

Questions and Answers for the Settings Rule

Residential questions

- 1. Are they using the old remediation plan as a starting point or are they coming and doing a brand new site visit and remediation plan?**

Yes, we will be starting with the old remediation plan, however the contract evaluator will also have a new assessment tool that they can share with you with the exact requirements from CMS that they will be using to evaluate the site.

- 2. Who do you contact to get a copy of your remediation plan?** You can email Stephanie Laskey at stephanie.laskey@fssa.in.gov.

Your contract evaluator will also have access to your remediation plan.

- 3. Do the evaluators need to see the slide deck presented to staff and residents? Have those PowerPoints been sent out?**

Evaluators will need to see a copy of the slide deck or other training tool that you are using to train your staff and residents on the Settings Rule. We recognize that each site will also have unique needs, so they will be free to customize trainings based on the needs of the site. You can get template PowerPoints [here](#) to customize as you see fit.

- 4. How will we be contacted for our planned visit?**

Your contract evaluator will email you to set up the visit.

- 5. If our company has several communities participating in the waiver program, will we have one contractor for all of our communities?**

Communities are being divided up both geographically and by owning company. You may end up with multiple evaluators, though we are trying to take larger companies into consideration. All evaluators will be using the same tools, so the experience should be the same regardless of evaluator. If you have any concerns about a lack of consistency, please feel free to reach out to Stephanie Laskey (stephanie.laskey@fssa.in.gov).

- 6. If we are currently in the process of submitting an application for approval with one of our sites, will this process all be reviewed at this time or will we need to go through this again?**

If you are currently a new site coming online as a Waiver provider, compliance with the Settings Rule will be folded into your onboarding.

- 7. My understanding is that we will work with DA and contractor to come to a solution that's agreeable to everyone for any remediation items and get everyone into compliance. This isn't ways to look to reduce the number of those served. The goal is to work together to get everyone into compliance, right?**

Absolutely. The goal is NOT to minimize the number of waiver clients, but to bring sites into compliance to continue service of this population.

- 8. Will the evaluator have the history of the sites?**

Yes, the evaluator will have this history of the sites as far as we have files on them from 2017. If you have additional files that the Division of Aging does not have, please be prepared to show those to your contract evaluator who can help with working within that framework.

- 9. Our evaluator reached out to the site on an email address that is no longer active. How do we get in contact with them?**

You can respond to the email the evaluator sent or you can reach out to Stephanie (stephanie.laskey@fssa.in.gov) to be put in contact with your evaluator.

- 10. We received a copy of our remediation plan and a few items on it said the Division of Aging was working to determine compliance. How do we know if those things have been approved as being in compliance?**

You can work with your evaluator to learn what items have been approved and which still need work to come into compliance.

- 11. What is the exact purpose of the Settings Rule? What will be changing for us?**

The Settings Rule exists to ensure that all people receiving Medicaid HCBS services are afforded the rights of dignity, respect, choice, and autonomy. Specific changes to your site will be part of your remediation plan and can be discussed with your evaluator.

- 12. What are some of the most common items needing remediation?**

The most common items needing remediation are locks on bedroom and bathroom doors, leases coming into compliance, controlled egress if you have a locked memory care unit, and privacy in communication. This is not an exhaustive list, and your site may need to bring other items into remediation.

13. I saw in a prior webinar the recommendation of using egress doors instead of locks in dementia units. Can you speak to this recommendation; will we be required to change the system in memory care?

While egress doors are recommended, there are other ways to be compliant with the Settings Rule as it pertains to locked memory care units. Please work with your evaluator to determine what your site specifically needs to do.

14. We already went through the non-residential site assessments in 2017 and submitted remediation plans. Will your department be doing assessments of those sites as well?

All Assisted Living, Adult Family Care, Adult Day Centers, Structured Family Care, Structured Day Programs (TBI), and Supportive Employment (TBI) sites that are provider owned and controlled will need to come into compliance with the Settings Rule and will undergo an assessment.

