

Elderly Waiver and Alternative Care Program: Systemic Assessment Crosswalk

Day service settings:

Adult day service: Adult day service provides supervision, care assistance, training and activities based on the participant's needs and directed toward the achievement of specific outcomes as identified in the community support plan. Services must be designed to meet both the health and social needs of the participants.

Adult day service providers must be licensed under Minnesota Rules, parts [9555.9600 to 9555.9730](#), and must also meet the requirements and standards in Minnesota Statutes, chapter [245A.01 through 245A.16](#), with the exception of 245A.143.

Family adult day: A family Adult day service program is a program that operates fewer than 24 hours per day and provides functionally impaired adults with an individualized and coordinated set of services, including health services, social services and nutritional services that are directed at maintaining or improving the participants' capabilities for self-care. Family adult day providers do not serve people who are under age 55, or people who have serious or persistent mental illness or people with developmental disabilities or a related condition.

A family adult day services license is only issued when the services are provided in the license holder's primary residence, and the license holder is the primary provider of care. The license holder may not serve more than eight adults at one time, including residents, if any, served under an adult foster care license issued under [Minnesota Rules, parts 9555.5105 to 9555.6265](#). The Department of Human Services has delegated licensing of family adult day services to counties.

Provider-controlled residential settings:

Adult foster care: Adult foster care is ongoing residential care and supportive services and includes personal care assistant services, homemaker, chore, behavioral aide services, companion services and medication oversight (to the extent permitted under state law) provided in a licensed home. Adult foster care is licensed under Minnesota Rules, parts [9555.5050 to 9555.6265](#), and Minnesota Statutes, [245A.03](#). AFC settings must meet the requirements of Minnesota Rules, parts [9555.5105 to 9555.6265](#), and Minnesota Statutes, [256B.0919, subdivisions 1 and 2](#).

Customized living: Customized living is an individualized package of regularly scheduled health-related and supportive services provided to a person residing in a qualified residential center that is a registered housing with services establishment under [Minnesota Statutes, chapter 144D](#). A customized living provider holds a comprehensive home care license as required in Minnesota Statutes, [144A.43 through 144A.47](#).

Settings services reviewed:

Provider-Controlled Residential Settings	Day Service Settings
Adult foster care = AFC	Adult day service = ADS
Customized living = CL	Family adult day = FADS

Waiver applicability:

- Elderly Waiver (EW) applies to the following services: adult day service, adult foster care, customized living and family adult day
- Alternative Care Program (AC) applies to the following service: adult day service

CMS regulation: The setting is integrated in and supports full access of individuals to the greater community, including **opportunities to seek employment and work in competitive integrated settings** to the same degree of access as individuals not receiving Medicaid HCBS.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<p>Chapter 256B, Medical assistance for needy persons:</p> <ul style="list-style-type: none"> • 256B.0911, Long-term care consultation services • 256B.0915, Medicaid waiver for elderly services 	<ul style="list-style-type: none"> ➤ ADS ➤ AFC ➤ CL ➤ FADS 	256B.0911 256B.0915	N/A	N/A	N/A	<p>Long-term care consultation and medicaid waiver for elderly services statutes are compliant with this standard of the federal rule.</p> <p>Long-term care consultation services include assessment of the person’s needs and development of the person-centered support plan.</p> <p>The person participates in the development of his or her person-centered support plan that outlines and identifies the person’s</p>	No remediation needed	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						<p>services and supports, including a person's interests in employment or volunteer activities to support the individual in the community.</p> <p>HCBS providers are required to provide services consistent with the person-centered support plan.</p>			
<p>1915c Waiver Plan and 1115 Demonstration Project</p> <ul style="list-style-type: none"> • Minnesota Elderly Waiver and Alternative Care Program 	<ul style="list-style-type: none"> ➤ ADS ➤ AFC ➤ CL ➤ FADS 	N/A	N/A	N/A	N/A	<p>The Elderly Waiver and Alternative Care 1115 Programs are compliant and provide assessed needed services to eligible people age 65 years and older. All people on EW and AC participate in a person-centered support planning process. If a person is employed or wishes to seek employment, those goals are noted in his or her support plan. There are no barriers within the waivers that would prevent a person from working. Employment support</p>	No remedial action needed.	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						services are not included in these waivers.			
Adult day care center or adult day services center licensure	➤ ADS	N/A	N/A	N/A	N/A	*See narrative above	*see narrative above	N/A	Not applicable
Chapter 144G, Assisted living services	➤ CL	N/A	N/A	N/A	N/A	*See narrative above	*see narrative above	N/A	Not applicable
Chapter 144A, Home care	➤ CL	N/A	N/A	N/A	N/A	*See narrative above	*see narrative above	N/A	Not applicable
Family adult day licensure	➤ FADS	N/A	N/A	N/A	N/A	*See narrative above	*see narrative above	N/A	Not applicable

CMS Regulation: The setting is integrated in and supports full access of individuals to the greater community including opportunities to engage in community life and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
Chapter 256B, Medical assistance for needy persons <ul style="list-style-type: none"> • 256B.0911, Long-term care consultation services • 256B.0915, Medicaid waiver for elderly services 	➤ ADS ➤ AFC ➤ CL ➤ FADS	256B.0911 256B.0915	N/A	N/A	N/A	Long-term care consultation and Medicaid waiver for elderly services statutes are compliant with this standard of the federal rule. Long-term care consultation services include assessment and development of person-centered plan to ensure a	No remedial action required	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						<p>person has opportunities to engage in and receive services in the community to the extent he or she desires.</p> <p>The person participates in the development of his or her person-centered support plan that outlines choices to meet his or her individual needs.</p> <p>The person-centered support plan identifies how a person prefers to engage with the community. HCBS providers are required to promote consumer choice and be arranged and provided consistent with the person-centered plan.</p>			
<p>Adult foster care services and licensure of adult foster homes</p> <ul style="list-style-type: none"> 9555.5605, Assessment 9555.6175, Cooperate with and report to agencies 	➤ AFC	9555.5605 9555.6175 9555.6235 9555.6255	N/A	N/A	N/A	<p>AFC rule is compliant with this standard of the federal rule.</p> <p>The AFC rules require a comprehensive assessment to be</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers supporting the person’s 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016-Oct 2017 2) Oct 2016-Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<ul style="list-style-type: none"> 9555.6235, Adult foster home program 9555.6255, Resident's rights 						<p>conducted to include the person's need for family, and community involvement. The AFC provider must cooperate with the services in the individual service plan and that the plan will include opportunities to participate in community, recreation and religious activities, and events of the resident's choosing. The AFC rule also states that a resident has the right to meet with or refuse to meet with visitors and participate in activities of commercial, religious, political and community groups without interference if the activities do not infringe on the rights of other residents or household members.</p>	<p>opportunities to engage in community life.</p> <p>2) Provide training/instruction on use of tools and resources</p>		support the activities.
<p>Adult day care center or adult day services center licensure</p> <ul style="list-style-type: none"> 9555.9600, Definitions, adult day care center or adult day services center licensure 	➤ ADS	9555.9600 9555.9640 9555.9700 9555.9710	N/A	N/A	N/A	Adult day services rule is compliant with this standard of the federal rule.	Remedial action steps include: 1) Develop tools and resources (policy guidance, best practices) to assist providers supporting the person's	Action step milestones: 1) Oct 2016- Oct 2017	A potential barrier to the listed remedial activities is inadequate administrative resources to

