



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

ELIZABETH CONNOLLY
Acting Commissioner

January 29, 2016

Dear Provider:

As discussed today, because of your participation as a NJ FamilyCare provider that may be receiving federal Medicaid funding under the Community Care Waiver (CCW) and Managed Long Term Services and Supports (MLTSS) you must complete a self-assessment survey.

In January 2014, the Centers for Medicare & Medicaid Services (CMS) issued a final rule under the Affordable Care Act to ensure that Medicaid's home and community-based services (HCBS) programs provide full access to the benefits of community living and offer services in the most integrated settings. The rule was created to improve HCBS quality and protect the rights of individuals by ensuring that the needs of Medicaid beneficiaries who choose to receive long term services and supports in their home or community are met.

To comply with the final rule and as part of the Statewide Transition Plan, New Jersey must require MLTSS and CCW providers licensed under N.J.A.C. 10:44C to complete a survey to "self-assess" their organization's compliance with the federal requirements for residents receiving CCW and MLTSS through NJ FamilyCare, New Jersey's Medicaid program. Providers also must show evidence of supporting documentation if requested.

As a reminder, you will be receiving this afternoon an email with a hyperlink to the self-assessment survey. Attached to this email is a PDF version of the survey to help you prepare your answers. This PDF version is for your reference only. The survey must be completed online.

The survey will be conducted through SurveyMonkey.com whereby you will have your own personalized link to the survey. While the email generated by SurveyMonkey will contain an opt-out link as required by SurveyMonkey, the NJ Department of Human Services (DHS) is requiring all CCW and MLTSS providers licensed under N.J.A.C. 10:44C to complete the survey. If you select the opt-out feature, you will be contacted by the DHS.

The deadline for completion of this mandatory survey is February 29, 2016. If your self-assessment is not received by this date, the state will assume that your setting(s) do not comply with the federal rule on HCBS and not interested in participating in the NJ FamilyCare program.

For further reference, the federal regulatory requirements are at 42 CFR §441.301(c)(4)(5) and 42 CFR §441.710(a)(1)(2). More information on the HCBS settings rule can be found at <http://www.state.nj.us/humanservices/dmahs/info/hcbs.html> If you have any questions, please send an email to jennifer.crowley@dhs.state.nj.us or call Jennifer Crowley at (609) 633-9645.

Sincerely,

A handwritten signature in black ink, appearing to read "Lowell Arye".

Lowell Arye, Deputy Commissioner

**NJ Department of Human Services
Community Residential Provider Self-Assessment Survey of the
Home and Community-Based Services Final Regulation's Setting Requirements**

As a provider receiving federal Medicaid (known in New Jersey as NJ FamilyCare) funding under the 1915(c) Community Care Waiver (CCW) and the New Jersey Comprehensive Medicaid Waiver (CMW) for Managed Long Term Services and Supports (MLTSS),* you are required to complete the following self-assessment. It will help measure your current level of compliance with the federal home and community-based services (HCBS) setting rules and provide a framework for assisting you with remedial steps to reach compliance as a condition of continuing to receive NJ FamilyCare funding for your MLTSS and CCW beneficiaries. The results will also set a baseline for New Jersey's compliance with federal requirements on a statewide basis for inclusion in the Statewide Transition Plan. **Providers will have until February 29, 2016 to complete this mandatory self-assessment.**

The self-assessment is designed to measure a provider's level of compliance with the HCBS rules. Each section outlines the requirements, poses a series of questions, and asks for documentation or other evidence to demonstrate your settings' current level of compliance. If you answer "SOME" or "NONE" to a question, there is space for you to briefly describe your plan and provide a timeline for achieving compliance for the setting. You must answer all the survey questions. If you cannot complete the entire survey at one time, you may exit and return later. Your answers will be saved.

Instructions:

1. Community Residential Service (CRS) Providers in their role as MLTSS and CCW providers, must complete one self-assessment on behalf of their setting(s).
2. All providers must demonstrate compliance with HCBS setting rules by providing evidence that policies, procedures and operating practices are in place and regularly assessed for effectiveness and made available to residents.
3. Documentation that will be deemed acceptable evidence to demonstrate compliance includes, but is not limited to:
 - Provider Policies/ Procedures
 - Plan of Care
 - Resident Handbook
 - Lease/Residency Agreements
 - Staff Training Curriculum and Materials
 - Training Schedules
 - Licensure/Certification
4. For every YES response you must provide evidence to support compliance. For every SOME or NONE response you must describe the remedial actions you plan to take and include a timeline for achieving compliance. Sample remediation responses may include: "A new policy will be drafted by MONTH, DATE, 2015 for employees stating that such a policy must be followed" and/or "The resident handbook will be modified by MONTH, DATE, 2015 so that the policy will be followed."
5. As you assess your facility's compliance with the HCBS Setting Rule, think not only about the facility/setting itself, but whether or not compliance with the rule is applied to each NJ FamilyCare beneficiary receiving MLTSS.
6. Please email jennifer.crowley@dhs.state.nj.us or call Jennifer Crowley at (609) 633-9645 with any questions. **The deadline to submit the survey is February 29, 2016.**

