Organizational Compliance

What is organizational compliance with the HCBS settings requirements?

There are three foundational prerequisites to demonstrate organizational compliance with the HCBS settings requirements. As a provider, you must:

1) have a rights policy that specifically details the HCBS rights afforded to individuals receiving Medicaid HCBS;

2) include in your HCBS rights policy a requirement for the annual disclosure of HCBS rights to individuals/families; and

3) require annual staff training on HCBS rights and expectations, this requirement can be incorporated into an existing policy.

These prerequisites demonstrate your commitment to enforce, **within your organization and ALL settings,** the HCBS rights and expectations afforded to individuals receiving Medicaid waiver services. Here's some additional information:

- If your organization does not demonstrate compliance on an organizational level, all of the settings you operate are considered to be non-compliant with the HCBS settings requirements.
- Once organizational compliance is confirmed, additional validation activities for EACH setting will be completed.
- To demonstrate organizational compliance with the HCBS settings requirements you should incorporate HCBS rights and expectations into your policies, procedures, staff training and practices for supporting individuals receiving waiver services.
- The incorporation of these rights and expectations should be holistic and represent the culture of your organization.
- Your organization's policies, practices, rules and lease agreements should not be conflict with HCBS requirements.
- Your mission statement, policies, rules, etc. should represent HCBS values and principles.
- Your policies, procedures, training materials, etc. should use person centered and people first language that reflect the characteristics of HCBS services provided in a community setting versus the characteristics of an institutional setting.

To strengthen organizational compliance you should consider the following:

- Develop and implement a policy on community integration/participation that describes expectations for staff and for how and when opportunities and preferences of individuals will be sought.
- Include in staff position descriptions expectations for knowledge of and compliance with the HCBS settings requirements.

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- Incorporate a policy and practice to regularly seek input from individuals supported and their families/guardians on their experience with services and recommendations to enhance community participation.
- Review policies, procedures, mission statements, forms, marketing materials to acknowledge and incorporate HCBS rights and settings requirements.
- Update outdated language and terminology in policies, procedures, mission statements, forms, marketing materials, etc.
- Develop and implement an HCBS compliance self-assessment for direct support professionals to determine staff perceptions of each settings' compliance with HCBS rights and expectations and recommendations for improvement.
- Develop and implement an internal HCBS team with direct support professionals at each setting operated by the provider organization. This team can be cultivated to be HCBS subject matter experts at their specific setting. The team can discuss HCBS implementation, troubleshoot and brainstorm on specific situations and questions, discuss new and creative strategies to facilitate increased community participation, facilitate discussions with individuals supported on their experience, preferences and ideas, etc.

Questions to Consider:

- Is your organization structured in a way that promotes the accomplishment of its mission and HCBS compliance?
- Is there an ongoing system for monitoring HCBS compliance among all settings?
- Do staff members receive ongoing meaningful feedback regarding performance?
- Do staff members feel supported to fulfill HCBS settings requirements?
- Are individuals engaged in discussions about friendships, personal relationships, community participation, hobbies, etc.
- Do the services individuals receive reflect their preferences and desired outcomes?
- Does leadership/management act as a role model for staff? Are they well versed in HCBS settings requirements? Do they communicate regularly and consistently with staff and individuals HCBS rights and expectations? Are they available to answer questions and provide guidance?