Statewide Transition Plan: Appendix B

Companion Documents for Compliance Demonstration with Home and Community-Based (HCBS) Setting Requirements

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Section A: Physical Location Code of Federal Register (CFR) Citations all refer to Title 42. **CMS Guidance Compliance Demonstration*** Citation/Proof/Verification **Federal Rule** Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population? 1 §441.301(c)(5)(v) No/not applicable to assisted Not applicable to this licensed health care facility §441.710(a)(2)(v) living residences, comprehensive personal care category -not referenced in the rule homes and assisted living programs. There are no assisted living facilities attached to county nursing homes, which can be considered public institutions. No/not applicable to assisted §441.301(c)(5)(v) Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not N.J.A.C. 8:36-1.2; 1.3; 4.1(A) living residences, NJSA 10:5-12.2 §441.710(a)(2)(v) receiving HCBS? comprehensive personal care N.J.A.C. 8:33H-1.15 homes and assisted living N.J.A.C. 8:85-1.9 A resident of a licensed programs. healthcare facility cannot be discriminated against by reason of payer source §441.301(c)(5)(v) Is the setting a gated/secured "community" for people with disabilities? No/not applicable to assisted Not applicable to this §441.710(a)(2)(v) living residences, licensed healthcare facility comprehensive personal care category homes and assisted living Not referenced in the rule programs. §441.301(c)(5)(v) Is the setting a residential school incorporating both the educational program and the residential program in No/not applicable to assisted Not applicable to this licensed healthcare facility §441.710(a)(2)(v) the same building or in buildings in close proximity to each other? living residences, comprehensive personal care category homes and assisted living Not referenced in the rule programs.

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5	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby a large number of people with disabilities are congregated together with shared programming and staff?	No/not applicable to assisted living residences, comprehensive personal care homes and assisted living programs.	Not applicable to this licensed healthcare facility category Not referenced in the rule
		vith the community		
coc	de of federal register Federal Rule	r (cfr) citations all refer to title 42. CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the	Yes	Citation/F1001/Verification
•	§441.710(a)(1)(i)	same manner as people not receiving Medicaid HCBS services?	ies	N.J.A.C. 8:36-1.3 8:36-4.1(a)2,13, 31, and 34
2	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual able to regularly access the greater community outside of the setting?	yes	N.J.A.C. 8:36-5.8(b)
3	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual aware of or does he/she have access to information and materials to know of activities taking place outside of the setting?	yes	Not specifically addressed in the rule. Usually addressed in facility policies & procedures
4	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.) in integrated community settings when they want? a) Can the individual come and go when he or she wants? b) Is the individual able work or stay active in the community outside of the setting? c) If the individual wants to work, is there a way to ensure the option is pursued?	yes a) yes b) yes c) yes	N.J.A.C. 8:36-4.1 (A) RESIDENT RIGHTS (B)N.J.A.C. 8:36-5.8(B) N.J.A.C. 8:36-1.3 8:36-4.1(a)
c	§441.301(c)(4)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the	yes	c) not specifically addressed in the rule -not applicable to this population N.J.A.C. 8:36-4.1 (a) resident

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	§441.710(a)(1)(i)	broader community?		rights
6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS live/receive services the setting live apart from individuals not receiving Medicaid HCBS?	No	N.J.A.C. 8:36-4.1 (a) resident rights; (a) 23
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residence and retail businesses?	Unknown; ownership choice and zoning restrictions apply and are involved in setting selection	Not referenced in the rule
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	 Explain how visitors are handled in the setting: a) Are visitors restricted to specified visiting hours? b) Are visiting hours posted? c) Is there evidence that visitors have been present at regular frequencies? d) Are there restricted visitor's meeting areas? 	a) No b) yes c) yes d) No, unless resident's condition or physician orders require restricted visitor's areas in the best interests of the resident.	N.J.A.C. 8:36-4.1 (a) 26,30,33 8:36-4.1(a) 30 – while a resident has this right, it is in accordance with the facility's policies and procedures. The visitation policy is left to the facility's discretion.
10	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access individuals have to the community: a) Do individuals come and go at will? b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door? c) Is there a curfew or other requirement for a schedule return to the setting? d) Do individuals in the setting have access to public transportation? e) Are there bus stops nearby or are taxis available in the area? f) Is an accessible van available to bring individuals to appointments, shopping, etc.?	 a) yes b) yes c) no d) yes e) unknown if buses are nearby a specific facility/facility or resident will call for taxi service f) yes 	(a) N.J.A.C. 8:36-4.1(a) (b) N.J.A.C. 8:36-12.1 c) N.J.A.C. 8:36-4.1(a) (d) N.J.A.C. 8:36-5.8 (f) N.J.A.C. 8:36-5.8 (a), (b)
9	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access which an individual has to access public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location? b) Is training in the use of public transportation facilitated? c) Where public transportation is limited, are other resources provided for the individual to access the	a) public transportation schedules are available in the facility, not necessarily posted b) not applicable to this	(a) not required to be posted by rule

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		broader community?	population group c) yes/ licensed assisted living	(b)not required or referenced	
			facilities have vehicles or are responsible for	in the rule	
			transportation arrangements for the resident	c) N.J.A.C. 8:36-5.8 (b)	
Sec	tion C: Person-Center	red Planning	for the resident		
		(CFR) Citations all refer to Title 42.			
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification	
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the development and updating of the individual's person-centered plan?	yes	N.J.A.C. 8:36-4.1(a) 13	
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions?	yes	N.J.A.C. 8:36-4.1(a) 13	
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at a time and place convenient for individuals to attend?	yes	N.J.A.C.8:36-7.1, 2, 3, 4, 5	
4	§441.301(c)(1) (iv)	Describe how the setting provides for the different cultural considerations of individuals: a) Do the setting's written materials and meetings reflect a plain language that is accessible to individuals? b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in English?	a) yes b) yes	N.J.A.C. 8:36-5.16 (a)N.J.A.C. 8:36-5.16.	
				(b)N.J.A.C. 8:36-5.16.	
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	Yes	N.J.A.C. 8:36-5.18 (a) (b) (c)	
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	Yes	N.J.A.C. 8:36-7.1, 7.2, 7.3.	
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	Yes	N.J.A.C. 8:36-4.1(a) N.J.A.C. 8:36-6.1i	
	Section D: Choice and Independence Code of Federal Register (CFR) Citations all refer to Title 42.				
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification	
1	§441.301(c)(4)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice?	yes	N.J.A.C. 8:36-1.3	

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	§441.710(a)(1)(vi)	a) Is the individual able to choose a roommate?b) Can married couples choose to share or not share a room?c) Does an individual know how he/she can request a roommate change?	a) yes/where situation permits, individual resident may choose roommate. Facility determines placement when resident has no requests. changes can always be made b) yes c) yes	(a)N.J.A.C. 8:36-1.3 8:36-4.1(a)-23
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan? a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking, bathing, eating, exercising, activities, etc.? b) Can an individual's schedule vary from others in the same setting? c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at his/her convenience? 	yes a) yes b) yes c) yes	(a) N.J.A.C. 8:36-1.3 8:36-4.1(a)1,2,3,5
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual controls his/her personal resources? a) Is the individual able to have a checking or savings account or other means to control his/her funds? b) Does an individual have access to his/her funds? c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?	yes a) yes b) yes c) yes	N.J.A.C. 8:36-4.1(a) 11, 12, 18, 19, 20, 21, N.J.A.C. 8:36-6.3
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Describe the dining experience: a) Does the individual have a meal at the time and place of his/her choosing? b) Can the individual request an alternative meal if desired? c) Are snacks accessible and available anytime? d) Is the individual required to sit at an assigned seat in a dining area? e) If the individual desires to eat privately, can s/he do so? f) Is the individual able to choose with whom to eat—or to eat alone?	a) yes b) yes c) yes d))no e) yes f) yes	N.J.A.C.8:36-4.1(a) 2, 3, 4, 5, 34

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		g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use disposable cutlery, plates and cups?	g) yes	N.J.A.C. 8:36-10.5
				Dining policies are according to the facility's policies.
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have access to make private telephone calls/text/email at the individual's preference and convenience?	yes	
		 a) Does the individual have a private cell phone, computer or other personal communication device or have access to a telephone or other means for personal communication in private at any time? b) Is the telephone or other technology device in a location that has space around it to ensure privacy? c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack? 	a) yes b) yes c) yes	N.J.A.C. 8:36-16.17
				N.J.A.C.8:36-4.1 (a) 29
				N.J.A.C. 8:36-4.1 (a) 29
				N.J.A.C. 8:36-16.17
6	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the setting an environment that supports individual comfort, independence and preferences? a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas? b) Is informal (written or oral) communication conducted in a language that the individual understands? c) Is assistance provided in private, as appropriate, when needed?	Yes a) yes b) yes c) c) yes	N.J.A.C. 8:36-17.3 (a); 8:1.3
		-,		N.J.A.C. 8:36-1.3 8:36-16; 16.14

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7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have full access in the setting? a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit from certain areas of the setting? b) Are individuals receiving Medicaid home and community-based services facilitated in accessing amenities such as a pool or gym used by others on-site? c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways, etc., limiting individuals' mobility in the setting or if they are present are there environmental adaptations such as a stair lift or elevator to fix the obstruction?	Yes a) Yes. in assisted living facilities with Alzheimer's /dementia units, controlled ingress and egress are necessary for resident safety. b) yes c) yes	N.J.A.C. 8:36-4.1 (a)16, 17 8:36-17.1, 3 (a)(b)
8	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Does the physical environment meet the needs of those individuals who require supports? a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in wheelchairs)? b) For those individuals who need supports to move about the setting as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies, etc.? c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably? 	yes a) yes b) yes c) yes	N.J.A.C. 8:36-17.1(b) 8:36-17. 5, 17.7 (a) N.J.A.C. 8:36-4.1(a) N.J.A.C. 8:36-16; 16-14 N.J.A.C. 8:36-17.8 (f) (g) (b) N.J.A.C. 8:36-16.9(b) N.J.A.C. 8:36-17.7

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				C)
				N.J.A.C. 8:36-16.9
9	§441.301(c)(4)(vi)	Do individuals have privacy in their sleeping space and bathroom?	yes	
	§441.710(a)(1)(vi)	a) Is the furniture able to be arranged to suit the individual's needs and preferences?	a) yes	
	3	b) Can the individual close and lock the bathroom door?	b) yes	
		c) Can the individual close and lock the bedroom door?	c) yes	N.J.A.C. 8:36-1.3
		d) Do staff or other residents always knock and receive permission prior to entering a bedroom or	d) yes	8:36-4.1(a) 6, 22
		bathroom?		0.00=(0, 0, ==
				N.J.A.C. 8:36-16.c
				N.J.A.C. 8:36-4.1(a)3, 4, 5, 6
10	§441.301(c)(4)(vi)	Do individuals have comfortable places for private visits with family and friends?	Yes	
	§441.710(a)(1)(vi)	a) Is the furniture arranged to support small group conversations?	a) yes	N.J.A.C. 8:36-1.3
			, ,	8:36-4.1(a)
				8:36-16.11,
				8:36-16.14
11	§441.301(c)(4)(vi)	Are individuals able to furnish and decorate their sleeping and/or living units as they wish?	Yes	
	§441.710(a)(1)(vi)	a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the	a) yes	
		individual desires?	b) yes	N.J.A.C. 8:36-1.3
		b) Can the furniture, linens, and other items reflect the individual's personal choices?	c) yes	8:36-4.1(a)
		c) Can individuals' living areas reflect their interests and hobbies?		8:36-16.11,
				8:36-16.14
	tion e: resident rights			
coc		cfr) citations all refer to title 42.		
	Federal Rule	CMS Guidance	compliance demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(vi)	Are individual choices incorporated into the services and supports received?	yes	N.J.A.C. 8:36-4.1(a) 5
1	§441.710(a)(1)(vi)	a) Does staff ask the individual about her/his needs and preferences?	a) yes	
		b) Are individuals aware of how to make a service request?	b) yes	(a) N.J.A.C. 8:36-4.1(a) 1, 5
		c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make decisions?	c) yes	

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				C) N.J.A.C. 8:36-4.1(a) 1, 5
	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is an individual's right to dignity and privacy respected? a) Is an individual's health information kept private?	Yes	N.J.A.C. 8:36-4.1(a) 1, 3, 4, 6
		b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view?	a) yes b) no	N.J.A.C. 8:36-15.1, 15.3
		c) Are individuals, who need assistance with grooming, groomed as they desire?	c) yes	
				N.J.A.C. 8:36-4.1(a) 1
3	§441.301(c)(4)(vi)	Does staff communicate with individuals in a dignified manner?	yes	11.3.3.1.0.1.0.30 11.1(0) 1
•		a) Do individuals greet and chat with staff?	a) yes	
		b) Do staff converse with individuals in the setting while providing assistance during the regular course of	b) yes	(a) N.J.A.C. 8:36-4.1 (a) 4
		daily activities?	c) yes	
		c) Does staff address individuals in the manner in which the person would like to be addressed?		(b) N.J.A.C. 8:36-4.1 (a)1, 4
				8:36-5.6
				(C)) N.J.A.C. 8:36-4.1 (a) 1, 4
				(0,7,110.11.01.01.01.01.11.11.11.11.11.11.11.
4	§441.301(c)(4)(vi)	Are individuals free from coercion?	yes	N.J.A.C. 8:36-4.1 (a) 16
	§441.710(a)(1)(vi)	a) Is information about filing a complaint posted in an obvious location and in an understandable format?	a) yes	
		b) Does the individual know the person to contact or the process to make an anonymous complaint?	b) yes	(a) N.J.A.C. 8:36-4.1(a) 35
		c) Can the individual file an anonymous complaint?	c) yes	
				(b) N.J.A.C. 8:36-4.1(a) 40
				(C N.J.A.C. 8:36-4.1(a) 40
5	§441.301(c)(4)(vi)	Is there a legally enforceable agreement for the unit or dwelling where the individual resides?	Yes	N.J.A.C. 8:36-2.2; 2.3; 2.4;
	§441.710(a)(1)(vi)	a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written	a) yes	4.1(a)10; 5.14;
		residency agreement?	b) b) yes	

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		b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?		(a) N.J.A.C. 8:36-4.1 (a) 19, 36, 37
				(b) N.J.A.C. 8:36-4.1 (a) 36,
6	§441.710(a)(1)(vi) §441.301(c)(4)(vi)	Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the state who are not receiving Medicaid home and community based services?	yes	N.J.A.C. 8:36-4.1 (a) 10
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals know their rights regarding housing and when they could be required to relocate? a) Do individuals know how to relocate and request new housing? b) Does the written agreement include language that provides protections to address eviction processes and appeals comparable to those provided under the New Jersey's landlord tenant laws?	yes a) yes b) yes	(a) N.J.A.C. 8:36-4.1 (a) 36, 37

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CU		er (CFR) Citations all refer to Title 42.		
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?		Not referenced in regulation
2	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not receiving HCBS?		Not referenced in regulation
3	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a gated/secured "community" for people with disabilities?	No programs licensed under this rule are so located.	• N.J.A.C.10:44A-1.3
4	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a residential school incorporating both the educational program and the residential program in the same building or in buildings in close proximity to each other?	Programs of this type/model are not regulated under this rule.	Not referenced in regulation N.J.A.C. 10:47 "Private Licensed Facilities For Persons With Developmental Disabilities"
5	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby a large number of people with disabilities are congregated together with shared programming and staff?		Not referenced in regulation
	•	with the Community er (CFR) Citations all refer to Title 42.		
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the same manner as people not receiving Medicaid HCBS services?	Service Plan (SP) Level of Service (LOS) assessed Activity Schedules Monthly Reports Progress Notes	 N.J.A.C. 10:44A-2.2 Agency Policy & Procedure required to assure community integration and access
2	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual able to regularly access the greater community outside of the setting?	SP and LOS Activity Schedules Monthly Reports Progress Notes	Agency Policy & Procedure required to assure community integration and access.
3	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual aware of or does he/she have access to information and materials to know of activities taking place outside of the setting?	Activity schedules House meetings to plan outings/events Agency required to assure	• N.J.A.C.10:44A-3.2 (d)

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			1	
			community integration and	
			access.	
			Staff shall assist the	
			individuals with setting the	
			schedules and agendas for	
			house meetings.	
4	§441.301(c)(4)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.) in integrated	SP and LOS	• N.J.S.A.30:6D-10 et seq.
	§441.710(a)(1)(i)	community settings when they want?		• N.J.A.C. 10:44A-4.3
		a) Can the individual come and go when he or she wants?	Services and supports are	
		b) Is the individual able work or stay active in the community outside of the setting?	carried out with a minimum	"Service Plan"
		c) If the individual wants to work, is there a way to ensure the option is pursued?	of limitation, intrusion,	
			disruption, or departure	
			from commonly accepted	
			patterns of living.	
			Inter Disciplinary Team (IDT)	
			assures needed and	
			requested services and	
			supports are addressed in	
			SP.	
5	§441.301(c)(4)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the	Program settings are located	• N.J.A.C. 10:44A 1.3
	§441.710(a)(1)(i)	broader community?	within the general	Definition of Community
	3111.710(0)(1)(1)	broader community.	community.	Residence
			community.	Nesidefice
6	§441.301(c)(4)(i)	Do individuals receiving HCBS services in the setting live apart from individuals not receiving Medicaid HCBS?	Program settings are located	• N.J.A.C. 10:44A 1.3
	§441.710(a)(1)(i)		within the general	Definition of Community
			community.	Residence
7	§441.301(c)(4)(i)	Is the setting in the community among other private residences and retail businesses?	All settings are located in	Not referenced in regulation
	§441.710(a)(1)(i)		residential areas.	

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_	T = =	Standards for Community Residences for individuals with Developmen	1	T
8	§441.301(c)(4)(i)	Explain how visitors are handled in the setting:	Residents and program	• N.J.A.C. 10:44A 3.1(a),
	§441.710(a)(1)(i)	a) Are visitors restricted to specified visiting hours?	manager develop house	3.1(b)1, 3.2(a)
		b) Are visiting hours posted?	rules identify visiting hours .	 Division's Right's
		c) Is there evidence that visitors have been present at regular frequencies?		Document
		d) Are there restricted visitor's meeting areas?	Hours are not posted as this	
			is not in keeping with a	
			home-like setting.	
			Communication log	
			Monthly Report documents	
			visitors	
			Tisito is	
			Other residents' bedrooms	
			are restricted.	
9	§441.301(c)(4)(i)	Describe the level of access individuals have to the community:	IDT process	• N.J.S.A.30:6D-10 et seq.
) 3	§441.710(a)(1)(i)	a) Do individuals come and go at will?	IDT process	•
	9441./10(a)(1)(i)		CD and in LOC Consider	Division Circular #35 The results in the r
		b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door?	SP and is LOS Specific	"Service Plan"
		c) Is there a curfew or other requirement for a scheduled return to the setting?	Commensurate with	• N.J.A.C. 10:44A -3.2(a)
		d) Do individuals in the setting have access to public transportation?	assessed level of capability	
		e) Are there bus stops nearby or are taxis available in the area?	and IDT approval individuals	
		f) Is an accessible van available to bring individuals to appointments, shopping, etc.?	may set their own	
			schedules.	
			Individuals through the	
			House Rules would agree	
			upon a curfew	
			Access to Public	
			transportation where it is	
			available.	
			All licensed programs have	
			vehicles sufficient for the	
			individuals to access the	
			community.	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

\$441.710(a)(1)(i) a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location? b) Is training in the use of public transportation facilitated? c) Where public transportation is limited, are other resources provided for the individual to access the broader community? Section C: Person-Centered Planning Code of Federal Register (CFR) Citations all refer to Title 42. Federal Rule CMS Guidance Compliance Demonstration* Citation/ 1 \$441.301(c)(1) Does the setting allow an individual, or a person chosen by the individual, to take an active role in the development and updating of the individual's person-centered plan? Citation/ Individual participation is mandated by policy and procedure. Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions? Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions? Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions? Polivision "Service" individual participation is mandated by policy and procedure. Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions? Polivision "Service" individual participation is mandated by policy and procedure. Polivision "Service" individual participation is mandated by policy and procedure. Polivision "Service" individual participation is mandated by policy and procedure. Polivision "Service" individual participation is mandated by policy and proce	
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of the IDT. • Division	Circular #35
"Service	Plan"
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mandated by policy and	
procedure.	
	10:44A-3.1 (a),(b),
a) Do the setting's written materials and meetings reflect a plain language that is accessible to individuals? and Procedure. (c)	
b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in • Division	's Rights
English? IDT and Agency are Docume	:nt

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			responsible to assure information is conveyed in a language or manner the individual understands.	
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	Division policy and procedure, Provider Grievance Policy is mandatory.	 N.J.A.C. 10:48 "Appeal Procedure" Division Circular #37
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	Division Case Manager or contracted agency provides assistance to the individual and coordinates gaining access to the array of services needed for state plan , medical, social, educational and other services.	 Division Circular#4 NJAC10:40 Division Circular #41 "Informed Consent" Division Circular #35 "Service Plan"
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	IDT convenes at the individual's request.	 N.J.S.A.30:6D-10 et seq. N.J.A.C. 10:44A-4.3 Division Circular #35 "Service Plan" Division's Rights Document
	tion D: Choice and In	dependence (CFR) Citations all refer to Title 42.		
Col	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	\$441.301(c)(4)(vi) \$441.710(a)(1)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice? a) Is the individual able to choose a roommate? b) Can married couples choose to share or not share a room? c) Does an individual know how he/she can request a roommate change?	Married individuals may share a room. Case Management assists with requests.	Not referenced in regulation
2	§441.301(c)(4)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a	Individual establishes his/her	Division Circular #35

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	§441.710(a)(1)(vi)	person-centered plan?	schedule with the supporting	"Service Plan"
		a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking,	agency through the IDT	
		bathing, eating, exercising, activities, etc.?	process.	
		b) Can an individual's schedule vary from others in the same setting?		
		c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at	a) Yes	
		his/her convenience?	b) Yes	
			c) Yes	
3	§441.301(c)(4)(vi)	Does the individual control his/her personal resources?	Individual shall have the right	• N.J.A.C. 10:44A-2.10
	§441.710(a)(1)(vi)	a) Is the individual able to have a checking or savings account or other means to control his/her funds?	to manage their personal	Individual financial
		b) Does an individual have access to his/her funds?	funds consistent with abilities	records: individual funds
		c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?	as documented in SP.	
			All funds entrusted to the	
			licensee, shall have records	
			and receipts of all	
			transactions.	
				• N.J.A.C. 10:44A-3
			Upon admission and any	Advocacy and Rights
			subsequent request the	
			licensee shall provide the	
			individual the DD rights	
			document, and advocate	
			contact information to assist	
			the individual in	
			understanding and enforcing	
			their rights.	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

	T	Standards for Community Residences for individuals with Development		ı	
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Describe the dining experience: a) Does the individual have a meal at the time and place of his/her choosing? b) Can the individual request an alternative meal if desired? c) Are snacks accessible and available anytime? d) Is the individual required to sit at an assigned seat in a dining area? e) If the individual desires to eat privately, can s/he do so? f) Is the individual able to choose with whom to eat—or to eat alone? g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use disposable cutlery, plates and cups?	Individuals are assured three nutritionally balanced meals, and snacks, varietal in nature, with reasonable adjustments to individual preferences, habits, customs and appetites. In group homes residents make the decision through the house rules process.	•	N.J.A.C. 10:44A-5.5 Food et seq, 5.5(d)2, and 5.5(i) N.J.A.C 10:44A-3.2 Rules governing a residence
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have access to make private telephone calls/text/email at the individual's preference and convenience? a) Does the individual have a private cell phone, computer or other personal communication device or have access to a telephone or other means for personal communication in private at any time? b) Is the telephone or other technology device in a location that has space around it to ensure privacy? c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack?	Each individual receiving service shall have access to a telephone. Individuals may have personal communications devices/internet access of their choice in the home or in their room. If not available, by request.	•	N.J.A.C.10:44A-6.6 N.J.A.C.10:44A-3.2 Division's Rights Document
6	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Is the setting an environment that supports individual comfort, independence and preferences? a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas? b) Is informal (written or oral) communication conducted in a language that the individual understands? c) Is assistance provided in private, as appropriate, when needed? 	The licensee shall make accommodations to ensure maximum physical accessibility feasible for entrance to and movement within the residence based	•	N.J.A.C.10:44A -6.6(g), - 5.6(c),

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_		Standards for Community Residences for individuals with Development	tai Disabilities	
			upon individual characteristics.	
			Characteristics.	
			Staff are required to assure a) Yes	• N.J.A.C.10:44A-3.1(c)
			4, 163	14.3.7 (
			Agency is required to assure conveyance to the individual	
			in a language or manner the individual understands.	
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have full access in the setting? a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit	IDT, Behavior Management and Human Rights	DC# 5 Human Rights Committee,
		from certain areas of the setting?	Committee approval required	DC#18 Behavior
		b) Are individuals receiving Medicaid home and community-based services facilitated in accessing	for environmental modifications.	Management
		amenities such as a pool or gym used by others on-site? c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways, etc., limiting individuals' mobility in the setting, or if they are present, are there environmental	mounications.	Committee, DC# 34 Behavior Modification
		adaptations such as a stair lift or elevator to fix the obstruction?	Individuals may access any and all amenities available; supporting agency required to facilitate.	Programming
			The licensee shall make accommodations to ensure maximum physical accessibility feasible for entrance to and movement within the residence based upon individual characteristics.	• N.J.A.C.10:44A-6.6(a)

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8	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Does the physical environment meet the needs of those individuals who require supports? a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in wheelchairs)? b) For those individuals who need supports to move about the setting as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies, etc.? c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably? 	For residences housing individuals with physical disabilities, the licensee shall make accommodations to ensure maximum physical accessibility feasible for entrance to and movement within the residence based upon individual characteristics.	• N.J.A.C.10:44A-6.6(a)
9	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals have privacy in their sleeping space and bathroom? a) Is the furniture able to be arranged to suit the individual's needs and preferences? b) Can the individual close and lock the bathroom door? c) Can the individual close and lock the bedroom door? d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom?	Bathroom doors shall be equipped with standard hardware which provides a privacy lock and which can be readily opened from the outside in an emergency. Individuals shall be treated in a respectful manner by anyone who manages or works in DDD's residential programs.	 N.J.A.C.10:44A-6.14 Bathrooms NJAC10:44A-3.1 (e)
10	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals have comfortable places for private visits with family and friends? a) Is the furniture arranged to support small group conversations?	Residences licensed under this rule are home settings and are arranged as the individual's desire. Individuals have reasonable opportunities to visit or communicate privately without having to tell anybody first, and to associate with people	Divisions Rights Document

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New Jersey Residential Home and Community-Based Setting Crosswalk for 10:44A

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		Standards for Community Residences for Individuals with Developme	ntal Disabilities		
			of their choice.		
11	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Are individuals able to furnish and decorate their sleeping and/or living units as they wish? a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the individual desires? b) Can the furniture, linens, and other items reflect the individual's personal choices? c) Can individuals' living areas reflect their interests and hobbies? 	Each individual shall be provided with bedroom furnishings, in good repair, the style of which is consistent with his or her preference unless otherwise specified by the IDT. Individuals may choose to decorate their bedrooms according to individual taste and preference.	• N.J.A.C.10:44A-6.13, (f), (g)	
Sec	tion E: Resident Righ	its		_	
Cod	de of Federal Registe	r (CFR) Citations all refer to Title 42.			
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification	
1	§441.301(c)(4)(vi)	Are individual choices incorporated into the services and supports received?	Division policies assure that	DC# 35 Service Plan	
	§441.710(a)(1)(vi)	a) Does staff ask the individual about her/his needs and preferences?	each individual who receives	• N.J.A.C.10:44A-3	
		b) Are individuals aware of how to make a service request?	services participates in the	Advocacy and Rights	
		c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make	development and completion		

Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1 §441.301(c)(4)(vi)	Are individual choices incorporated into the services and supports received?	Division policies assure that	DC# 35 Service Plan
§441.710(a)(1)(vi)	a) Does staff ask the individual about her/his needs and preferences?	each individual who receives	• N.J.A.C.10:44A-3
	b) Are individuals aware of how to make a service request?	services participates in the	Advocacy and Rights
	c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make	development and completion	
	decisions?	of an annual Division approved	
		Service Plan, a tool for the	
		planning and implementation	
		of generic and specialized	
		services designed to achieve	
		personal outcomes that are	
		appropriate to the individual's	• N.J.A.C.10:44A-3.2(d)
		interests, strengths, needs and	
		preferences.	
		House meetings shall include	
		the individual as much as	
		possible.	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

