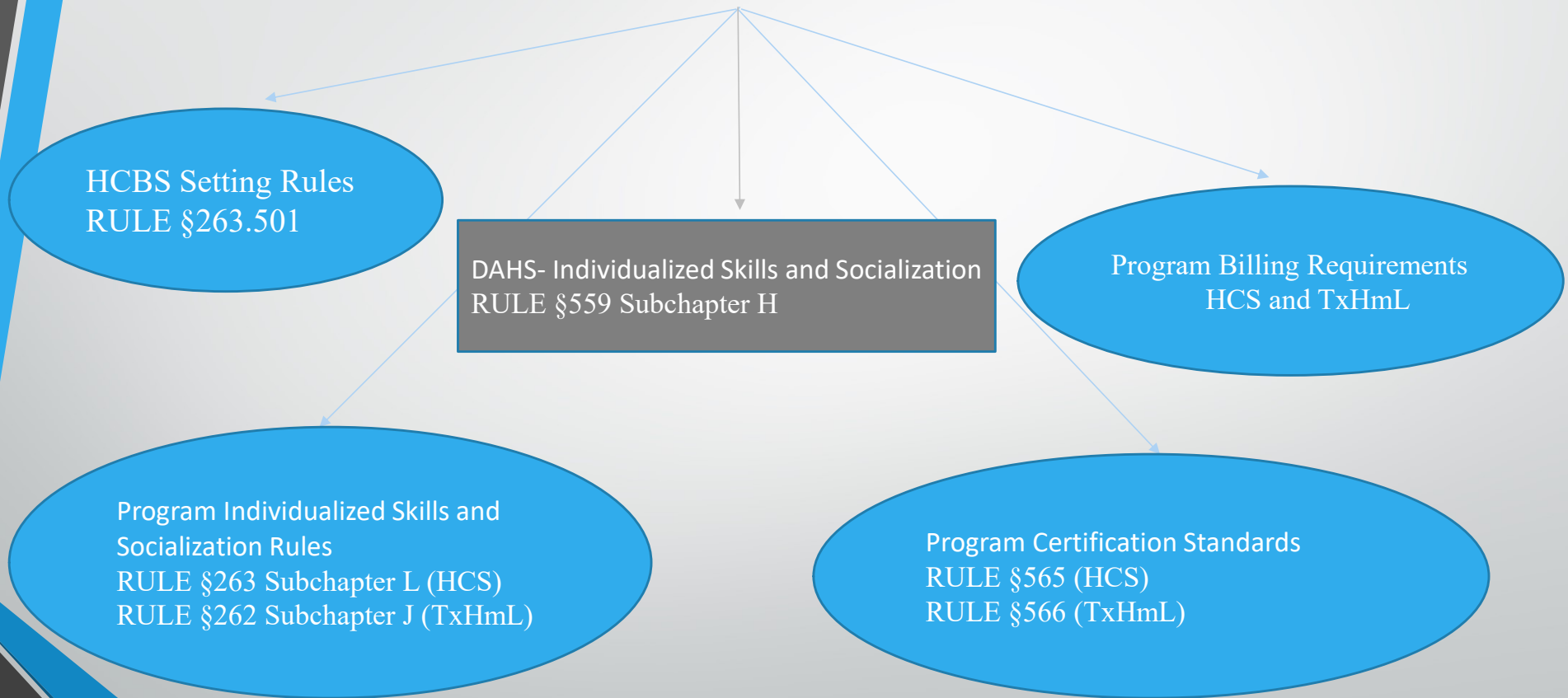
Health and Human Services  
Commission

## **Kathy Griffith**

Director of Government and  
Regulatory Affairs

Caregiver, Inc.