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<ul style="list-style-type: none"> 9555.9640, Policy and program information requirements 9555.9700, Individual service planning 9555.9710, Service and program requirements 						<p>The Adult day services rule requires the adult day service provider to use information obtained from the person's assessment and support plan to ensure the person's socialization needs are met. The provider is also required to have a diversified plan for daily program activities and socialization.</p> <p>Within the ADS rule, there are no barriers to providing activities to promote community integration activities as specified in the person-centered support plan.</p>	<p>opportunities to engage in community life.</p> <p>2) Provide training/instruction on use of tools and resources</p>	2) Oct 2016-Oct 2017	support the activities.
<p>Chapter 144a, Home care</p> <ul style="list-style-type: none"> 144A.44, Home Care Bill of Rights. 	➤ CL	144A.44	N/A	N/A	N/A	<p>The Home Care Bill of Rights is compliant with this standard of the federal rule. Customized living is an individualized package of regularly scheduled</p>	<p>Remedial action steps include:</p> <p>1) Develop tools and resources (policy guidance, best practices) to assist providers supporting the person's</p>	<p>Action step milestones:</p> <p>1) Oct 2016-Oct 2017</p> <p>2) Oct 2016-Oct 2017</p>	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

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						<p>health-related and supportive services. Customized living services include individualized supports that are chosen and designed specifically for each person's needs. The support planner is the primary party responsible to assure the needs of the person are met through the community support plan and customized living plan that is created specifically for that person. Services that can be offered in customized living settings that promote community integration include:</p> <ul style="list-style-type: none"> • Arranging for or providing transportation • Helping the person set up meetings and/or appointments • Socialization • Assistance with mobility needs 	<p>opportunities to engage in community life.</p> <p>2) Provide training/instruction on use of tools and resources</p>		

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Family adult day 245A.143, subdivision 9	➤ FADS	245A.143	N/A	N/A	N/A	Family adult day statute is compliant with this standard of the federal rule. The license holder, in consultation with the county or private case manager, when appropriate, shall assist the participant in identifying and achieving personal goals, support the participant in maintaining personal support networks and socially valued roles, provide assistance to the participant to enable community participation, and refer participants to the Office of Ombudsman for Long-Term Care and other advocacy organizations for assistance when there is a potential conflict of interest between the license holder and the participant.	No remedial action required	N/A	Not applicable

CMS regulation: The setting is integrated in and supports full access of individuals to the greater community, including opportunities to control personal resources.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<p>Chapter 256b, Medical assistance for needy persons</p> <ul style="list-style-type: none"> • 256B.0911, Long-term care consultation services • 256B.0915, Medicaid waiver for elderly services 	<ul style="list-style-type: none"> ➤ ADS ➤ AFC ➤ CL ➤ FADS 	245B.0911 256B.0915	N/A	N/A	N/A	<p>Long-term care consultation and Medicaid waiver for elderly services statutes are compliant with this standard of the federal rule.</p> <p>Long-term care consultation services include assessment of the person’s needs and development of the person-centered support plan.</p> <p>The person participates in the development of his or her person-centered support plan that outlines choices to meet his or her individual needs, including any service needs for money management.</p> <p>The person-centered support plan identifies the person’s services and supports. HCBS providers</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers supporting person’s opportunities to control his or her personal resources. 2) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016- Oct 2017 2) Oct 2016- Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

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						are required to provide services consistent the person-centered support plan.			
Adult foster care services and licensure of adult foster homes <ul style="list-style-type: none"> • 9555.5605, Assessment • 9555.6235, Adult foster home program. • 9555.6255, Resident's rights • 9555.6265, Safeguards for cash resources entrusted to operator 	➤ AFC	9555.5605 9555.6235 9555.6265 9555.6255	N/A	N/A	N/A	<p>The AFC rules, 9555.5605, 9555.6235, 9555.6255 and 9555.6265, are compliant with this standard of the federal rule.</p> <p>A person’s need for assistance in safeguarding cash and personal resources is assessed in the AFC assessment required in the AFC rule.</p> <p>Based on the person’s assessed need for assistance, the AFC provider is required to provide assistance safeguarding cash resources, such as banking, reporting the resident's earnings to appropriate agencies, keeping records of financial information (checks issued and received) and accounting</p>	No remedial action required	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						<p>for the resident's funds controlled by the operator.</p> <p>Personal possessions and items for the person's own use are the only items permitted to be stored in an AFC resident's bedroom.</p>			
<p>CHAPTER 144A. HOME CARE</p> <ul style="list-style-type: none"> • 144A.44, Home Care Bill of Rights • 144A.441, Assisted Living Bill Of Rights addendum • 144A.479, Home care provider responsibilities; business operation 	➤ CL	144.44 144A.441 144A.479	N/A	N/A	N/A	<p>Home care statute is compliant with this standard of the Federal rule.</p> <p>Customized living is an individualized package of regularly scheduled health-related and supportive services. Customized living services include individualized supports that are chosen and designed specifically for each person's needs. The support planner is the primary party responsible to assure that the needs of the person are met through the person-centered support plan and</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers supporting person's opportunities to control his or her personal resources. 2) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016- Oct 2017 2) Oct 2016- Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

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						<p>customized living plan that is created specifically for that person.</p> <p>There are no restrictions for people receiving CL services to manage their personal resources. If an assessed need is identified and documented in the person-centered support plan, the home care statute states that a home care provider may assist a person with household budgeting, including paying bills and purchasing household goods, but may not otherwise manage a client's property.</p>			
<p>Chapter 245A, Human services licensing</p> <ul style="list-style-type: none"> • 245A.04, Application procedures 	<ul style="list-style-type: none"> ➤ ADS ➤ AFC ➤ FADS 	245A.04	N/A	N/A	N/A	<p>245A, Human services licensing statute is compliant with this standard of the federal rule.</p> <p>245A outlines the process for the provider to receive, document and return personal funds.</p>	No remedial action required	N/A	Not applicable

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						<p>A license holder must ensure:</p> <ul style="list-style-type: none"> • That people served by the program retain the use and availability of personal funds or property unless restrictions are justified in the person's individual plan. • Separation of funds of people served by the program from funds of the license holder • Documentation of receipt and disbursement of the person's funds or other property at the time of receipt or disbursement • The return to the person upon the person's request of funds and property in the license holder's possession, subject to restrictions in the person's treatment plan, • That the provider does not borrow, spend or sell funds or property of the person. 			

