

# Disability Waivers: Systemic Assessment Crosswalk

**Disability waivers:** [Brain Injury \(BI\) waiver](#), [Community Alternative Care \(CAC\) waiver](#), [Community Access for Disability Inclusion \(CADI\) waiver](#) and [Developmental Disabilities \(DD\) waiver](#)

## Settings/services reviewed

### Day settings (non-residential):

- **Adult day care** (BI, CAC, CADI): Adult day care service provides supervision, care assistance, training and activities based on the participant's needs. The services are 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](#). Providers must also meet the requirements and standards in Minnesota Statutes, sections [245A.01 through 245A.16](#), with the exception of 245A.143.
- **Day training and habilitation** (DD): Day services that develop and maintain life skills for people with developmental disabilities or related conditions so they can fully participate in community life. Day training and habilitation providers must be licensed under [Minnesota Statutes, chapter 245D](#).
- **Prevocational services** (CADI, CAC, BI): Services that prepare people with disabilities for jobs with competitive pay and help them to achieve greater independence in their communities. Prevocational services teach general work skills and concepts rather than specific work skills for a particular job. Prevocational service providers must be licensed under [Minnesota Statutes, chapter 245D](#).
- **Structured day program** (BI): Service designed for people who may benefit from continued rehabilitation and community integration directed at the development and maintenance of community living skills. Structured day service providers must be licensed under [Minnesota Statutes, chapter 245D](#).

### Provider-controlled residential settings:

- **Foster care** (BI, CAC, CADI): Foster care services include the provision of food, lodging, protection, supervision and household services to a functionally impaired adult in a residence and may also include the provision of personal care, household and living skills assistance or training, and medication assistance. Foster care providers must be licensed under [Minnesota Statutes, chapter 245D](#).
- **Customized living** (BI, CADI): 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, sections [144A.43 through 144A.47](#).
- **Supported living service** (DD): Supported living services are habilitation services provided in the person's residence and in the community, and should be directed toward increasing and maintaining the person's physical, intellectual, emotional and social functioning. Supported living service providers must be licensed under [Minnesota Statutes, chapter 245D](#).

Service applicability key:

Provider-controlled residential settings	Day settings
<ul style="list-style-type: none"> <li>➤ Customized living = CL</li> <li>➤ Foster care = FC</li> <li>➤ Supported living service = SLS</li> </ul>	<ul style="list-style-type: none"> <li>➤ Adult day care = ADC</li> <li>➤ Day training and habilitation = DTH</li> <li>➤ Prevocational services = PS</li> <li>➤ Structured day program = SDP</li> </ul>

**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 Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<b>245D, Home and community based service license, statutes reviewed:</b> 1) <a href="#">245D.07, Person-centered planning and service delivery statute</a> 2) <a href="#">245D.071, Service planning an delivery; intensive support services statute</a>	<ul style="list-style-type: none"> <li>➤ AFC</li> <li>➤ CFC</li> <li>➤ DTH</li> <li>➤ PS</li> <li>➤ SDP</li> <li>➤ SLS</li> </ul>	245D.07 and 245D.071 complies	N/A	N/A	N/A	<b>Compliance</b> was determined because under Minnesota Statutes, chapters 245D.07 and 245D.071, license holders must provide services in response to the person’s identified needs, interests, preferences and desired outcomes by providing the most integrated setting and inclusive service delivery as specified in the person’s support plan. Support plans are developed based on a person’s assessed needs, which includes assessment of a person’s employment interests and desired outcomes.	<b>No remedial action needed</b>	<b>Timeline is not applicable</b>	<b>Barriers are not applicable</b>

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<p>Services for persons with developmental disabilities statute reviewed:</p> <p>1) <a href="#">256B.092, subdivision 1b, Coordinated service and support plan</a></p> <p>2) <a href="#">256B.092, subdivision 8, Additional certified assessor duties</a></p>	<ul style="list-style-type: none"> <li>➤ SLS</li> <li>➤ DTH</li> </ul>	256B.092 complies	N/A	N/A	N/A	<p><b>Compliance</b> was determined because under Minnesota Statutes, chapter 256B.092, subdivision 8, additional certified assessor duties are required and referenced in chapter 256B.0911, Long-term care consultation services. Additional requirements include providing information about competitive employment to ensure that an informed choice about competitive employment can be made.</p>	No remedial action needed	Not applicable	Not applicable
<p>Long-term care consultation service statute reviewed:</p> <p><a href="#">256B.0911, subdivision 1a, Definitions</a></p>	<ul style="list-style-type: none"> <li>➤ ADC</li> <li>➤ FC</li> <li>➤ CL</li> <li>➤ PS</li> <li>➤ SDP</li> </ul>	256B.0911 complies	N/A	N/A	N/A	<p><b>Compliance</b> was determined because Minnesota Statutes, chapter 256B.092, subdivision 1a, requires that long-term care consultation services include providing information about competitive employment to ensure that an informed choice can be made.</p>	No remedial action needed	Not applicable	Not applicable