# Compliance with Rules and Requirements



## Individualized Skills and Socialization Requirements

### *RULE §263.501 Requirements for Home and Community- Based Settings*

*(1) The setting is integrated  
in and supports the  
individual's access to the  
greater community to the  
same degree as a person  
not enrolled in a Medicaid  
waiver program*

Opportunity to  
seek  
employment  
and work in a  
competitive  
integrated  
setting

Engage in  
community life

Control  
personal  
resources

Receive  
services in the  
community

## Individualized Skills and Socialization Requirements (cont.)

*RULE §263.501  
Requirements for Home  
and Community-Based  
Settings*

*(2) The setting is  
selected by the  
individual from among  
setting options*

- Individuals can choose the individualized skills and socialization setting regardless if the program provider operates their own individualized skills and socialization program.



## Individualized Skills and Socialization Requirements (cont.)

*RULE §263.501  
Requirements for Home  
and Community-Based  
Settings*

*(3) The setting ensures an individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint.*

---

Ensure the setting has private areas for changing, toileting, and assistance with ADL's.

---

No cameras in non-common areas.

---

Policy in place that ensure these rights.

---

How does the provider ensure individuals' rights?

## Individualized Skills and Socialization Requirements (cont.)

*RULE §263.501 Requirements  
for Home and Community-  
Based Settings*

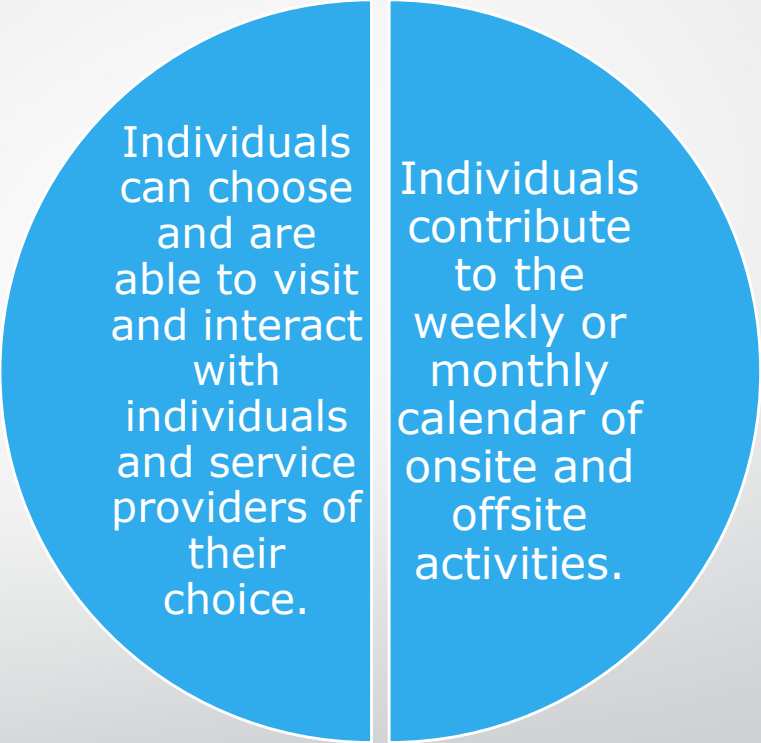
*(4) The setting  
optimizes, not  
regiments, individual  
initiative, autonomy,  
and independence in  
making life choices,  
including choices  
regarding daily  
activities, physical  
environment, and with  
whom to interact.*

- Individuals have access and are allowed to carry their personal belongings on them (money, cell phone, etc.)



## Individualized Skills and Socialization Requirements (cont.)

- *RULE §263.501 Requirements for Home and Community-Based Settings*
  - (5) *The setting facilitates individual choice regarding services and supports and the service providers who provide the services and supports.*



Individuals can choose and are able to visit and interact with individuals and service providers of their choice.

Individuals contribute to the weekly or monthly calendar of onsite and offsite activities.



## Onsite Concerns and Required Remediation

### Remediations Cited:

- X Groups were separated by LON.
- X No place to store belongings.