CMS regulation: The setting is selected by the individual from among setting options, including non-disability-specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.

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<p>Chapter 256B, Medical Assistance for needy persons</p> <ul style="list-style-type: none"> • 256B.0911, Long-term care consultation services • 256B.0915, Medicaid waiver for elderly services 	<ul style="list-style-type: none"> ➤ ADS ➤ AFC ➤ CL ➤ FADS 	256B.0911 256B.0915	N/A	N/A	N/A	<p>Long-term care consultation and Medicaid waiver for elderly services statute is compliant with this standard of the federal rule.</p> <p>Long-term care consultation services include assessment of the person's needs and development of the person-centered support plan.</p> <p>256B.0911, subdivision 3a, Assessment and support planning. (2) the individual's options and choices to meet identified needs, including all available options for case management services and providers;</p> <p>The person-centered support plan reflects the</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist case managers/care coordinators in supporting person's choice of settings and options for a private unit in a residential setting. 2) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016- Oct 2017 2) Oct 2016- Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						person's informed choice of services, including setting options.			

CMS Regulation: The setting ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
Protective services to vulnerable adults <ul style="list-style-type: none"> • 9555.7200, Definitions. • 9555.7300, Complaint investigation by local social services agencies 	<ul style="list-style-type: none"> ➤ ADS ➤ AFC ➤ CL ➤ FADS 	9555.7200 9555.7300	N/A	N/A	N/A	<p>Protective services to vulnerable adults rule is compliant with this standard of the federal rule.</p> <p>The rule defines abuse. The rule also identifies the investigative processes to be followed by local social services agency when a complaint is received.</p>	No remedial action required	N/A	Not applicable
Chapter 626, Peace officers; searches; pursuit; mandatory reporting <ul style="list-style-type: none"> • 626.557, Reporting of maltreatment of vulnerable adults. • 626.5572, Definitions 	<ul style="list-style-type: none"> ➤ ADS ➤ AFC ➤ CL ➤ FADS 	626.557 626.5572	N/A	N/A	N/A	<p>Chapter 626 is compliant with this standard of the federal rule.</p> <p>Mandatory reporting statute describes the state's commitment to protecting vulnerable adults as well as the state's requirement to report suspected</p>	No remedial action required	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						<p>maltreatment of vulnerable adults.</p> <p>The statute defines when a standard is violated and the definition of a vulnerable adult.</p>			
<p>Adult day care center or adult day services center licensure</p> <ul style="list-style-type: none"> • 9555.9670, Participants' rights. • 9555.9730, Physical plant and space requirements. 	➤ ADS	9555.9670 9555.9730	N/A	N/A	N/A	<p>Adult day rule is compliant with this standard of the federal rule.</p> <p>ADS rule describes how providers and employees ensure standard is met through a participant's bill of rights. The rights shall include:</p> <p>A. the right to participate in developing one's own plan of care; B. the right to refuse care or participation; C. the right to physical privacy during care or treatment; D. the right to confidentiality of participant records; and E. the right to present grievances regarding treatment or care in accordance with part 9555.9640, item D.</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers practices comply with a person's rights of privacy, dignity and respect, and freedom from coercion and restraint. 2) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016-Oct 2017 2) Oct 2016-Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						Physical plant and space requirements section of the ADS rule identifies the availability of private space to accommodate personal hygiene services and social services to participants.			
Adult foster care services and licensure of adult foster homes <ul style="list-style-type: none"> • 9555.6255, Resident's rights • 9555.6175, Cooperate with and report to agencies • 9555.6185, Foster care training • 9555.6195, Prohibitions against maltreatment and discrimination 	➤ AFC	9555.6175 9555.6185 9555.6195 9555.6255	N/A	N/A	N/A	<p>AFC rule is compliant with this standard of the federal rule.</p> <p>The AFC rule states that the operator shall ensure that residents are protected from maltreatment through compliance with the Vulnerable Adults Act. The rule requires that AFC staff receive orientation and complete the training designed to meet the needs of the residents in care, including training regarding abuse and neglect. AFC caregivers are required by rule to immediately report any suspected maltreatment of a resident.</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers practices comply with a person's rights of privacy, dignity and respect, and freedom from coercion and restraint. 2) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016- Oct 2017 2) Oct 2016- Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

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						<p>The AFC recipient is required to have privacy when using the telephone, sending and receiving mail, and while visiting with others.</p> <p>A person is also required to have privacy in his or her bedroom and during activities of personal hygiene.</p>			
<p>Chapter 245A, Human services licensing</p> <ul style="list-style-type: none"> • 245A.11, Special conditions for residential programs. 	<ul style="list-style-type: none"> ➤ AFC ➤ ADS ➤ FADS 	245A.11	N/A	N/A	N/A	<p>Chapter 245A, Human services licensing is compliant with this standard of the federal rule.</p> <p>Providers licensed under 245A are required to comply with the privacy and security provisions of applicable privacy laws and regulations, including the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the Minnesota Government Data Practices Act.</p>	<p>Remedial Action Steps Include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers with supporting individual's right to privacy, dignity and respect and freedom from coercion and restraint. 2) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016- Oct 2017 2) Oct 2016- Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

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Chapter 144D, Housing with services establishment <ul style="list-style-type: none"> 144D.07 restraints 	➤ CL	144D.07	N/A	N/A	N/A	<p>Chapter 144D statute is compliant with this standard of the federal rule.</p> <p>Residents must be free from any physical or chemical restraints imposed for purposes of discipline or convenience.</p>	No remedial action required	N/A	Not applicable
Chapter 144A, Home care <ul style="list-style-type: none"> 144A.44, Home Care Bill of Rights 	➤ CL	144A.44	N/A	N/A	N/A	<p>Chapter 144A is compliant with this standard of the federal rule.</p> <p>People receiving customized living services are required to receive services in accordance with the Home Care Bill of Rights. The Home Care Bill of Rights includes the following rights: (2) The right to receive care and services according to a suitable and up-to-date plan, and subject to accepted health care, medical or nursing standards, to take an active part in developing, modifying and evaluating the plan and services.</p>	Remedial Action Steps Include: 1) Develop tools and resources (policy guidance, best practices) to assist providers with supporting individual's right to privacy, dignity and respect and freedom from coercion and restraint. 2) Provide training/instruction on use of tools and resources	Action step milestones: 1) Oct 2016- Oct 2017 2) Oct 2016- Oct 2017	A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.