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<b>Minnesota's Employment First policy was reviewed:</b> <a href="#">Minnesota Employment First policy document</a>	<ul style="list-style-type: none"> <li>➤ ADC</li> <li>➤ FC</li> <li>➤ CL</li> <li>➤ DTH</li> <li>➤ PS</li> <li>➤ SDP</li> </ul>	<b>Policy complies</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>Compliance</b> was determined for Minnesota's Employment First policy as it raises the expectation that all working age Minnesotans with disabilities can work, want to work and can achieve competitive integrated employment, and each person will be offered the opportunity to work and earn a competitive wage before being offered other supports and services.	<b>Remedial action steps include:</b> 1) Draft and finalize informed choice protocol framework and toolkit 2) Establish process for ongoing monitoring via Lead Agency Reviews 3) Develop training and communication plan	<b>Action step milestones:</b> 1) Dec 2015- June 2016 2) Jan 2016- June 2016 3) June 2016- Aug 2016	A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.
<b>MnCHOICES Assessment module reviewed:</b> <a href="#">Employment, Volunteering and Training Assessment Domain</a>	<ul style="list-style-type: none"> <li>➤ ADC</li> <li>➤ FC</li> <li>➤ CL</li> <li>➤ DTH</li> <li>➤ PS</li> <li>➤ SDP</li> </ul>	<b>MnCHOICES complies</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>Compliance</b> was determined for MnCHOICES (MN's assessment tool) as it includes an assessment module that is designed to learn about work experiences, interests, identify potential barriers and share resources to support goals and interests for all people assessed.	<b>No remedial action needed</b>	<b>Not applicable</b>	<b>Not applicable</b>

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Full Compliance
<b>1915c Waiver Plans Reviewed:</b> <a href="#">Brain Injury (BI)</a> , <a href="#">Community Alternative Care (CAC)</a> , <a href="#">Community Access for Disability Inclusion (CADI)</a> and <a href="#">Developmental Disabilities (DD) waivers</a>	➤ DTH ➤ PS	N/A	N/A	1915c waiver plans partially comply	N/A	<p><b>Partial compliance</b> was determined because the only service available under the 1915c waivers specific to supporting people with employment is supported employment services. Supported employment service is a bundled service making it difficult for services to support individual needs emphasizing competitive integrated employment.</p>	<p><b>Remedial action steps include:</b></p> <ol style="list-style-type: none"> <li>1) Develop three new waiver services (in collaboration with stakeholders) that will create more opportunities for people to make informed choices about community employment and to help people maintain paid employment with community businesses</li> <li>2) Refine policy and develop implementation plan</li> <li>3) Propose legislation, policy and funding</li> <li>4) Secure legislative authority</li> <li>5) Submit waiver amendments to secure federal authority</li> <li>6) Implement new services by revising community based services manual (CBSM)</li> </ol>	<p><b>Action step milestones:</b></p> <ol style="list-style-type: none"> <li>1) Jan 2015-Jan 2016</li> <li>2) Jan 2016-Aug 2016</li> <li>3) Aug 2016-Jan 2017</li> <li>4) Jan-June 2017</li> <li>5) July 2017-Sept 2017</li> <li>6) Oct 2017-Dec 2017</li> </ol>	<p>Legislative policy and viable payment rates must be established for new employment services during the 2017 legislative session. This was attempted during the 2016 legislative session and was not approved.</p>

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

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Compliance
<b>Adult day care service rule reviewed:</b> <a href="#">9555.9710, subpart 6, Daily program activities</a>	➤ ADC	9555.9710 complies	N/A	N/A	N/A	<b>Compliance</b> was determined for Minnesota Rules, part 9555.9710, subpart 6, as the rule addresses opportunities for people to access their community fully by requiring a monthly plan of daily program activities that are designed to meet the person’s needs and interests.	<b>Remedial action steps include:</b> 1) Develop tools and resources (policy guidance, best practices) to assist providers with supporting individuals’ engagement in community life 2) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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.
<b>144G.03, Assisted living service, requirements reviewed :</b> <a href="#">144G.03, subdivision 2 (7)(v), Minimum requirements for assisted living</a>	➤ CL	144G.03 complies	N/A	N/A	N/A	<b>Compliance</b> was determined for 144G.03 (v), as the service requires assistance with accessing community resources and social services available in the community, and the name of or other identifying information about the person or persons responsible for providing this assistance	<b>Remedial action steps include:</b> 1) Develop tools and resources (policy guidance, best practices) to assist providers with supporting individual’s engagement in community life 2) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Compliance
<p><b>252, Services for persons with developmental disabilities, requirements reviewed:</b>  <a href="#">252.42 (4), Service principles</a></p>	<ul style="list-style-type: none"> <li>➤ DTH</li> <li>➤ SLS</li> </ul>	252.42 complies	N/A	N/A	N/A	<p><b>Compliance</b> was determined for 252.42 (4), as regulation requires that a person with a developmental disability shall receive services that include services offered in settings used by the general public and designed to increase the person's active participation in ordinary community activities</p>	No remedial action needed	Not applicable	Not applicable
<p><b>245D, Home and community-based service license, statutes reviewed:</b></p> <ol style="list-style-type: none"> <li>1) <a href="#">245D.04, subdivision 3, Protection related rights</a> and <a href="#">245D.07, Person-centered planning and service delivery, statute</a></li> <li>2) <a href="#">245D.071, Service planning an delivery; intensive support services, statute</a></li> <li>3) <a href="#">245D.09, subdivision 4, Orientation to program requirements</a></li> </ol>	<ul style="list-style-type: none"> <li>➤ FC</li> <li>➤ DTH</li> <li>➤ PS</li> <li>➤ SDP</li> <li>➤ SLS</li> </ul>	245D complies	N/A	N/A	N/A	<p><b>Full compliance</b> was determined for Minnesota Statutes, chapters 245D.07 and 245D.071, as license holders must provide services in response to the person's identified needs, interests, preferences and desired outcomes by providing the most integrated setting and inclusive service delivery as specified in the person's support plan.</p>	No remedial action needed	Not applicable	Not applicable

