

Appendix J

Regulation Chapter Name: Medical Day Care Center						
Reference: COMAR 10.12.04						
http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.12.04.*						
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		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
1b	The setting supports full access of individuals receiving Medicaid HCBS to the greater community			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
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 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

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		
1f	The setting supports individuals to receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
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 freedom of choice form 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 freedom of choice form can be found by clicking here
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 freedom of choice form 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

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		
3b	The settings ensure dignity and respect	X			COMAR 10.12.04.12(1) Be treated with consideration, respect, and full recognition of the participant's human dignity and individuality	
3c	The settings ensure freedom from coercion	X			COMAR 10.12.04.12(1) Be treated with consideration, respect, and full recognition of the participant's human dignity and individuality	
3d	The settings ensure freedom from restraint	X			COMAR 10.12.04.12(1) Be treated with consideration, respect, and full recognition of the participant's human dignity and individuality	
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)
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)

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		
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)
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 facilitate individual choice regarding services and supports			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 freedom of choice form can be found by clicking here
5b	The settings facilitate who provides services and supports			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 freedom of choice form can be found by clicking here

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: §441.71 1915k: §441.530					
6	The following requirements must be documented in the person-centered service plan upon any modification of the additional conditions:					
6a	*Identify a specific and individualized assessed need.	X			COMAR 10.12.02.22 B(2) The need for the use of the device or medication	
6b	*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
6c	*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
6d	*Include a clear description of the condition that is directly proportionate to the specific assessed need.	X			COMAR 10.12.02.22 C. An order for the use of restraints shall be for a medical reason and shall be implemented in the least restrictive manner possible and may not be written PRN (as often as necessary) or used for staff convenience.	

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	OHS Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6e	* Include a regular collection and review of data to measure the ongoing effectiveness of the modification.	X			COMAR 10.12.02.22 B(4) A process for reviewing the necessity of the restraint	
6f	*Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.	X			COMAR 10.12.02.22 B(1) The maximum period of time that the device may be in use	
6g	*Include informed consent of the individual.			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
6h	*Include an assurance that interventions and supports will cause no harm to the individual.	X			COMAR 10.12.02.22 C. An order for the use of restraints shall be for a medical reason and shall be implemented in the least restrictive manner possible and may not be written PRN (as often as necessary) or used for staff convenience.	