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						<p>(10) The right to have personal, financial and medical information kept private, and to be advised of the provider's policies and procedures regarding disclosure of such information.</p> <p>(13) The right to be treated with courtesy and respect, and to have the client's property treated with respect.</p> <p>(14) The right to be free from physical and verbal abuse, neglect, financial exploitation and all forms of maltreatment covered under the Vulnerable Adults Act and the Maltreatment of Minors Act.</p>			

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
Family adult day 245A.143, subdivision 10	➤ FADS	245A.143	N/A	N/A	N/A	<p>Family adult day statute is compliant with this standard of the federal rule.</p> <p>(a) The license holder shall adopt and comply with a participant bill of rights. The rights shall include the participants' right to:</p> <p>(1) participate in the development of the service plan</p> <p>(2) refuse services or participation</p> <p>(3) privacy</p> <p>(4) confidentiality of participant information; and</p> <p>(5) present grievances regarding treatment or services to the Office of Ombudsman for Long-Term Care or the county licensing department. The license holder's policies shall include a procedure for addressing participant grievances.</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers practices comply with a person's rights of privacy, dignity and respect, and freedom from coercion and restraint. 2) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016-Oct 2017 2) Oct 2016-Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

CMS Regulation: 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.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<p>Chapter 256B, Medical Assistance for needy persons</p> <ul style="list-style-type: none"> • 256B.0911, Long-term care consultation services • 256B.0915, Medicaid waiver for elderly services 	<ul style="list-style-type: none"> ➤ ADS ➤ AFC ➤ CL ➤ FADS 	256B.0911 256B.0915	N/A	N/A	N/A	<p>Long-term care consultation and Medicaid waiver for elderly services statutes are compliant with this standard of the federal rule.</p> <p>Long-term care consultation services include assessment of the person’s needs and development of the person-centered support plan.</p> <p>Regardless of eligibility for Minnesota health care programs (i.e., Elderly Waiver and Alternative Care), the person participates in the development of his or her person-centered support plan that outlines choices to meet his or her individual needs.</p> <p>HCBS providers are required to provide</p>	<p>Remedial Action Steps Include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist support planners and providers support the person’s autonomy and individual initiative. 2) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016- Oct 2017 2) Oct 2016- Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						services consistent with the person-centered support plan. The person-centered support plan reflects the person's initiative, autonomy and independence in making life choices by documenting the person's informed choice of services, supports and providers.			
Adult foster care services and licensure of adult foster homes <ul style="list-style-type: none"> • 9555.6175, Cooperate with and report to agencies • 9555.6205, Physical environment • 9555.6235, Adult foster home program • 9555.6255, Resident's rights. 	➤ AFC	9555.6175 9555.6205 9555.6235	N/A	9555.6255	N/A	<p>AFC rules 9555.6175, 9555.6205 and 9555.6235 are compliant with this standard of the federal rule.</p> <p>The AFC provider is required to cooperate with carrying out the provisions of the individual service plan and in developing the individual resident placement agreement, including opportunities of the person's choosing to participate in community, social, recreational religious activities and</p>	<p>Remedial Action Steps Include:</p> <ol style="list-style-type: none"> 1) Revise Minnesota Statutes, chapter 245A.11, to include the following resident's rights: <ol style="list-style-type: none"> a. right to associate, including choice of roommate b. right to choose who visits and when they visit c. right to have use of and free access to common areas in the residence d. freedom to come and go at will. 2) Propose legislation 3) Secure legislative authority 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Aug 2016-Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016-Oct 2017 5) Oct 2016-Oct 2017 	<p>Legislation must pass during the 2017 session in order to implement new standards and have a process for ongoing validation of compliance with new standards.</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						<p>visiting with family and friends.</p> <p>AFC rule 9555.6255 is partially compliant with this standard of the federal rule.</p> <p>A person living in an AFC setting has the right to meet with or refuse to meet with visitors and participate in activities of commercial, religious, political and community groups without interference if the activities do not infringe on the rights of other residents or household members.</p> <p>Married residents have the right to privacy for visits by their spouses and to share a bedroom/bed if both people live in the AFC setting.</p>	<p>4) Develop tools and resources (policy guidance, residency agreement template)</p> <p>5) Provide training/instruction on use of tools and resources</p>		
<p>Adult day care center or adult day services center licensure</p> <ul style="list-style-type: none"> 9555.9670, Participants' rights 	➤ ADS	9555.9670 9555.9700 9555.9710	N/A	N/A	N/A	The ADS rule is compliant with this standard of the federal rule.	Remedial Action Steps Include: 1) Develop tools and resources (policy guidance, best practices) to assist providers	Action step milestones:	A potential barrier to the listed remedial activities is

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<ul style="list-style-type: none"> • 9555.9700, Individual service planning • 9555.9710, Service and program requirements 						<p>The ADS rule requires that each ADS setting adhere to a participant’s bill of rights to ensure the person develops and chooses his or her own care plan as well as the right to refuse care or participation.</p> <p>Each participant will have an individual service plan to meet his or her needs. Each plan will identify goals and have short- and long-term objectives.</p> <p>The ADS’s daily program activities shall be designed to meet the needs and interests of the participants, including the need for social activities, cultivation of personal interests and activities designed to increase the participant’s knowledge and awareness of the environment and to enhance language and conceptual skills.</p>	<p>supporting autonomy and independence.</p> <p>2) Provide training/instruction on use of tools and resources</p>	<p>1) Oct 2016- Oct 2017</p> <p>2) Oct 2016- Oct 2017</p>	<p>inadequate administrative resources to support the activities.</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<p>Chapter 144A, Home care</p> <ul style="list-style-type: none"> • 144A.44, Home care bill of rights. • 144A.45, Regulation of home care services. 	➤ CL	144A.44 144A.45	N/A	N/A	N/A	<p>Home care statute is compliant with this standard of the federal rule.</p> <p>The home care license holder is required to provide services in accordance with the home care regulations, including the Home Care Bill of Rights.</p> <p>Regulation of home care services, 144A.45, subdivision 1: The commissioner shall regulate home care providers pursuant to sections 144A.43 to 144A.482. The regulations shall include the following: (1) provisions to assure, to the extent possible, the health, safety, well-being and appropriate treatment of persons who receive home care services while respecting a client's autonomy and choice</p> <p>144A.44, the Home Care Bill of Rights, requires that</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers supporting autonomy and independence. 2) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016- Oct 2017 2) Oct 2016- Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						<p>the person receiving home care services have (9) the right to choose his or her home care provider, receive or (5) refuse care and (2) services according to a suitable and up-to-date plan and to take an active part in developing, modifying and evaluating the plan and services.</p> <p>Home Care regulation includes the provisions to assure, to the extent possible, the health, safety, well-being and appropriate treatment of persons who receive home care services while respecting a client's autonomy and choice.</p>			
<p>Family adult day 245A.143, subdivisions 5, 6 and 10</p>	➤ FADS	245A.143	N/A	N/A	N/A	<p>Family adult day statute is compliant with this standard of the federal rule. Subdivision 10. Participant rights. (a) The license holder shall adopt and comply with a participant bill of rights.</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers supporting autonomy and independence. 2) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016- Oct 2017 2) Oct 2016- Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						The rights shall include the participants' right to: (1) participate in the development of the service plan; (2) refuse services or participation; (3) privacy; (4) confidentiality of participant information; and (5) present grievances regarding treatment or services to the Office of Ombudsman for Long-Term Care or the county licensing department.			