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Action	Timeline	Barriers to Compliance
<b>1915c Waiver Plans Reviewed:</b> <a href="#">Brain Injury (BI), Community Alternative Care (CAC), Community Access for Disability Inclusion (CADI) and Developmental Disabilities (DD) waivers</a>	➤ All	N/A	N/A	1915c waiver plans partially comply	N/A	<p><b>Partial compliance</b> was determined for 1915c waiver plans, as some services are specific to supporting people with accessing the community. Remedial action includes expanding services and revising services.</p> <p>1) <b>Expand Personal Support to BI, CAC and CADI waivers:</b> Personal support services provide supervision and assistance to a person in accessing community services and participating in community activities.</p> <p>2) <b>Revise service functions for adult day care, customized living, dth, foster care, in-home family support, independent living skills training, structured day program and supported living:</b> Add service functions related to assisting people in accessing community services and participating in community activities</p>	<p><b>Remedial action steps include:</b></p> <ol style="list-style-type: none"> <li>1) Develop new service definitions/revise service functions</li> <li>2) Submit waiver amendments to secure federal authority</li> <li>3) Implement changes to services by revising community based services manual (CBSM)</li> <li>4) Communicate changes</li> </ol>	<p><b>Action step milestones:</b></p> <ol style="list-style-type: none"> <li>1) Jan-June 2017</li> <li>2) Jan-June 2017</li> <li>3) July 2017-Sept 2017</li> <li>4) Oct 2017-Dec 2017</li> </ol>	Contingent upon federal approval of waiver amendments.

**CMS Regulation:** The setting is integrated in and supports full access of individuals to the greater community including control over personal resources to the same degree of access as individuals not receiving Medicaid HCBS.

State Standards Reviewed	➤ Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<b>245D, Home and community based service licensing, standards reviewed:</b> <a href="#">245D.06, subdivision 4, Funds and property</a>	➤ AFC ➤ CFC ➤ DTH ➤ PS ➤ SDP ➤ SLS	N/A	N/A	245D.06 partially complies	N/A	<b>Partial compliance</b> was determined 245D.06, Subdivision 4. Requires that people receiving 245D licensed services obtain written authorization to assist with the safekeeping, receipt and disbursement of funds. The license holder must survey, document and implement the preferences of the person or the person's legal representative and the case manager for frequency of receiving a statement that itemizes receipts and disbursements of funds or other property.	<b>Remedial action steps include:</b> 1) Revise Minnesota Statutes, chapter 245D.04, subdivision 3, Protection related rights, to include a person's right to have control over his or her personal resources 2) Propose legislation 3) Secure legislative authority 4) Revise licensing policy/ procedural guidance and communicate changes	<b>Action step milestones:</b> 1) Aug 2016-Jan 2017 2) Jan-June 2017 3) July 2017 4) July-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.
<b>144A, Home care, statutes reviewed:</b> 1. <a href="#">144A.44, Home Care Bill of Rights</a> 2. <a href="#">144A.441, Assisted Living Bill of Rights addendum</a> 3. <a href="#">144a.479, Home care provider responsibilities; business operation</a>	➤ CL	N/A	N/A	144A complies	N/A	<b>Compliance</b> was determined, as under 144A.479, subdivision 5, Handling of client's finances and property.  (a) A home care provider may assist clients with household budgeting, including paying bills and purchasing household goods, but may not otherwise manage a client's property.	<b>Remedial action steps include:</b> 1) Develop tools and resources (policy guidance, best practices) to assist providers in supporting a person's opportunities to control his or her personal resources. 2) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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 requirement:** 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.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<p><b>Services for persons with developmental disabilities statute reviewed:</b>  <a href="#">256B.092, subdivision 1b, Coordinated service and support plan</a></p>	<ul style="list-style-type: none"> <li>➤ SLS</li> <li>➤ DTH</li> </ul>	N/A	N/A	256B.092 partially complies	N/A	<p><b>Partial compliance</b> was determined as 256B.092 does not include “non-disability or private units” as explicit service/setting options in the informed choice process:            Subdivision 1b, Coordinated service and support plan, (a) (5) Each recipient of home and community-based waived services shall be provided a copy of the written coordinated service and support plan, which provides for an informed choice, as defined in section 256B.77, subdivision 2, paragraph (o), of service and support providers and identifies all available options for case management services and providers</p>	<p><b>Remedial action steps include:</b></p> <ol style="list-style-type: none"> <li>1) Revise Minnesota Statutes 256B.092, subdivision 1b (a)(5), to include service options of non-disability-specific settings</li> <li>2) Propose legislation</li> <li>3) Secure legislative authority</li> <li><b>4) Modify coordinated service and support plan to include options of non-disability-specific settings and private units during informed choice process and communicate changes</b></li> </ol>	<p><b>Action step milestones:</b></p> <ol style="list-style-type: none"> <li>1) Aug 2016-Jan 2017</li> <li>2) Jan-June 2017</li> <li>3) July 2017</li> <li><b>4) July-Oct 2017</b></li> </ol>	<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 Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<p>Long-term care consultation service statute reviewed:</p> <p>1. <a href="#">256B.0911, subdivision 3a (e)(2), Assessment and support planning</a></p> <p>2. <a href="#">256B.0911, subdivision 3c (a), Consultation</a></p>	<ul style="list-style-type: none"> <li>➤ ADC</li> <li>➤ AFC</li> <li>➤ CFC</li> <li>➤ CL</li> <li>➤ PS</li> <li>➤ SDP</li> </ul>	N/A	N/A	<p>256B.0911, subdivision 3a (e) (2)</p> <p>256B.0911, subdivision 3c (a), partially complies</p>	N/A	<p>1) Partial compliance was determined as Minnesota Statutes, chapter 256B.0911, subdivision 3a (e)(2), does not include “non-disability or private units” as explicit service/setting options in the informed choice process:</p> <p>(e) The person or the person's legal representative must be provided with a written community support plan. The written community support plan must include: (2) the individual's options and choices to meet identified needs, including all available options for case management services and providers</p> <p>2) Partial compliance was determined as Minnesota Statutes, chapter 256B.0911, Subdivision 3c Consultation, does not include “non-disability or private units” as explicit service/setting options in the informed choice process:</p> <p>(a) The purpose of long-term care consultation for registered housing with services is to support people with current or anticipated long-term care needs in making informed choices among options that include the most cost-effective and least-restrictive settings. Prospective residents maintain the right to choose housing with services or assisted living if that option is their preference.</p>	<p><b>Remedial action steps include:</b></p> <p>1) Revise Minnesota Statutes, chapter 256B.0911, subdivision 3a (e)(2), to include service options of non-disability specific settings and private units in residential settings</p> <p>2) Revise Minnesota Statutes, chapter 256B.0911, subdivision 3c, to include service options of non-disability specific settings and private units in residential settings</p> <p>3) Propose legislation</p> <p>4) Secure legislative authority</p> <p>5) Modify coordinated service and support plan to include options of non-disability-specific settings and private units during informed choice process and communicate changes</p>	<p><b>Action step milestones:</b></p> <p>1) Aug 2016-Jan 2017</p> <p>2) Aug 2016-Jan 2017</p> <p>3) Jan-June 2017</p> <p>4) July 2017</p> <p>5) July-Oct 2017</p>	<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 Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<p><b>245D, Home and community based service license, statutes reviewed:</b>  <a href="#">245D.04, subdivision 3, Protection-related rights</a></p>	<ul style="list-style-type: none"> <li>➤ AFC</li> <li>➤ CFC</li> <li>➤ DTH</li> <li>➤ PS</li> <li>➤ SDP</li> <li>➤ SLS</li> </ul>	245D.04 complies	N/A	N/A	N/A	<p><b>Compliance</b> was determined as 245D.04, Subdivision 3, Protection-related rights, requires that a person's protection-related rights include the right to:</p> <p>(1) Have personal, financial, service, health and medical information kept private, and be advised of disclosure of this information by the license holder</p> <p>(3) Be free from maltreatment</p> <p>(4) Be free from restraint, time out, seclusion, restrictive intervention or other prohibited procedure identified in section 245D.06, subdivision 5, or successor provisions, except for: (i) emergency use of manual restraint to protect the person from imminent danger to self or others, according to the requirements in section 245D.061 or successor provisions; or (ii) the use of safety interventions as part of a positive support transition plan under section 245D.06, subdivision 8, or successor provisions</p> <p>(6) be treated with courtesy and respect and receive respectful treatment of the person's property.</p>	<p>1) Develop tools and resources (policy guidance, best practices) to assist providers with supporting individual’s right to privacy, dignity and respect</p> <p>2) Provide training/instruction on use of tools and resources</p>	<p><b>Action step milestones:</b></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>

