

New Federal Home and Community-Based Settings Rule

Should We Expect Change?

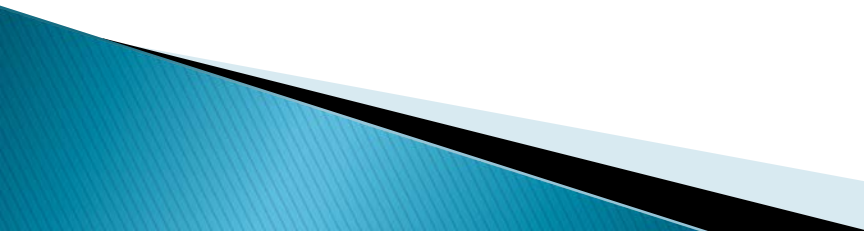




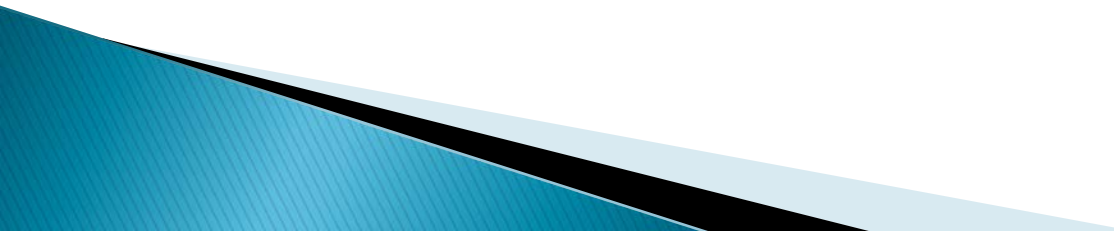
What Does the New Rule Say?

- ▶ It says that IRIS, Family Care and the Legacy Waivers can only use community service funding to pay for services that are provided in places (settings) that meet the standards in the rule.
- ▶ These places can't operate like institutions or be located in or on the grounds of institutions

What Does the New Rule Say?

- ▶ All services must be provided in integrated community settings.
 - ▶ Integrated community settings are places that:
 - Support access to the greater community
 - Provide opportunities to seek employment and work in competitive integrated settings
 - Provide opportunities to engage in community life
 - Provide opportunities to control personal resources
 - Give people receiving services the same access to the community as those who aren't receiving services
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What Does the New Rule Say?

- ▶ People have to be given choice of where to receive each service in their plan
 - ▶ Choices must include settings that are not designed for people with disabilities (called “non-disability-specific settings”)
 - ▶ Choices do not have to include settings that are disability-specific
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What Does the New Rule Say?


- ▶ Places that are designed for people with disabilities can be used but only if they:
 - Do support people to access to the community
 - Do provide opportunities for people to work in regular community jobs
 - Do provide opportunities to participate in community activities and events
 - Do provide opportunities for people to control their own money, checkbook, and paycheck
 - Do give people the same access to the community as other community members have
 - Don't operate like institutions
 - Don't isolate people with disabilities from the broader community



Places that Isolate

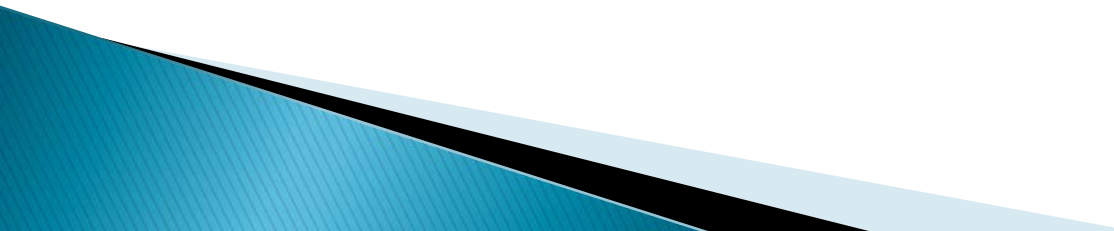
- The setting is designed **specifically for people with disabilities**

AND

- Individuals in setting are **mainly people with disabilities** and “on site” staff who provide services
 - People with disabilities have **limited opportunities** to do things in the broader community while receiving services in the setting
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Places that Isolate

- Opportunities that are offered are **pre-planned** and involve **groups** of people with disabilities
 - People **spend all or most all their service hours** in a setting specifically designed for people with disabilities
 - They receive **multiple services** at a single site.
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If A Setting Does Not Meet Requirements in the New Rule


- ▶ If a place where people receive community services does not follow the new rule, one of two things could happen:

#1. The state could require the provider to make changes to ensure the setting does follow the new rule