CMS regulation: Facilitates individual choice regarding services and supports and who provides them.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
Chapter 256B, Medical Assistance for needy persons <ul style="list-style-type: none"> • 256B.0911, Long-term care consultation services • 256B.0915, Medicaid waiver for elderly services 	<ul style="list-style-type: none"> ➤ ADS ➤ AFC ➤ CL ➤ FADS 	256B.0911 256B.0915	N/A	N/A	N/A	Long-term care consultation and Medicaid waiver for elderly services statutes are compliant with this standard of the federal rule.	Remedial action steps include: 1) Develop tools and resources (policy guidance, best practices) to assure individual choice regarding services and supports.	Action step milestones: 1) Oct 2016- Oct 2017 2) Oct 2016- Oct 2017	A potential barrier to the listed remedial activities is inadequate administrative resources to

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						<p>Long-term care consultation services include assessment of the person's needs and development of the person-centered support plan.</p> <p>The person participates in the development of his or her person-centered support plan that outlines choices to meet his or her individual needs.</p> <p>The person-centered support plan identifies the person's services and supports. HCBS providers are required to provide services consistent the person-centered support plan.</p>	2) Provide training/instruction on use of tools and resources		support the activities.
<p>Adult foster care services and licensure of adult foster homes</p> <ul style="list-style-type: none"> • 9555.6175, Cooperate with and report to agencies • 9555.6235, Adult foster home program. • 9555.6255, Resident's rights 	➤ AFC	9555.6175 9555.6235 9555.6255	N/A	N/A	N/A	<p>AFC rule is compliant with this standard of the federal rule.</p> <p>Once AFC services are chosen by the person through a person-centered planning process, the AFC provider</p>	No remedial action required	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						is required to cooperate with carrying out the provisions of the person-centered plan and in developing the individual resident placement agreement.			
Adult day care center or adult day services center licensure <ul style="list-style-type: none"> • 9555.9670, Participants' rights • 9555.9700, Individual service planning • 9555.9710, Service and program requirements 	➤ ADS	9555.9670 9555.9700 9555.9710	N/A	N/A	N/A	<p>ADC rule is compliant with this standard of the federal rule.</p> <p>ADC services are chosen by the person through a person-centered planning process. The ADC provider is responsible for carrying out his or her role in the person's plan.</p> <p>ADC bill of rights require that the person has the right to participate in developing one's own plan of care; and the right to refuse care or participation.</p>	No remedial action required	N/A	Not applicable
Chapter 144A, Home care <ul style="list-style-type: none"> • 144A.44, Home Care Bill of Rights. • 144A.4791, Home care provider responsibilities with respect to clients 	➤ CL	144A.44 144A.4791	N/A	N/A	N/A	Home care statute is compliant with this standard of the federal rule.	No remedial action required	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						<p>CL services are chosen by the person through a person-centered planning process. The CL provider is responsible to carry out his or her role in the person's plan.</p> <p>The Home Care service plan and any revisions must include a signature or other authentication by the home care provider and by the client or the client's representative documenting agreement on the services to be provided.</p>			
<p>Family adult day 245A.143, subdivision 10</p>	➤ FADS	245A.143	N/A	N/A	N/A	<p>Family adult day statute is compliant with this standard of the federal rule.</p> <p>Subdivision 10, Participant rights.</p> <p>(a) The license holder shall adopt and comply with a participant bill of rights. The rights shall include the participants' right to:</p> <p>(1) participate in the development of the service plan;</p>	No remedial action required	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						(2) refuse services or participation; (3) privacy; (4) confidentiality of participant information; and (5) present grievances regarding treatment or services to the Office of Ombudsman for Long-Term Care or the county licensing department.			

Setting/Service Applicability:

Provider-controlled residential settings
Adult foster care= AFC
Customized living= CL

Waiver applicability:

➤ Elderly Waiver (EW) applies to the following services: Adult foster care and customized living

CMS regulation: The unit or dwelling is a specific physical place that can be owned, rented or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the state, county, city or other designated entity. For settings in which landlord/tenant laws do not apply, the state must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdictions' landlord/tenant law.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
Adult foster care services and licensure of adult foster homes <ul style="list-style-type: none"> 9555.5105, Definitions 9555.5705, Provision of adult foster care services to residents of adult foster homes. 	➤ AFC	N/A	N/A	9555.5105 9555.5705	N/A	AFC rule is partially compliant with this standard of the federal rule. An individual residential placement agreement (IRPA) is required. The IRPA is not required to provide protections that address eviction processes and appeals comparable to those provided under the jurisdictions' landlord/tenant law.	Remedial action steps include: <ol style="list-style-type: none"> Revise Minnesota Statutes, chapter 245A.11, to require that the individual resident placement agreement include eviction protections comparable to that found in Minnesota landlord/tenant law, statute 504B. Propose legislation Secure legislative authority Develop tools and resources (policy guidance, residency agreement template) Provide training/instruction on use of tools and resources 	Action step milestones: <ol style="list-style-type: none"> Aug 2016- Jan 2017 Jan-June 2017 July 2017 Oct 2016- Oct 2017 Oct 2016- Oct 2017 	Legislation must pass during the 2017 session in order to implement new standards and have a process for ongoing validation of compliance with new standards.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
245A, Human Services licensing <ul style="list-style-type: none"> 245A.11, Special conditions for residential programs. 	➤ AFC	N/A	N/A	N/A	245A.11	<p>Minnesota Statute 245.11, Special conditions for residential programs, is silent.</p> <p>The statute does not require the individual residential placement agreement (IRPA) to provide protections that address eviction processes and appeals comparable to those provided under the jurisdictions' landlord/tenant law.</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Revise Minnesota Statutes, chapter 245A.11, requiring a residency agreement to provide protections that address eviction processes and appeals comparable to those provided under the jurisdictions' landlord/tenant law. 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance, residency agreement template) 5) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Aug 2016-Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016-Oct 2017 5) Oct 2016-Oct 2017 	<p>Legislation must pass during the 2017 session in order to implement new standards and have a process for ongoing validation of compliance with new standards.</p>
Chapter 144D, Housing with services establishment <ul style="list-style-type: none"> 144D.06, Other laws. 	➤ CL	144D.06	N/A	N/A	N/A	<p>Housing with services statute is compliant with this standard of the federal rule.</p> <p>A housing with services establishment is subject to the provisions of section 325F.72 and chapter 504B, Landlord/tenant law</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers with HCBS compliant lease or agreement requirements. 2) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016-Oct 2017 2) Oct 2016-Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>
Chapter 504B, Landlord and tenant <ul style="list-style-type: none"> 504B, Eviction actions 	➤ CL	504B Eviction Actions section	N/A	N/A	N/A	<p>504B, Landlord and tenant statute is compliant with this standard of the federal rule.</p>	No remedial action required	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						Minnesota Statutes, chapter 504B, Landlord/tenant law, requires eviction processes and appeals.			