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
144A, Home care, statutes reviewed: <a href="#">144A.44 Home Care Bill of Rights</a>	➤ CL	144A.44 complies	N/A	N/A	N/A	<p><b>Compliance</b> was determined as Minnesota Statutes, chapter 144A.44, Home Care Bill of Rights requires that a person's rights include</p> <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>	<p><b>Remedial action steps include:</b></p> <p>1) Develop tools and resources (policy guidance, best practices) to assist providers with supporting individual's right to privacy, dignity and respect</p> <p>2) Provide training/instruction on use of tools and resources</p>	<p><b>Action step milestones:</b></p> <p>1) Oct 2016-Oct 2017</p> <p>2) Oct 2016-Oct 2017</p>	Not applicable

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<p><b>Adult day services rule reviewed:</b>  <a href="#">9555.9670, Participant rights</a></p>	➤ ADC	N/A	N/A	9555.9670 complies	N/A	<p><b>Compliance</b> was determined as 9555.9670, Participant rights, requires that the adult day center and employees are accountable for compliance with a person’s bill of rights, which includes the right to physical privacy and confidentiality.</p>	<p><b>Remedial action steps include:</b></p> <ol style="list-style-type: none"> <li>1) Develop tools and resources (policy guidance, best practices) to assist providers with supporting individual’s right to privacy, dignity and respect</li> <li>2) Provide training/instruction on use of tools and resources</li> </ol>	<p><b>Action step milestones:</b></p> <ol style="list-style-type: none"> <li>1) Oct 2016-Oct 2017</li> <li>2) Oct 2016-Oct 2017</li> </ol>	<p>A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.</p>

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<p>Reporting of maltreatment of vulnerable adults statute reviewed: <a href="#">626.557, Reporting of maltreatment of vulnerable adults</a> <a href="#">626.5572 Definitions</a></p>	➤ All	N/A	N/A	626 complies	N/A	<p><b>Compliance</b> was determined as Minnesota Statutes as</p> <ol style="list-style-type: none"> <li>1) Chapter 626 includes “abuse” as a type of maltreatment, including use of any aversive or deprivation procedure, unreasonable confinement or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825.</li> <li>2) Chapter 626 requires reporting of maltreatment of vulnerable adults by mandated reporters.</li> </ol>	No remedial action required	Not applicable	Not applicable