### Steps for Validation:

- ✓ Groups can be separated by activity/task, not LON.
- ✓ Individuals have a shelf, hook, or cabinet to place their items and have access to their belongings without having to ask a service provider for approval.



## Onsite Concerns and Required Remediation

### Remediations Cited:

- X Cameras in nursing office.
- X Locked entrance/exit doors.
- X Specific times allotted for visitors

### Steps for Validation:

- ✓ Cameras must not be in areas that are not considered “common”.
- ✓ Individuals must be able to leave the setting at any time.
- ✓ Visitors must be allowed at any time during service delivery.



## Onsite Concerns and Required Remediation

### Remediations Cited:

- X PDPs/IPs were not available onsite.
- X Individuals could not access their own food.
- X Scheduled lunches, smoke breaks, and snack time.

### Steps for Validation:

- ✓ Plans should be available for review of goals, objectives, and modifications.
- ✓ Storage of individuals' food must be in an accessible area (fridge, shelf, etc.)
- ✓ Schedule should be "tentative" and not used for all individuals.

# Types of Individualized Skills and Socialization

- Onsite: requires license.
  - ❖ An individualized skills and socialization provider cannot provide only the onsite component of the service. Offsite must be initiated by March 17, 2024.
- Offsite: requires license.
  - ❖ An individualized skills and socialization provider may provide offsite only, if the appropriate license is obtained.
- Program providers **must ensure** that the individualized skills and socialization provider delivering **onsite and offsite is licensed.**

# Types of Individualized Skills and Socialization (cont.)

- In-home (does not require license and can be provided by the program provider (employee or contractor).
  - ❖ In-home individualized skills and socialization requires justification
    - Medical
    - Behavioral
    - Individual is 55 years of age or older

# Mix and Match

## **Scenario 1:**

Individual is attending an individualized skills and socialization provider that is only open on Monday, Tuesday, and Thursday.

Individual wants to receive the service every day.

Is this allowed?

- Yes. An individualized skills and socialization provider can set their own schedule and hours of operation.
- A program provider may contract with multiple individualized skills and socialization providers to deliver services to one individual. (Not at the same time)

# Mix and Match

## Scenario 2:

Individual has a medical justification to receive in-home individualized skills and socialization; however, the SPT would like the individual to also receive services in the community.

Is this allowed?

- This would be allowed if the following were in place:
  - Licensed professional's order for individualized skills and socialization states that the individual can receive offsite under specific conditions/or timeframes.
  - Offsite is delivered through a licensed individualized skills and socialization provider.



# Mix and Match

## **Scenario 3:**

Individual has a behavioral justification to receive in-home individualized skills and socialization. The order only specifies "in-home". Individual receives onsite and offsite when the in-home service provider is not available.

Is this allowed?

- No, this would be cited.
- The individual's plan is not being followed.
- Service provider convenience or availability are not reasons to deviate from plan.

# Prohibited Settings and Locations

## Setting that is presumed to have the qualities of an institution:

- In a building in which a certified ICF/IID operated by a LIDDA or state supported living center is located but is distinct from the ICF/IID.
- In a building on the grounds of, or immediately adjacent to, a certified ICF/IID operated by a LIDDA or state supported living center.
- In a building in which a licensed private ICF/IID, a hospital, a nursing facility, or other institution is located but is distinct from the ICF/IID, hospital, nursing facility, or other institution.
- In a building on the grounds of, or immediately adjacent to, a hospital, a nursing facility, or other institution except for a licensed private ICF/IID.
- Has the effect of isolating individuals from the broader community of persons not receiving Medicaid HCBS.

# Prohibited Settings and Locations

## Additional location requirements:

- Onsite and offsite cannot be provided in a residence where any person or individual resides.
  - ❖ Exception to this requirement are events that are open to the public and volunteer opportunities.
- In-home can only be provided in the individual's residence (property lines). Outside the property lines is considered offsite and must be provided by a licensed provider.

Questions?

