



**DELAWARE ASSOCIATION OF REHABILITATION FACILITIES**

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**C. Thomas Cook**  
Executive Director

**Member Agencies**

- Autism Delaware
- Bancroft Neurohealth
- Benedictine Delaware
- Brandywine Counseling, Inc.
- Center for Disabilities Studies
- C.E.R.T.S., Inc.
- Chimes of Delaware
- Choices for Community Living
- Community Integrated Services
- Connections CSP, Inc.
- DE Council on Gambling Problems
- Delaware MENTOR
- Delmarva Community Services
- Dove Pointe
- Easter Seals Delaware and Maryland's Eastern Shore
- Elwyn Delaware
- Fellowship Health Resources
- Gaudenzia Fresh Start
- Goodwill Industries of Delaware
- Homeless Planning Council
- Horizon House Delaware, Inc.
- KenCrest Services
- Kent Sussex Community Services
- Kent-Sussex Industries, Inc.
- Keystone Services MidAtlantic
- Limon House
- MOSAIC Delaware
- NHS Human Services
- Open Door, Inc.
- Psychotherapeutic Services, Inc.
- Quality Management Associates-DE, Inc.
- Recovery Innovations
- Resources for Human Development
- Salvation Army
- ServiceSource
- St. John's Community Services
- The ARC of Delaware
- Thresholds

**Information to Share with Your Stakeholders to Help Them Prepare Comments on the Home and Community Based Services (HCBS) Transition Plan**

*Federal Funding Requirements for All HCBS Settings*

- 1) The setting must be integrated in and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access as individuals not receiving Medicaid HCBS, including opportunities to:
  - seek employment and work in competitive integrated settings,
  - engage in community life,
  - control personal resources, and
  - receive services in the community.
- 2) The setting must be selected by the individual from among options that include non-disability specific settings. The setting options that were considered should be documented in the person-centered service plan. They must be based on the individual's needs and preferences. An option for a private unit in a residential setting must also be provided, in keeping with the individual's resources available for room and board.
- 3) The setting ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.
- 4) The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to daily activities, physical environment, and with whom to interact.
- 5) The setting facilitates individual choice regarding services and supports and who provides them.

*What Is The Transition Plan?*

States must assess compliance with the expectations listed above and additional guidance that has been issued by the federal government for both residential and non-residential service settings.

There are three types of judgments that States can make – settings that are definitely not in compliance; those that are presumed not to be in compliance, but might be made eligible for funding in a process called

## *Information to Help Stakeholders Prepare Comments on the HCBS Settings Transition Plan*

“heightened scrutiny;” and those that are definitely in compliance. If the state of Delaware or the federal government determines that a setting does not meet the expectations for HCBS, the State must submit a plan for transitioning each setting into compliance to keep its Medicaid waiver funding. For settings that need to make changes to come into compliance or those that are not in compliance and will need to transfer individuals to settings that do comply with the regulations, States may take up until March 17, 2019 to bring them into compliance.

### *How You Can Give Input on the Transition Plan in Delaware*

- 1) The Division of Medicaid and Medical Assistance (DMMA) will hold two public hearings on the Plan:

**Monday February 23, 2015, from 3-5 pm**

Location: Delaware State Police Troop 2  
Robert Paris Community Room  
100 Lagrange Ave  
Newark, DE 19702

**Friday, February 27, 2015, from 1-3 pm**

Location: Del-Dot Administration Center  
800 Bay Road  
Dover, DE 19904

- 2) You may provide written comments to Sharon L. Summers, who is with DMMA’s Planning, Policy & Quality Unit, at [Sharon.Summers@state.de.us](mailto:Sharon.Summers@state.de.us) until 4:30 p.m. on March 6, 2015.
- 3) The State is not required to revise the plan to bring it into agreement with the comments received. However, if there is a major area of disagreement between the stakeholder input received and the Plan, stakeholders could advocate for subsequent revisions in the Plan.

### *Questions to Ask Yourself When Preparing Your Comments*

#### **If you are a person with a disability or the family member of a person with a disability:**

- What services are needed for you to be able to function in the most integrated setting appropriate for you? Why are they needed to keep you safe and to help you be productive and independent? When you submit comments at the hearing or in writing, you should identify these services and why they are needed, with a request to retain them.
- Are there any services you are not currently receiving, but would like to be made available to help you function in the most integrated setting appropriate for you? Why are they needed to keep you safe and to help you be productive and independent? When you submit comments at the hearing or in writing, you should identify these services and why they are needed, with a request to expand them or add them.

#### **If you are the staff member of a provider organization:**

- What services have you observed that are needed by the people you serve to help them function in the most integrated setting appropriate for them? Why are they needed to keep the people you serve safe and to help them be more productive and independent? When you submit comments at the hearing or in writing, you should identify these services and why they are needed, with a request to retain them.
- What services have you observed that are not available to the people you serve, but would help them function in the most integrated setting appropriate for them? Why are they needed to keep the people you serve safe and to help them be more productive and independent? When you submit comments at the hearing or in writing, you should identify these services and why they are needed, with a request to expand them or add them.