**CMS requirement:** 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 Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
245D, Home and community based service license, statutes reviewed: <a href="#">245D.04, subdivision 3, Protection related rights</a>	➤ AFC ➤ CFC ➤ DTH ➤ PS ➤ SDP ➤ SLS	245D.04 complies	N/A	N/A	N/A	<b>Compliance</b> was determined as Minnesota Statutes, chapter 245D.04, Subdivision 3, Protection-related rights, requires that a person's protection-related rights include the right to (15) engage in chosen activities	<b>Remedial action steps include:</b> 1) Develop tools and resources (policy guidance, best practices) to assist providers with engagement in a person's chosen activities (supporting autonomy and individual initiative) 2) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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.
144A, Home care, statutes reviewed: <a href="#">144A.45, Home care regulation</a>	➤ CL	144A complies	N/A	N/A	N/A	<b>Compliance</b> was determined as 144A.45, subdivision 1 (1), 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	<b>Remedial action steps include:</b> 1) Develop tools and resources (policy guidance, best practices) to assist providers supporting autonomy and individual initiative) 2) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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.
Adult Day Services rule reviewed: 1. <a href="#">9555.9700, Individual service planning</a> 2. <a href="#">9555.9670, Participant rights</a>	➤ ADC	9555 complies	N/A	N/A	N/A	<b>Compliance</b> was determined:  Rule 9555.9700 addresses that 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.  Rule 9555.9710 outlines need to cultivate personal interests of the person.	<b>Remedial action steps include:</b> 1) Develop tools and resources (policy guidance, best practices) to assist providers with engagement in a person's chosen activities (supporting autonomy and individual initiative) 2) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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 requirement:** The setting facilitates individual choice regarding services and supports, and who provides them.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<p><b>245D, Home and community based service license, statutes reviewed:</b></p> <ol style="list-style-type: none"> <li><a href="#">245D.07, Person-centered planning and service delivery statute</a></li> <li><a href="#">245D.071, Service planning and delivery; intensive support services statute</a></li> </ol>	<ul style="list-style-type: none"> <li>➤ AFC</li> <li>➤ CFC</li> <li>➤ DTH</li> <li>➤ PS</li> <li>➤ SDP</li> <li>➤ SLS</li> </ul>	245D.07 and 245D.071 complies	N/A	N/A	N/A	<p><b>Compliance</b> was determined as license holders under Minnesota Statutes, chapters 245D.07 and 245D.071, must provide services in response to the person’s identified needs, interests, preferences and desired outcomes by providing the most integrated setting and inclusive service delivery as specified in the person’s support plan.</p>	<p><b>Remedial action steps include:</b></p> <ol style="list-style-type: none"> <li>Develop tools and resources (policy guidance, best practices) to assure individual choice regarding services and supports are facilitated and supported</li> <li>Provide training/instruction on use of tools and resources</li> </ol>	<p><b>Action step milestones:</b></p> <ol style="list-style-type: none"> <li>Oct 2016- Oct 2017</li> <li>Oct 2016- Oct 2017</li> </ol>	Not applicable
<p><b>Services for persons with developmental disabilities statute reviewed:</b></p> <p><a href="#">256B.092, subdivision 1b, Coordinated service and support plan</a></p>	<ul style="list-style-type: none"> <li>➤ DTH</li> <li>➤ SLS</li> </ul>	256B.092 complies	N/A	N/A	N/A	<p><b>Compliance</b> was determined as 256B.092, subdivision 1b (4), identifies the person's preferences for services as stated by the person, the person's legal guardian or conservator, or the parent if the person is a minor, including the person's choices made on self-directed options and on services and supports to achieve employment goals</p>	<p><b>Remedial action steps include:</b></p> <ol style="list-style-type: none"> <li>Develop tools and resources (policy guidance, best practices) to assure individual choice regarding services and supports are facilitated and supported</li> <li>Provide training/instruction on use of tools and resources</li> </ol>	<p><b>Action step milestones:</b></p> <ol style="list-style-type: none"> <li>Oct 2016- Oct 2017</li> <li>Oct 2016- Oct 2017</li> </ol>	A potential barrier to the listed remedial activities is inadequate administrative resources to support the activities.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<b>HCBS service waivers for the disabled</b> <a href="#">256B.49, subdivision 16, Services and supports</a>	<ul style="list-style-type: none"> <li>➤ ADC</li> <li>➤ AFC</li> <li>➤ CFC</li> <li>➤ CL</li> <li>➤ PS</li> <li>➤ SDP</li> </ul>	256B.49 complies	N/A	N/A	N/A	<b>Compliance</b> was determined as Minnesota Statutes, chapter 256B.49, Subdivision 16, requires that the services and supports offered as alternatives to institutional care promote consumer choice, community inclusion, self-sufficiency and self-determination. Additionally, services and supports shall be arranged and provided consistent with individualized written plans of care for eligible waiver recipients.	<b>Remedial action steps include:</b> 1) Develop tools and resources (policy guidance, best practices) to assure individual choice regarding services and supports are facilitated and supported 2) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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.