			Staff shall assist the individuals with setting the schedules and agendas for house meetings.	
	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Is an individual's right to dignity and privacy respected? a) Is an individual's health information kept private? b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view? c) Are individuals, who need assistance with grooming, groomed as they desire? 	Agency required policy and procedures must assure practices comply with HIPPA.	 HIPPA, N.J.A.C. 10:41-2, N.J.A.C.10:44A-2.2(b)12, and 3.1(e) DC#35 Service Plan
			All needed services and supports are identified in the individuals SP.	
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Does staff communicate with individuals in a dignified manner? a) Do individuals greet and chat with staff? b) Do staff converse with individuals in the setting while providing assistance during the regular course of daily activities? c) Does staff address individuals in the manner in which the person would like to be addressed? 	Individuals have the right to be treated in a respectful manner by anyone who manages or works in a DDD residential program.	Division's Personal Rights Document
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individuals free from coercion? a) Is information about filing a complaint posted in an obvious location and in an understandable format? b) Does the individual know the person to contact or the process to make an anonymous complaint? c) Can the individual file an anonymous complaint?	Division's Rights Document advises individuals to talk to the person in charge and if not satisfied to talk to a DDD case manager.	Division's Rights Document
			Advised upon admission of contact information for Advocacy, Licensing, Guardianship, Case Management, DCF,	• N.J.A.C.10:44A-3.1(b)
			Ombudsman, and Community Health Law.	• N.J.A.C.10:44A-4.1e(4)

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

			Licensee's grievance procedure The DDD hotline is posted	N.J.A.C.10:44A-5.4 Emergency telephone numbers
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi) §441.710(a)(1)(vi)	 Is there a legally enforceable agreement for the unit or dwelling where the individual resides? a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement? b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate? Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the 	Present where appropriate. Support agency required to assure. New Jersey Statute assures all	Not referenced in regulation • N.J.S.A. 30:6D-2
	§441.301(c)(4)(vi)	state who are not receiving Medicaid home and community based services?	ID/DD individuals are afforded all constitutional, civil and legal rights.	
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals know their rights regarding housing and when they could be required to relocate? a) Do individuals know how to relocate and request new housing? b) Does the written agreement include language that provides protections to address eviction processes and appeals comparable to those provided under the New Jersey's landlord tenant laws?	Agency required to provide appropriate information to assure informed decision are possible. LOS appeal	Not referenced in regulation N.J.A.C. 10:48 Division Circular #37 "Appeals"

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

	ction A: Physical Location ode of Federal Register (CFR) Citations all refer to Title 42.				
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification	
1	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?	CCRs are private family homes in the community.	• N.J.A.C.10:44B-1.3	
2	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not receiving HCBS?	Individuals reside in the licensed family home in the broader community as any other citizen would.		
3	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a gated/secured "community" for people with disabilities?	CCRs are private family homes in the community.	• N.J.A.C.10:44B-1.3	
4	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a residential school incorporating both the educational program and the residential program in the same building or in buildings in close proximity to each other?	CCRs are private family homes in the community.	• N.J.A.C.10:44B-1.3	
5	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby a large number of people with disabilities are congregated together with shared programming and staff?	The licensed home (domicile) shall be the primary, permanent, established residence of the licensee.	• N.J.A.C.10:44B-1.4(b)	
		with the Community er (CFR) Citations all refer to Title 42.			
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification	
1	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the same manner as people not receiving Medicaid HCBS services?	Individuals shall have the right to access the community for recreation, education, shopping, employment, and to participate in social, religious, advocacy, or other groups of their choice.	 10:44B-3.1 (e) DC#35 "Service Plan" 	
			As identified in the Service		

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	Standards for Community Care Residences	
		Plan (SP).
§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual able to regularly access the greater community outside of the setting?	Individuals shall have the right to access the • N.J.A.C.10:44B-3.1 (e) • DC#35 "Service Plan"
		community for recreation, education, shopping,
		employment, and to
		participate in social, religious, advocacy, or other groups of
		their choice.
		As identified in the SP
		Documented in Monthly report
- ' ', ', ', '	Is the individual aware of or does he/she have access to information and materials to know of activities taking	Individuals shall have the • 10:44B-3.1 (e),(e)1.
§441.710(a)(1)(i)	place outside of the setting?	right to access the
		community for recreation,
		education, shopping, employment, and to
		participate in social, religious,
		advocacy, or other groups of
		their choice.
		The licensee shall provide or
		make arrangements to
		facilitate the individual's participation in all such
		community involvement.
	§441.710(a)(1)(i)	2 \$441.301(c)(4)(i) \$441.710(a)(1)(i) \$441.301(c)(4)(i)

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

4	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.?) in integrated community settings when they want? a) Can the individual come and go when he or she wants? b) Is the individual able work or stay active in the community outside of the setting? c) If the individual wants to work, is there a way to ensure the option is pursued?	There shall be no restrictions on the individual's movement or access to any area inside or outside of the home that is commonly used by the licensee and the occupants of the home, other than those areas that are not routinely used by all the members of the household, such as the licensee or family member's personal bedrooms.	• N.J.A.C.10:44B -3.1(d), (e)
			Individuals shall have the right to access the community for recreation, education, shopping, employment, and to participate in social, religious, advocacy, or other groups of their choice.	
			The licensee shall provide or make arrangements to facilitate the individual's participation in all such community involvement.	
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?	CCRs are private family homes in the community. Individuals reside in the licensed family home in the broader community as any	• N.J.A.C.10:44B -3.1

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		Standards for Community care residences	1	
			other citizen would.	
6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS services the setting live apart from individuals not receiving Medicaid HCBS?	CCRs are private family homes in the community. Individuals reside in the licensed family home in the broader community as any other citizen would.	• N.J.A.C.10:44B -3.1
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residences and retail businesses?	CCRs are private family homes in the community. Individuals reside in the licensed family home in the broader community as any other citizen would.	• N.J.A.C.10:44B -3.1
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	Explain how visitors are handled in the setting: a) Are visitors restricted to specified visiting hours? b) Are visiting hours posted? c) Is there evidence that visitors have been present at regular frequencies? d) Are there restricted visitors' meeting areas?	Licensees shall assure that individuals are permitted to exercise those rights outlined in the Division "Personal Rights," document; have visitors of their choice during reasonable set time. Posting Visiting hours is not in keeping with a home setting. Complete privacy shall be afforded to individuals during visits with their guests.	• N.J.A.C.10:44B -3.1(b)1, 8., (c)4.
			Visitors are documented in the Licensee's Monthly Report.	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		Standards for Community Care Residences		_
10	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access individuals have to the community: a) Do individuals come and go at will? b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door? c) Is there a curfew or other requirement for a schedule return to the setting? d) Do individuals in the setting have access to public transportation? e) Are there bus stops nearby or are taxis available in the area? f) Is an accessible van available to bring individuals to appointments, shopping, etc.?	Visitors are restricted from access to other individual's bedrooms. Individuals shall have the right to access the community for recreation, education, shopping, employment, and to participate in social, religious, advocacy, or other groups of their choice. The licensee facilitates the individual's participation in the community. The licensee may establish reasonable house rules, which shall not infringe on the rights of the individuals and shall include provisions	 N.J.A.C.10:44B-3.1(e), (e)1., N.J.A.C.10:44B-6.5
			which shall not infringe on the rights of the individuals	
			The licensee shall avoid any unreasonable schedule concerning the hours at which individuals shall rise or retire.	

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	Standards for Community Care Residences					
9	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access which an individual has to access public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location? b) Is training in the use of public transportation facilitated? c) Where public transportation is limited, are other resources provided for the individual to access the broader community?	Accessible transportation when required shall be made available. (Access Link) Transportation needs are identified provided as identified in the SP. Where public transportation is unavailable the Licensee is required to assure community access.	 N.J.A.C.10:44B-3.1(e), (e)1., N.J.S.A.30:6D-10 et seq. Division Circular #35 "Service Plan" 		
	tion C: Person-Cente					
Coc	Code of Federal Register (CFR) Citations all refer to Title 42.					
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification		
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the	Individuals and/or their	• N.J.S.A.30:6D-10 et seq.		
		development and updating of the individual's person-centered plan?	representatives share in	 NJAC 10:44B-3.1(b)11 		

	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the development and updating of the individual's person-centered plan?	Individuals and/or their representatives share in developing their service plan designed specifically for them and to help decide what kinds of programs would be best for them in that plan.	 N.J.S.A.30:6D-10 et seq. NJAC 10:44B-3.1(b)11 Division Circular #35 "Service Plan"
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions?	IDT Process Service Plan	 N.J.S.A.30:6D-10 et seq. Division Circular #35 "Service Plan"
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at a time and place convenient for individuals to attend?	Required by Policy	 N.J.S.A.30:6D-10 et seq. Division Circular #35 "Service Plan"
4	§441.301(c)(1) (iv)	Describe how the setting provides for the different cultural considerations of individuals: a) Do the setting's written materials and meetings reflect a plain language that is accessible to individuals? b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in English?	Required by Regulation, Policy and Procedure. IDT and Licensee are	

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			responsible to assure information is conveyed in a language or manner the individual understands.	
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	Licensee is required to be incompliance with all applicable Division policies.	N.J.A.C. 10:48 Division Circular #37 "Appeals"
6		Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	Division Case Manager or contracted agency provides assistance to the individual and coordinates gaining access to the array of services needed for state plan, medical, social, educational and other services. Licensee/Provider agreement stipulates the services and supports.	 Division Circular #35 "Service Plan" DC #41 Informed Consent
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	IDT convenes at the individual's request.	 N.J.S.A.30:6D-10 et seq. Division Circular #35 "Service Plan" Division's Rights Document

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Sec	tion D: Choice and Inc	dependence		
Cod	de of Federal Register	(CFR) Citations all refer to Title 42.		
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice? a) Is the individual able to choose a roommate? b) Can married couples choose to share or not share a room? c) Does an individual know how he/she can request a roommate change?	Case Management assists with requests.	Division's Rights Document
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan? a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking, bathing, eating, exercising, activities, etc.? b) Can an individual's schedule vary from others in the same setting? c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at his/her convenience?	Individual establishes their schedule with their licensee through the IDT process. Individuals shall have the right to access the community for recreation, education, shopping, employment, and to participate in social, religious, advocacy, or other groups of their choice.	• N.J.A.C.10:44B-3.1(e), (e)1.,
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual control his/her personal resources? a) Is the individual able to have a checking or savings account or other means to control his/her funds? b) Does an individual have access to his/her funds? c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?	Within their capability, as determined by the IDT. For all personal funds that the individual is not capable of managing, the licensee shall maintain an accurate record of all transactions. As determined by the IDT	 NJAC10:44B-3.2, (e), (f) 1. Division's Rights Document
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Describe the dining experience: a) Does the individual have a meal at the time and place of his/her choosing? b) Can the individual request an alternative meal if desired?	Individuals dine with the licensee's family, unless the individual expresses a desire	• N.J.A.C.10:44B-3.4

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		c) Are snacks accessible and available anytime?	to dine elsewhere, IDT and	
		d) Is the individual required to sit at an assigned seat in a dining area?	guardian approved and	
		e) If the individual desires to eat privately, can s/he do so?	recorded in the service plan.	
		f) Is the individual able to choose with whom to eat—or to eat alone?	recorded in the service plans	
		g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use	Individuals shall have full,	
		disposable cutlery, plates and cups?	unrestricted access to food in	
			the home unless otherwise	
			directed in writing by a	
			physician or determined by	
			the IDT and documented in	
			the service plan.	
			and the property	
			The licensee shall make a	
			reasonable attempt to	
			comply with food	
			preferences and snacks	
			requested by the individual,	
			without charge to the	
			individual.	
			There are no assigned seats.	
			9	
			There shall be sufficient	
			seating and room at the	
			dining table to accommodate	
			all occupants of the	
			household so that they may	
			dine together.	
5	§441.301(c)(4)(vi)	Does the individual have access to make private telephone calls/text/email at the individual's preference and	Individuals shall have access	• N.J.A.C.1-:44B-3.1(g),
	§441.710(a)(1)(vi)	convenience?	to a telephone for incoming	3.1(b)6,
		a) Does the individual have a private cell phone, computer or other personal communication device or have	and outgoing calls, and shall	
		access to a telephone or other means for personal communication in private at any time?	be afforded privacy during	
		b) Is the telephone or other technology device in a location that has space around it to ensure privacy?	these conversations.	
		c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack?	Assistance shall be provided	
			by the licensee if requested	

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		Standards for community care residences	by the individual.		
			by the marriaga.		
6	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Is the setting an environment that supports individual comfort, independence and preferences? a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas? b) Is informal (written or oral) communication conducted in a language that the individual understands? c) Is assistance provided in private, as appropriate, when needed? 	There shall be no restrictions on the individual's movement or access to any area inside or outside of the home that is commonly used by the licensee and the occupants of the home. There shall be no restrictions	•	N.J.A.C.10:44B- 3.1(d), (f), 3.2(h)8, 3.4(e)16.1(b)1-8, ,
			on the individual's use of any household appliance or device in any area inside or outside of the home commonly used by the licensee and the occupants of the home, except as necessary for the safety of the individual as determined by the IDT and recorded in the service plan.		
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Does the individual have full access in the setting? a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit from certain areas of the setting? b) Are individuals receiving Medicaid home and community-based services facilitated in accessing amenities such as a pool or gym used by others on-site? c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways, etc., limiting individuals' mobility in the setting or if they are present are there environmental adaptations such as a stair lift or elevator to fix the obstruction? 	There shall be no restrictions on the individual's movement or access to any area inside or outside of the home that is commonly used by the licensee and the occupants of the home, unless rights restrictions have been approved by the IDT, Human Rights and Behavior	•	N.J.A.C.10:44B- 3.1(d) N.J.A.C. 10:44B-6 Physical Plant Safety

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		Standards for Community Care Residences		
			Management Committees.	
				• N.J.A.C. 10:44B-6.1(z)
			The home shall incorporate barrier-free design, as necessary, for individuals in the home with physical disabilities.	
8	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Does the physical environment meet the needs of those individuals who require supports? a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in wheelchairs)? b) For those individuals who need supports to move about the setting as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies, etc.? c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably? 	The home shall incorporate barrier-free design, as necessary, for individuals in the home with physical disabilities.	• N.J.A.C. 10:44B-6.1(z)
9	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals have privacy in their sleeping space and bathroom? a) Is the furniture able to be arranged to suit the individual's needs and preferences? b) Can the individual close and lock the bathroom door? c) Can the individual close and lock the bedroom door? d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom?	The licensee must assure the individuals rights are not prohibited, included are the right to privacy and to have visitors of their choice during reasonable set times. Complete privacy shall be afforded to individuals during visits with their guests.	• 10:44B-3.1(A) 1
			All bedroom doors are equipped with privacy locks, unless IDT, Human Rights and	N.J.A.C.10:44B-6.4 Individual bedrooms,6.4(o)

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		1		
			Behavior Management	
			Committee have	
			determine/approved their	
			removal.	
10	§441.301(c)(4)(vi)	Do individuals have comfortable places for private visits with family and friends?	The licensee must assure the	 N.J.A.C.10:44B-3.1(A) 1,
	§441.710(a)(1)(vi)	a) Is the furniture arranged to support small group conversations?	individuals rights are not	and(b)8
			prohibited, included are the	
			right to privacy and to have	
			visitors of their choice during	
			reasonable set times.	
			Complete privacy shall be	
			afforded to individuals during	
			visits with their guests.	
11	§441.301(c)(4)(vi)	Are individuals able to furnish and decorate their sleeping and/or living units as they wish?	The licensee shall assist an	• N.J.A.C.10:44B-6.4(o)
	§441.710(a)(1)(vi)	a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the	individual in maintaining or	
		individual desires?	decorating his or her room	
		b) Can the furniture, linens, and other items reflect the individual's personal choices?	according to the individual's	
		c) Can individuals' living areas reflect their interests and hobbies?	personal taste and	
			preference.	
Sec	tion E: Resident Right	ts		
Cod	le of Federal Register	(CFR) Citations all refer to Title 42.		
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(vi)	Are individual choices incorporated into the services and supports received?	Individuals shall share in	 NJAC10:44B -3.1(b)11.
	§441.710(a)(1)(vi)	a) Does staff ask the individual about her/his needs and preferences?	developing their service plan	 DC #35 Service Plan
		b) Are individuals aware of how to make a service request?	designed specifically for them	
		c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make	and to help decide what	
		decisions?	kinds of programs would be	
			best for them in that plan.	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		Standards for Community Care residences	1	
	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Is an individual's right to dignity and privacy respected? a) Is an individual's health information kept private? b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view? c) Are individuals, who need assistance with grooming, groomed as they desire? 	Individuals are afforded privacy, health information is kept confidential and individuals receive all assistance needed, desired as identified in their service plan.	 HIPPA, N.J.A.C. 10:41-2 Agency Policy DC#35 Service Plan
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Does staff communicate with individuals in a dignified manner? a) Do individuals greet and chat with staff? b) Does staff converse with individuals in the setting while providing assistance during the regular course of daily activities? c) Does staff address individuals in the manner in which the person would like to be addressed? 	Individuals shall be treated in an age appropriate manner with regard to communication, or any other aspect of daily living, taking into consideration the individual's personal preferences.	• N.J.A.C.10:44B-3.1(k)
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individuals free from coercion? a) Is information about filing a complaint posted in an obvious location and in an understandable format? b) Does the individual know the person to contact or the process to make an anonymous complaint? c) Can the individual file an anonymous complaint?	Posted material is not appropriate for a family home setting. The telephone number of the Division hotline shall be readily accessible by the primary telephone.	
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is there a legally enforceable agreement for the unit or dwelling where the individual resides?a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement?b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?	These are privately owned homes.	• N.J.A.C.10:44B-6.1(i)1

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New Jersey Residential Home and Community-Based Setting Crosswalk for 10:44B Standards for Community Care Residences

		Standards for community care residences		
6	§441.710(a)(1)(vi) §441.301(c)(4)(vi)	Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the state who are not receiving Medicaid home and community based services?	Any major change in the individual's residential service should be included in the Individual Habilitation Plan.	 Not referenced in regulation DC#36 Transfer or Discharge From a Contracted Provider N.J.S.A. 30:6D-2 affords all IDD all constitutional, civil and legal rights. N.J.A.C. 10:48 Division Circular #37"Appeals"
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals know their rights regarding housing and when they could be required to relocate? a) Do individuals know how to relocate and request new housing? b) Does the written agreement include language that provides protections to address eviction processes and appeals comparable to those provided under the New Jersey's landlord tenant laws?	If an individual's physical, emotional, mental or spiritual needs cannot be met, the individual shall not be maintained in the residence after consultation between the licensee and the placing agency representative. Case Management assists individual with requests to relocate.	 N.J.A.C. 10:48 Division Circular #37 "Appeals"

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

Section A: Physical Location Code of Federal Register (CFR) Citations all refer to Title 42. **Federal Rule CMS Guidance** Citation/Proof/Verification **Compliance Demonstration*** Setting is a community §441.301(c)(5)(v) Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population? 10:44C-1.3 Definitions §441.710(a)(2)(v) residential facility which "Community residence for persons with head injuries" includes: group homes, halfway houses, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility. §441.301(c)(5)(v) Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not Individuals participate in 10:44C-1.3 §441.710(a)(2)(v) receiving HCBS? mainstream community; maintain social relationships with family members, peers, and others in the community who do not have head injuries. They have equal access to and full participation in community resources and activities available to the general public. Is the setting a gated/secured "community" for people with disabilities? Not referenced in regulation §441.301(c)(5)(v) No settings are §441.710(a)(2)(v) gated/secured. Is the setting a residential school incorporating both the educational program and the residential program in §441.301(c)(5)(v) Not referenced in regulation No settings are also schools. §441.710(a)(2)(v) the same building or in buildings in close proximity to each other? Does the provider operate and control multiple settings that are co-located and operationally related whereby Not referenced in regulation §441.301(c)(5)(v) a large number of people with disabilities are congregated together with shared programming and staff? §441.710(a)(2)(v)

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Section B: Integration with the Community Code of Federal Register (CFR) Citations all refer to Title 42. Citation/Proof/Verification **Federal Rule CMS Guidance Compliance Demonstration*** Are individuals in the setting able to participate in unscheduled and scheduled community activities in the 1 §441.301(c)(4)(i) Persons served maintain 10:44C-1.3 same manner as people not receiving Medicaid HCBS services? social relationships with §441.710(a)(1)(i) family members, peers, and others in the community who do not have head injuries. §441.301(c)(4)(i) Is the individual able to regularly access the greater community outside of the setting? Individuals participate in 10:44C-1.3 §441.710(a)(1)(i) mainstream community; 10:44C-5.8 maintain social relationships with family members, peers, and others in the community who do not have head injuries. They have equal access to and full participation in community resources and activities available to the general public. §441.301(c)(4)(i) Is the individual aware of or does he/she have access to information and materials to know of activities taking 10:44C-1.3 (b)113iii Persons served are assisted to access benefits, privileges, §441.710(a)(1)(i) place outside of the setting? and community resources that are equal to those that are available to other citizens. §441.301(c)(4)(i) Are individuals able to participate regularly in non-work activities (dining, shopping, etc.) in integrated Individuals participate in 10:44C-1.3 community settings when they want? 10:44C-5.8 §441.710(a)(1)(i) mainstream community; a) Can the individual come and go when he or she wants? maintain social relationships b) Is the individual able work or stay active in the community outside of the setting? with family members, peers, c) If the individual wants to work, is there a way to ensure the option is pursued? and others in the community who do not have head injuries. They have equal access to and full

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_		community residences for reisons with nead injuries	1	
			participation in community resources and activities available to the general public. Within identified capabilities they may come and go and work as they want.	
			Yes/ Trans-disciplinary Team (TDT) is responsible	
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?	Yes, individuals participate in mainstream community; maintain social relationships with family members, peers, and others in the community who do not have head injuries. They have equal access to and full participation in community resources and activities available to the general public.	10:44C-1.3
6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS services in the setting live apart from individuals not receiving Medicaid HCBS?	No	
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residences and retail businesses?	Yes	
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	Explain how visitors are handled in the setting: a) Are visitors restricted to specified visiting hours? b) Are visiting hours posted? c) Is there evidence that visitors have been present at regular frequencies?	The licensee may establish reasonable rules that govern the conduct of persons in a particular residence,	3.1(a), 3.4(b)11 says "at set times".

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d) Are there restricted visitors' meeting areas?	including, but not limited to,
	rules regarding smoking, pets
	and visitors, provided:
	1. The rules are
	commensurate with the
	abilities and rights of the
	persons served;
	2. Persons served and their
	guardians, where applicable,
	are informed of the rules
	governing a residence prior
	to their admission;
	3. The persons served
	affected by such rules are
	consulted whenever a
	revision is considered, and
	there is evidence the rules
	are necessary to promote
	order and to benefit the
	collective group;
	4. The rules include
	provisions to ensure that a
	person served exercising his
	or her rights does so in such a
	way so as to not infringe
	upon the rights of, or
	endanger, others.
	Individuals may have visitors
	of their choice during set
	times.
	Visits may be documented in
	the communication log, or
	individual's monthly report.

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10	§441.301(c)(4)(i)	Describe the level of access individuals have to the community:	Individuals participate in	
	§441.710(a)(1)(i)	a) Do individuals come and go at will?	mainstream community;	
	3	b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door?	maintain social relationships	
		c) Is there a curfew or other requirement for a scheduled return to the setting?	with family members, peers,	
		d) Do individuals in the setting have access to public transportation?	and others in the community	
		e) Are there bus stops nearby or are taxis available in the area?	who do not have head	
		f) Is an accessible van available to bring individuals to appointments, shopping, etc.?	injuries. They have equal	
		, is an accessive tan available to announce to appoint the incompany even	access to and full	
			participation in community	
			resources and activities	
			available to the general	
			public. Based on assessed	
			level of need they may come	
			and go at will, or have an	
			established schedule.	
			All transportation available	
			to the public is available to	
			program participants.	
			Programs are required to	
			have accessible vehicles	
			where necessary.	
9	§441.301(c)(4)(i)	Describe the level of access which an individual has to access public transportation:	As identified through LOS ,	Not referenced in regulation
	§441.710(a)(1)(i)	a) Are bus and other public transportation schedules and telephone numbers posted in a convenient	TDT and Service Plan	
		location?		
		b) Is training in the use of public transportation facilitated?	Yes, when needed by	
		c) Where public transportation is limited, are other resources provided for the individual to access the	Individuals served	
		broader community?		
			Yes,	
			Yes, all licensed programs are	
			required to have vehicles.	

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Section C: Person-Centered Planning Code of Federal Register (CFR) Citations all refer to Title 42. Citation/Proof/Verification **Federal Rule CMS Guidance Compliance Demonstration*** 1 §441.301(c)(1) Does the setting allow an individual, or a person chosen by the individual, to take an active role in the 10:44C-3.4(b)15 The individual shall share in development and updating of the individual's person-centered plan? developing his or her "Individual Treatment Plan" 3.5 (k) and (l) and 4.211(b)i (ITP) designed specifically for 10:44C-4.2 Individual him or her and to help decide treatment plan what kinds of programs would be best for him or her in that plan; An advocate from a local. State or private agency may be requested to assist the person served. Family members may be requested to assist in making decisions with and for the person served, if the person served so desires. 2 §441.301(c)(1)(ii) Does the setting offer the necessary information and support to ensure that the individual can direct the Persons served shall receive NJAC10:44C-3.1(e) person-centered planning process to the maximum extent possible so he/she can make informed choices and training and support in order 3.5 (k) and (l), and 4.211(b)i decisions? to understand options, make choices and exercise rights and responsibilities. §441.301(c)(1)(iii) Are planning meetings able to occur at a time and place convenient for individuals to attend? The individual shall share in 10:44C-3.4(b)15 developing his or her "Individual Treatment Plan" (ITP) The licensed provider is §441.301(c)(1) (iv) Describe how the setting provides for the different cultural considerations of individuals: 10:44C-1.3 and 3.1(c) a) Do the setting's written materials and meetings reflect a plain language that is accessible to individuals? required to make reasonable b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in accommodations which include a qualified reader or English? interpreter.

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5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	Provider Grievance Policy is Required: on resolving complaints and grievances of persons served or decisions of the TDT Division's appeals process	N.J.A.C.10:44C-2.2(b)9. N.J.A.C. 10:48 Division Circular #37 "Appeals"
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	The provision of a range of choices, with full respect and consideration to personal preference, self-determination and "dignity of risk;" Persons served shall receive training and support in order to understand options, make choices and exercise rights and responsibilities.	N.J.A.C.10:44C-3.1 Advocacy and Rights et seq N.J.A.C.10:44C-3.5
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	Yes, the ITP shall be reviewed and modified on a regular and as-needed basis, but no less than annually. The ITP may be appealed in accordance with licensee procedure.	

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Se	ection D: Choice and Independence				
Co	de of Federal Register	r (CFR) Citations all refer to Title 42.			
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification	
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice? a) Is the individual able to choose a roommate? b) Can married couples choose to share or not share a room? c) Does an individual know how he/she can request a roommate change?		Not referenced in regulation	
			Married individuals may share a room.		
			Yes, individuals are advised their case manager is responsible to assist.		
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan? a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking, bathing, eating, exercising, activities, etc.? b) Can an individual's schedule vary from others in the same setting? c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at his/her convenience? 	Individual establishes their schedule with their supporting agency through the TDT process. Yes. Staff shall assist the persons served with setting their schedules and agendas.	10:44C-3.3	
			Yes, At service initiation, evaluations covering recreation and leisure are completed with input from the person served, of preferences, goals and needs. Yes	10:44C-4.2 (b)11.ix.	
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual controls his/her personal resources? a) Is the individual able to have a checking or savings account or other means to control his/her funds? b) Does an individual have access to his/her funds? c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?	Individual shall have the right to manage their personal funds consistent with their abilities as determined by the treatment team.	2.10 Funds and Financial Records	

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			All funds entrusted to the licensee, shall have records and receipts of all transactions. Yes, as determined by the TDT c) Yes	
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Describe the dining experience: a) Does the individual have a meal at the time and place of his/her choosing? b) Can the individual request an alternative meal if desired? c) Are snacks accessible and available anytime? d) Is the individual required to sit at an assigned seat in a dining area? e) If the individual desires to eat privately, can s/he do so? f) Is the individual able to choose with whom to eat—or to eat alone? g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use disposable cutlery, plates and cups?	No, in GH. Yes, in SA & SLP Yes, Persons served shall be afforded the choice of dining with other persons or dining by themselves. The licensee shall make reasonable adjustments to personal preferences, habits, customs and appetites.	5.5 Food 5.5 (h) 5.5(e) 5.5(d)1.vi
			If a person served decides to dine alone, such choice shall be documented in his or her ITP.	5.5(c) 5.5(e) 5.1(g)
			Food shall be readily accessible to persons served unless limitations have been	5.5(e), (e)1
			approved by the TDT	5.5(b, f)
Ē	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have access to make private telephone calls/text/email at the individual's preference and convenience?	Each person served shall be afforded the right to make or	6.6(d)

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		 a) Does the individual have a private cell phone, computer or other personal communication device or have access to a telephone or other means for personal communication in private at any time? b) Is the telephone or other technology device in a location that has space around it to ensure privacy? c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack? 	receive private telephone calls during set times, unless the person served has a personal telephone, in which private telephone calls shall not be restricted unless otherwise determined by the TDT;	3.4(b)8
			Yes	
6	§441.301(c)(4)(vi)	Is the setting an environment that supports individual comfort, independence and preferences?	If they choose/can afford it.	
	§441.710(a)(1)(vi)	 a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas? b) Is informal (written or oral) communication conducted in a language that the individual understands? c) Is assistance provided in private, as appropriate, when needed? 	The licensee shall provide laundry facilities without additional charge to persons served.	5.6(c), 6.6(g)
			Laundry may be at a centralized location.	
			Agency shall assist the person served to understand materials, policies, and procedures; providing qualified readers or interpreters.	3.4 Enumeration of Rights
			Yes	
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have full access in the setting? a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit	The licensee shall make the existing facilities readily	NJAC 5:23-7 Barrier-Free Sub code.