* MLTSS refers to the delivery of long-term services and supports through New Jersey Medicaid's NJ FamilyCare managed care program. MLTSS uses NJ FamilyCare managed care organizations (MCOs) to coordinate all services for their beneficiaries. MLTSS provides comprehensive services and supports, whether at home, in an assisted living facility, in community residential services, or in a nursing home.

Section A: Provider Information

- A1. Name, title, and email of the individual completing the survey**
- A2. Community Residential Services (CRS) Provider Name**
- A3. Current number of people served under the CCW at each residence location**
- A4. Current number of people served under the MLTSS waiver at each residence location**
- A5. Verify the VID#, address, telephone number, and licensed capacity for each residence location**

Section B: Physical Location

- B1. Do the settings prevent the isolation of CCW and MLTSS beneficiaries from private pay individuals living at the setting? (§441.301(c)(5)(v)¹; §441.710(a)(2)(v))**

Documentation to support your answer: licensure/certification/licensing regulations; other, specify.

Section C: Integration with the Community

- C1. Are CCW and MLTSS beneficiaries able to participate in the settings' unscheduled and scheduled community activities in the same manner as other people who are living there? (§441.301(c)(4)(i); §441.710(a)(1)(i))**

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

- C2. Is the CCW and MLTSS beneficiary able to regularly access the greater community outside of the settings? (§441.301(c)(4)(i); §441.710(a)(1)(i))**

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

- C3. Is the CCW and MLTSS beneficiary aware of or does he/she have access to information and materials to know of activities taking place outside of the settings? (§441.301(c)(4)(i); §441.710(a)(1)(i))**

¹ Code of Federal Register (CFR) Citations all refer to Title 42.

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

C4. CCW and MLTSS beneficiaries should be able to participate regularly in non-work activities (dining, shopping, etc.) in the larger community outside of the settings when and if they want (§441.301(c)(4)(i); §441.710(a)(1)(i)):

- C4a. Can the individual come and go when he or she wants?
- C4b. Are CCW and MLTSS beneficiaries who reside in the facility/setting able to work or stay active in the outside community?
- C4c. If the individual wants to work, is there a way to ensure the option is pursued?

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

C5. Do individuals on NJ FamilyCare CCW and MLTSS live/receive services in the same areas as the other residents who are living there? (§441.301(c)(4)(i); §441.710(a)(1)(i))

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; lease/residency agreements; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.

C6. Are the settings situated in the community among other private residences and retail businesses? (§441.301(c)(4)(i); §441.710(a)(1)(i))

Documentation to support your answer: licensure/certification/licensing regulations; other, specify.

C7. Explain how visiting is handled in the settings (§441.301(c)(4)(i); §441.710(a)(1)(i)):

- C7a. Are individuals able to have visitors at any time?
- C7b. Are visiting hours posted?
- C7c. Are visitors able to access all areas of the facility/setting with all residents?

Documentation to support your answer: activity schedules; policies/procedures; resident handbook; lease/residency agreements; staff training curriculum and materials; other, specify.

C8. Describe the level of access that CCW and MLTSS beneficiaries have to the community (§441.301(c)(4)(i); §441.710(a)(1)(i)):

- C8a. Do CCW and MLTSS beneficiaries come and go at will?
- C8b. Are CCW and MLTSS beneficiaries moving about inside and outside the settings as opposed to sitting in a specific area?
- C8c. Are individuals able to leave and return to the settings at any time?
- C8d. Do CCW and MLTSS beneficiaries have access to public transportation?
- C8e. Are there bus stops nearby or are taxis available in the area?
- C8f. Is an accessible van available to bring MLTSS beneficiaries to appointments, shopping, etc.?

Documentation to support your answer: activity schedules; policies/procedures; resident handbook; staff training curriculum and materials; other, specify.