# Systemic Crosswalk of Provider Controlled-Residential Settings

## Setting/service applicability:

Foster care= FC
Customized living= CL
Supported living service= SLS

**CMS requirement:** 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 jurisdiction’s landlord/tenant law.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
Landlord/tenant law reviewed: <a href="#">504B, Eviction actions</a>	➤ CL	504B complies	N/A	N/A	N/A	<b>Compliance</b> was determined for Minnesota Statutes, 504B (landlord/tenant law), as it requires eviction processes and appeals.	<b>No remedial action needed</b>	<b>Not applicable</b>	<b>Not applicable</b>
Housing with services requirements reviewed: <a href="#">144D.09, Other requirements for housing with services establishments</a>	➤ CL	144D complies	N/A	N/A	N/A	<b>Compliance</b> was determined for Minnesota Statutes, chapter 144D (housing with services establishments), as 144D.06 says a housing with services establishment is subject to the provisions of section 325F.72 and chapter 504B (landlord/tenant law).	<b>Remedial Action Steps Include:</b> 1) Develop tools and resources (policy guidance, best practices) to assist providers with developing HCBS compliant lease or agreement requirements 2) Provide training/instruction on use of tools and resources	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.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
245D, Home and community based service license, statutes reviewed: <a href="#">245D.10, Service termination</a>	<ul style="list-style-type: none"> <li>➤ AFC</li> <li>➤ SLS</li> </ul>	N/A	N/A	245D.10 is partially compliant	N/A	<p><b>Partial compliance</b> was determined as 245D.10 requires license holders to establish policies and procedures for service termination, including action taken to minimize/eliminate the need for termination or temporary service suspension, notification procedures and a person's right to appeal the termination.</p> <p>Enhance language to assure protections for housing are the same as protection for services via a residency agreement.</p>	<p><b>Remedial action steps include:</b></p> <ol style="list-style-type: none"> <li>1) Revise Minnesota Statutes, chapter 245D.11, subdivision 5, requiring the licensing holder to develop a residency agreement that includes eviction protections and appeal rights</li> <li>2) Propose legislation</li> <li>3) Secure legislative authority</li> <li>4) Develop tools and resources (policy guidance, residency agreement template)</li> <li>5) Provide training/instruction on use of tools and resources</li> </ol>	<p><b>Action step milestones:</b></p> <ol style="list-style-type: none"> <li>1) Aug 2016-Jan 2017</li> <li>2) Jan-June 2017</li> <li>3) July 2017</li> <li>4) Oct 2016-Oct 2017</li> <li>5) Oct 2016-Oct 2017</li> </ol>	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 requirement:** Each individual has privacy in his or her sleeping or living unit.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
245D, Home and community based service license, statutes reviewed: <a href="#">245D.04, subdivision 3, Protection-related rights</a>	<ul style="list-style-type: none"> <li>➤ AFC</li> <li>➤ CFC</li> <li>➤ SLS</li> </ul>	245D.04 complies	N/A	N/A	N/A	<p><b>Compliance</b> was determined as 245D.04, subdivision 3, Protection-related rights, includes the person's right to personal privacy</p>	<b>No remedial action needed</b>	<b>Not applicable</b>	<b>Not applicable</b>

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
Home care statutes reviewed: <a href="#">144A.44, Home Care Bill of Rights</a>	➤ CL	N/A	N/A	144A complies	N/A	<b>Compliance</b> was determined as 144A.44 requires a person's rights to keep information private; however, does not address the right to personal privacy specifically.	<b>Remedial action steps include:</b> 1) Develop tools and resources (policy guidance, best practices) for providers to support people with protecting personal privacy 2) Provide training/instruction on use of tools and resources	Action step milestones: 1) -Oct 2017 2) 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.
504B, Landlord and tenant statutes reviewed: <a href="#">504B, Residential tenant's right to privacy</a>	➤ CL	504B complies	N/A	N/A	N/A	<b>Compliance</b> was determined as 504B requires a landlord to provide reasonable notice before entering the premises and the tenant's right to prior notice of entry as a condition of entering into or maintaining the lease.	<b>No remedial action needed</b>	<b>Not applicable</b>	<b>Not applicable</b>

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<p><b>245D, Home and community based service license, statutes reviewed:</b></p> <ol style="list-style-type: none"> <li><a href="#">245D.24, Community residential settings, physical plant and environment</a></li> <li><a href="#">245D.04, subdivision 3, Protection-related rights</a></li> </ol>	<ul style="list-style-type: none"> <li>➤ AFC</li> <li>➤ SLS</li> </ul>	N/A	N/A	245D.04 is partially compliant	245D.24 is silent	<p><b>Silence</b> was determined, as Minnesota Statutes, chapter 245D.24, Community residential setting statutes, does not require bedrooms to have lockable doors.</p> <p><b>Partial compliance</b> was determined, as Minnesota Statutes, chapter 245D.04, requires people to have the right to personal privacy, but does not specifically address the right to use locks.</p>	<p><b>Remedial action steps include:</b></p> <ol style="list-style-type: none"> <li>1) Revise 245D.24 to require bedrooms have lockable doors unless otherwise specified as a restriction in the person’s plan.</li> <li>2) Revise 245D.04 to include a person’s right to use the lock on their bedroom or unit door</li> <li>3) Propose legislation</li> <li>4) Secure legislative authority</li> <li>5) Develop tools and resources (policy guidance)</li> <li>6) Provide training/instruction on use of tools and resources</li> </ol>	<p><b>Action step milestones:</b></p> <ol style="list-style-type: none"> <li>1) Aug 2016-Jan 2017</li> <li>2) Aug 2016-Jan 2017</li> <li>3) Jan-June 2017</li> <li>4) July 2017</li> <li>5) Oct 2016-Oct 2017</li> <li>6) Oct 2016-Oct 2017</li> </ol>	<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 Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
144D, Housing with services establishment, reviewed: <a href="#">144D.04, Housing with services contracts</a>	➤ CL	N/A	N/A	N/A	144A.44 is silent	Silence was determined, as Minnesota Statutes, chapter 144D.04, does not require units/bedrooms to have lockable doors.	<b>Remedial action steps include:</b> 1) Revise Minnesota Statutes, chapter 144D.04 to require units/bedrooms to have lockable doors unless otherwise indicated in their plan. 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance) 5) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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 Requirement:** Individuals sharing units have a choice of roommates in that setting.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
245D, Home and community based service license statutes reviewed: <a href="#">245D.24, Community residential settings, physical plant and environment</a>	➤ AFC ➤ SLS	245D.24 complies	N/A	N/A	N/A	<b>Compliance</b> was determined, as 245D.24, Subdivision 3, requires: (a) People receiving services must mutually consent, in writing, to sharing a bedroom with one another. No more than two people receiving services may share one bedroom.	<b>Remedial action steps include:</b> 1) Develop tools and resources (policy guidance, best practices) for providers to support people with roommate choice 2) Provide training/instruction on use of tools and resources	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.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<b>144D, Housing with services establishment reviewed:</b> <a href="#">144D.04, Housing with services contracts</a>	➤ CL	N/A	N/A	144D is partially compliant	N/A	<b>Partial compliance</b> was determined for Minnesota Statutes, 144D, as it requires a description of the process through which the contract may be modified, 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	<b>Remedial action steps include:</b> 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) 5) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<p><b>245D, Home and community based service license statutes reviewed:</b></p> <ol style="list-style-type: none"> <li><a href="#">245D.24, Community residential settings, physical plant and environment</a></li> <li><a href="#">245D.04, subdivision 3, Protection-related rights</a></li> </ol>	<ul style="list-style-type: none"> <li>➤ AFC</li> <li>➤ SLS</li> </ul>	N/A	N/A	245D partially complies	N/A	<p><b>Partial compliance</b> was determined for 245D.24, subdivision 3 (e), as it requires, when possible, that a person be allowed to have items of furniture that the person owns in the bedroom, unless doing so would interfere with safety precautions, violate a building or fire code or interfere with another person's use of the bedroom.</p>	<p><b>Remedial action steps include:</b></p> <ol style="list-style-type: none"> <li>1) Revise Minnesota Statutes, chapter 245D.04, adding a person's right to furnish and decorate his or her bedroom/living unit</li> <li>2) Propose legislation</li> <li>3) Secure legislative authority</li> <li>4) Develop tools and resources (policy guidance)</li> <li>5) Provide training/instruction on use of tools and resources</li> </ol>	<p><b>Action step milestones:</b></p> <ol style="list-style-type: none"> <li>1) Aug 2016-Jan 2017</li> <li>2) Jan-June 2017</li> <li>3) July 2017</li> <li>4) Oct 2016-Oct 2017</li> <li>5) Oct 2016-Oct 2017</li> </ol>	<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 Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<b>144D, Housing with services establishment reviewed:</b> <a href="#">144D.04, Housing with services contracts</a>	➤ CL	N/A	N/A	144D.04 partially complies		<b>Partial compliance</b> was determined as 144D.04, housing with services establishment, is subject to the provisions of landlord/tenant law, requiring leases for people living in a housing with services establishment.	<b>Remedial action steps include:</b> 1) Revise Minnesota Statutes, chapter 144D.04, to require people have the freedom to furnish and decorate their bedroom/living units as part of housing with services contract 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance) 5) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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 requirement:** Individuals have freedom and support to control their own schedules and activities.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<b>245D, Home and community based service license statutes reviewed:</b> <a href="#">245D.04, subdivision 3, Protection-related rights</a>	<ul style="list-style-type: none"> <li>➤ AFC</li> <li>➤ CFC</li> <li>➤ SLS</li> </ul>	245D.04 complies	N/A	N/A	N/A	<b>Compliance</b> was determined as Minnesota Statutes, chapter 245D.04, subdivision 3, Protection-related rights, requires that a person's protection-related rights include the right to (15) engage in chosen activities	<b>Remedial action steps include:</b> 1) Develop tools and resources (policy guidance, best practices) to assist providers with supporting person's control of his or her schedule 2) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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.