CMS regulation: Each individual has privacy in his or her sleeping or living unit

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
Adult foster care services and licensure of adult foster homes <ul style="list-style-type: none"> 9555.6255, Resident's rights 	➤ AFC	9555.6255	N/A	N/A	N/A	<p>AFC rule is compliant with this standard of the federal rule.</p> <p>AFC rule states that a person has the right to personal privacy and privacy for visits from others, and the respect of individuality and cultural identity. Privacy must be respected by operators, caregivers, household members and volunteers by knocking on the door of a resident's bedroom and seeking consent before entering, except in an emergency, and during toileting, bathing, and</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers with compliant practices ensuring a person has privacy in his or her sleeping or living unit. 2) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016- Oct 2017 2) Oct 2016- Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						other activities of personal hygiene, except as needed for the person's safety or assistance as noted in the person's individual record.			
Chapter 504b. Landlord and tenant <ul style="list-style-type: none"> 504B.211, Residential tenant's right to privacy. 	➤ CL	504B.211	N/A	N/A	N/A	<p>HWS settings are subject to landlord and tenant law. The landlord and tenant statute is compliant with this standard of the federal rule.</p> <p>504B.211, Residential tenant's right to privacy, subdivision 2, Entry by landlord.</p> <p>Except as provided in subdivision 5, a landlord may enter the premises rented by a residential tenant only for a reasonable business purpose and after making a good faith effort to give the residential tenant reasonable notice under the circumstances of the intent to enter. A residential tenant may not waive and the landlord may not require the</p>	No remedial action required	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						residential tenant to waive the residential tenant's right to prior notice of entry under this section as a condition of entering into or maintaining the lease.			
Chapter 144A, Home care <ul style="list-style-type: none"> 144A.44, Home Care Bill of Rights 	➤ CL	144A.44	N/A	N/A	N/A	144A.44 is compliant . The Home Care Bill of Rights requires a person's rights to keep information private.	Remedial action steps include: <ul style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers with compliant practices ensuring a person has privacy in his or her sleeping or living unit. 2) Provide training/instruction on use of tools and resources 	Action step milestones: <ul style="list-style-type: none"> 1) Oct 2016-Oct 2017 2) Oct 2016-Oct 2017 	A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.

CMS regulation: Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
245A, Human Services licensing <ul style="list-style-type: none"> 245A.11, Special conditions for residential programs. 	➤ AFC	N/A	N/A	N/A	245A.11	Minnesota Statutes, 245A.11, Special conditions for residential programs is silent . The statute does not require entrance doors to be lockable by the individual.	Remedial action steps include: <ul style="list-style-type: none"> 1) Revise Minnesota Statutes, chapter 245A.11, to require that a person has the right to have and use the lock on his or her unit/bedroom door based on the person's assessed needs. 	Action step milestones: <ul style="list-style-type: none"> 1) Aug 2016-Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016-Oct 2017 	Legislation must pass during the 2017 session in order to implement new standards and have a process for ongoing validation of

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
							2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance, residency agreement template) 5) Provide training/instruction on use of tools and resources	5) Oct 2016- Oct 2017	compliance with new standards.
Chapter 504B, Landlord and tenant <ul style="list-style-type: none"> 504B.211, Residential tenant's right to privacy. 	➤ CL	504B.211	N/A	N/A	N/A	<p>All HWS settings are subject to landlord and tenant law. The landlord and tenant statute is compliant with this standard of the federal rule.</p> <p>A landlord may enter the premises rented by a residential tenant only for a reasonable business purpose and after making a good faith effort to give the residential tenant reasonable notice under the circumstances of the intent to enter. A residential tenant may not waive and the landlord may not require the residential tenant to waive the residential tenant's right to prior notice of entry under this</p>	No remedial action required	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						section as a condition of entering into or maintaining the lease.			
Chapter 144D, Housing with services establishment <ul style="list-style-type: none"> 144D.04, Housing with services contracts 	➤ CL	N/A	N/A	N/A	144D.04	144D.04 statute is silent . Statute does not require bedrooms/units to have lockable doors.	Remedial action steps include: <ol style="list-style-type: none"> 1) Revise Minnesota Statutes, chapter 144D.04, to require that a person has the right to have and use the lock on his or her unit/bedroom door based on the person's assessed needs. 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance, residency agreement template) 5) Provide training/instruction on use of tools and resources 	Action step milestones: <ol style="list-style-type: none"> 1) Aug 2016-Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016-Oct 2017 5) Oct 2016-Oct 2017 	Legislation must pass during the 2017 session in order to implement new standards and have a process for ongoing validation of compliance with new standards.

CMS regulation: Individuals sharing units have a choice of roommates in that setting.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
Adult foster care services and licensure of adult foster homes <ul style="list-style-type: none"> 9555.6205, Physical environment 9555.6255, Resident's rights 	➤ AFC	N/A	N/A	9555.6205 9555.6255	N/A	<p>AFC rule is partially compliant with this standard of the federal rule.</p> <p>AFC rule currently states residents must mutually consent, in writing, to share a bedroom with another resident. No more than two residents may share one bedroom.</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Revise Minnesota Statutes, chapter 245A.11, to require people to have a choice of roommate. 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance, residency agreement template) 5) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Aug 2016-Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016-Oct 2017 5) Oct 2016-Oct 2017 	<p>Legislation must pass during the 2017 session in order to implement new standards and have a process for ongoing validation of compliance with new standards.</p>
Chapter 144D, Housing with services establishment <ul style="list-style-type: none"> 144D.04, Housing with services contracts 	➤ CL	N/A	N/A	144D.04	N/A	<p>Housing with services establishment statute is partially compliant with this standard of the federal rule.</p> <p>Statute 144D.04, subdivision 2, Contents of contract, (9), provides a description of the process through which the contract may be modified,</p>	<p>Remedial Action Steps Include:</p> <ol style="list-style-type: none"> 1) Revise Minnesota Statutes, chapter 144D.04, to require choice of roommate. 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance, residency agreement template) 5) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Aug 2016-Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016-Oct 2017 5) Oct 2016-Oct 2017 	<p>Legislation must pass during the 2017 session in order to implement new standards and have a process for ongoing validation of compliance with new standards.</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						amended or terminated, including whether a move to a different room or sharing a room would be required in the event that the tenant can no longer pay the current rent. The statute does not require the choice of roommates.			