15. What about communities that are doing screenings upon entry? Does this conflict with the guest sign-in rule?

Covid-related screenings upon entry do not conflict with the guest sign-in rule.

16. Will communities that are new providers receive a site visit?

All sites that came online as a Medicaid provider prior to 2017 will receive a site visit. Sites that are new as of 2017 or later were remediated as part of their onboarding process.

Non-residential questions

- 1. Will there be new site assessments? Several of us have already had assessments completed back in 2017.**

Some sites did receive visits before the pandemic. The evaluators will have all the old files, but will want to follow up to see that nothing has changed, as it has been some time.

- 2. I was invited to this meeting but this does not pertain to home care services such as attendant care and home services, correct?**

That is correct, this does not pertain to attendant care or home services. This pertains to Assisted Living, Adult Day Services, Adult Family Care, Structured Family Care, Supported Employment, and Structured Day Programs.

- 3. Structured family care is considered residential?**

Structured family care has three different divisions: the participant lives in their own home, the participant lives in the home of a family member, and the participant lives in a provider owned or controlled home. When the participant lives in their own home or the home of a friend or family member, this is assumed to be in compliance with the Settings Rule and will not be subject to evaluation. When the participant lives in a provider owned or controlled home, the site WILL be subject to evaluation and compliance with the Settings Rule.

- 4. Where do I find the training material for staff and participant training?**

Evaluators will need to see a copy of the slide deck or other training tool that you are using to train your staff and residents on the Settings Rule. We recognize that each site will also have unique needs, so they will be free to customize trainings based on the needs of the site. You can get template PowerPoints [here](#) to customize as you see fit.

- 5. Would it be possible to have someone speak at the upcoming Indiana Association of Adult Day Services conference?**

Yes, we are happy to connect with the organizers of this conference. Please contact Lauren Perry (lauren.perry@fssa.in.gov) to discuss the details.

- 6. When will our assessors contact us?**

Evaluators should be in contact with you within the next two weeks.

- 7. What email or phone number will they be contacting us from?**

Evaluators will contact you from an FSSA email address using the format firstname.lastname@fssa.in.gov.

8. Are we obligated to provide transportation to any activity the participant wants to do?

You are not obligated to provide transportation to any activity, but you should be assisting the participant in achieving their goals. You can help facilitate public transit or encourage family or friends to drive the participant to their choice of activity.

9. Can you talk about what the compliance process will look like?

All sites will be contacted by an evaluator. This person will come out and do a site assessment, staff interview, and participant interview. They will review the person-centered service plans for each Medicaid HCBS recipient. They will create a remediation plan with notes of items not in compliance with the Settings Rule and will work with your site on deadlines and action items to bring these items into compliance before the March 17, 2023 deadline.

10. Can you explain more about the employment requirements?

If an individual wants to work or volunteer in the community, and there is nothing in their person-centered service plan preventing this, they should be able to work or volunteer in the community in a non-disability-specific area.

11. We have a site visit with CMS. Will we go through this process before or after the site visit?

We will begin the process before the site visit so that we can demonstrate to CMS that we have a plan in place for remediation.

12. How does the ADS manage the participants' freedom to have visitors at any time within our limited space that is not open to the public or walk-in traffic in general?

We have sent this question up to CMS for further guidance and will update this document when we receive additional information.

13. Is it ok to have visitors sign in and out?

Yes, you can have visitors sign in and out, but you may not restrict visitors that your participants want to receive.

14. Can you talk about accessibility requirements?

The building must be fully accessible to all participants, including those with limited mobility or in wheelchairs. Please review door handles, push-button doors, doorbells, etc. for accessibility.

15. Is there funding available to make our site more accessible?

More information about this topic will be coming soon.

16. If family members participate in the plan of care and specifically object to a participant leaving the site, can you verify that the participant's wishes trump the family's demands as long as they are not under guardianship?

Yes, if the individual can make their own decisions, their choices should be followed.

17. What are adequate reasons to deny a person leaving the building?

Issues such as elopement or wandering would be examples of items that would be documented in the person-centered service plans and would require the individual to not be able to leave the building.