<b>144A, Home Care statutes reviewed:</b> <a href="#">144a.45, Home care regulation</a>	<ul style="list-style-type: none"> <li>➤ CL</li> </ul>	144A complies	N/A	N/A	N/A	<b>Compliance</b> was determined for 144A.45, subdivision 1 (1), as it 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	<b>Remedial action steps include:</b> 1) Develop tools and resources (policy guidance, best practices) to assist providers with supporting person's control of his or her schedule 2) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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.
<b>256B.0911, Long-term care consultation service statutes reviewed:</b> <a href="#">256B.0911, Long-term care consultation services</a>	<ul style="list-style-type: none"> <li>➤ CL</li> <li>➤ AFC</li> <li>➤ CFC</li> </ul>	256B.0911 complies	N/A	N/A	N/A	<b>Compliance</b> was determined for 256B.0911 as the long-term care consultation requires the person centered support plan outline and identify the person's services and supports, including the schedule and preferences of activities.	<b>Remedial action steps include:</b> 1) Develop tools and resources (policy guidance, best practices) to assist providers with supporting person's control of his or her schedule 2) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
256B.092, Services for persons with developmental disabilities, statutes reviewed: <a href="#">256B.092, subdivision 1b, Coordinated service and support plan</a>	➤ SLS	256B.092 complies	N/A	N/A	N/A	<b>Compliance</b> was determined for 256B.092 as it requires that the person-centered support plan outline and identify the person’s services and supports, including the schedule and preferences of activities.	<b>Remedial Action Steps Include:</b> 1) Develop tools and resources (policy guidance, best practices) to assist providers with supporting person’s control of his or her schedule 2) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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 requirement:** Individuals have access to food at any time.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<p><b>245D, Home and community based service licence, statutes reviewed:</b></p> <ol style="list-style-type: none"> <li>1. <a href="#">245D.04, subdivision 3, Protection-related rights</a></li> <li>2. <a href="#">245D.25, subdivision 2, Food</a></li> </ol>	<ul style="list-style-type: none"> <li>➤ AFC</li> <li>➤ SLS</li> </ul>	N/A	N/A	245D partially complies	N/A	<p><b>Partial compliance</b> was determined for 245D.35, subdivision 2, as it requires three nutritionally balanced meals a day to be served or made available to people. It also requires nutritious snacks to be made available between meals.</p>	<p><b>Remedial action steps include:</b></p> <ol style="list-style-type: none"> <li>1) Revise 245D.04, subdivision 3, to require that people have freedom to and support to access food at any time</li> <li>2) Propose legislation</li> <li>3) Secure legislative authority</li> <li>4) Develop tools and resources (policy guidance)</li> <li>5) Provide training/instruction on use of tools and resources</li> </ol>	<p>Action step milestones:</p> <ol style="list-style-type: none"> <li>1) Aug 2016-Jan 2017</li> <li>2) Jan-June 2017</li> <li>3) July 2017</li> <li>4) Oct 2016-Oct 2017</li> <li>5) Oct 2016-Oct 2017</li> </ol>	<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 Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<b>144G, Assisted living services, reviewed:</b> <b>144D, Housing with services establishment, reviewed:</b> <a href="#">144D.04, Housing with services contracts</a>	➤ CL	N/A	N/A	144D.04 is partially compliant	N/A	<b>Partial compliance</b> was determined, as 144G.03, subdivision 2 (8), addresses assisted living supportive services, which includes two meals per day. We determined that 144D, Housing with services establishments, would be revised to assure that people have access to food at any time.	<b>Remedial action steps:</b> 1) Revise 144D to require that people have the right 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) 5) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 1) Aug 2016-Jan 2017 2) Jan-June 2017 3) July 2017 4) Oct 2016 5) Oct 2017 6) 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 Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
<b>245D, Home and community based service license, statutes reviewed:</b> <a href="#">245D.04, subdivision 3, Protection-related rights</a>	<ul style="list-style-type: none"> <li>➤ AFC</li> <li>➤ SLS</li> <li>➤ CFC</li> </ul>	N/A	N/A	245D.04 partially complies	N/A	<b>Partial compliance</b> was determined for 245D.04, subdivision 3, as a person has the right to privacy during visits, including privacy in his or her bedroom. Statute does not explicitly address the person's right to visitors of his or her choosing at any time.	<b>Remedial action steps include:</b> 1) Revise Minnesota Statutes, chapter 245D.04, subdivision 3 (b) (4), 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) 5) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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.
<b>144D, Housing with services establishment, reviewed:</b> <a href="#">144d.04, Housing with services contracts</a>	<ul style="list-style-type: none"> <li>➤ CL</li> </ul>	N/A	N/A	N/A	X	<b>Silence</b> was determined for 144D.04. No regulation specifically addresses a person's right to choose who visits and when the visit occurs.	1) Revise Minnesota Statutes, chapter 144D, to require a person's right to choose who visits and when they visit, unless otherwise indicated for health and safety reasons. 2) Propose legislation 3) Secure legislative authority 4) Develop tools and resources (policy guidance) 5) Provide training/instruction on use of tools and resources	<b>Action step milestones:</b> 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 requirement:** The setting is physically accessible to the individual.

State Standards Reviewed	Service Applicability	Complies	Does not Comply	Partially Complies	Silent	Explanation of Outcome	Remedial Actions	Timeline	Barriers to Compliance
Minnesota Statutes, chapter 245D, Home and community based service licensed reviewed: <a href="#">245D.07, subdivision 4, Service outcomes and supports</a>	<ul style="list-style-type: none"> <li>➤ AFC</li> <li>➤ CFC</li> <li>➤ SLS</li> </ul>	245D.07 complies	N/A	N/A	N/A	<b>Compliance</b> was determined for 245D.07, subdivision 4, as it requires a person’s environment to be assessed and physical modifications to be accommodated by the license holder.	1) Develop tools and resources (policy guidance) to support providers with assessing and accommodating physical accessibility needs 2) Provide training/instruction on use of tools and resources	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.
Minnesota Statutes, chapter 363A, Human rights, reviewed: <a href="#">363A.10, Real property disability discrimination</a>	<ul style="list-style-type: none"> <li>➤ CL</li> </ul>	363A.10 complies	N/A	N/A	N/A	<b>Compliance</b> was determined for 363A.10, as it 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.	<b>No remedial action needed.</b>	<b>Not applicable</b>	<b>Not applicable</b>