

Appendix C

Regulation Chapter Name: Medical Day Care Center						
Reference: COMAR 10.09.07						
http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.09.07.*						
Service Setting						
Applicable to the following settings: Medical Day Care Services						
#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1a	1915c: §441.301(c)(4)(i) 1915i: §441.710(a)(1)(i) 1915k: §441.530(a)(1)(i) The setting is integrated in the greater community	X			COMAR 10.09.07.05 (7) Social work services performed by a licensed, certified social worker or licensed social work associate which include: (b) Ongoing services to include: (ii) Maintaining linkages with community support resources for the participant including relatives, friends, and other care providers; (v) Assisting participants in obtaining those health care services which are not available through the medical day care center (such as vision care, podiatry, medical equipment, etc.); (c) Discharge planning and referral services including: (iv) Referral to appropriate community service agencies and health care providers to facilitate the participant's return to more independent living; (9) Transportation services that: (a) Are provided or arranged for a participant by the medical day care staff; (b) Maximize the following types of transportation services in an effort to achieve the least costly, yet appropriate means of transportation for a participant: (i) Walking, for a person who lives within walking distance of the medical day care center and who is sufficiently mobile; (ii) Family-supplied transportation provided by friends, neighbors, or volunteers; and (iii) Public transportation services;	
1b	The setting supports full access of individuals receiving Medicaid HCBS to the greater community	X			COMAR 10.09.07.05 (7) Social work services performed by a licensed, certified social worker or licensed social work associate which include: (b) Ongoing services to include:	

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		Compliant	Noncompliant	Absent		
1b	The setting supports full access of individuals receiving Medicaid HCBS to the greater community	X			(ii) Maintaining linkages with community support resources for the participant including relatives, friends, and other care providers; (v) Assisting participants in obtaining those health care services which are not available through the medical day care center (such as vision care, podiatry, medical equipment, etc.); (c) Discharge planning and referral services including: (iv) Referral to appropriate community service agencies and health care providers to facilitate the participant's return to more independent living; (9) Transportation services that: (a) Are provided or arranged for a participant by the medical day care staff; (b) Maximize the following types of transportation services in an effort to achieve the least costly, yet appropriate means of transportation for a participant: (i) Walking, for a person who lives within walking distance of the medical day care center and who is sufficiently mobile; (ii) Family-supplied transportation provided by friends, neighbors, or volunteers; and (iii) Public transportation services.	
1c	The setting supports opportunities to seek employment and work in competitive integrated settings			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

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		Compliant	Noncompliant	Absent		
1c	The setting supports opportunities to seek employment and work in competitive integrated settings			X		Participants are asked if they are interested in working at least annually during their InterRAI assessments. Their response is documented in the LTSS tracking system. If a participant indicates they want to seek employment, appropriate follow up is conducted.
1d	The setting supports individuals to engage in community life			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria This is documented in the Adult Day Care Assessment and Planning System (ADCAP)
1e	The setting supports individuals to control personal resources			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria Not Applicable

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#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1f	The setting supports individuals to receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS	X			COMAR 10.09.07.05 (7) Social work services performed by a licensed, certified social worker or licensed social work associate which include: (b) Ongoing services to include: (ii) Maintaining linkages with community support resources for the participant including relatives, friends, and other care providers; (v) Assisting participants in obtaining those health care services which are not available through the medical day care center (such as vision care, podiatry, medical equipment, etc.); (c) Discharge planning and referral services including: (iv) Referral to appropriate community service agencies and health care providers to facilitate the participant's return to more independent living; (9) Transportation services that: (a) Are provided or arranged for a participant by the medical day care staff; (b) Maximize the following types of transportation services in an effort to achieve the least costly, yet appropriate means of transportation for a participant: (i) Walking, for a person who lives within walking distance of the medical day care center and who is sufficiently mobile; (ii) Family-supplied transportation provided by friends, neighbors, or volunteers; and (iii) Public transportation services.	This is documented in the Freedom of Choice form signed by the participant. The MDC freedom of choice form can be found by clicking here . The freedom of choice forms for Home and Community Based-Services Waiver programs can be found by clicking here .

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		Compliant	Noncompliant	Absent		
2a	1915c: §441.301(c)(4)(ii) 1915i: §441.710(a)(1)(ii) 1915k: §441.530(a)(1)(ii) The setting is selected by the individual from among setting options including non-disability specific settings			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria This is documented in the Freedom of Choice form signed by the participant. The MDC freedom of choice form can be found by clicking here . The freedom of choice forms for Home and Community Based-Services Waiver programs can be found by clicking here .
2b	The setting options are identified and documented in the person-centered service plan			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria This is documented in the Freedom of Choice form signed by the participant. The MDC freedom of choice form can be found by clicking here . The freedom of choice forms for Home and Community Based-Services Waiver programs can be found by clicking here .