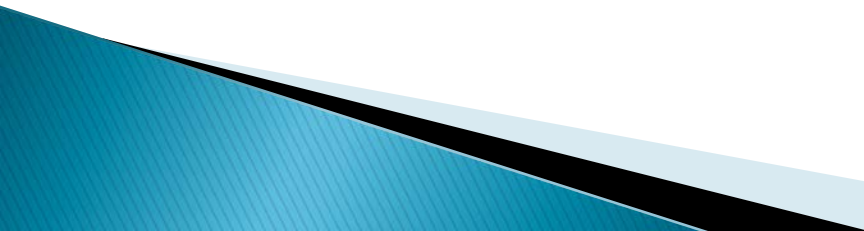
OR

#2. The state could say the provider needs to provide the service in a different setting

5 Year Transition Period

- ▶ Assumes states are using some settings (places) for services that do not meet the new standards.
 - ▶ Transition period for changes to be made to bring the setting into compliance.
 - ▶ Each state must create a transition plan to guide its five-year effort to come into compliance
 - ▶ All service settings must meet new standards by March, 2019
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If a Setting Can No Longer Be Used

- ▶ This does not mean people lose their services
 - ▶ The funding for the services does not go away.
 - ▶ The provider continues as an approved provider of services
 - ▶ The only change is that the provider must provide the service in a more integrated setting that follows the new rule.
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Should We Expect Change?

- ▶ Settings standards include STRONG validation of Employment First:

Settings must “provide opportunities to seek employment and work in competitive, integrated settings.”

- ▶ Are all prevocational and day service settings doing this already?

Should We Expect Change?

- ▶ Settings standards include STRONG validation of Employment First:

Settings must “provide opportunities to seek employment and work in competitive, integrated settings.”

- ▶ Applies to all settings – nothing in regulations suggest otherwise.
- ▶ Are providers of non–employment services (including residential, transportation) a barrier to people seeking and working in the community?

Should We Expect Change?

Settings must support people to access to the community, provide opportunities to participate in community activities and events, and give people the same access to the community as other community members have

- ▶ Are there any service settings that could and should be doing more?
- ▶ Do these opportunities help with success in employment?

Should We Expect Change?

Settings must provide opportunities for people to control personal resources

- Are people able supported to manage their own money, checkbook, and paycheck?
- Or are Representative Payees taking over these roles?

Should We Expect Change?

People must be given a choice of settings including non-disability specific settings.

- Do we have certain types of services that are only offered in disability-specific settings at this point?

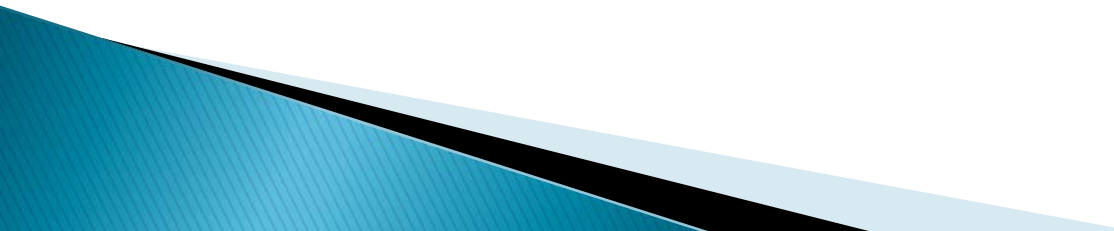
Step 2: Have a Voice in How Wisconsin Follows the New Rule!



Everyone Can Have A Say

- ▶ Wisconsin submitted a plan to make a plan to come into compliance.
- ▶ The state will have to post an updated transition plan for public comment once the assessment of all settings has been completed and the state has determined what changes must be made

Everyone Can Have A Say

- ▶ Wisconsin will also soon put out its draft non-residential provider assessment for public comment.
 - ▶ Wisconsin will also post the results of the assessment of settings and invite public comment on that.
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Make Sure Your Voice is Heard!

To find out when the public comment period starts and how to share your comments:


Sign up for DAWN at:

www.dawninfo.org

YOUR COMMENTS MATTER!



Make Sure Your Voice is Heard!

- ▶ Share your ideas for what changes need to be made so people with disabilities can have opportunities to:
 - Participate in the wider community, alongside of fellow citizens without disabilities
 - Pursue and work in regular community jobs that pay good wages
 - Make their own choices at home, at work and in the community
 - Control their own money, including their paychecks
 - ▶ Share your ideas for how Wisconsin should make these changes
 - ▶ Share your concerns if you know of service settings that:
 - Isolate and segregate people with disabilities from the rest of their communities
 - Don't give people choice and control
 - Don't help people get and keep regular community jobs that pay good wages
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Keep in Mind

- ▶ The federal government (CMS) must approve all Transition Plans submitted by states, including Wisconsin.
 - ▶ States cannot send in plans that don't ensure the new rules are followed.
 - ▶ Comments should focus on what changes should be expected and how these changes could be made.
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