Section D: Person-Centered Planning

- D1. Do the settings allow a CCW and MLTSS beneficiaries, or persons chosen by the individual, to take an active role in the development and updating of the individual's Plan of Care? (§441.301(c)(1))**

Documentation to support your answer: policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

- D2. Do the settings offer the necessary information and support to ensure that the CCW and MLTSS beneficiary can direct the Plan of Care process to the maximum extent possible so the individual can make his/her choices and decisions? (§441.301(c)(1)(ii))**

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

- D3. Are planning meetings able to occur at a time and place convenient for CCW and MLTSS beneficiaries to attend? (§441.301(c)(1)(iii))**

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

- D4. Describe how the settings provides for the different cultural considerations of MLTSS beneficiaries (§441.301(c)(1) (iv)):**

D4a. Do the facility's written materials and meetings reflect plain language in an easy-to-understand format?

D4b. Is the information accessible to CCW and MLTSS beneficiaries with disabilities and persons with a limited proficiency in English?

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

- D5. Do you have strategies in place for solving conflict or disagreement within the Person-Centered Planning process, including clear conflict-of-interest guidelines for all care planning participants? (§441.301(c)(1)(v))**

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

- D6. Does the provider offer choices to the CCW and MLTSS beneficiary regarding the services and supports they receive and from whom? (§441.301(c)(1)(vii))**

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

D7. Do you have a means for the CCW and MLTSS beneficiary, or a person chosen by the individual, to request updates to the Plan of Care as needed? (§441.301(c)(1)(viii))

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

Section E: Choice and Independence

E1. CCW and MLTSS beneficiaries sharing sleeping or living units have a choice of roommate (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- E1a. Are CCW and MLTSS beneficiaries able to choose a roommate?
- E1b. Can married couples, who are CCW or MLTSS beneficiaries, choose to share or not share a room?
- E1c. Does an MLTSS beneficiary know how he/she can request a roommate change?

Documentation to support your answer: policies/procedures; plan of care; resident handbook; leasing/residency agreements; staff training curriculum and materials; other, specify.

E2. CCW and MLTSS beneficiaries have the freedom and support to choose and control their own schedules and activities in accordance with a person-centered plan (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- E2a. Is it made clear to the CCW and MLTSS beneficiary that he/she is not required to adhere to a set schedule for walking, bathing, eating, exercising, activities, etc.?
- E2b. Can a CCW and MLTSS beneficiary's schedule vary like other residents' schedules in the settings?
- E2c. Does a CCW and MLTSS beneficiary have access to leisure activities that interest him/her, which can be scheduled at his/her convenience?

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

E3. CCW and MLTSS beneficiaries are able to control their personal resources (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- E3a. Are CCW and MLTSS beneficiaries able to have a checking or savings account or other means to control his/her funds?
- E3b. Do CCW and MLTSS beneficiaries have access to their funds?
- E3c. Is it made clear that the CCW and MLTSS beneficiaries are not required to sign over their paychecks to the provider?

Documentation to support your answer: policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

E4. Describe the dining experience for the CCW and MLTSS beneficiaries (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- E4a. Can the CCW and MLTSS beneficiaries have a meal at the time and place of his/her choosing?
- E4b. Can the CCW and MLTSS beneficiaries request an alternative meal if desired?
- E4c. Are snacks accessible and available anytime?
- E4d. Can the CCW and MLTSS beneficiaries choose where he/she sits in a dining area without assigned seating?
- E4e. If the CCW and MLTSS beneficiaries desire to eat privately, can they do so?
- E4f. Are the CCW and MLTSS beneficiaries able to choose with whom to eat—or to eat alone?
- E4g. Does the dining area afford dignity to CCW and MLTSS beneficiaries in that they are not required to wear bibs or use disposable cutlery, plates and cups?

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; staff training curriculum and materials; other, specify.

E5. CCW and MLTSS beneficiaries have the ability to make private telephone calls/text/email at the individual's preference and convenience (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- E5a. Do the CCW and MLTSS beneficiaries 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?
- E5b. Is the telephone or other technology device in a location that has space around it to ensure privacy?
- E5c. Do CCW and MLTSS beneficiaries' rooms have a telephone jack, WI-FI or ETHERNET jack?

Documentation to support your answer: policies/procedures; plan of care; resident handbook; lease/residency agreements; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.

E6. Home and community-based settings present an environment that supports individual comfort, independence and preferences (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- E6a. Do CCW and MLTSS beneficiaries 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?
- E6b. Is informal (written or oral) communication conducted in a language that the individual understands?
- E6c. Is assistance provided in private, as appropriate, when needed?

Documentation to support your answer: policies/procedures; plan of care; resident handbook; lease/residency agreements; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.

E7. CCW and MLTSS beneficiaries have full access to all areas of the settings (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- E7a. Notwithstanding those security measures for residents with conditions such as frontotemporal dementia and dementia pugilistica, are residents free to access all areas of the settings without the encumbrances of gates, locked doors or other barriers?
- E7b. Are CCW and MLTSS beneficiaries facilitated in accessing amenities, such as a TV room, movie room or common activity room, which is used by others?
- E7c. Are the settings physically accessible without obstructions like steps, lips in a doorway, narrow hallways, etc., which limit an individual's mobility in the settings?

