



Mississippi Department of Mental Health

Provider Bulletin

Number IO0088

Subject: Change in Operational Standards due to the Home and Community Based Services (HCBS) Final Rule

Issue Date: September 17, 2019

Effective Date: September 17, 2019

Scope

All DMH IDD Certified Providers

Purpose

To clarify and inform all DMH IDD Certified Providers of Day Program and Residential Services (Owned or Operated by the Provider) of changes to the Operational Standards in order to become compliant with the Home and Community Based Services (HCBS) Final Rule. Changes apply to all HCBS Services.

Background

The Center for Medicare and Medicaid Services (CMS) has given states until March, 2022 to become compliant with the HCBS Final Rule. Program settings have been assessed and areas of noncompliance are being addressed. The 2016 Operational Standards are in the process of being revised to include requirements under the HCBS Final Rule. However, through the assessment process the Operational Standards below were identified as not aligning with the HCBS Final Rule.

Subject

Rule 27.1.W. (Day Services Adult), Rule 27.2.F. (Community Respite), Rule 27.4.I. (Job Discovery), and Rule 27.5.T. (Supported Employment) state that a person cannot be left alone or unattended. These rules can no longer be applied as a blanket rule. The provider must assess each person's abilities, skills, support needs and risks associated in leaving a person unattended or without direct supervision. Any restriction or limitation to any requirement in the HCBS Final Rule must be applied to an individual and must be based on the individual's specific assessed needs and documented in the person's Plan of Services and Supports. The provider must ensure the person's health and safety at all times during service provision.

IDD Services must be designed to provide person centered practices that support individual rights and provide opportunity for inclusion in the greater community. Providers should focus on working with the person to gain maximum independence and opportunity in all life activities. Providers must ensure each person's rights of privacy, dignity and respect and freedom from coercion. Services must optimize, but not regiment, a person's initiative, autonomy and independence in making life choices, including, but not limited to daily activities, physical environment, and with whom to interact.

End of Provider Bulletin