CMS Regulation: Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
Adult foster care services and licensure of adult foster homes <ul style="list-style-type: none"> 9555.6205, Physical environment. 9555.6255, Resident's rights. 	➤ AFC	N/A	N/A	9555.6205 9555.6255	N/A	<p>AFC rule is partially compliant with this standard of the federal rule.</p> <p>AFC rule requires a person's personal possessions and items for the person's own use are the only items permitted to be stored in a resident's bedroom and; When possible, a person shall be allowed to have items of furniture that he or she personally owns in the bedroom, unless doing</p>	<p>Remedial Action Steps Include:</p> <ol style="list-style-type: none"> 1) Revise Minnesota Statutes, chapter 245A.11, to require a residency agreement that assures people have the freedom to furnish and decorate their sleeping or living units. 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance, residency agreement template) 5) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Aug 2016- Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016- Oct 2017 5) Oct 2016- Oct 2017 	<p>Legislation must pass during the 2017 session in order to implement new standards and have a process for ongoing validation of compliance with new standards.</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						so would interfere with safety precautions, violate a building or fire code or another resident's use of the bedroom. A resident has the right to keep and use personal clothing and possessions as space permits, unless to do so would infringe on the health, safety or rights of other residents or household members.			
Chapter 504B, Landlord and tenant <ul style="list-style-type: none"> • 504B.111, Written lease required; penalty • 504B.165, Unlawful destruction; damages 	➤ CL	504B.111 504B.165	N/A	N/A	N/A	<p>All HWS settings are subject to landlord and tenant law. The landlord and tenant statute is compliant with this standard of the federal rule.</p> <p>The landlord and tenant statute requires a written lease for each unit rented to a residential tenant. Tenants have the freedom to furnish and decorate their rental units within the parameters of the lease.</p>	No remedial action required	N/A	Not applicable
Chapter 144D, Housing with services establishment	➤ CL	N/A	N/A	144D.04	N/A	Housing with services establishment statute is	Remedial action steps include:	Action step milestones:	Legislation must pass during the

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
144D.04, Housing with services contracts.						<p>partially compliant with this standard of the federal rule.</p> <p>Statute 144D.04, subdivision 2, Contents of contract. A housing with services contract, which need not be entitled as such to comply with this section, shall include at least the following elements in itself or through supporting documents or attachments: The elements 1-17 do not specifically state the ability of residents to furnish or decorate their unit.</p>	<ol style="list-style-type: none"> 1) Revise Minnesota Statutes, chapter 144D.04, to require people to have the freedom to furnish and decorate their bedrooms/living units as part of housing with services contract. 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance, residency agreement template) 5) Provide training/instruction on use of tools and resources 	<ol style="list-style-type: none"> 1) Aug 2016-Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016-Oct 2017 5) Oct 2016-Oct 2017 	2017 session in order to implement new standards and have a process for ongoing validation of compliance with new standards.

CMS regulation: Individuals have freedom and support to control their own schedules and activities

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
Adult foster care services and licensure of adult foster homes	➤ AFC	9555.6175	N/A	9555.6255	N/A	AFC rule 9555.6175 is compliant with this	Remedial action steps include:	Action step milestones:	Legislation must pass during the 2017 session in

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<ul style="list-style-type: none"> • 9555.6175, Cooperate with and report to agencies • 9555.6255, Resident's rights. 						<p>standard of the federal rule.</p> <p>AFC providers are required to cooperate with the service agency in carrying out the provisions of the person-centered support plan for each person who has one and in developing the individual resident placement agreement.</p> <p>AFC rule 9555.6255 is partially compliant as it states: A resident has the right to meet with or refuse to meet with visitors and participate in activities of commercial, religious, political and community groups without interference if the activities do not infringe on the rights of other residents or household members.</p>	<ol style="list-style-type: none"> 1) Revise Minnesota Statutes, chapter 245A.11, to include a person has the right to: <ol style="list-style-type: none"> a. engage in chosen activities and have individual schedules supported by the license holder that meets the preferences indicated in his or her CSSP; and b. the right to have accessible information and materials about activities occurring inside and outside of the setting 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance, residency agreement template) 5) Provide training/instruction on use of tools and resources 	<ol style="list-style-type: none"> 1) Aug 2016-Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016-Oct 2017 5) Oct 2016-Oct 2017 	order to implement new standards and have a process for ongoing validation of compliance with new standards.
Chapter 144A, Home care	➤ CL	144A.45	N/A	N/A	N/A	Home care statute is compliant with this	Remedial action steps include: 1) Develop tools and resources (policy guidance, best	Action step milestones:	A potential barrier to the listed remedial

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<ul style="list-style-type: none"> 144A.45, Regulation of home care services 						<p>standard of the Federal rule.</p> <p>Home care statute requires the home care license holder to assure, to the extent possible, the health, safety, well-being and appropriate treatment of people who receive home care services while respecting a client's autonomy and choice.</p>	<p>practices) to assist providers supporting people to control their schedules and activities.</p> <p>2) Provide training/instruction on use of tools and resources</p>	<p>1) Oct 2016-Oct 2017</p> <p>2) Oct 2016-Oct 2017</p>	<p>activities is inadequate administrative resources to support the activities.</p>
<p>Chapter 256B, Medical Assistance for needy persons</p> <ul style="list-style-type: none"> 256B.0911, Long-term care consultation services 256B.0915, Medicaid waiver for elderly services 	<ul style="list-style-type: none"> ➤ AFC ➤ CL 	<p>256B.0911</p> <p>256B.0915</p>	N/A	N/A	N/A	<p>Long-term care consultation and Medicaid waiver for elderly services statutes are compliant with this standard of the federal rule.</p> <p>Long-term care consultation services include assessment of the person's needs and development of the person-centered support plan.</p> <p>The person participates in the development of his or her person-centered</p>	No remedial action required	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						support plan that outlines and identifies the person's services and supports, including the schedule and preferences of activities. HCBS providers are required to provide services consistent the person-centered support plan.			

CMS regulation: Individuals have access to food at any time.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
Chapter 256B, Medical Assistance for needy persons <ul style="list-style-type: none"> 256B.0911, Long-term care consultation services 256B.0915, Medicaid waiver for elderly services 	<ul style="list-style-type: none"> ➤ AFC ➤ CL 	256B.0911 256B.0915	N/A	N/A	N/A	<p>Long-term care consultation and Medicaid waiver for elderly services statutes are compliant with this standard of the federal rule.</p> <p>Long-term care consultation services include assessment of the person's needs and development of the person-centered support plan.</p>	No remedial action required	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						<p>The person participates in the development of his or her person-centered support plan that outlines and identifies the person’s services and supports, including the preferences and restrictions regarding access to food.</p> <p>HCBS providers are required to provide services consistent the person-centered support plan.</p> <p>256B.0915, subdivision 3e, Customized living service rate, requires that the CL payment agreement delineate the amount of each component service included in the recipient's customized living service plan. Meal prep is a component service of CL.</p> <p>Counties and tribes shall use tools issued by the commissioner to develop and document customized living service plans and rates.</p>			