Documentation to support your answer: activity schedules; policies/procedures; plan of care; resident handbook; lease/residency agreements; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.

E8. The physical environment meets the needs of those CCW and MLTSS beneficiaries who require supports (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- E8a. For those individuals who need supports to move about the settings as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies, etc.?
- E8b. Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably?

Documentation to support your answer: policies/procedures; resident handbook; lease/residency agreements; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.

E9. CCW and MLTSS beneficiaries have privacy in their sleeping space and bathroom (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- E9a. Is the furniture able to be arranged to suit the CCW and MLTSS beneficiaries' needs and preferences?
- E9b. Can the CCW and MLTSS beneficiaries close and lock the bathroom door?
- E9c. Can the CCW and MLTSS beneficiaries close and lock the bedroom door?
- E9d. Are staff or other residents required to knock and receive permission prior to entering a bedroom or bathroom?

Documentation to support your answer: policies/procedures; resident handbook; lease/residency agreements; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.

E10. Do CCW and MLTSS beneficiaries have comfortable places for private visits with family and friends? (§441.301(c)(4)(vi); §441.710(a)(1)(vi))

Documentation to support your answer: policies/procedures; resident handbook; lease/residency agreements; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.

E11. CCW and MLTSS beneficiaries are able to furnish and decorate their sleeping and/or living units as they wish (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- E11a. Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as they want?
- E11b. Can the furniture, linens, and other items reflect the individual's personal choices?
- E11c. Can individuals' living areas reflect their interests and hobbies?

Documentation to support your answer: policies/procedures; resident handbook; lease/residency agreements; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.

Section F: Resident Rights

F1. Individual choices are incorporated into the services and supports received by MLTSS beneficiaries (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- F1a. Do staff ask the CCW and MLTSS beneficiaries about her/his needs and preferences?
- F1b. Are individuals aware of how to make a service request?

Documentation to support your answer: policies/procedures; resident handbook; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.

F2. CCW and MLTSS beneficiaries' rights to dignity and privacy are respected (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- F2a. Is an individual's health information kept private?
- F2b. Are the schedules of CCW and MLTSS beneficiaries for physical therapy, occupational therapy, medications, restricted diet, etc., kept in a private location?
- F2c. Are CCW and MLTSS beneficiaries, who need assistance with grooming, groomed as they desire?

Documentation to support your answer: policies/procedures; resident handbook; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.

F3. Staff communicate with CCW and MLTSS beneficiaries in a dignified manner (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- F3a. Do staff greet and chat with residents?
- F3b. Do staff converse with individuals in the settings while providing assistance during the regular course of daily activities?
- F3c. Do staff address individuals in the manner in which they want to be addressed?

Documentation to support your answer: policies/procedures; resident handbook; staff training curriculum and materials; other, specify.

F4. CCW and MLTSS beneficiaries are free from coercion (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- F4a. Is information about filing a complaint posted in an obvious location and in an understandable format?
- F4b. Does the individual know the person to contact or the process to make an anonymous complaint?
- F4c. Can the individual file an anonymous complaint?
Documentation to support your answer: policies/procedures; resident handbook; lease/residency agreements; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.

F5. There is a legally enforceable agreement for the unit or dwelling where the CCW and MLTSS beneficiaries reside (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- F5a. Does the individual have a lease or, for facilities in which landlord tenant laws do not apply, a written residency agreement?
- F5b. Does the individual know his/her rights regarding housing and when she/he could be required to relocate?

Documentation to support your answer: policies/procedures; resident handbook; lease/residency agreements; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.

F6. Are CCW and MLTSS beneficiaries protected from eviction and afforded appeal rights in the same manner as the general non-NJ FamilyCare population? (§441.710(a)(1)(vi); §441.301(c)(4)(vi))

Documentation to support your answer: policies/procedures; resident handbook; lease/residency agreements; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.

F7. CCW and MLTSS beneficiaries know their rights regarding housing and when they could be required to relocate (§441.301(c)(4)(vi); §441.710(a)(1)(vi)):

- F7a. Do individuals know how to relocate and request new housing?
- F7b. Does the written agreement include language that provides protections to address eviction processes and appeals comparable to those provided under New Jersey's landlord tenant laws?

Documentation to support your answer: policies/procedures; resident handbook; lease/residency agreements; staff training curriculum and materials; licensure/certification/licensing regulations; other, specify.