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		from certain areas of the setting? b) Are individuals receiving Medicaid home and community-based services facilitated in accessing amenities such as a pool or gym used by others on-site? c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways, etc., limiting individuals' mobility in the setting or if they are present are there environmental adaptations such as a stair lift or elevator to fix the obstruction?	accessible to and usable by people with disabilities No restrictions unless approved by TDT and Human Rights Committee. Yes, through TDT	10:44C-1.3
				10:44C-6.6(a)
			Yes. For residences housing persons served with physical disabilities, the licensee shall make accommodations to ensure maximum physical accessibility feasible for entrance to and movement within the residence based upon personal characteristics.	
			Any necessary modifications shall conform to the requirements contained in the Barrier-Free Subcode, N.J.A.C. 5:23-7.	
8	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Does the physical environment meet the needs of those individuals who require supports? a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in wheelchairs)? b) For those individuals who need supports to move about the setting as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies, etc.? c) Are tables and chairs at a convenient height and location so that individuals can access and use the 	The licensee shall make the existing facilities readily accessible to and usable by people with disabilities Yes where needed/available	NJAC 5:23-7 Barrier-Free Sub code.

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies, statutes and/or regulations, as appropriate.

		furniture comfortably?		10:44C-6.6(a)
			For residences housing persons served with physical disabilities, the licensee shall make accommodations to ensure maximum physical accessibility feasible for entrance to and movement within the residence based upon personal characteristics.	
9	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals have privacy in their sleeping space and bathroom? a) Is the furniture able to be arranged to suit the individual's needs and preferences? b) Can the individual close and lock the bathroom door? c) Can the individual close and lock the bedroom door? d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom?	Yes Yes. Yes Yes	6.14(d) 10:44C-3.4 Enumeration of rights
10	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals have comfortable places for private visits with family and friends? a) Is the furniture arranged to support small group conversations?	Yes Arranged as individuals desire.	Not referenced in regulation
11	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Are individuals able to furnish and decorate their sleeping and/or living units as they wish? a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the individual desires? b) Can the furniture, linens, and other items reflect the individual's personal choices? c) Can individuals' living areas reflect their interests and hobbies? 	Individuals may choose to decorate their bedrooms according to personal taste and preference.	10:44C-6.13(g) and (h)

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Section E: Resident Rights Code of Federal Register (CFR) Citations all refer to Title 42. **Federal Rule CMS Guidance Compliance Demonstration*** Citation/Proof/Verification 1 §441.301(c)(4)(vi) Are individual choices incorporated into the services and supports received? DC #35 Service Plan a) Does staff ask the individual about her/his needs and preferences? §441.710(a)(1)(vi) Yes b) Are individuals aware of how to make a service request? a) Yes, The provider must 3.2(d), 6.13(f)7, (g) c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make assure a range of choices, with 3.1(b)1, 2i-x, 3, 4i-iv, (e) decisions? personal preference, self-3.4(f), 3.3(a-d) determination and dignity of risk receiving full respect and consideration; b) Yes. c) Yes All health information is kept Is an individual's right to dignity and privacy respected? §441.301(c)(4)(vi) Not referenced in a) Is an individual's health information kept private? §441.710(a)(1)(vi) private, agency policies are regulation b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area required to assure HIPPA HIPPA, N.J.A.C. 10:41-2, compliance. N.J.A.C.10:44C-1.3, for all to view? c) Are individuals, who need assistance with grooming, groomed as they desire? 2.2(b)12, 3.4(b)16 DC#35 Service Plan Individual schedules are not posted Yes, as identified in their ITP. §441.301(c)(4)(vi) Does staff communicate with individuals in a dignified manner? 10:44C-1.3 Support agency required to a) Do individuals greet and chat with staff? §441.710(a)(1)(vi) ensuring that the rights of a b) Do staff converse with individuals in the setting while providing assistance during the regular course of person served are not ignored daily activities? or infringed upon. This c) Does staff address individuals in the manner in which the person would like to be addressed? affirmation and protection is reflected in all aspects of the service process. §441.301(c)(4)(vi) N.J.A.C.10:44C-3.1(b)4, (c), Are individuals free from coercion? Yes. Upon admission to the a) Is information about filing a complaint posted in an obvious location and in an understandable format? §441.710(a)(1)(vi) (c)1, 4.1(d)4 program and upon b) Does the individual know the person to contact or the process to make an anonymous complaint? subsequent request, the

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c) Can the individual file an anonymous complaint?	licensee shall provide the person served and his or her	N.J.A.C.10:44C- 3.1(b)2i-vii
	guardian, where applicable,	
	with the following:	
	1. A copy of the list of rights of	
	persons served, as specified at	N 1 4 6 40 446 3 4/1/2:
	N.J.A.C. 10:44C-3.4(b);	N.J.A.C.10:44C- 3.1(b)2i-x
	2. The names, addresses and	
	telephone numbers of advocates available to assist	
	the person served in	
	understanding and enforcing	
	these rights, to include, at a	
	minimum:	
	i. Disability Rights New Jersey;	
	ii. Community Health Law	
	Project;	
	iii. Brain Injury Association of	
	New Jersey (1-800-669-4323);	
	iv. Office of Licensing;	
	v. Special Response Unit;	
	vi. Bureau of Guardianship, if	
	applicable;	
	vii. Office of the Public	
	Guardian;	
	viii. His or her case manager;	
	ix. Department of Children	
	and Families State Central	
	Registry at 1-877-NJ-ABUSE (1-	
	877-652-2873), if applicable;	10:44C-3.5(k)
	and	
	x. Office of the Ombudsman	
	(1-877-582-6995), if	
	applicable;	

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			An advocate from a local, State or private agency may be requested to assist the person served Yes.	
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is there a legally enforceable agreement for the unit or dwelling where the individual resides?a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement?b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?	Yes, in SA's and SLP's.	Not referenced in regulation
6	§441.710(a)(1)(vi) §441.301(c)(4)(vi)	Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the state who are not receiving Medicaid home and community based services?	b) Support agency required to assure. Yes, New Jersey Statute assures all ID/DD individuals are afforded all constitutional, civil and legal rights.	Not referenced in regulation N.J.S.A. 30:6D-2
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Do individuals know their rights regarding housing and when they could be required to relocate? a) Do individuals know how to relocate and request new housing? b) Does the written agreement include language that provides protections to address eviction processes and appeals comparable to those provided under the New Jersey's landlord tenant laws? 	Support agency required to ensuring that the rights of a person served are not ignored or infringed upon. This affirmation and protection is reflected in all aspects of the service process, from service initiation to discharge and follow up.	Not referenced in regulation

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies, statutes and/or regulations, as appropriate.

Sec	Section A: Physical Location			
	•	er (CFR) Citations all refer to Title 42.		
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(5)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?	Not referenced in STCs	
	§441.710(a)(2)(v)			
2	§441.301(c)(5)(v)	Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not	Not referenced in STCs	
	§441.710(a)(2)(v)	receiving HCBS?		
3	§441.301(c)(5)(v)	Is the setting a gated/secured "community" for people with disabilities?	Not referenced in STCs	
	§441.710(a)(2)(v)			
4	§441.301(c)(5)(v)	Is the setting a residential school incorporating both the educational program and the residential program in	Not referenced in STCs	
		the same building or in buildings in close proximity to each other?		
5	§441.301(c)(5)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby	Not referenced in STCs	
		a large number of people with disabilities are congregated together with shared programming and staff?		
		vith the Community		
Cod		er (CFR) Citations all refer to Title 42.		
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the	Yes: STC 46f requires that	STC 46 f and g
	§441.710(a)(1)(i)	same manner as people not receiving Medicaid HCBS services?	enrollees be provided an	
			opportunity to make decisions	
			about their day to day activities	
			in their home and community.	
			STC 46g requires that enrollees	
			are allowed to choose how and	
			when to spend their free time,	
			and have opportunities to	
			participate in community	
			activities of their choosing.	
2	§441.301(c)(4)(i)	Is the individual able to regularly access the greater community outside of the setting?	Not referenced in STCs	
	§441.710(a)(1)(i)			
3	§441.301(c)(4)(i)	Is the individual aware of or does he/she have access to information and materials to know of activities	Not referenced in STCs	
	§441.710(a)(1)(i)	taking place outside of the setting?		
4	§441.301(c)(4)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.) in integrated	Not referenced in STCs	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

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	§441.710(a)(1)(i)	community settings when they want? a) Can the individual come and go when he or she wants? b) Is the individual able work or stay active in the community outside of the setting? c) If the individual wants to work, is there a way to ensure the option is pursued?		
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?	Not referenced in STCs	
6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS live/receive services the setting live apart from individuals not receiving Medicaid HCBS?	Not referenced in STCs	
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residence and retail businesses?	Not referenced in STCs	
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	Explain how visitors are handled in the setting: a) Are visitors restricted to specified visiting hours? b) Are visiting hours posted? c) Is there evidence that visitors have been present at regular frequencies? d) Are there restricted visitor's meeting areas?	Yes: STC 46d requires common living areas a common space for interaction between participants, their guests and other residents. STC 46f requires that enrollees be provided with an opportunity to make decisions about their day to day activities including visitors. STC 46g requires that enrollees have privacy to visit with friends and family.	STC46 d, f, and g
10	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access individuals have to the community: a) Do individuals come and go at will? b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door?	Not referenced in STCs	
		c) Is there a curfew or other requirement for a schedule return to the setting?		

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		d) Do individuals in the setting have access to public transportation?		
		e) Are there bus stops nearby or are taxis available in the area?		
		f) Is an accessible van available to bring individuals to appointments, shopping, etc.?		
9	§441.301(c)(4)(i)	Describe the level of access which an individual has to access public transportation:	Not referenced in STCs	
	§441.710(a)(1)(i)	a) Are bus and other public transportation schedules and telephone numbers posted in a convenient		
		location?		
		b) Is training in the use of public transportation facilitated?		
		c) Where public transportation is limited, are other resources provided for the individual to access the		
		broader community?		

Section C: Person-Centered Planning

Code of Federal Register (CFR) Citations all refer to Title 42.

	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the	Yes: STC 52a requires team	STC 52a.
		development and updating of the individual's person-centered plan?	based Person-Centered	
			planning, which takes into	
			account the person's abilities	
			and preferences.	
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the	Yes: STC 52 requires that the	STC 52
		person-centered planning process to the maximum extent possible so he/she can make informed choices	necessary information is	
		and decisions?	offered to the individual so	
			that they may direct their	
			plan of care as much as	
			possible.	
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at a time and place convenient for individuals to attend?	Yes: STC 52c requires	STC 52c
			meetings related to the	
			participant's PoC are held at	
			a location, date, and time	
			that is convenient for the	
			participant.	
4	§441.301(c)(1) (iv)	Describe how the setting provides for the different cultural considerations of individuals:	Not referenced in STCs	
		a) Do the setting's written materials and meetings reflect a plain language that is accessible to individuals?		
		b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in		
		English?		
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including	Yes: STC 72 requires	STC 72

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		143 Completiensive Medicald Walver. Special Terms and Condi		
		clear conflict-of-interest guidelines for all planning participants?	integrated care coordination for physical health and	
			MLTSS will be provided by	
			the MCOs in a manner that is	
			"conflict-free" and includes a	
			CMS approved process to	
			ensure "conflict-free" care	
			coordination.	
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive	Yes: STC 52g requires that	STC 52a & g
		and from whom?	participants have the choice	
			of participating providers	
			within the plan network as	
			well as access to non-	
			participating providers when	
			the appropriate provider	
			type is not in the MCO	
			network. STC 52a requires	
			participation by the enrollee	
			when developing the plan of	
			care.	
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates	Yes: STC 52i requires a yearly	STC 52i
		to the plan as needed?	review of the Plan of Care, or	
			more often if requested by	
			the	
			participant/representative.	
	tion D: Choice and Indeed to the control of the con	dependence (CFR) Citations all refer to Title 42.		
	Federal Rule	CMS Guidance	Compliance	Citation/Proof/Verification
	- Cacrar Haic		Demonstration*	C. Carlon, 1. 1001, Vermoundin
1	§441.301(c)(4)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice?	Yes: STC 46a requires the	STC 46a
	§441.710(a)(1)(vi)	a) Is the individual able to choose a roommate?	individual be allowed to	
		b) Can married couples choose to share or not share a room?	make decisions associated	
		c) Does an individual know how he/she can request a roommate change?	with sharing a bedroom.	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		No comprehensive intedicate waiver. Special Terms and Condi-		
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi) §441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan? a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking, bathing, eating, exercising, activities, etc.? b) Can an individual's schedule vary from others in the same setting? c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at his/her convenience? Does the individual controls his/her personal resources? a) Is the individual able to have a checking or savings account or other means to control his/her funds?	Yes: STC 46f requires the opportunity to make decisions about their day to day activities including visitors, when and what to eat, in their home and in the community. Not referenced in STCs	STC 46f
		b) Does an individual have access to his/her funds?		
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider? Describe the dining experience: a) Does the individual have a meal at the time and place of his/her choosing? b) Can the individual request an alternative meal if desired? c) Are snacks accessible and available anytime? d) Is the individual required to sit at an assigned seat in a dining area? e) If the individual desires to eat privately, can s/he do so? f) Is the individual able to choose with whom to eat—or to eat alone? g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use disposable cutlery, plates and cups?	Yes: STC 46e affords that the participant has access to food storage or a food pantry at all times. STC 46f requires that the participant can chose when and what to eat. STC 46g requires the participant is treated with respect at all times.	STC 46e, f and g
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Does the individual have access to make private telephone calls/text/email at the individual's preference and convenience? a) Does the individual have a private cell phone, computer or other personal communication device or have access to a telephone or other means for personal communication in private at any time? b) Is the telephone or other technology device in a location that has space around it to ensure privacy? c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack? 	Yes: STC 46g requires that the participant have the ability to make private telephone calls and have a private space for their personal items.	STC 46g
6	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Is the setting an environment that supports individual comfort, independence and preferences? a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas? b) Is informal (written or oral) communication conducted in a language that the individual understands? c) Is assistance provided in private, as appropriate, when needed? 	Yes: STC 46e requires enrollees have access to a food storage or food pantry at all times.	STC 46e

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

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7	§441.301(c)(4)(vi)	Does the individual have full access in the setting?	Not referenced in STCs	
	§441.710(a)(1)(vi)	a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit		
		from certain areas of the setting?		
		b) Are individuals receiving Medicaid home and community-based services facilitated in accessing		
		amenities such as a pool or gym used by others on-site?		
		c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways,		
		etc., limiting individuals' mobility in the setting or if they are present are there environmental		
		adaptations such as a stair lift or elevator to fix the obstruction?		
8	§441.301(c)(4)(vi)	Does the physical environment meet the needs of those individuals who require supports?	Not referenced in STCs	
	§441.710(a)(1)(vi)	a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in		
		wheelchairs)?		
		b) For those individuals who need supports to move about the setting as they choose, are supports		
		provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies,		
		etc.?		
		c) Are tables and chairs at a convenient height and location so that individuals can access and use the		
		furniture comfortably?		
9	§441.301(c)(4)(vi)	Do individuals have privacy in their sleeping space and bathroom?	Yes: STC 46a requires	STC 46 a and c
	§441.710(a)(1)(vi)	a) Is the furniture able to be arranged to suit the individual's needs and preferences?	private or semi-private	
		b) Can the individual close and lock the bathroom door?	bedrooms including	
		c) Can the individual close and lock the bedroom door?	decisions associated with	
		d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom?	sharing a bedroom.	
			STC 46c requires private or	
			semi-private bathrooms	
			•	
			that include provisions for	
10	§441.301(c)(4)(vi)	Do individuals have comfortable places for private visits with family and friends?	privacy. Yes: STC 46g requires	STC 46g
10	1	· · · · · ·	• .	31C 40g
	§441.710(a)(1)(vi)	a) Is the furniture arranged to support small group conversations?	enrollees to have privacy to visit with friends and	
11	\$444.201/a\/4\/ai\	And individuals able to found the country their algorithm and found in increments as the country of	family.	STC 46 a
11	§441.301(c)(4)(vi)	Are individuals able to furnish and decorate their sleeping and/or living units as they wish?	Yes: STC 46g requires	STC 46g
	§441.710(a)(1)(vi)	a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the	enrollees to be treated	
		individual desires?	with respect and have	
		b) Can the furniture, linens, and other items reflect the individual's personal choices?	private space for their	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

c) Can individuals' living areas reflect their interests and hobbies? personal items.

Section E: Resident Rights

Code of Federal Register (CFR) Citations all refer to Title 42.

	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individual choices incorporated into the services and supports received?a) Does staff ask the individual about her/his needs and preferences?b) Are individuals aware of how to make a service request?c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make decisions?	Not referenced in STCs	
	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is an individual's right to dignity and privacy respected?a) Is an individual's health information kept private?b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view?c) Are individuals, who need assistance with grooming, groomed as they desire?	Yes: STC 46g requires enrollees be treated with respect.	STC 46g
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Does staff communicate with individuals in a dignified manner? a) Do individuals greet and chat with staff? b) Do staff converse with individuals in the setting while providing assistance during the regular course of daily activities? c) Does staff address individuals in the manner in which the person would like to be addressed? 	Yes: STC 46g requires enrollees be treated with respect.	STC 46g
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individuals free from coercion? a) Is information about filing a complaint posted in an obvious location and in an understandable format? b) Does the individual know the person to contact or the process to make an anonymous complaint? c) Can the individual file an anonymous complaint?	Yes: STC 72 requires integrated care coordination for physical health and MLTSS will be provided by the MCOs in a manner that is "conflict-free" and includes a CMS approved process to ensure "conflict-free" care coordination.	STC 72
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is there a legally enforceable agreement for the unit or dwelling where the individual resides? a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement?	Not referenced in STCs	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?	
6	§441.710(a)(1)(vi)	Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the	Not referenced in STCs
	§441.301(c)(4)(vi)	state who are not receiving Medicaid home and community based services?	
7	§441.301(c)(4)(vi)	Do individuals know their rights regarding housing and when they could be required to relocate?	Not referenced in STCs
	§441.710(a)(1)(vi)	a) Do individuals know how to relocate and request new housing?	
		b) Does the written agreement include language that provides protections to address eviction processes	
		and appeals comparable to those provided under the New Jersey's landlord tenant laws?	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

	ection A: Physical Location					
Co	de of Federal Regist	er (CFR) Citations all refer to Title 42.				
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification		
1	§441.301(c)(5)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?	Not referenced in Service	Note: The MLTSS Service		
	§441.710(a)(2)(v)		Dictionary	Dictionary is a high level		
				description of the services		
				offered in MLTSS and the		
				majority of the descriptions do		
				not include information on		
				what would be required of the		
				provider to be considered in		
				compliance with the HCBS		
				Settings Rule. That is done in		
				licensing and regulations.		
				Based on this document, the		
				state is in compliance and		
				does not need remediation.		
2	§441.301(c)(5)(v)	Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not	Not referenced in Service			
	§441.710(a)(2)(v)	receiving HCBS?	Dictionary			
3	§441.301(c)(5)(v)	Is the setting a gated/secured "community" for people with disabilities?	Not referenced in Service			
	§441.710(a)(2)(v)		Dictionary			
4	§441.301(c)(5)(v)	Is the setting a residential school incorporating both the educational program and the residential program in	Not referenced in Service			
	§441.710(a)(2)(v)		Dictionary			
5	§441.301(c)(5)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby	Not referenced in Service			
		a large number of people with disabilities are congregated together with shared programming and staff?	Dictionary			
		with the Community				
Со		er (CFR) Citations all refer to Title 42.				
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification		
1	§441.301(c)(4)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the	Not referenced in Service			
	§441.710(a)(1)(i)	same manner as people not receiving Medicaid HCBS services?	Dictionary			
2	§441.301(c)(4)(i)	Is the individual able to regularly access the greater community outside of the setting?	Not referenced in Service			
	§441.710(a)(1)(i)		Dictionary			
3	§441.301(c)(4)(i)	Is the individual aware of or does he/she have access to information and materials to know of activities	Not referenced in Service			

	§441.710(a)(1)(i)	taking place outside of the setting?	Dictionary
4	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.) in integrated community settings when they want? a) Can the individual come and go when he or she wants? b) Is the individual able work or stay active in the community outside of the setting? c) If the individual wants to work, is there a way to ensure the option is pursued?	Not referenced in Service Dictionary
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?	Not referenced in Service Dictionary
6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS live/receive services the setting live apart from individuals not receiving Medicaid HCBS?	Not referenced in Service Dictionary
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residence and retail businesses?	Not referenced in Service Dictionary
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	 Explain how visitors are handled in the setting: a) Are visitors restricted to specified visiting hours? b) Are visiting hours posted? c) Is there evidence that visitors have been present at regular frequencies? d) Are there restricted visitor's meeting areas? 	Not referenced in Service Dictionary
9	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access individuals have to the community: a) Do individuals come and go at will? b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door? c) Is there a curfew or other requirement for a schedule return to the setting? d) Do individuals in the setting have access to public transportation? e) Are there bus stops nearby or are taxis available in the area? f) Is an accessible van available to bring individuals to appointments, shopping, etc.?	Not referenced in Service Dictionary
10	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access which an individual has to access public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location? b) Is training in the use of public transportation facilitated?	Not referenced in Service Dictionary

		c) Where public transportation is limited, are other resources provided for the individual to access the		
		broader community?		
Sec	tion C: Person-Center	red Planning		
Cod	le of Federal Register	(CFR) Citations all refer to Title 42.		
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the development and updating of the individual's person-centered plan?	Yes.	MLTSS Service Dictionary – Social Adult Day Care
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions?	Not referenced in Service Dictionary	
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at a time and place convenient for individuals to attend?	Not referenced in Service Dictionary	
4	§441.301(c)(1) (iv)	Describe how the setting provides for the different cultural considerations of individuals: a) Do the setting's written materials and meetings reflect a plain language that is accessible to individuals? b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in English?	Not referenced in Service Dictionary	
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	Not referenced in Service Dictionary	
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	Not referenced in Service Dictionary	
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	Not referenced in Service Dictionary	
Sec	tion D: Choice and Inc	dependence		
Cod	le of Federal Register	(CFR) Citations all refer to Title 42.		
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice? a) Is the individual able to choose a roommate? b) Can married couples choose to share or not share a room? c) Does an individual know how he/she can request a roommate change?	Not referenced in Service Dictionary	
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan? a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking, bathing, eating, exercising, activities, etc.? b) Can an individual's schedule vary from others in the same setting?	Yes.	MLTSS Service Dictionary – Assisted Living Services

		c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at		
		his/her convenience?		
3	§441.301(c)(4)(vi)	Does the individual controls his/her personal resources?	Not referenced in Service	
	§441.710(a)(1)(vi)	a) Is the individual able to have a checking or savings account or other means to control his/her funds?	Dictionary	
		b) Does an individual have access to his/her funds?	,	
		c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?		
4	§441.301(c)(4)(vi)	Describe the dining experience:	Yes.	MLTSS Services Dictionary –
	§441.710(a)(1)(vi)	a) Does the individual have a meal at the time and place of his/her choosing?		Assisted Living Services
		b) Can the individual request an alternative meal if desired?		
		c) Are snacks accessible and available anytime?		
		d) Is the individual required to sit at an assigned seat in a dining area?		
		e) If the individual desires to eat privately, can s/he do so?		
		f) Is the individual able to choose with whom to eat—or to eat alone?		
		g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use		
		disposable cutlery, plates and cups?		
5	§441.301(c)(4)(vi)	Does the individual have access to make private telephone calls/text/email at the individual's preference and	Not referenced in Service	
	§441.710(a)(1)(vi)	convenience?	Dictionary	
		a) Does the individual have a private cell phone, computer or other personal communication device or have		
		access to a telephone or other means for personal communication in private at any time?		
		b) Is the telephone or other technology device in a location that has space around it to ensure privacy?		
		c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack?		
6	§441.301(c)(4)(vi)	Is the setting an environment that supports individual comfort, independence and preferences?	Yes.	MLTSS Services Dictionary –
	§441.710(a)(1)(vi)	a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment,		Assisted Living Services
		dining area, laundry, and comfortable seating in the shared areas?		
		b) Is informal (written or oral) communication conducted in a language that the individual understands?		
		c) Is assistance provided in private, as appropriate, when needed?		
7	§441.301(c)(4)(vi)	Does the individual have full access in the setting?	Not referenced in Service	
	§441.710(a)(1)(vi)	a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit	Dictionary	
		from certain areas of the setting?		
		b) Are individuals receiving Medicaid home and community-based services facilitated in accessing		
		amenities such as a pool or gym used by others on-site?		
		c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways,		
		etc., limiting individuals' mobility in the setting or if they are present are there environmental		
		adaptations such as a stair lift or elevator to fix the obstruction?		

	Endoral Bula	CMS Guidance		Citation / Droof / Varification
Coc	le of Federal Register	(CFR) Citations all refer to Title 42.		
Sec	tion E: Resident Righ	ts		
		c) Can individuals' living areas reflect their interests and hobbies?		
		b) Can the furniture, linens, and other items reflect the individual's personal choices?		
	3 · · · · · · · · · · · · · · · · · · ·	individual desires?		7.0505CCG EIVING OCTVICCS
11	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individuals able to furnish and decorate their sleeping and/or living units as they wish? a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the	165.	MLTSS Services Dictionary- Assisted Living Services
11	\$441.201(c)(4)(vi)	Are individuals able to furnish and describe their sleeping and/or living units as they wish?	Yes.	MITSS Sarvisas Distingary
	§441.710(a)(1)(vi)	a) Is the furniture arranged to support small group conversations?	Dictionary	
10	§441.301(c)(4)(vi)	Do individuals have comfortable places for private visits with family and friends?	Not referenced in Service	
		bathroom?		
		d) Do staff or other residents always knock and receive permission prior to entering a bedroom or		
		c) Can the individual close and lock the bedroom door?		
	§441.710(a)(1)(vi)	b) Can the individual close and lock the bathroom door?		Assisted Living Services
9	§441.301(c)(4)(vi)	Do individuals have privacy in their sleeping space and bathroom? a) Is the furniture able to be arranged to suit the individual's needs and preferences?	Yes:	MLTSS Services Dictionary – Assisted Living Services
<u> </u>	\$444.204/a\/i\	furniture comfortably?	Vac	MITCC Complete Distinguis
		c) Are tables and chairs at a convenient height and location so that individuals can access and use the		
		etc.?		
		provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies,		
		b) For those individuals who need supports to move about the setting as they choose, are supports		
	§441.710(a)(1)(vi)	a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in wheelchairs)?	Dictionary	
3	§441.301(c)(4)(vi)	Does the physical environment meet the needs of those individuals who require supports?	Not referenced in Service	

	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(vi)	Are individual choices incorporated into the services and supports received?	Yes.	MLTSS Services Dictionary-
	§441.710(a)(1)(vi)	a) Does staff ask the individual about her/his needs and preferences?		Assisted Living Services
		b) Are individuals aware of how to make a service request?		
		c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make		
		decisions?		
2	§441.301(c)(4)(vi)	Is an individual's right to dignity and privacy respected?	Not referenced in Service	
	§441.710(a)(1)(vi)	a) Is an individual's health information kept private?	Dictionary	
		b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area		
		for all to view?		

		c) Are individuals, who need assistance with grooming, groomed as they desire?		
3	§441.301(c)(4)(vi)	Does staff communicate with individuals in a dignified manner?	Yes.	MLTSS Services Dictionary –
	§441.710(a)(1)(vi)	a) Do individuals greet and chat with staff?		Assisted Living Services
		b) Do staff converse with individuals in the setting while providing assistance during the regular course of daily activities?		
		c) Does staff address individuals in the manner in which the person would like to be addressed?		
4	§441.301(c)(4)(vi)	Are individuals free from coercion?	Not referenced in Service	
	§441.710(a)(1)(vi)	a) Is information about filing a complaint posted in an obvious location and in an understandable format?	Dictionary	
		b) Does the individual know the person to contact or the process to make an anonymous complaint?		
		c) Can the individual file an anonymous complaint?		
5	§441.301(c)(4)(vi)	Is there a legally enforceable agreement for the unit or dwelling where the individual resides?	Not referenced in Service	
	§441.710(a)(1)(vi)	a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written	Dictionary	
		residency agreement?		
		b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?		
6	§441.710(a)(1)(vi)	Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the	Not referenced in Service	
	§441.301(c)(4)(vi)	state who are not receiving Medicaid home and community based services?	Dictionary	
7	§441.301(c)(4)(vi)	Do individuals know their rights regarding housing and when they could be required to relocate?	Not referenced in Service	
	§441.710(a)(1)(vi)	a) Do individuals know how to relocate and request new housing?	Dictionary	
		b) Does the written agreement include language that provides protections to address eviction processes		
		and appeals comparable to those provided under the New Jersey's landlord tenant laws?		

Sec	ction A: Physical Loc	ation	, ,	
	•	er (CFR) Citations all refer to Title 42.		
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(5)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?	Not referenced in contract	
	§441.710(a)(2)(v)			
2	§441.301(c)(5)(v)	Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not	Not referenced in contract	
	§441.710(a)(2)(v)	receiving HCBS?		
3	§441.301(c)(5)(v)	Is the setting a gated/secured "community" for people with disabilities?	Not referenced in contract	
	§441.710(a)(2)(v)			
4	§441.301(c)(5)(v)	Is the setting a residential school incorporating both the educational program and the residential program in	Not referenced in contract	
	§441.710(a)(2)(v)	the same building or in buildings in close proximity to each other?		
5	§441.301(c)(5)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby	Not referenced in contract	
	§441.710(a)(2)(v)	a large number of people with disabilities are congregated together with shared programming and staff?		
Sec	ction B: Integration	with the Community		
Cod	de of Federal Regist	er (CFR) Citations all refer to Title 42.		
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the	Not referenced in contract	
	§441.710(a)(1)(i)	same manner as people not receiving Medicaid HCBS services?		
2	§441.301(c)(4)(i)	Is the individual able to regularly access the greater community outside of the setting?	Not referenced in contract	
	§441.710(a)(1)(i)			
3	§441.301(c)(4)(i)	Is the individual aware of or does he/she has access to information and materials to know of activities taking	Not referenced in contract	
	§441.710(a)(1)(i)	place outside of the setting?		
4	§441.301(c)(4)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.?) in integrated	Not referenced in contract	
	§441.710(a)(1)(i)	community settings when they want?		
		a) Can the individual come and go when he or she wants?		
		b) Is the individual able work or stay active in the community outside of the setting?		
		c) If the individual wants to work, is there a way to ensure the option is pursued?		
5	§441.301(c)(4)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the	Not referenced in contract	
	§441.710(a)(1)(i)	broader community?		
6	§441.301(c)(4)(i)	Do individuals receiving HCBS live/receive services the setting live apart from individuals not receiving	Not referenced in contract	

Sectio	§441.301(c)(4)(i) §441.710(a)(1)(i) on C: Person-Center of Federal Register	 f) Is an accessible van available to bring individuals to appointments, shopping, etc.? Describe the level of access which an individual has to access public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location? b) Is training in the use of public transportation facilitated? c) Where public transportation is limited, are other resources provided for the individual to access the broader community? 	Not referenced in contract	
	§441.710(a)(1)(i)	 f) Is an accessible van available to bring individuals to appointments, shopping, etc.? Describe the level of access which an individual has to access public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location? b) Is training in the use of public transportation facilitated? c) Where public transportation is limited, are other resources provided for the individual to access the broader community? 	Not referenced in contract	
§		 f) Is an accessible van available to bring individuals to appointments, shopping, etc.? Describe the level of access which an individual has to access public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location? b) Is training in the use of public transportation facilitated? c) Where public transportation is limited, are other resources provided for the individual to access the 	Not referenced in contract	
§		 f) Is an accessible van available to bring individuals to appointments, shopping, etc.? Describe the level of access which an individual has to access public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location? b) Is training in the use of public transportation facilitated? 	Not referenced in contract	
§		f) Is an accessible van available to bring individuals to appointments, shopping, etc.? Describe the level of access which an individual has to access public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient	Not referenced in contract	
Ş		f) Is an accessible van available to bring individuals to appointments, shopping, etc.? Describe the level of access which an individual has to access public transportation:	Not referenced in contract	
9 3	\$441 301(c)(4)(i)	f) Is an accessible van available to bring individuals to appointments, shopping, etc.?	Not referenced in contract	
9 §				
		e) Are there bus stops nearby or are taxis available in the area?		
		d) Do individuals in the setting have access to public transportation?e) Are there bus stops nearby or are taxis available in the area?		
		c) Is there a curfew or other requirement for a scheduled return to the setting?		
		b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door?		
	§441.710(a)(1)(i)	a) Do individuals come and go at will?		
10 §	§441.301(c)(4)(i)	Describe the level of access individuals have to the community:	Not referenced in contract	
		d) Are there restricted visitor meeting areas?		
		c) Is there evidence that visitors have been present at regular frequencies?		
8	§441.710(a)(1)(i)	b) Are visiting hours posted?		
	§441.301(c)(4)(i)	Explain how visitors are handled in the setting: a) Are visitors restricted to specified visiting hours?	Not referenced in contract	
0 0	C 4 4 4 2 2 4 1 1 4 1 1 1 1			
§	§441.710(a)(1)(i)			
7 §	§441.301(c)(4)(i)	Is the setting in the community among other private residences and retail businesses?	Not referenced in contract	
9	§441.710(a)(1)(i)	Medicaid HCBS?		

	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the	Yes: 9.6.2.A requires the	9.6.2.A
		development and updating of the individual's person-centered plan?	member must be present for,	
			and be included in, the on-	
			site visit that is done when	
			completing the Plan of Care.	
			The on-site visit is done at	
			the member's residence. If	

		ivide contract, Article 5 for Managea Long Term Services and Suppor		
			the member is unable to	
			participate in the	
			development of the Plan of	
			Care, then the member's	
			authorized representative,	
			parent, or legal guardian will	
			participate on their behalf.	
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the	Yes: 9.6.3 requires the care	9.6.3
		person-centered planning process to the maximum extent possible so he/she can make informed choices and	managers to use a person-	
		decisions?	centered approach and	
			provide adequate	
			information and guidance to	
			assist the member/family to	
			make informed decisions and	
			choices.	
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at a time and place convenient for individuals to attend?	Yes: 9.6.2.A1 and 2 The on-	9.6.2.A1 and 2
			site visit for the Plan of Care	
			is done face-to-face with the	
			member present.	
4	§441.301(c)(1) (iv)	Describe how the setting provides for the different cultural considerations of individuals:	Yes: The MCO contract	4.2.9
		a) Do the setting's written materials and meetings reflect a plain language that is accessible to individuals?	requires the MCO be trained	4.6.5
		b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in	and also train providers to	5.1.41
		English?	provide for the different	5.7
			cultural and linguistic needs	5.8.1
			of their members. They are	5.8.2
			required to have written	5.9.1
			materials that are culturally	5.14
			and linguistically sensitive	6.3
			and a hotline that serves the	Article 9
			cultural and linguistic needs	
			of the members.	
			The Plans of Care are	
			required to take into	
			consideration any cultural	

			and linguistic services needed	
			by the member.	
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including	Yes: The MCO Contract	5.15
		clear conflict-of-interest guidelines for all planning participants?	provides for Grievances and	
			Appeals process that the	
			member may go through	
			should they feel that they are	
			not receiving adequate care.	
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive	Yes: 9.6.3 offers the member	9.6.3
		and from whom?	the ability to be flexible and	
			creative with service delivery	
			options.	
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates	Yes: 9.6.6E allows for the	9.6.6E
		to the plan as needed?	Care Manager to make	
			required changes to the plan	
			of care at request of the	
			member or a person chosen	
			by the member should an	
	tion D. Chaine and In		urgent/emergent need arise.	

Section D: Choice and Independence

Code of Federal Register (CFR) Citations all refer to Title 42.

	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice?	Not referenced in contract	
	§441.710(a)(1)(vi)	a) Is the individual able to choose a roommate?		
		b) Can married couples choose to share or not share a room?		
		c) Does an individual know how he/she can request a roommate change?		
2	§441.301(c)(4)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a	Not referenced in contract	
	§441.710(a)(1)(vi)	person-centered plan?		
		a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking,		
		bathing, eating, exercising, activities, etc.?		
		b) Can an individual's schedule vary from others in the same setting?		
		c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at		
		his/her convenience?		
3	§441.301(c)(4)(vi)	Does the individual controls his/her personal resources?	Not referenced in contract	

	1	ivico contract, Article 9 for ivianaged Long Term Services and Suppor	
	§441.710(a)(1)(vi)	a) Is the individual able to have a checking or savings account or other means to control his/her funds?	
		b) Does an individual have access to his/her funds?	
		c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?	
4	§441.301(c)(4)(vi)	Describe the dining experience:	Not referenced in contract
	§441.710(a)(1)(vi)	a) Does the individual have a meal at the time and place of his/her choosing?	
		b) Can the individual request an alternative meal if desired?	
		c) Are snacks accessible and available anytime?	
		d) Is the individual required to sit at an assigned seat in a dining area?	
		e) If the individual desires to eat privately, can s/he do so?	
		f) Is the individual able to choose with whom to eat—or to eat alone?	
		g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use	
		disposable cutlery, plates and cups?	
5	§441.301(c)(4)(vi)	Does the individual have access to make private telephone calls/text/email at the individual's preference and	Not referenced in contract
	§441.710(a)(1)(vi)	convenience?	
		a) Does the individual have a private cell phone, computer or other personal communication device or	
		have access to a telephone or other means for personal communication in private at any time?	
		b) Is the telephone or other technology device in a location that has space around it to ensure privacy?	
		c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack?	
6	§441.301(c)(4)(vi)	Is the setting an environment that supports individual comfort, independence and preferences?	Not referenced in contract
	§441.710(a)(1)(vi)	a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment,	
		dining area, laundry, and comfortable seating in the shared areas?	
		b) Is informal (written or oral) communication conducted in a language that the individual understands?	
		c) Is assistance provided in private, as appropriate, when needed?	
7	§441.301(c)(4)(vi)	Does the individual have full access in the setting?	Not referenced in contract
	§441.710(a)(1)(vi)	a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit	
		from certain areas of the setting?	
		b) Are individuals receiving Medicaid home and community-based services facilitated in accessing	
		amenities such as a pool or gym used by others on-site?	
		c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways,	
		etc., limiting individuals' mobility in the setting or if they are present are there environmental	
		adaptations such as a stair lift or elevator to fix the obstruction?	
8	§441.301(c)(4)(vi)	Does the physical environment meet the needs of those individuals who require supports?	Not referenced in contract
	§441.710(a)(1)(vi)	a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in	
		wheelchairs)?	

		, , , , , , , , , , , , , , , , , , , ,	, ,	
		b) For those individuals who need supports to move about the setting as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies, etc.?c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably?		
9	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Do individuals have privacy in their sleeping space and bathroom? a) Is the furniture able to be arranged to suit the individual's needs and preferences? b) Can the individual close and lock the bathroom door? c) Can the individual close and lock the bedroom door? d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom? 	Not referenced in contract	
10	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals have comfortable places for private visits with family and friends? a) Is the furniture arranged to support small group conversations?	Not referenced in contract	
11	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	 Are individuals able to furnish and decorate their sleeping and/or living units as they wish? a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the individual desires? b) Can the furniture, linens, and other items reflect the individual's personal choices? c) Can individuals' living areas reflect their interests and hobbies? 	Not referenced in contract	

Section E: Resident Rights

Code of Federal Register (CFR) Citations all refer to Title 42.

	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(vi)	Are individual choices incorporated into the services and supports received?	Yes: 9.6.5B requires the Care	9.6.5B
	§441.710(a)(1)(vi)	a) Does staff ask the individual about her/his needs and preferences?	Manager ensure that	
		b) Are individuals aware of how to make a service request?	members are placed and/or	
		c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make	maintained in the most	
		decisions?	integrated/least restrictive	
			setting based on the assessed	
			needs of the member; taking	
			into consideration member	
			preferences as discussed in	
			the face-to-face visit.	
	§441.301(c)(4)(vi)	Is an individual's right to dignity and privacy respected?	Yes: Appendix B 4.14 Std X	Appendix B 4.14 Std X
	§441.710(a)(1)(vi)	a) Is an individual's health information kept private?	requires the MCOs to have a	

New Jersey Residential Home and Community-Based Setting Crosswalk MCO Contract, Article 9 for Managed Long Term Services and Supports (MLTSS)

b) Are solved as a findividuals for DT OT resolications restricted districts and a second solved as a constant and solved as All TCC	
b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area written policy on MLTSS	
for all to view? members' rights, which	
c) Are individuals, who need assistance with grooming, groomed as they desire? include the right to be	
treated with respect, dignity	
and need for privacy.	
3 §441.301(c)(4)(vi) Does staff communicate with individuals in a dignified manner? Yes: Appendix B 4.14 Std X Appendix B 4.14 Std X	dix B 4.14 Std X
§441.710(a)(1)(vi) a) Do individuals greet and chat with staff?	
b) Do staff converse with individuals in the setting while providing assistance during the regular course of written policy on MLTSS	
daily activities? members' rights, which	
c) Does staff address individuals in the manner in which the person would like to be addressed? include the right to be	
treated with respect, dignity	
and need for privacy.	
4 §441.301(c)(4)(vi) Are individuals free from coercion? Yes: The MCOs have a 5.15 a	nd Appendix B4.14 Std
§441.710(a)(1)(vi) a) Is information about filing a complaint posted in an obvious location and in an understandable format? Grievances and Appeals X	
b) Does the individual know the person to contact or the process to make an anonymous complaint? process if the member feels	
c) Can the individual file an anonymous complaint? they are dissatisfied with	
their care, and they are also	
required to give the member	
written documents on	
notifying their care manager	
if any problems occur with a	
provider or service per	
Appendix B 4.14 Std X.	
5 §441.301(c)(4)(vi) Is there a legally enforceable agreement for the unit or dwelling where the individual resides? Not referenced in contract	
§441.710(a)(1)(vi) a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written	
residency agreement?	
b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?	
6 §441.710(a)(1)(vi) Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the Not referenced in contract	
§441.301(c)(4)(vi) state who are not receiving Medicaid home and community based services?	
7 §441.301(c)(4)(vi) Do individuals know their rights regarding housing and when they could be required to relocate? Not referenced in contract	
7 §441.301(c)(4)(vi) Do individuals know their rights regarding housing and when they could be required to relocate? Not referenced in contract	

In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

Section A: Individual Experience Assessment – Person Centered Planning Process							
	Federal Rule	CMS Rule/Person-Centered Planning (PCP) Process		CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification	
1.	§441.301(c)(1) (i)	The PCP process includes people chosen by the individual.	a)	Did you choose who was able to participate in the development of your plan of care?	Yes: STC 52a requires team based person-centered planning, which takes into account the person's abilities and preferences.	STC 52a	
2.	§441.301(c)(1) (ii)	The PCP process provides necessary information and support to ensure that the individual directs the process to the maximum extent possible, and is enabled to make informed choices and decisions.	b) c) d)	Were you made fully aware of how the PCP is done and your central role? Were you made aware that you were the lead in making the decisions about the development of your plan of care? Was everything explained to you at the start of the process? Were you able to ask questions if something was not understandable? Did you feel like you were the expert on your own goals and needs?	Yes: STC 52 requires that the necessary information is offered to the individual so that they may direct their plan of care as much as possible.	STC 52	
3.	§441.301(c)(1) (iii)	The PCP process is timely and occurs at times and locations of convenience to the individual.	a)	Were you able to choose when and at what time your plan of care meeting took place? Were you able to choose where your plan of care meeting took place? Was there flexibility in having the meeting at a convenient time for you?	STC 52c requires meetings related to the participant's PoC are held at a location, date, and time that is convenient for the participant.	STC 52c	
4.	§441.301(c)(1) (iv)	The PCP process reflects cultural considerations of the individual and is conducted by providing information in plain language and in a manner that is accessible to individuals with disabilities and persons who are limited English proficient.	b)	Could you understand all the information you were given when your care plan was being developed? Was the information always presented in an easy-to-understand format? Was the process respectful of your cultural background? Were your special cultural needs addressed during the care planning process?	Not referenced in STCs		
5.	§441.301(c)(1) (v)	The PCP process includes strategies for solving conflict or disagreement	a)	Did you feel you could discuss your concerns during the care planning process?	STC 72 requires integrated care coordination for physical	STC 72	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		within the process, including clear conflict-of-interest guidelines for all planning participants.	b) Did you know who to talk at about concerns or disagreements you may have had with the care manager during the planning process?c) Did you know how to file a complaint?	health and MLTSS will be provided by the MCOs in a manner that is "conflict-free" and includes a CMS approved process to ensure "conflict- free" care coordination.	
6.	§441.301(c)(1) (vii)	The PCP offers informed choices to the individual regarding the services and supports they receive and from whom.	 a) Did your care manager/case manager/supports coordinator provide you with an overview of your options so that you could then choose? b) Did you choose your services and supports? c) Did your care manager discuss with you your services and supports in the plan of care? 	STC 52g requires that participants have the choice of participating providers within the plan network as well as access to nonparticipating providers when the appropriate provider type is not in the MCO network. STC 52a requires participation by the enrollee when developing the plan of care.	STC52g and 52a
7.	§441.301(c)(1) (viii)	The PCP process includes a method for the individual to request updates to the plan as needed.	 a) Do you know how to go about asking your care manager/case manager/supports coordinator for an update to your care plan? b) Are you aware that the care plan is reviewed at least annually? c) Are you aware that your care plan can be reviewed sooner than every year if you feel there is a need? d) Was there a clear route explained to you if you need to update the plan during the care planning process? 	Not referenced in STCs	
8.	§441.301(c)(2) (i)	The PCP reflects that the setting in which the individual resides is chosen by the individual.	a) Did you choose where you live and receive your supportive services?b) Did you visit other places before choosing this option?	Not referenced in STCs	
9.	441.301(c)(2) (ii)	The PCP reflects the individual's strengths and preferences.	a) Does your plan of care include the things you want to do?	Yes: STC52a requires that each member's Plan of Care is developed based on his/her needs and preferences.	STC 52a

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

10.	441.301(c)(2) (iii)	The PCP reflects clinical and support needs as identified through an assessment of functional need.	b)	Is a standardized and comprehensive clinical assessment conducted as part of the PCP? Are the individual's clinical assessment results identified in the PCP along with his/her support needs? Are the clinical and support needs reflected in the plan of care and documented in the PCP for the individual/chosen representative (s)?	Yes: STC 69 requires the NJ Choice tool be conducted for all members in need of MLTSS.	STC 69
11.	441.301(c)(2) (v)	The PCP reflects the services and supports (paid and unpaid) that will assist the individual to achieve identified goals, and the providers of those services and supports, including natural supports. Natural supports are unpaid supports that are provided voluntarily to the individual in lieu of NJ FamilyCare waiver services and supports.		Does your plan of care include all the help that you already receive besides what included in this plan? Are there are organizations and people who are part of your support network in the community?	Not referenced in STCs	
12.	441.301(c)(2) (vi)	The PCP reflects risk factors and measures in place to minimize them, including individualized back-up plans and strategies when needed.	c) d)	Do you understand the risks associated with your plan of care? Has your care manager/case manager/supports coordinator explained to you these risks? Did the care manager/case manager/supports coordinator explain a way to lessen any risks? Did the care manager/case manager/supports coordinator review a back-up plan if, for example, your caregiver doesn't show up? Do you feel prepared to handle an emergency?	Yes: STC 52d requires a back- up plan be developed and incorporated into the plan of care that is developed with the member in the event that any regular services or supports are temporarily unavailable.	STC 52d
13.	441.301(c)(2) (vii)	The PCP is understandable to the individual receiving services and supports, and the individuals important in supporting him or her. At a minimum, for the written plan to be understandable, it must be written in plain language and in a manner that is accessible to individuals with disabilities and persons with limited English	a)	Is the care plan easy for you to understand?	Not referenced in STCs	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		proficiency.			
14.	441.301(c)(2) (viii)	The PCP identifies the individual and/or entity responsible for	a) Do you know who to contact if you want to speak to someone about the plan of care?	Not referenced in STCs	
	(VIII)	monitoring the plan.	the plan of care:		
15.	` '` '	The PCP is finalized and agreed to,	a) Did you have enough time to review your plan of care once it was	Not referenced in STCs	
	(ix)	with the informed consent of the	finalized for your approval?		
		individual in writing, and signed by	b) Did you get to sign the final plan of care?		
		all individuals and providers	c) Did everyone involved in your care plan sign off on it?		
		responsible for its implementation.			
16.	` '` '	The PCP is distributed to the	a) Did you get a copy of the final plan of care?	Not referenced in STCs	
	(x)	individual and other people			
		involved in the plan.			
17.	441.301(c)(3)	The PCP is reviewed, and revised	a) Do you know when your annual review of the plan of care is	Yes: STC 52i requires each	STC 52i
		upon reassessment of functional	scheduled to take place?	enrollee's Plan of Care be	
		need at least every 12 months,	b) Do you know that you can request a review of the care plan at any	reviewed annually at a	
		when the individual's	time if you feel your needs or circumstances have changed?	minimum, or more	
		circumstances or needs change		frequently with individual	
		significantly, or at the request of		circumstances as warranted.	
-		the individual.			
Sect		Experience Assessment – Integration			6: .: In the ::
_	Federal Rule	CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1.	§441.301(c)(4)(i	The individual is able to participate	a) Are you able to participate in activities that you want to do in the	Yes: STC 46f requires the	STC 46f
)	in unscheduled and scheduled	community?	opportunity to make	
	§441.710(a)(1)(i	community activities in the same	b) Do you know how to make arrangements to participate in activities in	decisions about their day to	
)	manner as people not receiving	the community if you want to?	day activities including	
		Medicaid HCBS services.		visitors, when and what to	
				eat, in their home and in the	
				community.	_
2.	§441.301(c)(4)(i	The individual is able to regularly	a) Are you able to regularly engage in activities in the community if you	Yes: STC 46f requires the	STC 46f
)	access the greater community	want to?	opportunity to make	
	§441.710(a)(1)(i	outside of the setting.		decisions about their day to	
)			day activities including	
				visitors, when and what to	
				eat, in their home and in the	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

				community.	
3.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual is aware of and has access to information and materials to know of activities taking place outside of the setting.	a) Do you have regular access to information and materials about activities taking place in the community?	Not referenced in STCs	
4.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual can shop, attend religious services, go to appointments, dine with family and friends, etc., in the community, as he/she chooses.	a) Can you come and go when you want?b) Are you able to work or stay active in the community if you want?c) If you want to work, is there a way to help you look for a job?	Not referenced in STCs	
5.	§441.301(c)(4)(i) §441.710(a)(1)(i)	This sub-section refers to the handling of visitors in the setting.	a) Are you able to have visitors at any time?b) Are your visitors restricted to stay in certain meeting areas?	Not referenced in STCs	
6.	§441.301(c)(4)(i) §441.710(a)(1)(i)	This sub-section refers to the level of access that individuals have to the community.	 a) Are you able to come and go when you want both inside and outside? b) Do you have a curfew or other requirement when you need to return home? c) Are you able to take public transportation? d) Are there bus stops nearby or are taxis available in the area? e) Is there a van that can bring you to appointments, out shopping, etc.? 		
Sec	tion C: Individual E	xperience Assessment – Choice and I	ndependence in the Home and Community Based Setting		
	Federal Rule	CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice.	a) Were you able to choose a roommate?b) If you are married, did you have the option to share or not share a room?c) Are you able to request a change of roommate if you want?	Yes: STC 46a requires the individual be allowed to make decisions associated with sharing a bedroom.	STC 46a
2.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual can choose and control a schedule that meets his/her wishes in accordance with a person-centered plan?	a) Do you make your own daily schedule?b) Can you decide when you want to take a shower, eat and do your activities?c) Are you able to do what you want to do when you want to do it at your own convenience?	Yes: STC 46f requires the opportunity to make decisions about their day to day activities including visitors, when and what to	STC 46f

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

			d)	Does your neighbor have to have the same schedule as you?	eat, in their home and in the community.	
3.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual is able to control his/her personal resources.	b)	Do you have a checking or savings account or another means to control your money? Do you have access to your money? Can you buy things you need?	Not referenced in STCs	
4.	§441.301(c)(4)(i) §441.710(a)(1)(i)	This sub-section refers to the dining section.	a) b) c) d) e)	Can you eat when and where you want? Do you have a choice in your meal if you ask for it? Are snacks accessible and available anytime? Do you need to sit in an assigned seat in a dining area? Can you eat privately if you request it? Are you able to choose with whom you want to eat or alone if that is what you want?	Yes: STC 46e affords that the participant has access to food storage or a food pantry at all times. STC 46f requires that the participant can chose when and what to eat. STC 46g requires the participant is treated with respect at all times.	STC 46e, f, and g
5.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual can make private telephone calls/text/email at the individual's preference and convenience.		Is the telephone or other technology device in a location that ensures your privacy when communicating with others? Does your room have a telephone jack, WI-FI or ETHERNET jack?	Yes: STC 46g requires that the participant have the ability to make private telephone calls and have a private space for their personal items.	STC 46g
6.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The setting is an environment that supports individual comfort, independence and preferences.	b) c) d)	Are you able to cook and do laundry if you want to do it yourself in a private area? Are you able to eat by yourself in a dining area if that is what you prefer to do? Is there comfortable seating in the dining and living room areas? Is there someone who can explain to you how things work in the setting? Can you get help with tasks in a discrete way if you need assistance?	Yes: STC 46e requires enrollees have access to a food storage or food pantry at all times.	STC 46e
7.	§441.301(c)(4)(i) §441.710(a)(1)(i	The individual has full access in the setting.	a)	Are you able to move about easily where you live and come and go as you please?	Not referenced in STCs	

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)		 b) Are there any barriers to your free movement where you live? c) Are you able to access the same services as everyone else living there? d) Is the setting physically accessible with no obstructions? e) Are there solutions in place to work such as a stair lift or elevator to 		
			work around any obstructions such as steps, lips in a doorway and narrow hallways which limit your mobility?		
8.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The physical environment meets the needs of individuals who require supports.	 a) Are all the appliances accessible to you? b) Are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies if you need them? c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably? 	Not referenced in STCs	
9.	§441.301 (c) (4) (vi) §441.710(a)(1)(v i)	The individual has privacy in their sleeping or living unit.	 a) Can you close and lock your bedroom door? b) Can you close and lock your bathroom door? c) Did you decide who has a key to your bedroom and bathroom doors? d) Do staff or other residents always knock and receive permission before entering your bedroom and bathroom? 	Not referenced in STCs	
10	§441.301 (c) (4) (vi)	The individual has a comfortable place to visit with family and friends.	a) Is there a confortable area where there is furniture arranged to support small group conversations and gatherings?	Not referenced in STCs	
	§441.301 (c) (4) (vi)	The individual is able to furnish and decorate his/her sleeping and/or living units?	 a) Did you decorate your room? b) Can you hang things up on the wall if you want? c) Can you have your own furniture and use your own linens if you want? d) Can you make any decorating changes in the room/living space that you want? 	Yes: STC 46g requires enrollees to be treated with respect and have private space for their personal items.	STC 46g
Sec		xperience Assessment – Resident Rig			
	Federal Rule	CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1.	§441.301(c)(4)(v i)	The individual's right to dignity and privacy is respected.	a) Do you feel like you are treated with respect in the setting?b) Is someone able to help you with your personal grooming if you need it?c) Are your wishes respected when it comes to your personal grooming?	STC 46g requires enrollees be treated with respect.	STC 46g

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2.	§441.301(c)(4)(v i)	The individual is communicated with in a dignified manner.	post priva a) Is the b) Does	your schedules for PT, OT, medications, restricted diet, etc., eted in a general open area for all to view – or are they kept vate? The staff friendly to you? The staff treat you with respect? The staff address in the way you want to be addressed?	STC 46g requires enrollees be treated with respect.	STC 46g
3.	§441.301(c)(4)(v i)	The individual is free from coercion.	a) Do y b) Do y c) Do y	you know how to file a complaint? you know who takes complaints in the setting? you know how to file a complaint if you need to do it on an onymous basis?	STC 72 requires integrated care coordination for physical health and MLTSS will be provided by the MCOs in a manner that is "conflict-free" and includes a CMS approved process to ensure "conflict-free" care coordination.	STC 72
4.	§441.301(c)(4)(v i)	There a legally enforceable agreement for the unit or dwelling where the individual resides.	live? b) Do y	you have a lease or a written residency agreement for where you ? you know your housing rights? you know your rights as a tenant and protections from eviction?	Not referenced in STCs	

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	Federal Rule	CMS Rule/Person-Centered Planning (PCP) Process	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1.	§441.301(c)(1) (i)	The PCP process includes people chosen by the individual.	a) Did you choose who was able to participate in the development of your plan of care?	Social Adult Day Care requires an individualized plan of care that is developed jointly with the client and family.	MLTSS Service Dictionary – Social Adult Day Care
2.	§441.301(c)(1) (ii)	The PCP process provides necessary information and support to ensure that the individual directs the process the maximum extent possible, and is enabled to make informed choices and decisions.	 a) Were you made fully aware of how the PCP is done and your central role? b) Were you made aware that you were the lead in making the decisions about the development of your plan of care? c) Was everything explained to you at the start of the process? d) Were you able to ask questions if something was not understandable? e) Did you feel like you were the expert on your own goals and needs? 	Not referenced in Service Dictionary	Note: The MLTSS Service Dictionary is a high level description of the services offered in MLTSS and the majority of the descriptions do not include information on what would be required of the provider to be considered in compliance with the HCBS Settings Rule. Based on this document we are in compliance and do not need remediation.
3.	§441.301(c)(1) (iii)	The PCP process is timely and occurs at times and locations of convenience to the individual.	a) Were you able to choose when and at what time your plan of care meeting took place?b) Were you able to choose where your plan of care meeting took place?c) Was there flexibility in having the meeting at a convenient time for you?	Not referenced in Service Dictionary	
4.	§441.301(c)(1) (iv)	The PCP process reflects cultural considerations of the individual and is conducted by providing information in plain language and in a manner that is accessible to	 a) Could you understand all the information you were given when your care plan was being developed? b) Was the information always presented in an easy-to-understand format? c) Was the process respectful of your cultural background? 	Not referenced in Service Dictionary	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

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		individuals with disabilities and persons who are limited English proficient.	d)	Were your special cultural needs addressed during the care planning process?	
5.	§441.301(c)(1) (v)	The PCP process includes strategies for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants.	a) b) c)	Did you feel you could discuss your concerns during the care planning process? Did you know who to talk at about concerns or disagreements you may have had with the care manager during the planning process? Did you know how to file a complaint?	Not referenced in Service Dictionary
6.	§441.301(c)(1) (vii)	The PCP offers informed choices to the individual regarding the services and supports they receive and from whom.		Did your care manager/case manager/supports coordinator provide you with an overview of your options so that you could then choose? Did you choose your services and supports? Did your care manager discuss with you your services and supports in the plan of care?	Not referenced in Service Dictionary
7.	§441.301(c)(1) (viii)	The PCP process includes a method for the individual to request updates to the plan as needed.	b) c)	Do you know how to go about asking your care manager/case manager/supports coordinator for an update to your care plan? Are you aware that the care plan is reviewed at least annually? Are you aware that your care plan can be reviewed sooner than every year if you feel there is a need? Was there a clear route explained to you if you need to update the plan during the care planning process?	Not referenced in Service Dictionary
8.	§441.301(c)(2) (i)	The PCP reflects that the setting in which the individual resides is chosen by the individual.		Did you choose where you live and receive your supportive services? Did you visit other places before choosing this option?	Not referenced in Service Dictionary
9.	441.301(c)(2) (ii)	The PCP reflects the individual's strengths and preferences.		Does your plan of care include the things you want to do? Does your plan of care	Not referenced in Service Dictionary
10	441.301(c)(2) (iii)	The PCP reflects clinical and support needs as identified through an assessment of functional need.	a) b)	Is a standardized and comprehensive clinical assessment conducted as part of the PCP? Are the individual's clinical assessment results identified in the PCP along with his/her support needs? Are the clinical and support needs reflected in the plan of care and documented in the PCP for the individual/chosen representative (s)?	Not referenced in Service Dictionary
11	441.301(c)(2) (v)	The PCP reflects the services and supports (paid and unpaid) that will	a)	Does your plan of care include all the help that you already receive besides what included in this plan?	Not referenced in Service Dictionary

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		assist the individual to achieve identified goals, and the providers of those services and supports, including natural supports. Natural supports are unpaid supports that are provided voluntarily to the individual in lieu of NJ FamilyCare waiver services and supports.	b) Are there are organizations and people who are part of your support network in the community?	
12	441.301(c)(2) (vi)	The PCP reflects risk factors and measures in place to minimize them, including individualized back-up plans and strategies when needed.	 a) Do you understand the risks associated with your plan of care? b) Has your care manager/case manager/supports coordinator explained to you these risks? c) Did the care manager/case manager/supports coordinator explain a way to lessen any risks? d) Did the care manager/case manager/supports coordinator review a back-up plan if, for example, your caregiver doesn't show up? e) Do you feel prepared to handle an emergency? 	Not referenced in Service Dictionary
13	441.301(c)(2) (vii)	The PCP is understandable to the individual receiving services and supports, and the individuals important in supporting him or her. At a minimum, for the written plan to be understandable, it must be written in plain language and in a manner that is accessible to individuals with disabilities and persons who are limited English proficient.	a) Is the care plan easy for you to understand?	Not referenced in Service Dictionary
14	441.301(c)(2) (viii)	The PCP identifies the individual and/or entity responsible for monitoring the plan.	a) Do you know who to contact if you want to speak to someone about the plan of care?b) Do you know who to contact if you want to speak to someone about the plan of care?	Not referenced in Service Dictionary
15	441.301(c)(2) (ix)	The PCP is finalized and agreed to, with the informed consent of the	a) Did you have enough time to review your plan of care once it was finalized for your approval?	Not referenced in Service Dictionary

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		individual in writing, and signed by all individuals and providers responsible for its implementation.	b) Did you get to sign the final plan of care?c) Did everyone involved in your care plan sign off on it?		
16	441.301(c)(2) (x)	The PCP is distributed to the individual and other people involved in the plan.	a) Did you get a copy of the final plan of care?	Not referenced in Service Dictionary	
17	441.301(c)(3)	The PCP is reviewed, and revised upon reassessment of functional need at least every 12 months, when the individual's circumstances or needs change significantly, or at the request of the individual.	a) Do you know when your annual review of the plan of care is scheduled to take place?b) Do you know that you can request a review of the care plan at any time if you feel your needs or circumstances have changed?	Not referenced in Service Dictionary	
Sect		xperience Assessment – Integration			
	Federal Rule	CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1.	§441.301(c)(4)(i) §441.710(a)(1)(i)	participate in unscheduled and	a) Are you able to participate in activities that you want to do in the community?b) Do you know how to make arrangements to participate in activities in the community if you want to?	Assisted Living promotes self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike surroundings.	MLTSS Service Dictionary – Assisted Living Services
2.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual is able to regularly access the greater community outside of the setting.	a) Are you able to regularly engage in activities in the community if you want to?	Assisted Living promotes self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike surroundings.	MLTSS Service Dictionary – Assisted Living Services
3.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual is aware of and has access to information and materials to know of activities taking place outside of the	a) Do you have regular access to information and materials about activities taking place in the community?	Not referenced in Service Dictionary	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		setting.			
4.	§441.301(c)(4)(i)	The individual can shop, attend	a) Can you come and go when you want?	Not referenced in Service	
	§441.710(a)(1)(i)	religious services, go to	b) Are you able to work or stay active in the community if you want?	Dictionary	
		appointments, dine with family	c) If you want to work, is there a way to help you need to look for a job?		
		and friends, etc., in the			
		community, as he/she chooses.			
5.	§441.301(c)(4)(i)		a) Are you able to have visitors at any time?	Not referenced in Service	
	§441.710(a)(1)(i)	handling of visitors in the	b) Are your visitors restricted to stay in certain meeting areas?	Dictionary	
		setting.			
6.	§441.301(c)(4)(i)		a) Are you able to come and go when you want both inside and outside?	Not referenced in Service	
	§441.710(a)(1)(i)		b) Do you have a curfew or other requirement when you need to return	Dictionary	
		have to the community.	home?		
			c) Are you able to take public transportation?		
			d) Are there bus stops nearby or are taxis available in the area?		
			e) Is there a van that can bring you to appointments, out shopping, etc.?		
Sec	1	•	Independence in the Home and Community Based Setting		
	Federal Rule	CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1.	§441.301(c)(4)(i)	The individual has his/her own	a) Were you able to choose a roommate?	Not referenced in Service	Citation/Proof/Verification
1.		The individual has his/her own bedroom or shares a room with a	a) Were you able to choose a roommate?b) If you are married, did you have the option to share or not share a	•	Citation/Proof/Verification
1.	§441.301(c)(4)(i)	The individual has his/her own	a) Were you able to choose a roommate?b) If you are married, did you have the option to share or not share a room?	Not referenced in Service	Citation/Proof/Verification
1.	§441.301(c)(4)(i)	The individual has his/her own bedroom or shares a room with a	a) Were you able to choose a roommate?b) If you are married, did you have the option to share or not share a	Not referenced in Service	Citation/Proof/Verification
	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice.	a) Were you able to choose a roommate?b) If you are married, did you have the option to share or not share a room?c) Are you able to request a change of roommate if you want?	Not referenced in Service Dictionary	
2.	§441.301(c)(4)(i) §441.710(a)(1)(i) §441.301(c)(4)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice. The individual can choose and	 a) Were you able to choose a roommate? b) If you are married, did you have the option to share or not share a room? c) Are you able to request a change of roommate if you want? a) Do you make your own daily schedule? 	Not referenced in Service Dictionary Assisted Living promotes self-	MLTSS Service Dictionary –
	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice. The individual can choose and control a schedule that meets	 a) Were you able to choose a roommate? b) If you are married, did you have the option to share or not share a room? c) Are you able to request a change of roommate if you want? a) Do you make your own daily schedule? b) Can you decide when you want to take a shower, eat and do your 	Not referenced in Service Dictionary Assisted Living promotes self- direction and participation in	
	§441.301(c)(4)(i) §441.710(a)(1)(i) §441.301(c)(4)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice. The individual can choose and control a schedule that meets his/her wishes in accordance with	 a) Were you able to choose a roommate? b) If you are married, did you have the option to share or not share a room? c) Are you able to request a change of roommate if you want? a) Do you make your own daily schedule? b) Can you decide when you want to take a shower, eat and do your activities? 	Not referenced in Service Dictionary Assisted Living promotes self- direction and participation in decisions that emphasize	MLTSS Service Dictionary –
	§441.301(c)(4)(i) §441.710(a)(1)(i) §441.301(c)(4)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice. The individual can choose and control a schedule that meets	 a) Were you able to choose a roommate? b) If you are married, did you have the option to share or not share a room? c) Are you able to request a change of roommate if you want? a) Do you make your own daily schedule? b) Can you decide when you want to take a shower, eat and do your activities? c) Are you able to do what you want to do when you want to do it at 	Not referenced in Service Dictionary Assisted Living promotes self- direction and participation in decisions that emphasize independence, individuality,	MLTSS Service Dictionary –
	§441.301(c)(4)(i) §441.710(a)(1)(i) §441.301(c)(4)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice. The individual can choose and control a schedule that meets his/her wishes in accordance with	 a) Were you able to choose a roommate? b) If you are married, did you have the option to share or not share a room? c) Are you able to request a change of roommate if you want? a) Do you make your own daily schedule? b) Can you decide when you want to take a shower, eat and do your activities? c) Are you able to do what you want to do when you want to do it at your own convenience? 	Not referenced in Service Dictionary Assisted Living promotes self- direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike	MLTSS Service Dictionary –
	§441.301(c)(4)(i) §441.710(a)(1)(i) §441.301(c)(4)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice. The individual can choose and control a schedule that meets his/her wishes in accordance with	 a) Were you able to choose a roommate? b) If you are married, did you have the option to share or not share a room? c) Are you able to request a change of roommate if you want? a) Do you make your own daily schedule? b) Can you decide when you want to take a shower, eat and do your activities? c) Are you able to do what you want to do when you want to do it at 	Not referenced in Service Dictionary Assisted Living promotes self- direction and participation in decisions that emphasize independence, individuality,	MLTSS Service Dictionary –
	§441.301(c)(4)(i) §441.710(a)(1)(i) §441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice. The individual can choose and control a schedule that meets his/her wishes in accordance with	 a) Were you able to choose a roommate? b) If you are married, did you have the option to share or not share a room? c) Are you able to request a change of roommate if you want? a) Do you make your own daily schedule? b) Can you decide when you want to take a shower, eat and do your activities? c) Are you able to do what you want to do when you want to do it at your own convenience? d) Does your neighbor have to have the same schedule as you? 	Not referenced in Service Dictionary Assisted Living promotes self- direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike	MLTSS Service Dictionary –
2.	§441.301(c)(4)(i) §441.710(a)(1)(i) §441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice. The individual can choose and control a schedule that meets his/her wishes in accordance with a person-centered plan? The individual is able to control	 a) Were you able to choose a roommate? b) If you are married, did you have the option to share or not share a room? c) Are you able to request a change of roommate if you want? a) Do you make your own daily schedule? b) Can you decide when you want to take a shower, eat and do your activities? c) Are you able to do what you want to do when you want to do it at your own convenience? d) Does your neighbor have to have the same schedule as you? a) Do you have a checking or savings account or another means to 	Not referenced in Service Dictionary Assisted Living promotes self- direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike surroundings. Not referenced in Service	MLTSS Service Dictionary –
2.	§441.301(c)(4)(i) §441.710(a)(1)(i) §441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice. The individual can choose and control a schedule that meets his/her wishes in accordance with a person-centered plan?	 a) Were you able to choose a roommate? b) If you are married, did you have the option to share or not share a room? c) Are you able to request a change of roommate if you want? a) Do you make your own daily schedule? b) Can you decide when you want to take a shower, eat and do your activities? c) Are you able to do what you want to do when you want to do it at your own convenience? d) Does your neighbor have to have the same schedule as you? 	Not referenced in Service Dictionary Assisted Living promotes self- direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike surroundings.	MLTSS Service Dictionary –

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

4.	§441.301(c)(4)(i) §441.710(a)(1)(i)	This sub-section refers to the dining section.	Assisted Living Services — Residents in ALRs have access to their own living unit's kitchen 24/7 and to facility food and beverages 24/7. Residents in CPCHs have access to facility food and beverages 24/7 and, if equipped, access to their own unit's food preparation area.	MLTSS Services Dictionary – Assisted Living Services
5.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual can make private telephone calls/text/email at the individual's preference and convenience.	 Is the telephone or other technology device in a location that ensures your privacy when communicating with others? Does your room have a telephone jack, WI-FI or ETHERNET jack? 	
6.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The setting is an environment that supports individual comfort, independence and preferences.	Are you able to cook and do laundry if you want to do it yourself in a private area? Are you able to eat by yourself in a dining area if that is what you prefer to do? Is there comfortable seating in the dining and living room areas? Is there someone who can explain to you how things work in the setting? Can you get help with tasks in a discrete way if you need assistance? Assisted Living promotes self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike surroundings.	MLTSS Services Dictionary – Assisted Living Services
7.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has full access in the setting.	Are you able to move about easily where you live and come and go as you please? Dictionary Are there any barriers to your free movement where you live? Are you able to access the same services as everyone else living there? Is the setting physically accessible with no obstructions? Are there solutions in place to work such as a stair lift or elevator to work around any obstructions such as steps, lips in a doorway and narrow hallways which limit your mobility?	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

8.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The physical environment meets the needs of individuals who require supports.	 a) Are all the appliances accessible to you? b) Are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies if you need them? c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably? 	Not referenced in Service Dictionary	
9.	§441.301 (c) (4) (vi) §441.710(a)(1)(vi)	The individual has privacy in their sleeping or living unit.	,	Assisted Living Services – Apartment units at a minimum provide one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.	MLTSS Services Dictionary – Assisted Living Services
10	§441.301 (c) (4) (vi)	The individual has a comfortable place to visit with family and friends.	a) Is there a confortable area where there is furniture arranged to support small group conversations and gatherings?	Not referenced in Service Dictionary	
	§441.301 (c) (4) (vi)	The individual is able to furnish and decorate his/her sleeping and/or living units?	 a) Did you decorate your room? b) Can you hang things up on the wall if you want? c) Can you have your own furniture and use your own linens if you want? d) Can you make any decorating changes in the room/living space that you want? 	Assisted Living promotes self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike surroundings.	MLTSS Services Dictionary- Assisted Living Services
Sect	ı tion D: Individual Exp	perience Assessment – Resident Ri	ghts in the HCBS Setting		
	Federal Rule	CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1.	§441.301(c)(4)(vi)	The individual's right to dignity and privacy is respected.	 a) Do you feel like you are treated with respect in the setting? b) Is someone able to help you with your personal grooming if you need it? c) Are your wishes respected when it comes to your personal grooming? d) Are your schedules for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view – or are they kept private? 	Not referenced in Service Dictionary	
2.	§441.301(c)(4)(vi)	The individual is communicated	a) Is the staff friendly to you?	Assisted Living promotes self-	MLTSS Services Dictionary –

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		with in a dignified manner.	b) Does staff treat you with respect?c) Does staff address in the way you want to be addressed?	direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike surroundings.	Assisted Living Services
3.	§441.301(c)(4)(vi)	The individual is free from coercion.	a) Do you know how to file a complaint?b) Do you know who takes complaints in the setting?c) Do you know how to file a complaint if you need to do it on an anonymous basis?	Not referenced in Service Dictionary	
4.	§441.301(c)(4)(vi)	There a legally enforceable agreement for the unit or dwelling where the individual resides.	a) Do you have a lease or a written residency agreement for where you live?b) Do you know your housing rights?c) Do you know your rights as a tenant and protections from eviction?	Not referenced in Service Dictionary	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

Secti	Section A: Individual Experience Assessment – Person Centered Planning Process							
	Federal Rule	CMS Rule/Person-Centered Planning (PCP) Process		CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification		
1.	§441.301(c)(1) (i)	The PCP process includes people chosen by the individual.		Did you choose who was able to participate in the development of your plan of care?	Yes: 9.6.2.A requires the member must be present for, and be included in, the onsite visit that is done when completing the Plan of Care. The on-site visit is done at the member's residence. If the member is unable to participate in the development of the Plan of Care, then the member's authorized representative, parent, or legal guardian will participate on their behalf.	9.6.2A		
3.	§441.301(c)(1) (ii) §441.301(c)(1)	The PCP process provides necessary information and support to ensure that the individual directs the process the maximum extent possible, and is enabled to make informed choices and decisions. The PCP process is timely and	b) c) d)	Were you made fully aware of how the PCP is done and your central role? Were you made aware that you were the lead in making the decisions about the development of your plan of care? Was everything explained to you at the start of the process? Were you able to ask questions if something was not understandable? Did you feel like you were the expert on your own goals and needs? Were you able to choose when and at what time your plan of care	Yes: 9.6.3 requires the care managers to use a person centered approach and provide adequate information and guidance to assist the member/family to make informed decisions and choices. Yes: 9.6.2.A1 and 2 The on-	9.6.3 9.6.2A 1 and 2		
4	(iii) §441.301(c)(1)	occurs at times and locations of convenience to the individual. The PCP process reflects cultural	c)	meeting took place? Were you able to choose where your plan of care meeting took place? Was there flexibility in having the meeting at a convenient time for you? Could you understand all the information you were given when your	site visit for the Plan of Care is done face-to-face with the member present. Yes: The MCO contract	4.2.9		

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	(iv)	considerations of the individual and is conducted by providing information in plain language and in a manner that is accessible to individuals with disabilities and persons who are limited English proficient.	c)	care plan was being developed? Was the information always presented in an easy-to-understand format? Was the process respectful of your cultural background? Were your special cultural needs addressed during the care planning process?	requires the MCO be trained and also train providers to provide for the different cultural and linguistic needs of their members. They are required to have written materials that are culturally and linguistically sensitive and a hotline that serves the cultural and linguistic needs of the members. The Plans of Care are required to take into consideration any cultural and linguistic services needed by the member.	4.6.5 5.1.4l 5.7 5.8.1 5.8.2 5.9.1 5.14 6.3 9.6.5C
5.	§441.301(c)(1) (v)	The PCP process includes strategies for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants.		Did you feel you could discuss your concerns during the care planning process? Did you know who to talk at about concerns or disagreements you may have had with the care manager during the planning process? Did you know how to file a complaint?	Yes: The MCO Contract provides for a Grievances and Appeals process that the member may go through should they feel that they are not receiving adequate care.	5.15
6.	§441.301(c)(1) (vii)	The PCP offers informed choices to the individual regarding the services and supports they receive and from whom.	b)	Did your care manager/case manager/supports coordinator provide you with an overview of your options so that you could then choose? Did you choose your services and supports? Did your care manager discuss with you your services and supports in the plan of care?	Yes: 9.6.3 offers the member the ability to be flexible and creative with service delivery options.	9.6.3
7.	§441.301(c)(1) (viii)	The PCP process includes a method for the individual to request updates to the plan as needed.	b) c)	Do you know how to go about asking your care manager/case manager/supports coordinator for an update to your care plan? Are you aware that the care plan is reviewed at least annually? Are you aware that your care plan can be reviewed sooner than every year if you feel there is a need? Was there a clear route explained to you if you need to update the	Yes: 9.6.6E allows for the Care Manager to make required changes to the plan of care at request of the member or a person chosen by the member should an	9.6.6E

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			plan during the care planning process?	urgent/emergent need arise.	
				The Care Manager is to review the member's plan of care on an ongoing basis to ensure that the member is receiving adequate services and review the plan of care with the member at a minimum of every 90 or 180 days dependent on setting.	
8.	§441.301(c)(2) (i)	The PCP reflects that the setting in which the individual resides is chosen by the individual.	a) Did you choose where you live and receive your supportive services?b) Did you visit other places before choosing this option?	Yes: 9.6.5C requires that the Care Manager respect the member's preference for placement determining the most appropriate service placement for the member.	9.6.5C
9.	441.301(c)(2) (ii)	The PCP reflects the individual's strengths and preferences.	a) Does your plan of care include the things you want to do?b) Does your plan of care	Yes: 9.6.3B and C identifies takes into account the member's strengths and preferences when developing the plan of care.	9.6.3B and C
10.	441.301(c)(2) (iii)	The PCP reflects clinical and support needs as identified through an assessment of functional need.	 a) Is a standardized and comprehensive clinical assessment conducted as part of the PCP? b) Are the individual's clinical assessment results identified in the PCP along with his/her support needs? c) Are the clinical and support needs reflected in the plan of care and documented in the PCP for the individual/chosen representative (s)? 	Yes: 9.6.1 requires the MCO or the State to complete a comprehensive and standardized clinical assessment that is used when formulating the Plan of Care. 9.6.3C requires that the Plan of Care is informed by the clinical and support needs identified in the NJ Choice	9.6.1 and 9.6.3C

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				assessment.	
11.	441.301(c)(2) (v)	The PCP reflects the services and supports (paid and unpaid) that will assist the individual to achieve identified goals, and the providers of those services and supports, including natural supports. Natural supports are unpaid supports that are provided voluntarily to the individual in lieu of NJ FamilyCare waiver services and supports.	a) Does your plan of care include all the help that you already receive besides what included in this plan?b) Are there are organizations and people who are part of your support network in the community?	Yes: 9.6.3C Uses the existing support system to inform the Plan of Care.	9.6.3C
12.	441.301(c)(2) (vi)	The PCP reflects risk factors and measures in place to minimize them, including individualized back-up plans and strategies when needed.	 a) Do you understand the risks associated with your plan of care? b) Has your care manager/case manager/supports coordinator explained to you these risks? c) Did the care manager/case manager/supports coordinator explain a way to lessen any risks? d) Did the care manager/case manager/supports coordinator review a back-up plan if, for example, your caregiver doesn't show up? e) Do you feel prepared to handle an emergency? 	Yes: 9.6.3.G requires that before the Plan of Care is put in place that the Care manager goes over the Plan of Care and has the member sign off that they understand the risks, and that a back-up plan will be put in place if need be. 9.6.5 Requires that the member receives counseling on the risks associated with their care, what to do in case of emergency and their back up plan.	9.6.3G and 9.6.5
13.	441.301(c)(2) (vii)	The PCP is understandable to the individual receiving services and supports, and the individuals important in supporting him or her. At a minimum, for the written plan to be understandable, it must be written in plain language and in a	a) Is the care plan easy for you to understand?	Yes: 9.6.5C The Options Counseling process requires the care manager take into consideration the cultural and linguistic needs of the member to ensure that they understand the Plan of Care.	9.6.5C

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		manner that is accessible to individuals with disabilities and persons who are limited English proficient.			
14.	441.301(c)(2) (viii)	The PCP identifies the individual and/or entity responsible for monitoring the plan.	a) Do you know who to contact if you want to speak to someone about the plan of care?b) Do you know who to contact if you want to speak to someone about the plan of care?	Yes: 9.5.4 requires that the member be given their care manager's direct contact information and direct access to the Care Management department upon enrollment into MLTSS.	9.5.4
15.	441.301(c)(2) (ix)	The PCP is finalized and agreed to, with the informed consent of the individual in writing, and signed by all individuals and providers responsible for its implementation.	 a) Did you have enough time to review your plan of care once it was finalized for your approval? b) Did you get to sign the final plan of care? c) Did everyone involved in your care plan sign off on it? 	9.6.3G requires the signature of the member and/or authorized representative after the Plan of Care is developed with their input. *The contract does not indicate if the providers responsible for its implementation sign off on the plan of care.	9.6.3G
16.	441.301(c)(2) (x)	The PCP is distributed to the individual and other people involved in the plan.	a) Did you get a copy of the final plan of care?	Yes: 9.6.3G Requires that the member received a copy of the approved Plan of Care within 30 days of the date it is signed by the member or the member's representative.	9.6.3G
17.	441.301(c)(3)	The PCP is reviewed, and revised upon reassessment of functional need at least every 12 months, when the individual's circumstances or needs change	a) Do you know when your annual review of the plan of care is scheduled to take place?b) Do you know that you can request a review of the care plan at any time if you feel your needs or circumstances have changed?	Yes: 9.6.6E allows for the Care Manager to make required changes to the plan of care at request of the member or a person chosen	9.6.1E and 9.6.6E

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Soci	tion R: Individual F	significantly, or at the request of the individual. Experience Assessment – Integration	with the Greater Community	by the member should an urgent/emergent need arise. The Care Manager is to review the member's plan of care on an ongoing basis to ensure that the member is receiving adequate services and review the plan of care with the member at a minimum of every 90 or 180 days dependent on setting. 9.6.1E requires that clinical eligibility reassessments are done annually.	
360	Federal Rule	CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1.	§441.301(c)(4)(i)	The individual is able to	a) Are you able to participate in activities that you want to do in the	Not referenced in contract	
	§441.710(a)(1)(i)	participate in unscheduled and scheduled community activities in the same manner as people not receiving Medicaid HCBS services.	community?b) Do you know how to make arrangements to participate in activities in the community if you want to?		
2.	§441.710(a)(1)(i) §441.301(c)(4)(i) §441.710(a)(1)(i)	scheduled community activities in the same manner as people not receiving Medicaid HCBS	b) Do you know how to make arrangements to participate in activities in	Not referenced in contract	
3.	§441.301(c)(4)(i)	scheduled community activities in the same manner as people not receiving Medicaid HCBS services. The individual is able to regularly access the greater community	 b) Do you know how to make arrangements to participate in activities in the community if you want to? a) Are you able to regularly engage in activities in the community if you 		

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5.		appointments, dine with family and friends, etc., in the community, as he/she chooses.	Are you able to work or stay active in the community if you want? If you want to work, is there a way to help you need to look for a job? Are you able to have visitors at any time?	Not referenced in contract	
J.	§441.710(a)(1)(i)) Are your visitors restricted to stay in certain meeting areas?	Not referenced in contract	
6.	§441.301(c)(4)(i) §441.710(a)(1)(i)	level of access that individuals have to the community.	 Are you able to come and go when you want both inside and outside? Do you have a curfew or other requirement when you need to return home? Are you able to take public transportation? Are there bus stops nearby or are taxis available in the area? Is there a van that can bring you to appointments, out shopping, etc.? 	Not referenced in contract	
Sec	T Total Control of the Control of th		ndependence in the Home and Community Based Setting		
	Federal Rule	CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice.	a) Were you able to choose a roommate?b) If you are married, did you have the option to share or not share a room?c) Are you able to request a change of roommate if you want?	Not referenced in contract	
2.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual can choose and control a schedule that meets his/her wishes in accordance with a person-centered plan?	 a) Do you make your own daily schedule? b) Can you decide when you want to take a shower, eat and do your activities? c) Are you able to do what you want to do when you want to do it at your own convenience? d) Does your neighbor have to have the same schedule as you? 	Not referenced in contract	
3.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual is able to control his/her personal resources.	a) Do you have a checking or savings account or another means to control your money?b) Do you have access to your money?c) Can you buy things you need?	Not referenced in contract	
4.	§441.301(c)(4)(i) §441.710(a)(1)(i)	This sub-section refers to the dining section.	 a) Can you eat when and where you want? b) Do you have a choice in your meal if you ask for it? c) Are snacks accessible and available anytime? d) Do you need to sit in an assigned seat in a dining area? 	Not referenced in contract	

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	5444 004/ \/a\/;)		e) Can you eat privately if you request it?f) Are you able to choose with whom you want to eat or alone if that is what you want?	
5.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual can make private telephone calls/text/email at the individual's preference and convenience.	a) Is the telephone or other technology device in a location that ensures your privacy when communicating with others?b) Does your room have a telephone jack, WI-FI or ETHERNET jack?	Not referenced in contract
6.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The setting is an environment that supports individual comfort, independence and preferences.	 a) Are you able to cook and do laundry if you want to do it yourself in a private area? b) Are you able to eat by yourself in a dining area if that is what you prefer to do? c) Is there comfortable seating in the dining and living room areas? d) Is there someone who can explain to you how things work in the setting? e) Can you get help with tasks in a discrete way if you need assistance? 	Not referenced in contract
7.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has full access in the setting.	 a) Are you able to move about easily where you live and come and go as you please? b) Are there any barriers to your free movement where you live? c) Are you able to access the same services as everyone else living there? d) Is the setting physically accessible with no obstructions? e) Are there solutions in place to work such as a stair lift or elevator to work around any obstructions such as steps, lips in a doorway and narrow hallways which limit your mobility? 	Not referenced in contract
8.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The physical environment meets the needs of individuals who require supports.	 a) Are all the appliances accessible to you? b) Are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies if you need them? c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably? 	Not referenced in contract
9.	§441.301 (c) (4) (vi) §441.710(a)(1)(vi)	The individual has privacy in their sleeping or living unit.	a) Can you close and lock your bedroom door?b) Can you close and lock your bathroom door?c) Did you decide who has a key to your bedroom and bathroom	Not referenced in contract

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10	§441.301 (c) (4) (vi)	The individual has a comfortable place to visit with family and friends.	doors? d) Do staff or other residents always knock and receive permission before entering your bedroom and bathroom? a) Is there a confortable area where there is furniture arranged to support small group conversations and gatherings?	Not referenced in contract	
11	§441.301 (c) (4) (vi)	The individual is able to furnish and decorate his/her sleeping and/or living units?	 a) Did you decorate your room? b) Can you hang things up on the wall if you want? c) Can you have your own furniture and use your own linens if you want? d) Can you make any decorating changes in the room/living space that you want? 	Not referenced in contract	
Sec	Federal Rule	perience Assessment – Resident R CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1.	§441.301(c)(4)(vi)	The individual's right to dignity and privacy is respected.	 a) Do you feel like you are treated with respect in the setting? b) Is someone able to help you with your personal grooming if you need it? c) Are your wishes respected when it comes to your personal grooming? d) Are your schedules for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view – or are they kept private? 	Yes: Appendix B 4.14 Std X requires the MCOs to have a written policy on MLTSS member's rights which include the right to be treated with respect, dignity and need for privacy.	Appendix B 4.14 Std X
2.	§441.301(c)(4)(vi)	The individual is communicated with in a dignified manner.	a) Is the staff friendly to you?b) Does staff treat you with respect?c) Does staff address in the way you want to be addressed?	Yes: Appendix B 4.14 Std X requires the MCOs to have a written policy on MLTSS member's rights which include the right to be treated with respect, dignity and need for privacy.	Appendix B 4.14 Std X
3.	§441.301(c)(4)(vi)	The individual is free from coercion.	a) Do you know how to file a complaint?b) Do you know who takes complaints in the setting?c) Do you know how to file a complaint if you need to do it on an	Yes: The MCOs have a Grievances and Appeals process if the member feels	5.15 and Appendix B 4.14 Std X

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			anonymous basis?	they are dissatisfied with their care, and they are also required to give the member written documents on notifying their care manager if any problems occur with a provider or service per Appendix B 4.14 Std X.
4.	§441.301(c)(4)(vi)	There a legally enforceable agreement for the unit or dwelling where the individual resides.	a) Do you have a lease or a written residency agreement for where you live?b) Do you know your housing rights?c) Do you know your rights as a tenant and protections from eviction?	Not referenced in contract

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

	Section A: Physical Location Code of Federal Register (CFR) Citations all refer to Title 42.					
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification		
1	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?		Not referenced in regulation		
2	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the setting isolate its participants receiving Medicaid HCBS from the broader community of individuals not receiving HCBS?	Standards require opportunities to participate in vocational activities and community participation, as well as availability of free community events.	Chapter 16: Program Design, Subchapters 16.4-16.8		
3	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a gated/secured "community" for people with disabilities?	N/A	N/A		
4	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a residential school incorporating both the educational program and the residential program in the same building or in buildings in close proximity to each other?	N/A	N/A		
5	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby a large number of people with disabilities are congregated together with shared programming and staff?	Standards allow co-location of other agency services at the same site as day services.	Chapter 11: Physical Plan, Subchapter 11.12		
	~	with the Community er (CFR) Citations all refer to Title 42.				
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification		
1	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the same manner as people not receiving Medicaid HCBS services?	Service Plan (SP) Activity Schedules Monthly Reports Individual Record	Chapter 16: Program Design, Subchapters 16.4-16.8		
2	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual able to regularly access the greater community outside of the setting?	Service Plan (SP) Activity Schedules Monthly Reports	Chapter 16: Program Design, Subchapters 16.4-16.8		
3	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual aware of or does he/she have access to information and materials to know of activities taking place outside of the setting?	Activity Schedules Monthly Reports	• Chapter 16: Program Design, Subchapters 16.4- 16.8		
4	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.)?in integrated community settings when they want?	Activity Schedules Monthly Reports	Chapter 16: Program Design		

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		a) Can the individual come and go when he or she wants?b) Is the individual able work or stay active in the community outside of the setting?c) If the individual wants to work, is there a way to ensure the option is pursued?	Service Plan Vocational Assessment Individual Record	• Chapter 23: Service Plan •
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?	Day program settings are located within the general community, with sites approved by DDD	Chapter 11: Physical Plant, Subchapter 11.13
6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS live/receive services the setting live apart from individuals not receiving Medicaid HCBS?	N/A	• N/A
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residence and retail businesses?	Day program settings are located within the general community with sites approved by DDD	Chapter 11: Physical Plant, Subchapter 11.13
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	 Explain how visitors are handled in the setting: a) Are visitors restricted to specified visiting hours? b) Are visiting hours posted? c) Is there evidence that visitors have been present at regular frequencies? d) Are there restricted visitor's meeting areas? 	Day program policies and procedures identify visitor policies, with input and guidance from program participants Agency policies and procedures	Chapter 5: Rules
9	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access individuals have to the community: a) Do individuals come and go at will? b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door? c) Is there a curfew or other requirement for a schedule return to the setting? d) Do individuals in the setting have access to public transportation? e) Are there bus stops nearby or are taxis available in the area? f) Is an accessible van available to bring individuals to appointments, shopping, etc.?	Service Plan Agency policies and procedures detailing program rules and design All programs have accessible vans to provide transportation for individuals	 Chapter 16: Program Design Chapter 5: Rules Chapter 12: Transportation Division Circular #35 "Service Plan"
10	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access which an individual has to access public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient	Service Plan All programs have accessible	Chapter 16: Program Design

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		location? b) Is training in the use of public transportation facilitated? c) Where public transportation is limited, are other resources provided for the individual to access the broader community?	vans to provide transportation for individuals	 Chapter 5: Rules Chapter 12: Transportation Division Circular #35 "Service Plan"
	ction C: Person-Cente de of Federal Register	red Planning · (CFR) Citations all refer to Title 42.		
-	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the development and updating of the individual's person-centered plan?	Individual and/or their chosen representative are a member of the IDT Individual participation is mandated by policy and procedure	 Division Circular #35 "Service Plan" Rights Document Chapter 23: Service Plan
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions?	Individual and/or their chosen representative are a member of the IDT Individual participation is mandated by policy and procedure	 Division Circular #35 "Service Plan" Rights Document Chapter 23: Service Plan
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at a time and place convenient for individuals to attend?	Individual and/or their chosen representative are a member of the IDT Individual participation is mandated by policy and procedure	 Division Circular #35 "Service Plan" Rights Document Chapter 23: Service Plan
4	§441.301(c)(1) (iv)	Describe how the setting provides for the different cultural considerations of individuals: a) Do the setting's written materials and meetings reflect a plain language that is accessible to individuals? b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in English?	Required by Regulation, Policy and Procedure. IDT and Agency are responsible to assure information is conveyed in a language or manner the	 Division Circular #35 "Service Plan" Rights Document Chapter 23: Service Plan

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

			individual understands.	
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	Division policy and procedure, Provider Grievance Policy is mandatory.	 N.J.A.C. 10:48 "Appeal Procedure" Division Circular #37 Chapter 7: Policies and Procedure Manual, Subchapter 6
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	Division Case Manager or contracted agency provides assistance to the individual and coordinates access to the array of services needed for state plan, medical, social, educational and other services.	 Division Circular#4 NJAC10:40 Division Circular #41 "Informed Consent" Division Circular #35 "Service Plan"
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	IDT convenes at the individual's request.	 N.J.S.A.30:6D-10 et seq. Division Circular #35 "Service Plan" Division's Rights Document
	ction D: Choice and In			
COC	Federal Rule	(CFR) Citations all refer to Title 42. CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice? a) Is the individual able to choose a roommate? b) Can married couples choose to share or not share a room? c) Does an individual know how he/she can request a roommate change?	N/A	N/A
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan?	N/A	N/A

b) Can an individual's schedule vary from others in the same setting?

bathing, eating, exercising, activities, etc.?

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

3 \$441.301(c)(4)(vi) 5441.710(a)(1)(vi) 544			c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at	Day 110grains	
S441.301(c)(4)(vi) S441.710(a)(1)(vi) S441.71	3		a) Is the individual able to have a checking or savings account or other means to control his/her funds?b) Does an individual have access to his/her funds?	N/A	N/A
\$441.710(a)(1)(vi) and convenience? a) Does the individual have a private cell phone, computer or other personal communication device or have access to a telephone or other means for personal communication in private at any time? b) Is the telephone or other technology device in a location that has space around it to ensure privacy? c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack? 6 \$441.301(c)(4)(vi) { \$441.710(a)(1)(vi)} a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas?	4		Describe the dining experience: a) Does the individual have a meal at the time and place of his/her choosing? b) Can the individual request an alternative meal if desired? c) Are snacks accessible and available anytime? d) Is the individual required to sit at an assigned seat in a dining area? e) If the individual desires to eat privately, can s/he do so? f) Is the individual able to choose with whom to eat—or to eat alone? g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use		(Chapter 19: Health/Medical, Subchapters 16-17), otherwise
§441.710(a)(1)(vi) a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas?	5		and convenience?a) Does the individual have a private cell phone, computer or other personal communication device or have access to a telephone or other means for personal communication in private at any time?b) Is the telephone or other technology device in a location that has space around it to ensure privacy?	N/A	• N/A
c) Is assistance provided in private, as appropriate, when needed?	6		Is the setting an environment that supports individual comfort, independence and preferences?a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas?b) Is informal (written or oral) communication conducted in a language that the individual understands?	N/A	• N/A
7 §441.301(c)(4)(vi) Does the individual have full access in the setting? N/A • N/A	7	§441.301(c)(4)(vi)	Does the individual have full access in the setting?	N/A	• N/A

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

	§441.710(a)(1)(vi)	a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit							
		from certain areas of the setting?							
		b) Are individuals receiving Medicaid home and community-based services facilitated in accessing							
		amenities such as a pool or gym used by others on-site?							
		c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways,							
		etc., limiting individuals' mobility in the setting, or if they are present, are there environmental							
		adaptations such as a stair lift or elevator to fix the obstruction?							
8	§441.301(c)(4)(vi)	Does the physical environment meet the needs of those individuals who require supports?	N/A	N/A					
	§441.710(a)(1)(vi)	a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in wheelchairs)?							
		b) For those individuals who need supports to move about the setting as they choose, are supports							
		provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies, etc.?							
		c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably?							
9	§441.301(c)(4)(vi)	Do individuals have privacy in their sleeping space and bathroom?	N/A	• N/A					
	§441.710(a)(1)(vi)	a) Is the furniture able to be arranged to suit the individual's needs and preferences?							
		b) Can the individual close and lock the bathroom door?							
		c) Can the individual close and lock the bedroom door?							
		d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom?							
10	§441.301(c)(4)(vi)	Do individuals have comfortable places for private visits with family and friends?	N/A	• N/A					
	§441.710(a)(1)(vi)	a) Is the furniture arranged to support small group conversations?							
11	§441.301(c)(4)(vi)	Are individuals able to furnish and decorate their sleeping and/or living units as they wish?	N/A	N/A					
	§441.710(a)(1)(vi)	a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the							
		individual desires?							
		b) Can the furniture, linens, and other items reflect the individual's personal choices?							
		c) Can individuals' living areas reflect their interests and hobbies?							
Section E: Resident Rights									
sec	tion E: Resident Righ	v		Code of Federal Register (CFR) Citations all refer to Title 42.					
			Compliance Demonstration*	Citation/Proof/Verification					
	Federal Register Federal Rule §441.301(c)(4)(vi)	(CFR) Citations all refer to Title 42. CMS Guidance	Compliance Demonstration* Service Plan	Citation/Proof/Verification • DC# 35 Service Plan					

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

b) Are individuals aware of how to make a service request? c) Is individual's choice facilitated in a manner that leaves the individual feeling empowered to make decisions? \$441.301(c)(4)(vi) \$441.710(a)(1)(vi) \$441.710(a)(1)(vi) \$441.710(a)(1)(vi) \$441.301(c)(4)(vi) \$441.301(c		T	Division of Developmental Disabilities Standards for Adult t		
S441.301(c)(4)(vi) S441.301(c)(4)(vi) S441.301(c)(4)(vi)			· ·		
S441.710(a)(1)(vi) An is an individual's health information kept private? b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area open a				rules require participant input.	
\$441.710(a)(1)(vi) a) Do individuals greet and chat with staff? b) Do staff converse with individuals in the setting while providing assistance during the regular course of daily activities? c) Does staff address individuals in the manner in which the person would like to be addressed? 4 \$441.710(a)(1)(vi) \$441.710(a)(1)(vi) Does the individual free from coercion? 10 Does the individual file an anonymous complaint? 11 Can the individual file an anonymous complaint? 2 Can the individual file an anonymous complaint? 3 \$441.301(c)(4)(vi) \$441.710(a)(1)(vi) Does the individual file an anonymous complaint? 4 \$441.710(a)(1)(vi) Does the individual file an anonymous complaint? 5 \$441.301(c)(4)(vi) \$441.710(a)(1)(vi) Does the individual ave a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement? 5 Douge the individual know his/her rights regarding housing and when s/he could be required to relocate? b the treated in a respectful manner by anyonce who manages or works in a DDD residential program. Division's Rights Document advises individuals to talk to talk to talk to a DDD case manager. Chapter 7: Policies and procedures must include a grievance policy The DDD hotline is posted Altitude and the person in charge and if not satisfied to talk to a DDD case manager. Chapter 7: Policies and procedures must include a grievance policy The DDD hotline is posted Altitude and the person of the person of the person in charge and if not satisfied to talk to a DDD case manager. Agency policies and procedures must include a grievance policy The DDD hotline is posted Altitude and the person of the person in charge and if not satisfied to talk to a DDD case manager. Agency policies and procedures must include a grievance policy The DDD hotline is posted Altitude and the person of th			a) Is an individual's health information kept private?b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view?	procedures must assure practices comply with HIPPA. All needed services and supports are identified in the	•
\$441.710(a)(1)(vi) a) Is information about filing a complaint posted in an obvious location and in an understandable format? b) Does the individual know the person to contact or the process to make an anonymous complaint? c) Can the individual file an anonymous complaint? c) Can the individual file an anonymous complaint? c) Can the individual file an anonymous complaint? davises individuals to talk to the person in charge and if not satisfied to talk to a DDD case manager. Agency policies and procedures must include a grievance policy The DDD hotline is posted 5 \$441.301(c)(4)(vi) \$441.710(a)(1)(vi) \$441.710(a)(1)(vi) \$441.710(a)(1)(vi) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement? b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?	3	§441.710(a)(1)(vi)	a) Do individuals greet and chat with staff?b) Do staff converse with individuals in the setting while providing assistance during the regular course of daily activities?c) Does staff address individuals in the manner in which the person would like to be addressed?	be treated in a respectful manner by anyone who manages or works in a DDD residential program.	Document
§441.710(a)(1)(vi) a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement? b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?	4		a) Is information about filing a complaint posted in an obvious location and in an understandable format?b) Does the individual know the person to contact or the process to make an anonymous complaint?	advises individuals to talk to the person in charge and if not satisfied to talk to a DDD case manager. Agency policies and procedures must include a grievance policy	DocumentChapter 7: Policies and Procedures Manual,
	5		a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement?	N/A	N/A
	6	§441.710(a)(1)(vi)		N/A	• N/A

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

	§441.301(c)(4)(vi)	state who are not receiving Medicaid home and community-based services?		
7	§441.301(c)(4)(vi)	Do individuals know their rights regarding housing and when they could be required to relocate?	N/A	• N/A
	§441.710(a)(1)(vi)	a) Do individuals know how to relocate and request new housing?		
		b) Does the written agreement include language that provides protections to address eviction processes		
		and appeals comparable to those provided under the New Jersey's landlord tenant laws?		

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

New Jersey Residential Home and Community-Based Setting Crosswalk for NJ DHS – Division of Developmental Disabilities Self-Directed Services Policies and Procedures (Self-Directed Day Services)

Section A: Physical Location Code of Federal Register (CFR) Citations all refer to Title 42. **CMS Guidance** Citation/Proof/Verification **Federal Rule Compliance Demonstration*** §441.301(c)(5)(v) Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population? N/A N/A §441.710(a)(2)(v) Does the setting isolate its participants receiving Medicaid HCBS from the broader community of individuals Not referenced in regulation §441.301(c)(5)(v) §441.710(a)(2)(v) not receiving HCBS? Is the setting a gated/secured "community" for people with disabilities? §441.301(c)(5)(v) N/A N/A §441.710(a)(2)(v) §441.301(c)(5)(v) Is the setting a residential school incorporating both the educational program and the residential program in N/A N/A §441.710(a)(2)(v) the same building or in buildings in close proximity to each other? §441.301(c)(5)(v) Does the provider operate and control multiple settings that are co-located and operationally related Not referenced in regulation whereby a large number of people with disabilities are congregated together with shared programming and §441.710(a)(2)(v) staff? **Section B: Integration with the Community** Code of Federal Register (CFR) Citations all refer to Title 42. **Federal Rule CMS Guidance Compliance Demonstration*** Citation/Proof/Verification Are individuals in the setting able to participate in unscheduled and scheduled community activities in the Section G: Service Plan 1 §441.301(c)(4)(i) Service Plan (SP) same manner as people not receiving Medicaid HCBS services? Support coordinator and case §441.710(a)(1)(i) Division Circular #35: Service manage progress notes and Plan reports §441.301(c)(4)(i) Is the individual able to regularly access the greater community outside of the setting? Service Plan (SP) Section G: Service Plan §441.710(a)(1)(i) Support coordinator and case Division Circular #35: Service manage progress notes and Plan reports §441.301(c)(4)(i) Is the individual aware of or does he/she have access to information and materials to know of activities taking Service Plan (SP) Section G: Service Plan place outside of the setting? Support coordinator and case §441.710(a)(1)(i) Division Circular #35: manage progress notes and Service Plan reports §441.301(c)(4)(i) Are individuals able to participate regularly in non-work activities (dining, shopping, etc.?) in integrated N/A N/A §441.710(a)(1)(i) community settings when they want? a) Can the individual come and go when he or she wants?

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		b) Is the individual able work or stay active in the community outside of the setting? c) If the individual wants to work, is there a way to ensure the option is pursued?	,	
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?	Self-Directed services are provided by policy in a variety of settings.	Not referenced in regulation
6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS services in the setting live apart from individuals not receiving Medicaid HCBS?	N/A	• N/A
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residences and retail businesses?	N/A	N/A
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	Explain how visitors are handled in the setting: a) Are visitors restricted to specified visiting hours? b) Are visiting hours posted? c) Is there evidence that visitors have been present at regular frequencies? d) Are there restricted visitor's meeting areas?	N/A	N/A
9	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access individuals have to the community: a) Do individuals come and go at will? b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door? c) Is there a curfew or other requirement for a scheduled return to the setting? d) Do individuals in the setting have access to public transportation? e) Are there bus stops nearby or are taxis available in the area? f) Is an accessible van available to bring individuals to appointments, shopping, etc.?	N/A	• N/A
10	§441.301(c)(4)(i) §441.710(a)(1)(i)	 Describe the level of access an individual has to public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location? b) Is training in the use of public transportation facilitated? c) Where public transportation is limited, are other resources provided for the individual to access the broader community? 	N/A	• N/A

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

Section C: Person-Centered Planning Code of Federal Register (CFR) Citations all refer to Title 42. **CMS Guidance Federal Rule Compliance Demonstration*** Citation/Proof/Verification 1 §441.301(c)(1) Does the setting allow an individual, or a person chosen by the individual, to take an active role in the Individuals and/or their • Division Circular #35 development and updating of the individual's person-centered plan? chosen representative are a "Service Plan" member of the IDT. Rights Document Individual participation is • Section G: Service Plan mandated by policy and procedure. §441.301(c)(1)(ii) Does the setting offer the necessary information and support to ensure that the individual can direct the Individuals and/or their • Division Circular #35 person-centered planning process to the maximum extent possible so he/she can make informed choices chosen representative are a "Service Plan" and decisions? member of the IDT. • Rights Document Individual participation is • Section G: Service Plan mandated by policy and procedure. Individuals and/or their §441.301(c)(1)(iii) Are planning meetings able to occur at a time and place convenient for individuals to attend? • Division Circular #35 chosen representative are a "Service Plan" member of the IDT. Rights Document Individual participation is • Section G: Service Plan mandated by policy and procedure. §441.301(c)(1) (iv) Describe how the setting provides for the different cultural considerations of individuals: Required by Regulation, • Division Circular #35 a) Do the setting's written materials and meetings reflect a plain language that is accessible to individuals? Policy and Procedure. "Service Plan" b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in Rights Document English? IDT and Agency are Section G: Service Plan responsible to assure information is conveyed in a language or manner the individual understands.

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	N/A	• N/A
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	N/A	• N/A
7	§441.301(c)(1)(viii)	N/A	• N/A	
	tion D: Choice and In	·		
Coc		(CFR) Citations all refer to Title 42.	Canadiana Damanatustian*	Citation / Dune f / Manification
	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice?	N/A	N/A
	§441.710(a)(1)(vi)	a) Is the individual able to choose a roommate?		
		b) Can married couples choose to share or not share a room?		
		c) Does an individual know how he/she can request a roommate change?		
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan?	N/A	N/A
		a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking,		
		bathing, eating, exercising, activities, etc.?		
		b) Can an individual's schedule vary from others in the same setting?		
		c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at		
		his/her convenience?		
			NI/A	N/A
3	§441.301(c)(4)(vi)	Does the individual controls his/her personal resources?	N/A	IN/A
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual controls his/her personal resources? a) Is the individual able to have a checking or savings account or other means to control his/her funds?	N/A	N/A
3			N/A	N/A

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		143 DH3 — Division of Developmental Disabilities Self-Directed Services Policies and Proced		
4	§441.301(c)(4)(vi)	Describe the dining experience:		Individuals are assured
	§441.710(a)(1)(vi)	a) Does the individual have a meal at the time and place of his/her choosing?		special dietary needs will be
		b) Can the individual request an alternative meal if desired?		met (Chapter 19:
		c) Are snacks accessible and available anytime?		Health/Medical,
		d) Is the individual required to sit at an assigned seat in a dining area?		Subchapters 16-17),
		e) If the individual desires to eat privately, can s/he do so?		otherwise Not referenced in
		f) Is the individual able to choose with whom to eat—or to eat alone?		regulation
		g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use		
		disposable cutlery, plates and cups?		
5	§441.301(c)(4)(vi)	Does the individual have access to make private telephone calls/text/email at the individual's preference	N/A	• N/A
	§441.710(a)(1)(vi)	and convenience?		
		a) Does the individual have a private cell phone, computer or other personal communication device or		
		have access to a telephone or other means for personal communication in private at any time?		
		b) Is the telephone or other technology device in a location that has space around it to ensure privacy?		
		c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack?		
6	§441.301(c)(4)(vi)	Is the setting an environment that supports individual comfort, independence and preferences?	N/A	• N/A
	§441.710(a)(1)(vi)	a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment,		
		dining area, laundry, and comfortable seating in the shared areas?		
		b) Is informal (written or oral) communication conducted in a language that the individual understands?		
		c) Is assistance provided in private, as appropriate, when needed?		
7	§441.301(c)(4)(vi)	Does the individual have full access in the setting?	N/A	• N/A
	§441.710(a)(1)(vi)	a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit		
		from certain areas of the setting?		
		b) Are individuals receiving Medicaid home and community-based services facilitated in accessing		
		amenities such as a pool or gym used by others on-site?		
		c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways,		
		etc., limiting individuals' mobility in the setting, or if they are present, are there environmental		
		adaptations such as a stair lift or elevator to fix the obstruction?		
8	§441.301(c)(4)(vi)	Does the physical environment meet the needs of those individuals who require supports?	N/A	N/A
	§441.710(a)(1)(vi)	a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in		
		wheelchairs)?		
		b) For those individuals who need supports to move about the setting as they choose, are supports		
		provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies,		
		etc.?		
		c) Are tables and chairs at a convenient height and location so that individuals can access and use the		

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		furniture comfortably?		
9	§441.301(c)(4)(vi)	Do individuals have privacy in their sleeping space and bathroom?	N/A	• N/A
	§441.710(a)(1)(vi)	a) Is the furniture able to be arranged to suit the individual's needs and preferences?		
		b) Can the individual close and lock the bathroom door?		
		c) Can the individual close and lock the bedroom door?		
		d) Do staff or other residents always knock and receive permission prior to entering a bedroom or		
		bathroom?		
10	§441.301(c)(4)(vi)	Do individuals have comfortable places for private visits with family and friends?	N/A	• N/A
	§441.710(a)(1)(vi)	a) Is the furniture arranged to support small group conversations?		
11	§441.301(c)(4)(vi)	Are individuals able to furnish and decorate their sleeping and/or living units as they wish?	N/A	N/A
	§441.710(a)(1)(vi)	a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the		
		individual desires?		
		b) Can the furniture, linens, and other items reflect the individual's personal choices?		
		c) Can individuals' living areas reflect their interests and hobbies?		

Section E: Resident Rights

Code of Federal Register (CFR) Citations all refer to Title 42.

	Federal Rule	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1	§441.301(c)(4)(vi)	Are individual choices incorporated into the services and supports received?	Service Plan	DC# 35 Service Plan
	§441.710(a)(1)(vi)	a) Does staff ask the individual about her/his needs and preferences?	Agency policies and	Chapter 5: Rules
		b) Are individuals aware of how to make a service request?	procedures regarding program	
		c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make	rules require participant input.	
		decisions?		
	§441.301(c)(4)(vi)	Is an individual's right to dignity and privacy respected?	N/A	• N/A
	§441.710(a)(1)(vi)	a) Is an individual's health information kept private?		
		b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area		
		for all to view?		
		c) Are individuals, who need assistance with grooming, groomed as they desire?		
3	§441.301(c)(4)(vi)	Does staff communicate with individuals in a dignified manner?	Individuals have the right to	 Division's Personal
	§441.710(a)(1)(vi)	a) Do individuals greet and chat with staff?	be treated in a respectful	Rights Document
		b) Do staff converse with individuals in the setting while providing assistance during the regular course of	manner by anyone who	
		daily activities?	manages or works in a DDD	
		c) Does staff address individuals in the manner in which the person would like to be addressed?	residential program.	
4	§441.301(c)(4)(vi)	Are individuals free from coercion?	Division's Rights Document	 Division's Rights
	§441.710(a)(1)(vi)	a) Is information about filing a complaint posted in an obvious location and in an understandable format?	advises individuals to talk to	Document

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		b) Does the individual know the person to contact or the process to make an anonymous complaint? c) Can the individual file an anonymous complaint?	the person in charge and if not satisfied to talk to a DDD case manager. Agency policies and procedures must include a grievance policy. The DDD hotline is posted.	Chapter 7: Policies and Procedures Manual, Subchapter 6
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is there a legally enforceable agreement for the unit or dwelling where the individual resides? a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement? b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?	Self-directed services may be provided to individuals in their own individual unlicensed housing settings This does not refer to situations where individuals receive self-directed services while living in the family home.	Not referenced in regulation
6	§441.710(a)(1)(vi) §441.301(c)(4)(vi)	Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the state who are not receiving Medicaid home and community based services?	N/A	• N/A
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals know their rights regarding housing and when they could be required to relocate? a) Do individuals know how to relocate and request new housing? b) Does the written agreement include language that provides protections to address eviction processes and appeals comparable to those provided under the New Jersey's landlord tenant laws?	N/A	• N/A

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

	Federal Rule	CMS Rule/Person-Centered Planning (PCP) Process		CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1.	§441.301(c)(1) (i)	The PCP process includes people chosen by the individual.	a)	Did you choose who was able to participate in the development of your plan of care?	Each individual and/or their chosen representatives are members of the IDT and participates in the development of the person centered plan. Participation is mandated by policy and procedure.	Division Circular #35: Service Plan Division Rights Document
2.	§441.301(c)(1) (ii)	The PCP process provides necessary information and support to ensure that the individual directs the process the maximum extent possible, and is enabled to make informed choices and decisions.	b) c) d)	Were you made fully aware of how the PCP is done and your central role? Were you made aware that you were the lead in making the decisions about the development of your plan of care? Was everything explained to you at the start of the process? Were you able to ask questions if something was not understandable? Did you feel like you were the expert on your own goals and needs?	Each individual and/or their chosen representatives are members of the IDT and participates in the development of the person centered plan. Participation is mandated by policy and procedure.	Division Circular #35: Service Plan Division Rights Document
3.	§441.301(c)(1) (iii)	The PCP process is timely and occurs at times and locations of convenience to the individual.	a) b) c)	Were you able to choose when and at what time your plan of care meeting took place? Were you able to choose where your plan of care meeting took place? Was there flexibility in having the meeting at a convenient time for you?	IDT and agency are responsible according to policy and procedure for ensuring that IDT meetings are held at times and locations convenient to the individual. IDTs convene at individual's request.	Division Circular #35: Service Plan Division Rights Document
4.	§441.301(c)(1) (iv)	The PCP process reflects cultural considerations of the individual and is conducted by providing		Could you understand all the information you were given when your care plan was being developed? Was the information always presented in an easy-to-	Required by regulation, policy and procedure. IDT and agency are responsible	Division Circular #35: Service Plan Division Rights Document

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

5.	§441.301(c)(1) (v)	information in plain language and in a manner that is accessible to individuals with disabilities and persons with limited English proficiency. The PCP process includes strategies for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants.	a) b)	understand format? Was the process respectful of your cultural background? Were your special cultural needs addressed during the care planning process? Did you feel you could discuss your concerns during the care planning process? Did you know who to talk at about concerns or disagreements you may have had with the care manager during the planning process? Did you know how to file a complaint?	for ensuring that information is conveyed in a way the individual can understand. Grievance and appeal policies are required by Division policy and procedure.	Division Circular #35: Service Plan Division Rights Document
6.	§441.301(c)(1) (vii)	The PCP offers informed choices to the individual regarding the services and supports they receive and from whom.	a)	Did your care manager/case manager/supports coordinator provide you with an overview of your options so that you could then choose? Did you choose your services and supports? Did your care manager discuss with you your services and supports in the plan of care?	Division case manager and/or provider agency and/or support coordinator provide individual with assistance in understanding, selecting and coordinating access to needed services.	Division Circular #35: Service Plan Division Rights Document
7.	§441.301(c)(1) (viii)	The PCP process includes a method for the individual to request updates to the plan as needed.	b) c)	Do you know how to go about asking your care manager/case manager/supports coordinator for an update to your care plan? Are you aware that the care plan is reviewed at least annually? Are you aware that your care plan can be reviewed sooner than every year if you feel there is a need? Was there a clear route explained to you if you need to update the plan during the care planning process?	IDT convenes at individual's request. Individuals are provided with information on how to request IDT meeting.	Division Circular #35: Service Plan Division Rights Document
8.	§441.301(c)(2) (i)	The PCP reflects that the setting in which the individual resides is chosen by the individual.		Did you choose where you live and receive your supportive services? Did you visit other places before choosing this option?	Required by Division policy and procedure. Service plan	Division Circular #35: Service Plan Division Rights Document
9.	441.301(c)(2) (ii)	The PCP reflects the individual's strengths and preferences.		Does your plan of care include the things you want to do?	Required by Division policy and procedure Service plan	Division Circular #35: Service Plan Division Rights Document

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

10.	441.301(c)(2) (iii)	The PCP reflects clinical and support needs as identified through an assessment of functional need.		Is a standardized and comprehensive clinical assessment conducted as part of the PCP? Are the individual's clinical assessment results identified in the PCP along with his/her support needs? Are the clinical and support needs reflected in the plan of care and documented in the PCP for the individual/chosen representative (s)?	Required by Division policy and procedure Service plan	Division Circular #35: Service Plan Division Rights Document
11.	441.301(c)(2) (v)	The PCP reflects the services and supports (paid and unpaid) that will assist the individual to achieve identified goals, and the providers of those services and supports, including natural supports. Natural supports are unpaid supports that are provided voluntarily to the individual in lieu of NJ FamilyCare waiver services and supports.		Does your plan of care include all the help that you already receive besides what's included in this plan? Are there are organizations and people who are part of your support network in the community?	Required by Division policy and procedure Service plan	Division Circular #35: Service Plan Division Rights Document
12.	441.301(c)(2) (vi)	The PCP reflects risk factors and measures in place to minimize them, including individualized back-up plans and strategies when needed.	b) c) d)	explain a way to lessen any risks?	Required by Division policy and procedure Service plan Monthly reports Progress notes	Division Circular #35: Service Plan Division Rights Document
13.	441.301(c)(2) (vii)	The PCP is understandable to the individual receiving services and supports, and the individuals important in supporting him or her. At a minimum, for the written plan to be understandable, it must be written in plain language and in a		Is the care plan easy for you to understand?	Required by Division policy and procedure. IDT and agency are responsible for ensuring information in the plan is understandable to the individual.	Division Circular #35: Service Plan Division Rights Document

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		manner that is accessible to individuals with disabilities and persons who are limited English proficient.			
14.	441.301(c)(2) (viii)	The PCP identifies the individual and/or entity responsible for monitoring the plan.	a) Do you know who to contact if you want to speak to someone about the plan of care?b) Do you know who to contact if you want to speak to someone about the plan of care?	Required by Division policy and procedure. Service plan	Division Circular #35: Service Plan Division Rights Document
15.	441.301(c)(2) (ix)	The PCP is finalized and agreed to, with the informed consent of the individual in writing, and signed by all individuals and providers responsible for its implementation.	a) Did you have enough time to review your plan of care once it was finalized for your approval?b) Did you get to sign the final plan of care?c) Did everyone involved in your care plan sign off on it?	Required by Division policy and procedure Service plan	Division Circular #35: Service Plan Division Rights Document
16.	441.301(c)(2) (x)	The PCP is distributed to the individual and other people involved in the plan.	a) Did you get a copy of the final plan of care?	Required by Division policy and procedure. Service plan	Division Circular #35: Service Plan Division Rights Document
17.	441.301(c)(3)	The PCP is reviewed, and revised upon reassessment of functional need at least every 12 months, when the individual's circumstances or needs change significantly, or at the request of the individual.	a) Do you know when your annual review of the plan of care is scheduled to take place?b) Do you know that you can request a review of the care plan at any time if you feel your needs or circumstances have changed?	Required by Division policy and procedure. Service plan	Division Circular #35: Service Plan Division Rights Document

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N.J.A.C. 10-73 Case Management Services is a state plan amendment. The Department of Children and Families (DCF), Children's System of Care (CSOC) will be using the waiver services to build on state plan. Case Management is a core service element used to develop the plan of care for all enrollees in the waiver program

^{*} N/A Waived services are provided in the enrollee's own home

Sec	Section A: Individual Experience Assessment – Person Centered Planning Process							
	Federal Rule	CMS Rule/Person-Centered Planning (PCP) Process	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification			
1.	§441.301(c)(1) (i)	The PCP process includes people chosen by the individual.	a) Did you choose who was able to participate in the development of your plan of care?	N.J.A.C. 10-73 requires that enrollees participate in identifying individuals that will be involved in the development of their plan of care.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization (CMO) Services 10:73-3.9 Child/Family Team; members and responsibilities			
2.	§441.301(c)(1) (ii)	The PCP process provides necessary information and support to ensure that the individual directs the process the maximum extent possible, and is enabled to make informed choices and decisions.	 a) Were you made fully aware of how the PCP is done and your central role? b) Were you made aware that you were the lead in making the decisions about the development of your plan of care? c) Was everything explained to you at the start of the process? d) Were you able to ask questions if something was not understandable? e) Did you feel like you were the expert on your own goals and needs? 	N.J.A.C. 10-73 requires that enrollees have the right to define goals and have a choice of providers and resources. N.J.A.C. 10-73 requires that the plan of care is a collaborative process.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities			
3.	§441.301(c)(1) (iii)	The PCP process is timely and occurs at times and locations of convenience to the individual.	a) Were you able to choose when and at what time your plan of care meeting took place?b) Were you able to choose where your plan of care meeting took place?c) Was there flexibility in having the meeting at a convenient time for you?	N.J.A.C. 10-73 requires that an in-person meeting with the enrollee be held within 72 hours of referral to DCF, CSOC system's partner [Care Management Organization (CMO)].	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73 -3-8 Enrollment of the beneficiary into the CMO			

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

				N.J.A.C. 10-73 requires that the Child/Family Team meetings are conveniently scheduled and located for the enrollee.	services and the initial ISP (individual service plan) 10:73-3.9 Child/Family Team; members and responsibilities
4.	§441.301(c)(1) (iv)	The PCP process reflects cultural considerations of the individual and is conducted by providing information in plain language and in a manner that is accessible to individuals with disabilities and persons with limited English proficiency.	 a) Could you understand all the information you were given when your care plan was being developed? b) Was the information always presented in an easy-to-understand format? c) Was the process respectful of your cultural background? d) Were your special cultural needs addressed during the care planning process? 	N.J.A.C. 10-73 requires that all services and resources are family friendly and culturally competent.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities
5.	§441.301(c)(1) (v)	The PCP process includes strategies for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants.	 a) Did you feel you could discuss your concerns during the care planning process? b) Did you know who to talk at about concerns or disagreements you may have had with the care manager during the planning process? c) Did you know how to file a complaint? 	The NJ Children's System of Care Youth and Family Guide provides instruction on the grievance process.	NJ Children's System of Care Youth and Family Guide page 25-30
6.	§441.301(c)(1) (vii)	The PCP offers informed choices to the individual regarding the services and supports they receive and from whom.	 a) Did your care manager/case manager/supports coordinator provide you with an overview of your options so that you could then choose? b) Did you choose your services and supports? c) Did your care manager discuss with you your services and supports in the plan of care? 	N.J.A.C. 10-73 requires that the enrollee is engaged as a full partner in the Child/Family Team and participates in the assessment, planning and delivery of service. N.J.A.C. 10-73 requires that enrollees have a choice of providers.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

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7.	§441.301(c)(1) (viii)	The PCP process includes a method for the individual to request updates to the plan as needed.	 a) Do you know how to go about asking your care manager/case manager/supports coordinator for an update to your care plan? b) Are you aware that the care plan is reviewed at least annually? c) Are you aware that your care plan can be reviewed sooner than every year if you feel there is a need? d) Was there a clear route explained to you if you need to update the plan during the care planning process? 	N.J.A.C. 10-73 requires that the plan of care is updated at minimum every three months, and more frequently as needed. N.J.A.C. 10-73 requires that the plan of care is reviewed and amended as needed. This includes reviewing existing services for effectiveness and determining if changes to the plan are required.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.12 Amendments to the ISP
8.	§441.301(c)(2) (i)	The PCP reflects that the setting in which the individual resides is chosen by the individual.	a) Did you choose where you live and receive your supportive services?b) Did you visit other places before choosing this option?	Waived services are provided in the enrollee's own home.	*N/A
9.	441.301(c)(2) (ii)	The PCP reflects the individual's strengths and preferences.	a) Does your plan of care include the things you want to do?	N.J.A.C. 10-73 requires that the plan of care is comprehensive, strength based, and developed in partnership with the enrollee.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.10 Comprehensive IPS; general
10.	441.301(c)(2) (iii)	The PCP reflects clinical and support needs as identified through an assessment of functional need.	 a) Is a standardized and comprehensive clinical assessment conducted as part of the PCP? b) Are the individual's clinical assessment results identified in the PCP along with his/her support needs? c) Are the clinical and support needs reflected in the plan of care and documented in the PCP for the individual/chosen representative(s)? 	N.J.A.C. 10-73 requires that the plan of care is completed based on a comprehensive assessment that identifies current strengths and needs. NJ CANS (Child Adolescent Needs and Strengths) Assessment Tool	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.10 Comprehensive IPS; general NJ CANS (Child Adolescent

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					Needs and Strengths) Assessment Tool
11.	441.301(c)(2) (v)	The PCP reflects the services	a) Does your plan of care include all the help that you already receive	N.J.A.C. 10-73 requires that	Chapter 73 Case
11.	441.301(0)(2) (V)	and supports (paid and unpaid)	besides what included in this plan?	the plan of care is outcome	Management Services
		that will assist the individual to	b) Are there are organizations and people who are part of your support	based, includes measureable	Subchapter 3. Care
		achieve identified goals, and the	network in the community?	short-term, interim, and	Management Organization
		providers of those services and	network in the community.	long-term goals to address	Services
		supports, including natural		each area of unmet need.	10:73 -3.9 Child/Family
		supports. Natural supports are		cach area of annier need.	Team; members and
		unpaid supports that are		NJ Wraparound Training	responsibilities
		provided voluntarily to the		(Values & Principles and Child	
		individual in lieu of NJ		Family Team Process) defines	NJ Wraparound Training
		FamilyCare waiver services and		supports (natural, formal and	(Values & Principles and Child
		supports.		informal).	Family Team Process)
				•	·
				N.J.A.C. 10-73 requires that	
				the plan of care reflects	
				informal and natural	
				supports as appropriate.	10:73-3.12 Amendments to
					the ISP
					Chapter 73 Case
					Management Services
					Subchapter 3. Care
					Management Organization
					Services
					10:73-3.18 Community
					resource development
12.	441.301(c)(2) (vi)	The PCP reflects risk factors and	a) Do you understand the risks associated with your plan of care?	N.J.A.C. 10-73 requires that a	Chapter 73 Case
		measures in place to minimize	b) Has your care manager/case manager/supports coordinator	crisis plan is included as part	Management Services
		them, including individualized	explained to you these risks?	of the plan of care.	Subchapter 3. Care
		back-up plans and strategies	c) Did the care manager/case manager/supports coordinator explain a		Management Organization
		when needed.	way to lessen any risks?		Services
			d) Did the care manager/case manager/supports coordinator review a		10:73 -3.17 Crisis

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			back-up plan if, for example, your caregiver doesn't show up? e) Do you feel prepared to handle an emergency?		management
				NJ Wraparound Training (Values & Principles and Child Family Team Process)	NJ Wraparound Training (Values & Principles and Child Family Team Process)
13.	441.301(c)(2) (vii)	The PCP is understandable to the individual receiving services and supports, and the individuals important in supporting him or her. At a minimum, for the written plan to be understandable, it must be written in plain language and in a manner that is accessible to individuals with disabilities and persons who are limited English proficient.	a) Is the care plan easy for you to understand?	N.J.A.C. 10-73 requires that the plan of care is approved by each team member, including the enrollee. N.J.A.C. 10-73 requires that the plan of care is signed, at a minimum, by the care manager, the enrollee as age appropriate.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities
14.	441.301(c)(2) (viii)	The PCP identifies the individual and/or entity responsible for monitoring the plan.	a) Do you know who to contact if you want to speak to someone about the plan of care?b) Do you know who to contact if you want to speak to someone about the plan of care?	N.J.A.C. 10-73 requires that the plan of care identifies responsibilities of participants.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities
15.	441.301(c)(2) (ix)	The PCP is finalized and agreed to, with the informed consent of the individual in writing, and signed by all individuals and providers responsible for its implementation.	 a) Did you have enough time to review your plan of care once it was finalized for your approval? b) Did you get to sign the final plan of care? c) Did everyone involved in your care plan sign off on it? 	N.J.A.C. 10-73 requires that the plan of care is approved by each team member, including the enrollee N.J.A.C. 10-73 requires that the plan of care is signed, at a minimum, by the care	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

manager, the youth and family, as age appropriate, and placed in the youth's file within two weeks of the Child/family Team meeting. A completed copy is forwarded to each team member, including the enrollee within one week of the individual and other people involved in the plan. 16. 441.301(c)(2) (x) The PCP is distributed to the individual and other people involved in the plan. 3 Did you get a copy of the final plan of care? In JA.C. 10-73 requires that the completed and approved plan of care is forwarded to each team member, including the enrollee within one week of the Child/family Team; meeting. 17. 441.301(c)(3) The PCP is reviewed, and revised upon reassessment of functional need at least every 12 months, when the individual's circumstances or needs change significantly, or at the request of the individual. Do you know that you can request a review of the care plan at any time if you feel your needs or circumstances have changed? Section B: Individual Experience Assessment – Integration with the Greater Community Federal Rule CMS Rule/HGS Setting CMS Guldance CMS Guldance CMS Culcy (4)(1) S441.710(a)(1)(6) A rey ou able to participate in activities in the same manner as people not receiving Medical HGSs services. A nonwable to gravitative the final plan of care? N.J.A.C. 10-73 requires that the completed and approved plan of care is forwarded to each team member, including the enrollee within one week of the Child/family Team; meeting. N.J.A.C. 10-73 requires that the completed set of each team member, including the enrollee within one week of the Child/family Team; meeting. N.J.A.C. 10-73 requires that the plan of care is subdeted at minimum every three months and review of the care plan at any time if you feel your needs or circumstances have changed? Section B: Individual Experience Assessment – Integration with the Greater Community A reverse of the care plan at any time every three months, and more frequently as needed. Services 10.73-3.12 Amendments to the ISP CMS Guldance Co					managen the coult and	
and placed in the youth's file within two weeks of the Child/Family Team meeting. A completed copy is forwarded to each team member, including the enrollee within one week of the meeting. The PCP is distributed to the individual and other people involved in the plan. The PCP is reviewed, and revised upon reassessment of functional need at least every 12 months, when the individual's circumstances or needs change significantly, or at the request of the individual Experience Assessment – Integration with the Greater Community Section B: Individual Experience Assessment – Integration with the Greater Community Experience Assessment – Integration with the Greater Community At 1.70(a)(1)(i) Sequence Assessment – Integration with the Greater Community Section B: Individual Experience Assessment – Integration with the Greater Community At 1.70(a)(1)(i) Sequence Assessment and the plan of a participate in unscheduled and spring meaning						
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services.			in the same manner as people	the community if you want to?		
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^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		community outside of the setting.				
3.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual is aware of and has access to information and materials to know of activities taking place outside of the setting.	Do you have regular acce activities taking place in t	ss to information and materials about he community?	Waived services are provided in the enrollee's own home.	**N/A
4.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual can shop, attend religious services, go to appointments, dine with family and friends, etc., in the community, as he/she chooses.		en you want? tay active in the community if you want? ere a way to help you need to look for a job?	Waived services are provided in the enrollee's own home.	**N/A
5.	§441.301(c)(4)(i) §441.710(a)(1)(i)	This sub-section refers to the handling of visitors in the setting.	Are you able to have visit Are your visitors restricte	ors at any time? d to stay in certain meeting areas?	Waived services are provided in the enrollee's own home.	**N/A
6.	§441.301(c)(4)(i) §441.710(a)(1)(i)	This sub-section refers to the level of access that individuals have to the community.	Do you have a curfew or home? Are you able to take publ Are there bus stops near	d go when you want both inside and outside? other requirement when you need to return ic transportation? by or are taxis available in the area? ing you to appointments, out shopping, etc.?	Waived services are provided in the enrollee's own home.	**N/A
Sec		perience Assessment – Choice and I	ependence in the Home and			
	Federal Rule	CMS Rule/HCBS Setting		CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification
1.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice.	room?	a roommate? u have the option to share or not share a change of roommate if you want?	Waived services are provided in the enrollee's own home.	**N/A
2.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual can choose and control a schedule that meets his/her wishes in accordance with a person-centered plan.	activities? Are you able to do what your own convenience?	aily schedule? I want to take a shower, eat and do your You want to do when you want to do it at to have the same schedule as you?	Waived services are provided in the enrollee's own home.	**N/A

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

3.	§441.301(c)(4)(i)	The individual is able to control	a)	Do you have a checking or savings account or another means to	Waived services are provided	**N/A
	§441.710(a)(1)(i)	his/her personal resources.		control your money?	in the enrollee's own home.	
			b)	Do you have access to your money?		
			c)	Can you buy things you need?		
4.	§441.301(c)(4)(i)	This sub-section refers to the	a)	Can you eat when and where you want?	Waived services are provided	**N/A
	§441.710(a)(1)(i)	dining section.	b)	Do you have a choice in your meal if you ask for it?	in the enrollee's own home.	
			c)	Are snacks accessible and available anytime?		
			d)	Do you need to sit in an assigned seat in a dining area?		
			e)	Can you eat privately if you request it?		
			f)	Are you able to choose with whom you want to eat or alone if that is		
				what you want?		
5.	§441.301(c)(4)(i)	The individual can make private	a)	Is the telephone or other technology device in a location that ensures	Waived services are provided	**N/A
	§441.710(a)(1)(i)	telephone calls/text/email at the		your privacy when communicating with others?	in the enrollee's own home.	
		individual's preference and	b)	Does your room have a telephone jack, WI-FI or ETHERNET jack?		
		convenience.				
	0		<u> </u>			that a state of the state of th
6.	§441.301(c)(4)(i)	The setting is an environment	a)	Are you able to cook and do laundry if you want to do it yourself in a	Waived services are provided	**N/A
	§441.710(a)(1)(i)	that supports individual comfort,	١.,	private area?	in the enrollee's own home.	
		independence and preferences.	b)	Are you able to eat by yourself in a dining area if that is what you		
			,	prefer to do?		
			c)	Is there comfortable seating in the dining and living room areas?		
			d)	Is there someone who can explain to you how things work in the		
				setting?		
			e)	Can you get help with tasks in a discrete way if you need assistance?		

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

7.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has full access in the setting.	 a) Are you able to move about easily where you live and come and go as you please? b) Are there any barriers to your free movement where you live? c) Are you able to access the same services as everyone else living there? d) Is the setting physically accessible with no obstructions? e) Are there solutions in place to work such as a stair lift or elevator to work around any obstructions such as steps, lips in a doorway and narrow hallways which limit your mobility? 	Waived services are provided in the enrollee's own home.	**N/A
8.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The physical environment meets the needs of individuals who require supports.	 a) Are all the appliances accessible to you? b) Are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies if you need them? c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably? 	Waived services are provided in the enrollee's own home.	**N/A
9.	§441.301 (c) (4) (vi) §441.710(a)(1)(vi)	The individual has privacy in their sleeping or living unit.	 a) Can you close and lock your bedroom door? b) Can you close and lock your bathroom door? c) Did you decide who has a key to your bedroom and bathroom doors? d) Do staff or other residents always knock and receive permission before entering your bedroom and bathroom? 	Waived services are provided in the enrollee's own home.	**N/A
10	§441.301 (c) (4) (vi)	The individual has a comfortable place to visit with family and friends.	a) Is there a confortable area where there is furniture arranged to support small group conversations and gatherings?	Waived services are provided in the enrollee's own home.	**N/A
11	§441.301 (c) (4) (vi)	The individual is able to furnish and decorate his/her sleeping and/or living units?	 a) Did you decorate your room? b) Can you hang things up on the wall if you want? c) Can you have your own furniture and use your own linens if you want? d) Can you make any decorating changes in the room/living space that you want? 	Waived services are provided in the enrollee's own home.	**N/A

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

Sec	Section D: Individual Experience Assessment – Resident Rights in the HCBS Setting					
	Federal Rule	CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification	
1.	§441.301(c)(4)(vi)	The individual's right to dignity and privacy is respected.	 a) Do you feel like you are treated with respect in the setting? b) Is someone able to help you with your personal grooming if you need it? c) Are your wishes respected when it comes to your personal grooming? d) Are your schedules for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view – or are they kept private? 	Waived services are provided in the enrollee's own home.	**N/A	
2.	§441.301(c)(4)(vi)	The individual is communicated with in a dignified manner.	a) Is the staff friendly to you?b) Does staff treat you with respect?c) Does staff address in the way you want to be addressed?	Waived services are provided in the enrollee's own home.	**N/A	
3.	§441.301(c)(4)(vi)	The individual is free from coercion.	a) Do you know how to file a complaint?b) Do you know who takes complaints in the setting?c) Do you know how to file a complaint if you need to do it on an anonymous basis?	Waived services are provided in the enrollee's own home.	**N/A	
4.	§441.301(c)(4)(vi)	There a legally enforceable agreement for the unit or dwelling where the individual resides.	a) Do you have a lease or a written residency agreement for where you live?b) Do you know your housing rights?c) Do you know your rights as a tenant and protections from eviction?	Waived services are provided in the enrollee's own home.	**N/A	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

N.J.A.C. 10-73 Case Management Services is a state plan amendment. The Department of Children and Families (DCF), Children's System of Care (CSOC) will be using the waiver services to build on state plan. Case Management is a core service element used to develop the plan of care for all enrollees in the waiver program

^{*} N/A Waived services are provided in the enrollee's own home

	Federal Rule	CMS Rule/Person-Centered Planning (PCP) Process	CMS Guidance	Compliance Demonstration	Citation/Proof/Verification
1.	§441.301(c)(1) (i)	The PCP process includes people chosen by the individual.	a) Did you choose who was able to participate in the development of your plan of care?	N.J.A.C. 10-73 requires that enrollees participate in identifying individuals that will be involved in the development of their plan of care.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization (CMO) Services 10:73-3.9 Child/Family Team; members and responsibilities.
2.	§441.301(c)(1) (ii)	The PCP process provides necessary information and support to ensure that the individual directs the process to the maximum extent possible, and is enabled to make informed choices and decisions.	 a) Were you made fully aware of how the PCP is done and your central role? b) Were you made aware that you were the lead in making the decisions about the development of your plan of care? c) Was everything explained to you at the start of the process? d) Were you able to ask questions if something was not understandable? e) Did you feel like you were the expert on your own goals and needs? 	N.J.A.C. 10-73 requires that enrollees have the right to define goals and have a choice of providers and resources. N.J.A.C. 10-73 requires that the plan of care is a collaborative process.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities.
3.	§441.301(c)(1) (iii)	The PCP process is timely and occurs at times and locations of convenience to the individual.	a) Were you able to choose when and at what time your plan of care meeting took place?b) Were you able to choose where your plan of care meeting took place?c) Was there flexibility in having the meeting at a convenient time for	N.J.A.C. 10-73 requires that an in-person meeting with the enrollee be held within 72 hours of referral to DCF, CSOC system's partner [Care	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

			you?	Management Organization (CMO)]. N.J.A.C. 10-73 requires that the Child/Family Team meetings are conveniently scheduled and located for the enrollee.	10:73 -3-8 Enrollment of the beneficiary into the CMO services and the initial ISP (individual service plan). 10:73-3.9 Child/Family Team; members and responsibilities
4.	§441.301(c)(1) (iv)	The PCP process reflects cultural considerations of the individual and is conducted by providing information in plain language and in a manner that is accessible to individuals with disabilities and persons with limited English proficiency.	 a) Could you understand all the information you were given when your care plan was being developed? b) Was the information always presented in an easy-to-understand format? c) Was the process respectful of your cultural background? d) Were your special cultural needs addressed during the care planning process? 	N.J.A.C. 10-73 requires that all services and resources are family friendly and culturally competent.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities
5.	§441.301(c)(1) (v)	The PCP process includes strategies for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants.	 a) Did you feel you could discuss your concerns during the care planning process? b) Did you know whom to talk to about concerns or disagreements you may have had with the care manager during the planning process? c) Did you know how to file a complaint? 	The NJ Children's System of Care Youth and Family Guide provides instruction on the grievance process.	NJ Children's System of Care Youth and Family Guide page 25-30
6.	§441.301(c)(1) (vii)	The PCP offers informed choices to the individual regarding the services and supports they receive and from whom.	 a) Did your care manager/case manager/supports coordinator provide you with an overview of your options so that you could then choose? b) Did you choose your services and supports? c) Did your care manager discuss with you your services and supports in the plan of care? 	N.J.A.C. 10-73 requires that the enrollee is engaged as a full partner in the Child/Family Team and participates in the assessment, planning and delivery of service,	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

7.	§441.301(c)(1) (viii)	The PCP process includes a method for the individual to request updates to the plan as needed.	 a) Do you know how to go about asking your care manager/case manager/supports coordinator for an update to your care plan? b) Are you aware that the care plan is reviewed at least annually? c) Are you aware that your care plan can be reviewed sooner than every year if you feel there is a need? d) Was there a clear route explained to you if you need to update the plan during the care planning process? 	N.J.A.C. 10-73 requires that enrollees have a choice of providers. N.J.A.C. 10-73 requires that the plan of care is updated at minimum every three months, and more frequently as needed. N.J.A.C. 10-73 requires that the plan of care is reviewed and amended as needed. This includes reviewing existing services for effectiveness and determining if changes to the plan are required.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.12 Amendments to the ISP
8.	§441.301(c)(2) (i)	The PCP reflects that the setting in which the individual resides is chosen by the individual.	a) Did you choose where you live and receive your supportive services?b) Did you visit other places before choosing this option?	Waived services are provided in the enrollee's own home.	*N/A
9.	441.301(c)(2) (ii)	The PCP reflects the individual's strengths and preferences.	a) Does your plan of care include the things you want to do?	N.J.A.C. 10-73 requires that the plan of care is comprehensive, strength based, and developed in partnership with the enrollee.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.10 Comprehensive IPS; general
10.	441.301(c)(2) (iii)	The PCP reflects clinical and support needs as identified through an assessment of functional need.	 a) Is a standardized and comprehensive clinical assessment conducted as part of the PCP? b) Are the individual's clinical assessment results identified in the PCP along with his/her support needs? c) Are the clinical and support needs reflected in the plan of care and 	N.J.A.C. 10-73 requires that the plan of care is completed based on a comprehensive assessment that identifies current strengths and need.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

			documented in the PCP for the individual/chosen representative (s)?		10:73-3.10 Comprehensive
				NJ CANS (Child Adolescent	IPS; general
				Needs and Strengths)	
				Assessment Tool.	NJ CANS (Child Adolescent
					Needs and Strengths)
					Assessment Tool
11.	441.301(c)(2)	The PCP reflects the services and	a) Does your plan of care include all the help that you already receive	N.J.A.C. 10-73 requires that	Chapter 73 Case
	(v)	supports (paid and unpaid) that will	besides what's included in this plan?	the plan of care is outcome	Management Services
		assist the individual to achieve	b) Are there are organizations and people who are part of your support	based, includes measureable	Subchapter 3. Care
		identified goals, and the providers	network in the community?	short-term, interim, and	Management Organization
		of those services and supports,	, and the second	long-term goals to address	Services
		including natural supports. Natural		each area of unmet need.	10:73 -3.9 Child/Family
		supports are unpaid supports that			Team; members and
		are provided voluntarily to the		NJ Wraparound Training	responsibilities
		individual in lieu of NJ FamilyCare		(Values & Principles and Child	·
		waiver services and supports.		Family Team Process) defines	NJ Wraparound Training
				supports (natural, formal and	(Values & Principles and Child
				informal).	Family Team Process)
				,	,,
				N.J.A.C. 10-73 requires that	
				the plan of care reflects	
				informal and natural	
				supports as appropriate.	10:73-3.12 Amendments to
					the ISP
					Chapter 73 Case
					Management Services
					Subchapter 3. Care
					Management Organization
					Services
					10:73-3.18 Community
					resource development
12.	441.301(c)(2)	The PCP reflects risk factors and	a) Do you understand the risks associated with your plan of care?	N.J.A.C. 10-73 requires that a	Chapter 73 Case

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

	(vi)	measures in place to minimize them, including individualized back-up plans and strategies when needed.	c) d)	Has your care manager/case manager/supports coordinator explained to you these risks? Did the care manager/case manager/supports coordinator explain a way to lessen any risks? Did the care manager/case manager/supports coordinator review a back-up plan if, for example, your caregiver doesn't show up? Do you feel prepared to handle an emergency?	crisis plan is included as part of the plan of care.	Management Services Subchapter 3. Care Management Organization Services 10:73 -3.17 Crisis management
					NJ Wraparound Training (Values & Principles and Child Family Team Process)	NJ Wraparound Training (Values & Principles and Child Family Team Process)
13.	441.301(c)(2) (vii)	The PCP is understandable to the individual receiving services and supports, and the individuals important in supporting him or her. At a minimum, for the written plan to be understandable, it must be written in plain language and in a manner that is accessible to individuals with disabilities and persons with limited English proficiency.	a)	Is the care plan easy for you to understand?	N.J.A.C. 10-73 requires that the plan of care is approved by each team member, including the enrollee N.J.A.C. 10-73 requires that the plan of care is signed, at a minimum, by the care manager, the enrollee as age appropriate.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities
14.	441.301(c)(2) (viii)	The PCP identifies the individual and/or entity responsible for monitoring the plan.	a)	Do you know whom to contact if you want to speak to someone about the plan of care?	N.J.A.C. 10-73 requires that the plan of care identifies responsibilities of participants.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities
15.	441.301(c)(2) (ix)	The PCP is finalized and agreed to, with the informed consent of the individual in writing, and signed by		Did you have enough time to review your plan of care once it was finalized for your approval? Did you get to sign the final plan of care?	N.J.A.C. 10-73 requires that the plan of care is approved by each team member,	Chapter 73 Case Management Services Subchapter 3. Care

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

		all individuals and providers responsible for its implementation.	c) Did everyone involved in your care plan sign off on it?	including the enrollee. N.J.A.C. 10-73 requires that the plan of care is signed, at a minimum, by the care manager, the youth and family, as age appropriate, and placed in the youth's file within two weeks of the Child/Family Team meeting. A completed copy is forwarded to each team member, including the enrollee within one week of the meeting.	Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities
16.	441.301(c)(2) (x)	The PCP is distributed to the individual and other people involved in the plan.	a) Did you get a copy of the final plan of care?	N.J.A.C. 10-73 requires that the completed and approved plan of care is forwarded to each team member, including the enrollee within one week of the Child/Family Team meeting.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities
17.	441.301(c)(3)	The PCP is reviewed, and revised upon reassessment of functional need at least every 12 months, when the individual's circumstances or needs change significantly, or at the request of the individual.	a) Do you know when your annual review of the plan of care is scheduled to take place?b) Do you know that you can request a review of the care plan at any time if you feel your needs or circumstances have changed?	N.J.A.C. 10-73 requires that the plan of care is updated at minimum every three months, and more frequently as needed.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.12 Amendments to the ISP

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

Sec	ction B: Individual E	xperience Assessment – Integratio	n with the Greater Community		
	Federal Rule	CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration	Citation/Proof/Verification
1.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual is able to participate in unscheduled and scheduled community activities in the same manner as people not receiving Medicaid HCBS services.	a) Are you able to participate in activities that you want to do in the community?b) Do you know how to make arrangements to participate in activities in the community if you want to?	Waived services are provided in the enrollee's own home.	**N/A
2.	§441.301(c)(4)(i)	The individual is able to regularly	a) Are you able to regularly engage in activities in the community if you	Waived services are provided	**N/A
	§441.710(a)(1)(i)	access the greater community outside of the setting.	want to?	in the enrollee's own home.	
3.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual is aware of and has access to information and	a) Do you have regular access to information and materials about activities taking place in the community?	Waived services are provided in the enrollee's own home.	**N/A
	3441.710(a)(1)(i)	materials to know of activities taking place outside of the setting.	taking place in the community:	in the emoliee's own nome.	
4.	§441.301(c)(4)(i)	The individual can shop, attend	a) Can you come and go when you want?	Waived services are provided	**N/A
	§441.710(a)(1)(i)	religious services, go to appointments, dine with family and friends, etc., in the community, as he/she chooses.	b) Are you able to work or stay active in the community if you want?c) If you want to work, is there a way to help you look for a job?	in the enrollee's own home.	
5.	§441.301(c)(4)(i)	This sub-section refers to the	a) Are you able to have visitors at any time?	Waived services are provided	**N/A
	§441.710(a)(1)(i)	handling of visitors in the setting.	b) Are your visitors restricted to stay in certain meeting areas?	in the enrollee's own home.	
6.	§441.301(c)(4)(i) §441.710(a)(1)(i)	This sub-section refers to the level of access that individuals have to the community.	 a) Are you able to come and go when you want both inside and outside? b) Do you have a curfew or other requirement when you need to return home? c) Are you able to take public transportation? d) Are there bus stops nearby or are taxis available in the area? e) Is there a van that can bring you to appointments, out shopping, etc.? 	Waived services are provided in the enrollee's own home.	**N/A

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

Sec	ection C: Individual Experience Assessment – Choice and Independence in the Home and Community Based Setting					
	Federal Rule	CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration	Citation/Proof/Verification	
1.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice.	a) Were you able to choose a roommate?b) If you are married, did you have the option to share or not share a room?c) Are you able to request a change of roommate if you want?	Waived services are provided in the enrollee's own home.	**N/A	
2.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual can choose and control a schedule that meets his/her wishes in accordance with a person-centered plan?	 a) Do you make your own daily schedule? b) Can you decide when you want to take a shower, eat and do your activities? c) Are you able to do what you want to do when you want to do it at your own convenience? d) Does your neighbor have to have the same schedule as you? 	Waived services are provided in the enrollee's own home.	**N/A	
3.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual is able to control his/her personal resources.	a) Do you have a checking or savings account or another means to control your money?b) Do you have access to your money?c) Can you buy things you need?	Waived services are provided in the enrollee's own home.	**N/A	
4.	§441.301(c)(4)(i) §441.710(a)(1)(i)	This sub-section refers to the dining section.	 a) Can you eat when and where you want? b) Do you have a choice in your meal if you ask for it? c) Are snacks accessible and available anytime? d) Do you need to sit in an assigned seat in a dining area? e) Can you eat privately if you request it? f) Are you able to choose with whom you want to eat or alone if that is what you want? 	Waived services are provided in the enrollee's own home.	**N/A	
5.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual can make private telephone calls/text/email at the individual's preference and convenience.	 a) Is the telephone or other technology device in a location that ensures your privacy when communicating with others? b) Does your room have a telephone jack, WI-FI or ETHERNET jack? 	Waived services are provided in the enrollee's own home.	**N/A	
6.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The setting is an environment that supports individual comfort, independence and preferences.	a) Are you able to cook and do laundry if you want to do it yourself in a private area?b) Are you able to eat by yourself in a dining area if that is what you prefer to do?	Waived services are provided in the enrollee's own home.	**N/A	

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

			d) e)	Is there comfortable seating in the dining and living room areas? Is there someone who can explain to you how things work in the setting? Can you get help with tasks in a discrete way if you need assistance?		
7.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has full access in the setting.	b) c)	Are you able to move about easily where you live and come and go as you please? Are there any barriers to your free movement where you live? Are you able to access the same services as everyone else living there? Is the setting physically accessible with no obstructions? Are there solutions in place to work such as a stair lift or elevator to work around any obstructions such as steps, lips in a doorway and narrow hallways which limit your mobility?	Waived services are provided in the enrollee's own home.	**N/A
	§441.301(c)(4)(i) §441.710(a)(1)(i)	The physical environment meets the needs of individuals who require supports.	b)	Are all the appliances accessible to you? Are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies if you need them? Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably?	Waived services are provided in the enrollee's own home.	**N/A
	§441.301 (c) (4) (vi) §441.710(a)(1)(vi)	The individual has privacy in their sleeping or living unit.	b) c)	Can you close and lock your bedroom door? Can you close and lock your bathroom door? Did you decide who has a key to your bedroom and bathroom doors? Do staff or other residents always knock and receive permission before entering your bedroom and bathroom?	Waived services are provided in the enrollee's own home.	**N/A
)	§441.301 (c) (4) (vi)	The individual has a comfortable place to visit with family and friends.	a)	Is there a confortable area where there is furniture arranged to support small group conversations and gatherings?	Waived services are provided in the enrollee's own home.	**N/A

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

11	§441.301 (c) (4) (vi)	The individual is able to furnish and decorate his/her sleeping and/or living units?	 a) Did you decorate your room? b) Can you hang things up on the wall if you want? c) Can you have your own furniture and use your own linens if you want? d) Can you make any decorating changes in the room/living space that 	Waived services are provided in the enrollee's own home.	**N/A
Sec	 tion D: Individual Fx	 nerience Assessment	you want?		
300	ection D: Individual Experience Assessment – Resident Ri Federal Rule CMS Rule/HCBS Setting		CMS Guidance	Compliance Demonstration	Citation/Proof/Verification
1.	§441.301(c)(4)(vi)	The individual's right to dignity and privacy is respected.	 a) Do you feel like you are treated with respect in the setting? b) Is someone able to help you with your personal grooming if you need it? c) Are your wishes respected when it comes to your personal grooming? d) Are your schedules for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view – or are they kept private? 	Waived services are provided in the enrollee's own home.	**N/A
2.	§441.301(c)(4)(vi)	The individual is communicated with in a dignified manner.	a) Is the staff friendly to you?b) Does staff treat you with respect?c) Does staff address in the way you want to be addressed?	Waived services are provided in the enrollee's own home.	**N/A
3.	§441.301(c)(4)(vi)	The individual is free from coercion.	a) Do you know how to file a complaint?b) Do you know who takes complaints in the setting?c) Do you know how to file a complaint if you need to do it on an anonymous basis?	Waived services are provided in the enrollee's own home.	**N/A
4.	§441.301(c)(4)(vi)	There a legally enforceable agreement for the unit or dwelling where the individual resides.	a) Do you have a lease or a written residency agreement for where you live?b) Do you know your housing rights?c) Do you know your rights as a tenant and protections from eviction?	Waived services are provided in the enrollee's own home.	**N/A

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

N.J.A.C. 10-73 Case Management Services is a state plan amendment. The Department of Children and Families (DCF), Children's System of Care (CSOC) will be using the waiver services to build on state plan. Case Management is a core service element used to develop the plan of care for all enrollees in the waiver program

^{*} N/A Waived services are provided in the enrollee's own home

	Federal Rule	Experience Assessment – Person Cento CMS Rule/Person-Centered	CMS Guidance	Compliance	Citation/Proof/Verification
	reactal Nate	Planning (PCP) Process	CIVIS Guidance	Demonstration*	Citation/Froof/Vernication
1.	§441.301(c)(1) (i)	The PCP process includes people chosen by the individual.	a) Did you choose who was able to participate in the development of your plan of care?	N.J.A.C. 10-73 requires that enrollees participate in identifying individuals that will be involved in the development of their plan of care.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization (CMO) Services 10:73-3.9 Child/Family Team; members and responsibilities
2.	§441.301(c)(1) (ii)	The PCP process provides necessary information and support to ensure that the individual directs the process to the maximum extent possible, and is enabled to make informed choices and decisions.	 a) Were you made fully aware of how the PCP is done and your central role? b) Were you made aware that you were the lead in making the decisions about the development of your plan of care? c) Was everything explained to you at the start of the process? d) Were you able to ask questions if something was not understandable? e) Did you feel like you were the expert on your own goals and needs? 	N.J.A.C. 10-73 requires that enrollees have the right to define goals and have a choice of providers and resources. N.J.A.C. 10-73 requires that the plan of care is a collaborative process.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities
3.	§441.301(c)(1) (iii)	The PCP process is timely and occurs at times and locations convenient to the individual.	 a) Were you able to choose when and at what time your plan of care meeting took place? b) Were you able to choose where your plan of care meeting took place? c) Was there flexibility in having the 	N.J.A.C. 10-73 requires that an in-person meeting with the enrollee be held within 72 hours of referral to DCF, CSOC system's	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73 -3-8 Enrollment of the beneficiary into the CMO services and the initial ISP (individual service plan) 10:73-3.9 Child/Family Team; members and responsibilities

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

			meeting at a convenient time for you?	partner [Care Management Organization (CMO)]. N.J.A.C. 10-73 requires that the Child/Family Team meetings are conveniently scheduled and located for the enrollee.	
4.	§441.301(c)(1) (iv)	The PCP process reflects cultural considerations of the individual and is conducted by providing information in plain language and in a manner that is accessible to individuals with disabilities and persons with limited English proficiency.	 a) Could you understand all the information you were given when your care plan was being developed? b) Was the information always presented in an easy-to-understand format? c) Was the process respectful of your cultural background? d) Were your special cultural needs addressed during the care planning process? 	N.J.A.C. 10-73 requires that all services and resources are family friendly and culturally competent.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities
5.	§441.301(c)(1) (v)	The PCP process includes strategies for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants.	a) Did you feel you could discuss your concerns during the care planning process?	The NJ Children's System of Care Youth and Family Guide provides instruction on the grievance process.	NJ Children's System of Care Youth and Family Guide page 25-30
6.	§441.301(c)(1) (vii)	The PCP offers informed choices to the individual regarding the services and supports they receive and from whom.	 a) Did your care manager/case manager/supports coordinator provide you with an overview of your options so that you could then choose? b) Did you choose your services and 	N.J.A.C. 10-73 requires that the enrollee is engaged as a full partner in the Child/Family Team and participates in the	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities

^{*}In instance/s for which the state is not in compliance, it will consider adjusting policies and/or regulations, as appropriate.

			supports? c) Did your care manager discuss with you your services and supports in the plan of care?	assessment, planning and delivery of service. N.J.A.C. 10-73 requires that enrollees have a choice of providers.	
7.	§441.301(c)(1) (viii)	The PCP process includes a method for the individual to request updates to the plan as needed.	 a) Do you know how to go about asking your care manager/case manager/supports coordinator for an update to your care plan? b) Are you aware that the care plan is reviewed at least annually? c) Are you aware that your care plan can be reviewed sooner than every year if you feel there is a need? d) Was there a clear route explained to you if you need to update the plan during the care planning process? 	N.J.A.C. 10-73 requires that the plan of care is updated at minimum every three months, and more frequently as needed. N.J.A.C. 10-73 requires that the plan of care is reviewed and amended as needed. This includes reviewing existing services for effectiveness and determining if changes to the plan are required.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.12 Amendments to the ISP
8.	§441.301(c)(2) (i)	The PCP reflects that the setting in which the individual resides is chosen by the individual.	a) Did you choose where you live and receive your supportive services?b) Did you visit other places before choosing this option?	Waived services are provided in the enrollee's own home.	*N/A
9.	441.301(c)(2) (ii)	The PCP reflects the individual's strengths and preferences.	a) Does your plan of care include the things you want to do?	N.J.A.C. 10-73 requires that the plan of care is comprehensive, strength based, and developed in partnership with the enrollee.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.10 Comprehensive IPS; general
10.	441.301(c)(2)	The PCP reflects clinical and	a) Is a standardized and comprehensive	N.J.A.C. 10-73 requires	Chapter 73 Case Management Services

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	(iii)	support needs as identified through an assessment of functional need.	b)	clinical assessment conducted as part of the PCP? Are the individual's clinical assessment results identified in the PCP along with his/her support needs? Are the clinical and support needs reflected in the plan of care and documented in the PCP for the individual/chosen representative(s)?	that the plan of care is completed based on a comprehensive assessment that identifies current strengths and needs. NJ CANS (Child Adolescent Needs and Strengths) Assessment Tool	Subchapter 3. Care Management Organization Services 10:73-3.10 Comprehensive IPS; general NJ CANS (Child Adolescent Needs and Strengths) Assessment Tool
11.	441.301(c)(2) (v)	The PCP reflects the services and supports (paid and unpaid) that will assist the individual to achieve identified goals, and the providers of those services and supports, including natural supports. Natural supports are unpaid supports that are provided voluntarily to the individual in lieu of NJ FamilyCare waiver services and supports.	a) b)	Does your plan of care include all the help that you already receive besides what's included in this plan? Are there are organizations and people who are part of your support network in the community?	N.J.A.C. 10-73 requires that the plan of care is outcome based, includes measureable short-term, interim, and long-term goals to address each area of unmet need. NJ Wraparound Training (Values & Principles and	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73 -3.9 Child/Family Team; members and responsibilities NJ Wraparound Training (Values & Principles and Child Family Team Process)
					Child Family Team Process) defines supports (natural, formal and informal). N.J.A.C. 10-73 requires that the plan of care reflects informal and natural supports as appropriate.	10:73-3.12 Amendments to the ISP Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.18 Community resource development
12.	441.301(c)(2) (vi)	The PCP reflects risk factors and measures in place to minimize them, including individualized back-	a) b)	Do you understand the risks associated with your plan of care? Has your care manager/case	N.J.A.C. 10-73 requires that a crisis plan is included as part of the	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73 -3.17 Crisis management

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		up plans and strategies when needed.	manager/supports coordinator explained to you these risks? c) Did the care manager/case manager/supports coordinator explain a way to lessen any risks? d) Did the care manager/case manager/supports coordinator review a back-up plan if, for example, your caregiver doesn't show up? e) Do you feel prepared to handle an emergency?	NJ Wraparound Training (Values & Principles and Child Family Team Process)	NJ Wraparound Training (Values & Principles and Child Family Team Process)
13.	441.301(c)(2) (vii)	The PCP is understandable to the individual receiving services and supports, and the individuals important in supporting him or her. At a minimum, for the written plan to be understandable, it must be written in plain language and in a manner that is accessible to individuals with disabilities and persons who are limited English proficient.	a) Is the care plan easy for you to understand?	N.J.A.C. 10-73 requires that the plan of care is approved by each team member, including the enrollee. N.J.A.C. 10-73 requires that the plan of care is signed, at a minimum, by the care manager, the enrollee as age appropriate.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities
14.	441.301(c)(2) (viii)	The PCP identifies the individual and/or entity responsible for monitoring the plan.	 a) Do you know who to contact if you want to speak to someone about the plan of care? b) Do you know who to contact if you want to speak to someone about the plan of care? 	N.J.A.C. 10-73 requires that the plan of care identifies responsibilities of participants.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities
15.	441.301(c)(2) (ix)	The PCP is finalized and agreed to, with the informed consent of the individual in writing, and signed by all individuals and providers responsible for its implementation.	 a) Did you have enough time to review your plan of care once it was finalized for your approval? b) Did you get to sign the final plan of care? c) Did everyone involved in your care plan 	N.J.A.C. 10-73 requires that the plan of care is approved by each team member, including the enrollee.	Chapter 73 Case Management Services Subchapter 3. Care Management Organization Services 10:73-3.9 Child/Family Team; members and responsibilities

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			sign off on it?		
				N.J.A.C. 10-73 requires	
				that the plan of care is	
				signed, at a minimum, by	
				the care manager, the	
				youth and family, as age	
				appropriate, and placed	
				in the youth's file within	
				two weeks of the	
				Child/Family Team	
				meeting. A completed	
				copy is forwarded to	
				each team member,	
				including the enrollee	
				within one week of the	
				meeting	
16.	441.301(c)(2)	The PCP is distributed to the	a) Did you get a copy of the final plan of	N.J.A.C. 10-73 requires	Chapter 73 Case Management Services
	(x)	individual and other people	care?	that the completed and	Subchapter 3. Care Management Organization Services
		involved in the plan.		approved plan of care is	10:73-3.9 Child/Family Team; members and responsibilities
				forwarded to each team	
				member, including the	
				enrollee within one week	
				of the Child/Family Team	
47	444 204(-)(2)	The DCD is as is and and as is a	.) .	meeting.	Charles 72 Care Manager and Care in a
17.	441.301(c)(3)	The PCP is reviewed, and revised	a) Do you know when your annual review of	N.J.A.C. 10-73 requires	Chapter 73 Case Management Services
		upon reassessment of functional	the plan of care is scheduled to take	that the plan of care is	Subchapter 3. Care Management Organization Services 10:73-3.12 Amendments to the ISP
		need at least every 12 months, when the individual's	place?	updated at minimum	10.73-3.12 Amendments to the 15P
		circumstances or needs change	b) Do you know that you can request a review of the care plan at any time if you	every three months, and more frequently as	
		significantly, or at the request of	feel your needs or circumstances have	needed.	
		the individual.	changed?	needed.	
		the mulvidual.	changeu:		

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	Federal Rule CMS Rule/HCBS Setting		CMS Guidance Compliance			Citation/Proof/Verification
					Demonstration*	
1.	§441.301(c)(4)(i)	The individual is able to participate	a)	Are you able to participate in activities	Waived services are	**N/A
	§441.710(a)(1)(i)	in unscheduled and scheduled		that you want to do in the community?	provided in the enrollee's	
		community activities in the same	b)	Do you know how to make arrangements	own home.	
		manner as people not receiving		to participate in activities in the		
		Medicaid HCBS services.		community if you want to?		
2.	§441.301(c)(4)(i)	The individual is able to regularly	a)	Are you able to regularly engage in	Waived services are	**N/A
	§441.710(a)(1)(i)	access the greater community		activities in the community if you want	provided in the enrollee's	
		outside of the setting.		to?	own home.	
3.	§441.301(c)(4)(i)	The individual is aware of and has	a)	Do you have regular access to	Waived services are	**N/A
	§441.710(a)(1)(i)	access to information and		information and materials about	provided in the enrollee's	
		materials to know of activities		activities taking place in the community?	own home.	
		taking place outside of the setting.				
4.	§441.301(c)(4)(i)	The individual can shop, attend	a)	Can you come and go when you want?	Waived services are	**N/A
	§441.710(a)(1)(i)	religious services, go to	b)	Are you able to work or stay active in the	provided in the enrollee's	
		appointments, dine with family		community if you want?	own home.	
		and friends, etc., in the	c)	If you want to work, is there a way to		
		community, as he/she chooses.		help you look for a job?		
5.	§441.301(c)(4)(i)	This sub-section refers to the	a)	Are you able to have visitors at any time?	Waived services are	**N/A
	§441.710(a)(1)(i)	handling of visitors in the setting.	b)	Are your visitors restricted to stay in	provided in the enrollee's	
				certain meeting areas?	own home.	
6.	§441.301(c)(4)(i)	This sub-section refers to the level	a)	Are you able to come and go when you	Waived services are	**N/A
	§441.710(a)(1)(i)	of access that individuals have to		want both inside and outside?	provided in the enrollee's	
		the community.	b)	Do you have a curfew or other	own home.	
				requirement when you need to return		
			-1	home?		
			c)	Are you able to take public		
			٩,	transportation?		
			u)	Are there bus stops nearby or are taxis available in the area?		
			۵۱			
			e)	Is there a van that can bring you to		
			1	appointments, out shopping, etc.?		

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Sec	Section C: Individual Experience Assessment – Choice and Independence in the Home and Community Based Setting						
	Federal Rule	CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification		
1.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has his/her own bedroom or shares a room with a roommate of choice.	a) Were you able to choose a roommate?b) If you are married, did you have the option to share or not share a room?c) Are you able to request a change of roommate if you want?	Waived services are provided in the enrollee's own home.	**N/A		
2.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual can choose and control a schedule that meets his/her wishes in accordance with a person-centered plan?	 a) Do you make your own daily schedule? b) Can you decide when you want to take a shower, eat and do your activities? c) Are you able to do what you want to do when you want to do it at your own convenience? d) Does your neighbor have to have the same schedule as you? 	Waived services are provided in the enrollee's own home.	**N/A		
3.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual is able to control his/her personal resources.	a) Do you have a checking or savings account or another means to control your money?b) Do you have access to your money?c) Can you buy things you need?	Waived services are provided in the enrollee's own home.	**N/A		
4.	§441.301(c)(4)(i) §441.710(a)(1)(i)	This sub-section refers to the dining section.	 a) Can you eat when and where you want? b) Do you have a choice in your meal if you ask for it? c) Are snacks accessible and available anytime? d) Do you need to sit in an assigned seat in a dining area? e) Can you eat privately if you request it? f) Are you able to choose with whom you 	Waived services are provided in the enrollee's own home.	**N/A		

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			want to eat or alone if that is what you want?		
5.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual can make private telephone calls/text/email at the individual's preference and convenience.	 a) Is the telephone or other technology device in a location that ensures your privacy when communicating with others? b) Does your room have a telephone jack, WI-FI or ETHERNET jack? 	Waived services are provided in the enrollee's own home.	**N/A
6.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The setting is an environment that supports individual comfort, independence and preferences.	 a) Are you able to cook and do laundry if you want to do it yourself in a private area? b) Are you able to eat by yourself in a dining area if that is what you prefer to do? c) Is there comfortable seating in the dining and living room areas? d) Is there someone who can explain to you how things work in the setting? e) Can you get help with tasks in a discrete way if you need assistance? 	Waived services are provided in the enrollee's own home.	**N/A
7.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The individual has full access in the setting.	 a) Are you able to move about easily where you live and come and go as you please? b) Are there any barriers to your free movement where you live? c) Are you able to access the same services as everyone else living there? d) Is the setting physically accessible with no obstructions? e) Are there solutions in place to work such as a stair lift or elevator to work around any obstructions such as steps, lips in a doorway and narrow hallways which limit your mobility? 	Waived services are provided in the enrollee's own home.	**N/A

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8.	§441.301(c)(4)(i) §441.710(a)(1)(i)	The physical environment meets the needs of individuals who require supports.	 a) Are all the appliances accessible to you? b) Are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies if you need them? c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably? 	Waived services are provided in the enrollee's own home.	**N/A				
9.	§441.301 (c) (4) (vi) §441.710(a)(1)(vi)	The individual has privacy in their sleeping or living unit.	 a) Can you close and lock your bedroom door? b) Can you close and lock your bathroom door? c) Did you decide who has a key to your bedroom and bathroom doors? d) Do staff or other residents always knock and receive permission before entering your bedroom and bathroom? 	Waived services are provided in the enrollee's own home.	**N/A				
10	§441.301 (c) (4) (vi)	The individual has a comfortable place to visit with family and friends.	a) Is there a confortable area where there is furniture arranged to support small group conversations and gatherings?	Waived services are provided in the enrollee's own home.	**N/A				
11	§441.301 (c) (4) (vi)	The individual is able to furnish and decorate his/her sleeping and/or living units.	 a) Did you decorate your room? b) Can you hang things up on the wall if you want? c) Can you have your own furniture and use your own linens if you want? d) Can you make any decorating changes in the room/living space that you want? 	Waived services are provided in the enrollee's own home.	**N/A				
Sect	Section D: Individual Experience Assessment – Resident Rights in the HCBS Setting								
	Federal Rule	CMS Rule/HCBS Setting	CMS Guidance	Compliance Demonstration*	Citation/Proof/Verification				
1.	§441.301(c)(4)(vi)	The individual's right to dignity and privacy is respected.	a) Do you feel like you are treated with respect in the setting?	Waived services are provided in the enrollee's	**N/A				

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			c) d)	Is someone able to help you with your personal grooming if you need it? Are your wishes respected when it comes to your personal grooming? Are your schedules for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view – or are they kept private?	own home.	
2.	§441.301(c)(4)(vi)	The individual is communicated with in a dignified manner.	-	Is the staff friendly to you? Does staff treat you with respect? Does staff address in the way you want to be addressed?	Waived services are provided in the enrollee's own home.	**N/A
3.	§441.301(c)(4)(vi)	The individual is free from coercion.	b)	Do you know how to file a complaint? Do you know who takes complaints in the setting? Do you know how to file a complaint if you need to do it on an anonymous basis?	Waived services are provided in the enrollee's own home.	**N/A
4.	§441.301(c)(4)(vi)	There a legally enforceable agreement for the unit or dwelling where the individual resides.		Do you have a lease or a written residency agreement for where you live? Do you know your housing rights? Do you know your rights as a tenant and protections from eviction?	Waived services are provided in the enrollee's own home.	**N/A

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