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<p>Adult foster care services and licensure of adult foster homes</p> <ul style="list-style-type: none"> 9555.6215, Water and food 9555.6255, Resident's rights 	➤ AFC	N/A	N/A	9555.6215 9555.6255	N/A	<p>AFC rule is partially compliant with this standard of the federal rule.</p> <p>AFC rule requires that three nutritionally balanced meals a day must be served or made available to residents, and nutritious snacks must be available between meals.</p> <p>AFC providers are required to provide services consistent with the person-centered support plan. An AFC provider would follow any food restrictions on the person-centered support plan to meet the needs of the individual.</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Revise Minnesota Statutes, chapter 245A.11, to include a person has the right to have freedom and support to access food at any time unless otherwise indicated for health and safety reasons. 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance, residency agreement template) 5) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Aug 2016-Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016-Oct 2017 5) Oct 2016-Oct 2017 	<p>Legislation must pass during the 2017 session in order to implement new standards and have a process for ongoing validation of compliance with new standards.</p>
<p>Chapter 144A, Home care</p> <ul style="list-style-type: none"> 144A.4791, Home care provider responsibilities with respect to clients 	➤ CL	144A.4791	N/A	N/A	N/A	<p>Chapter 144A is compliant with this standard of the federal rule.</p> <p>Home care providers are required to provide services as documented in the person-centered support plan. A home care provider would follow any</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers supporting the person's preferences and restrictions regarding access to food at any time. 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016-Oct 2017 2) Oct 2016-Oct 2017 	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						<p>food restrictions on the person-centered support plan to meet the needs of the individual.</p> <p>Under 144A.4791, prior to the initiation of services, a home care provider must provide to the client or the client's representative a written statement that identifies the services the provider is authorized to provide, and which services the provider cannot provide under the scope of the provider's license.</p>	2) Provide training/instruction on use of tools and resources		
<p>Chapter 144D, Housing with services establishment</p> <p>144D.04, Housing with services contracts.</p>	➤ CL	N/A	N/A	144D.04	N/A	<p>Housing with services establishment statute is partially compliant with this standard of the federal rule.</p> <p>Statute 144D.04, subdivision 2, Contents of contract. A housing with services contract, which need not be entitled as such to comply with this section, shall include at least the following elements in itself or</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Revise 144D to require that people have freedom to and support to access food at any time based on assessed needs, preferences and goals. Restricted access to food will be documented in the person's support plan. 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance, residency agreement template) 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Aug 2016- Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016- Oct 2017 5) Oct 2016- Oct 2017 	<p>Legislation must pass during the 2017 session in order to implement new standards and have a process for ongoing validation of compliance with new standards.</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						through supporting documents or attachments: The elements 1-17 do not specify that people have access to food at any time.	5) Provide training/instruction on use of tools and resources		

CMS regulation: Individuals are able to have visitors of their choosing at any time.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
Adult foster care services and licensure of adult foster homes <ul style="list-style-type: none"> 9555.6255, Resident's rights. 	➤ AFC	N/A	N/A	9555.6255	N/A	<p>AFC rule is partially compliant with this standard of the federal rule.</p> <p>AFC rule requires that a resident have the right to meet with or refuse to meet with visitors and participate in activities of commercial, religious, political and community groups without interference if the activities do not infringe on the rights of other</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Revise Minnesota Statutes, chapter 245A.11 to require a person's right to choose who visits and when they visit 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance, residency agreement template) 5) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Aug 2016-Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016-Oct 2017 5) Oct 2016-Oct 2017 	<p>Legislation must pass during the 2017 session in order to implement new standards and have a process for ongoing validation of compliance with new standards.</p>

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						<p>residents or household members.</p> <p>AFC rule also requires that married residents have the right to privacy for visits by their spouses, and, if both spouses are residents of the adult foster home, they have the right to share a bedroom and bed.</p>			
<p>Chapter 144D, Housing with services establishment</p> <ul style="list-style-type: none"> 144D.04, Housing with services contracts 	➤ CL	N/A	N/A	N/A	144D.04	<p>All HWS settings are subject to Landlord And Tenant Law. Housing with Services Establishment statute is silent regarding this standard of the Federal rule.</p> <p>No regulation specifically addresses a person's right to choose who visits and when the visit occurs.</p>	<p>Remedial Action Steps Include:</p> <ol style="list-style-type: none"> 1) Revise Minnesota Statutes Chapter 144D to require a person's right to choose who visits and when the visit, unless otherwise specified in the person's support plan or lease agreement. 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance, residency agreement template) 5) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Aug 2016- Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016- Oct 2017 5) Oct 2016- Oct 2017 	<p>Legislation must pass during the 2017 session in order to implement new standards and have a process for ongoing validation of compliance with new standards.</p>
<p>Chapter 504B, Landlord and tenant</p> <ul style="list-style-type: none"> 504B.111, Written lease required; penalty 	➤ CL	504B.111	N/A	N/A	N/A	<p>Landlord and tenant statute is compliant with this standard of the federal rule.</p>	No remedial action required	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
						People have the right to have visitors at any time within the parameters of the lease.			

CMS regulation: The setting is physically accessible to the individual.

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<p>Chapter 256B, Medical Assistance for needy persons</p> <ul style="list-style-type: none"> • 256B.0911, Long-term care consultation services • 256B.0915, Medicaid waiver for elderly services 	<ul style="list-style-type: none"> ➤ AFC ➤ CL 	<p>256B.0911 256B.0915</p>	N/A	N/A	N/A	<p>Long-term care consultation and Medicaid waiver for elderly services statutes are compliant with this standard of the federal rule.</p> <p>Long-term care consultation services include assessment of the person’s needs and development of the person-centered support plan.</p> <p>The person participates in the development of his or her person-centered support plan, which outlines and identifies the person’s services and supports, including any modifications or equipment necessary to ensure the setting environment is physically accessible to the person.</p> <p>HCBS providers are required to provide services consistent the person-centered support plan.</p>	No remedial action required	N/A	Not applicable

State Standards Reviewed	Service	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
Adult foster care services and licensure of adult foster homes <ul style="list-style-type: none"> 9555.5605, Assessment 9555.6175, Cooperate with and report to agencies 	➤ AFC	9555.5605 9555.6175	N/A	N/A	N/A	<p>AFC rule is compliant with this standard of the federal rule.</p> <p>The person’s mobility needs must be assessed when the person is assessed for AFC placement. The AFC provider is required to provide services documented in the person-centered support plan and in the individual residential placement agreement.</p>	<p>Remedial action steps include:</p> <ol style="list-style-type: none"> 1) Develop tools and resources (policy guidance, best practices) to assist providers meet physical accessibility setting compliance. 2) Provide training/instruction on use of tools and resources 	<p>Action step milestones:</p> <ol style="list-style-type: none"> 1) Oct 2016-Oct 2017 2) Oct 2016-Oct 2017 	<p>Barriers to Full Compliance</p> <p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>
Chapter 363A, Human rights <ul style="list-style-type: none"> 363A.10, Real property; disability discrimination 	➤ CL	363A.10	N/A	N/A	N/A	<p>Human rights statute is compliant with this standard of the federal rule.</p> <p>Human rights statute requires landlords to provide reasonable modifications/accommodations for people with disabilities to assure living space and common areas are accessible and usable by the person.</p>	No remedial action required	N/A	Not applicable