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#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
2c	The settings options are based on the individual's needs and preferences			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria This is documented in the Freedom of Choice form signed by the participant. The MDC freedom of choice form can be found by clicking here . The freedom of choice forms for Home and Community Based-Services Waiver programs can be found by clicking here .
3a	1915c: 441.301(c)(4)(iii) 1915i: §441.710(a)(1)(iii) 1915k: §441.530(a)(1)(iii) The settings ensures an individual's rights of privacy			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3b	The settings ensure dignity and respect			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

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#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
3c	The settings ensure freedom from coercion			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
3d	The settings ensure freedom from restraint			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria. The regulations for restraints is covered by COMAR 10.12.04
4a	1915c: 441.301(c)(4)(iv) 1915i: §441.710(a)(1)(iv) 1915k: §441.530(a)(1)(iv) The settings optimize, but does not regiment, individual initiative, autonomy			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria This is documented in the Adult Day Care Assessment and Planning System (ADCAP)

Service Setting
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#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
4b	The settings optimize independence in making life choices			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria This is documented in the Adult Day Care Assessment and Planning System (ADCAP)
4c	The settings optimize independence in daily activities			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria This is documented in the Adult Day Care Assessment and Planning System (ADCAP)
4d	The settings optimize independence in the physical environment			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria This is documented in the Adult Day Care Assessment and Planning System (ADCAP)

Service Setting
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#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
4e	The settings optimize independence with whom to interact.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria . This is documented in the Adult Day Care Assessment and Planning System (ADCAP)
5a	1915c: §441.301(c)(4)(v) 1915i: §441.710(a)(1)(v) 1915k: §441.530(a)(1)(v) The settings facilitates individual choice regarding services and supports	X			COMAR 10.09.07.05- (b) Ongoing services to include: (iv) Counseling a participant and a participant's family in the availability and utilization of public and private community agency services, referral to, and coordination of these services; (v) Assisting participants in obtaining those health care services which are not available through the medical day care center (such as vision care, podiatry, medical equipment, etc.	This is documented in the Freedom of Choice form signed by the participant. The MDC freedom of choice form can be found by clicking here . The freedom of choice forms for Home and Community Based-Services Waiver programs can be found by clicking here .
5b	The settings facilitates who provides services and supports	X			COMAR 10.09.07.05- (b) Ongoing services to include: (iv) Counseling a participant and a participant's family in the availability and utilization of public and private community agency services, referral to, and coordination of these services; (v) Assisting participants in obtaining those health care services which are not available through the medical day care center (such as vision care, podiatry, medical equipment, etc.	This is documented in the Freedom of Choice form signed by the participant. The MDC freedom of choice form can be found by clicking here . The freedom of choice forms for Home and Community Based-Services Waiver programs can be found by clicking here .

Residential Services - Provider Owned or Controlled Settings (Not Applicable)

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6a(1)	The individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity.					
6a(2)	For settings in which landlord tenant laws do not apply, the State ensures that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6a(3)	The State ensures that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6b	(B) Each individual has privacy in their sleeping or living unit			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Residential Services - Provider Owned or Controlled Settings (Not Applicable)

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6b(1)	Units have entrance doors lockable by the individual			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6b(2)	Only appropriate staff have keys to the lockable entrance doors			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6c(1)	(C) Individuals have the freedom and support to control their own schedules			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6c(2)	Individuals have the freedom and support to control their own activities			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6c(3)	Individuals have the freedom to access food at any time			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Residential Services - Provider Owned or Controlled Settings (Not Applicable)

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6d	(D) Individuals are able to have visitors of their choosing at any time			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6e	(E) The setting is physically accessible to the individual			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6f	(F) Individuals sharing units have a choice of roommates in that setting			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6g	(G) Individuals have freedom to furnish and decorate their sleeping units or living units within the lease or other agreement			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1915c: §441.301 1915i: §441.710 1915k: §441.530						

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
7	The following requirements must be documented in the person-centered service plan upon any modification of the additional conditions:					
7a	*Identify a specific and individualized assessed need.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7b	*Document the positive interventions and supports used prior to any modifications to the person-centered service plan.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7c	*Document less intrusive methods of meeting the need that have been tried but did not work.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7d	*Include a clear description of the condition that is directly proportionate to the specific assessed need.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
7e	* Include a regular collection and review of data to measure the ongoing effectiveness of the modification.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7f	*Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7g	*Include informed consent of the individual.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
7h	*Include an assurance that interventions and supports will cause no harm to the individual.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria