

Appendix K

DDA Regulation Chapters:

The Developmental Disabilities Administration's regulations include multiple topic specific chapters. The following chapters related to Vocational and Day Services, Community Residential Services, and Behavioral Support Services are included in the systemic assessment below:

COMAR 10.22.01 – Definitions (http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.21.01.*)

COMAR 10.22.02 - Administrative Requirements for Licensees (http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.22.02.*)

COMAR 10.22.04 - Values, Outcomes, and Fundamental Rights (http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.22.04.*)

COMAR 10.22.05 - The Individual Plan (http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.22.05.*)

COMAR 10.22.06 - Family and Individual Support Services (http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.22.06.*)

COMAR 10.22.07 - Vocational and Day Services Program Service Plan (http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.22.07.*)

COMAR 10.22.08 - Community Residential Services Program Service Plan (http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.22.08.*)

COMAR 10.22.09 - Resource Coordination Program Service Plan (http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.22.09.*)

COMAR 10.22.10 - Behavior Support Services Program Service Plan (http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.22.10.*)

COMAR 10.22.11 - Respite Services in the State Residential Center (SRC) (http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.22.11.*)

COMAR 10.22.14 - Low Intensity Support Services (http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.22.14.*)

COMAR 10.22.16 - Informal Hearings Under the Maryland Developmental Disabilities Law

(http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.22.16.*)

COMAR 10.22.19 - Special Programs (http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.22.19.*)

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Shared Living, Day Habilitation, Supported Employment

#	Federal Requirement	DDA 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			10.22.01.01(B)(41)"Natural supports" means family, friends, co-workers, and community members who provide informal assistance to the individual to enable the individual to live and work in the community. 10.22.04.02.G(1-4): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: G. Community membership and social inclusion by: (1) Having the opportunity to be involved in and contribute to the community; (2) Having the opportunity to participate in community activities of one's choice; (3) Having the opportunity to use the same resources as other people; and (4) Having regular access to recreation and leisure time activities with others.	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA 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			10.22.05.02(13): A determination of whether the needs of the individual could be met in more integrated settings. 10.22.05.03A(3): The resource coordinator, as defined in COMAR 10.22.09, shall ensure that each individual is provided with a range of the most integrated setting service options that may be appropriate. FISS Specific: 10.22.06.03(B) FISS are provided by making use of resources available in the community while, at the same time, building on the individual's existing support network. FISS Specific: 10.22.06.03(C) Supports are the assistance provided to the individual to enable participation in the community. Supports are integral to each individual or family's quality of life and often enhance the lives of those involved. Vocational and Day Services: 10.22.07.02 A. Individuals often needs assistance to obtain and maintain work in the community. With supports, job skills are learned and behavior appropriate for the workplace is increased. Work in the community provides income, self-esteem, and personal value for the individual. B. Individuals seeking to obtain and maintain work in the community are free to choose preferred types of work, to seek change of work when not satisfied, and have their day activities reflect the needs, preferences, and desires stated in their IPs, including the ability to combine day or vocational services with other community activities, such as school or recreation.	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA 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			<p>Community Residential Services: 10.22.08.05 A. An individual may receive services under this chapter in the individual's own home, in the family's home, in a current residential service model, or in any other service model approved by the Director in accordance with COMAR 10.22.02.09F. B. A licensee providing services under this chapter shall make every effort to provide services that are integrated in neighborhoods and communities.</p> <p>Behavioral Support Services: 10.22.10.02(B) Behavior support services are designed to assist individuals who exhibit challenging behaviors in acquiring skills, gaining social acceptance, and becoming full participants in the community</p> <p>Respite Services: 10.22.11.03- Provision of Services- Before respite services are utilized in the SRC, all efforts are made by the Administration to provide individuals living in the community with respite services in the community. Only when there are no other appropriate alternatives available are respite services provided in the SRC.</p> <p>Low Intensity Support Services: 10.22.14.04 Setting and Location. Services shall be provided within the individual's home or a community setting in the most integrated setting.</p> <p>Special Programs: 10.22.19.02 C. Employment Eligibility. A job is an eligible job under the FIPE if: (1) The job is: (a) Located in the community;</p>	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1b	The setting supports full access of individuals receiving Medicaid HCBS to the greater community	X			(b) Individualized; (c) Not an enclave, mobile crew, or in a segregated environment; and (d) Based on the individual's interests; and (2) The individual: (a) Is paid a competitive salary and, if available, offered benefits directly by the employer; (b) Does not receive salary and, if available, benefits from the provider or any organization affiliated with the licensee; (c) Deals directly with the employer regarding working conditions such as work schedule; (d) Has the opportunity for increased responsibility, career advancement, and increased wages based on performance; and (e) If self-employed, the business generates revenue 10.22.01.01(B)(14) Community Supported Living Arrangements. (a) "Community supported living arrangements (CSLA)" means services to assist an individual in non-vocational activities necessary to enable that individual to live in the individual's own home, apartment, family home, or rental unit, with (i) No more than two other nonrelated recipients of these services; or (ii) Members of the same family regardless of their number. (b) "Community supported living arrangements (CSLA)" include: (i) Personal assistance services; (ii) Supports that enhance the individual's opportunity for community participation and to exercise choice and control over the individual's own life;	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1b	The setting supports full access of individuals receiving Medicaid HCBS to the greater community	X			<p>10.22.04.02.F and G: 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: F. The opportunity for relationships by: (1) Having the opportunity to develop and maintain meaningful ties to other people; (2) Having relationships encouraged and supported; (3) Having the opportunity to be connected to family and friends; and (4) Having the opportunity for intimacy; and G. Community membership and social inclusion by: (1) Having the opportunity to be involved in and contribute to the community; (2) Having the opportunity to participate in community activities of one's choice; (3) Having the opportunity to use the same resources as other people; and (4) Having regular access to recreation and leisure time activities with others.</p> <p>FISS Specific: 10.22.06.03(B) FISS are provided by making use of resources available in the community while, at the same time, building on the individual's existing support network.</p> <p>FISS Specific: 10.22.06.03(C) Supports are the assistance provided to the individual to enable participation in the community. Supports are integral to each individual or family's quality of life and often enhance the lives of those involved.</p> <p>Vocational and Day Services: 10.22.07.02 A. Individuals often needs assistance to obtain and maintain work in the community. With supports, job skills are learned and behavior appropriate for the workplace is increased. Work in the community provides income, self-esteem, and personal value for the individual.</p>	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1b	The setting supports full access of individuals receiving Medicaid HCBS to the greater community	X			<p>B. Individuals seeking to obtain and maintain work in the community are free to choose preferred types of work, to seek change of work when not satisfied, and have their day activities reflect the needs, preferences, and desires stated in their IPs, including the ability to combine day or vocational services with other community activities, such as school or recreation.</p> <p>Community Residential Services: 10.22.08.05 A. An individual may receive services under this chapter in the individual's own home, in the family's home, in a current residential service model, or in any other service model approved by the Director in accordance with COMAR 10.22.02.09F. B. A licensee providing services under this chapter shall make every effort to provide services that are integrated in neighborhoods and communities.</p>	
1c	The setting supports opportunities to seek employment and work in competitive integrated settings	X			<p>10.22.01.01(B)(29) specifies integrated but not competitive: (29) "Integrated work setting" means an environment in which individuals with developmental disabilities and individuals without developmental disabilities work together.</p> <p>10.22.05.02B(14)(c): The IP is a written plan which includes, for individuals residing in a State residential center, the written plan of habilitation consisting of a description of the services and supports, including residential, day, employment, and technology, that are required for the individual to receive services in the most integrated setting;</p>	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1c	The setting supports opportunities to seek employment and work in competitive integrated settings	X			<p>FISS Specific: 10.22.06.03(D)(4) FISS includes ... Job coaching.</p> <p>Vocational and Day Services: 10.22.07.02 A. Individuals often needs assistance to obtain and maintain work in the community. With supports, job skills are learned and behavior appropriate for the workplace is increased. Work in the community provides income, self-esteem, and personal value for the individual.</p> <p>B. Individuals seeking to obtain and maintain work in the community are free to choose preferred types of work, to seek change of work when not satisfied, and have their day activities reflect the needs, preferences, and desires stated in their IPs, including the ability to combine day or vocational services with other community activities, such as school or recreation.</p> <p>Special Programs: 10.22.19.02 C. Employment Eligibility. A job is an eligible job under the FIPE if:</p> <p>(1) The job is:</p> <p>(a) Located in the community;</p> <p>(b) Individualized;</p> <p>(c) Not an enclave, mobile crew, or in a segregated environment; and</p> <p>(d) Based on the individual's interests; and</p> <p>(2) The individual:</p> <p>(a) Is paid a competitive salary and, if available, offered benefits directly by the employer;</p> <p>(b) Does not receive salary and, if available, benefits from the provider or any organization affiliated with the licensee;</p> <p>(c) Deals directly with the employer regarding working conditions such as work schedule;.</p>	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1c	The setting supports opportunities to seek employment and work in competitive integrated settings	X			(d) Has the opportunity for increased responsibility, career advancement, and increased wages based on performance; and (e) If self-employed, the business generates revenue.	
1d	The setting supports individuals to engage in community life	X			10.22.01.01(B) (3) "Assistive technology" means the technology necessary to enable the individual to live successfully in the community. 10.22.0101(B)(14)(b) "Community supported living arrangements (CSLA)" include: (i) Personal assistance services; (ii) Supports that enhance the individual's opportunity for community participation and to exercise choice and control over the individual's own life; (iii) Training and other services necessary to assist the individual in achieving and maintaining increased integration, interdependence, and productivity; 10.22.01.01(B)(40) "Most integrated setting" means a setting that enables an individual with a disability to interact with nondisabled individuals other than staff to the fullest extent possible. 10.22.01.01(B)(56) "Supports" means the assistance provided to individuals or their families to enable greater participation in the community and enhanced quality of life. 10.22.04.02.G(1): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: G. Community membership and social inclusion by: (1) Having the opportunity to be involved in and contribute to the community	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1d	The setting supports individuals to engage in community life	X			<p>FISS Specific: 10.22.06.03(B) FISS are provided by making use of resources available in the community while, at the same time, building on the individual's existing support network.</p> <p>FISS Specific: 10.22.06.03(C) Supports are the assistance provided to the individual to enable participation in the community. Supports are integral to each individual or family's quality of life and often enhance the lives of those involved.</p> <p>Vocational and Day Services: 10.22.07.02 A. Individuals often needs assistance to obtain and maintain work in the community. With supports, job skills are learned and behavior appropriate for the workplace is increased. Work in the community provides income, self-esteem, and personal value for the individual. B. Individuals seeking to obtain and maintain work in the community are free to choose preferred types of work, to seek change of work when not satisfied, and have their day activities reflect the needs, preferences, and desires stated in their IPs, including the ability to combine day or vocational services with other community activities, such as school or recreation.</p> <p>Community Residential Services: 10.22.08.05 A. An individual may receive services under this chapter in the individual's own home, in the family's home, in a current residential service model, or in any other service model approved by the Director in accordance with COMAR 10.22.02.09F.</p>	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1d	The setting supports individuals to engage in community life	X			<p>B. A licensee providing services under this chapter shall make every effort to provide services that are integrated in neighborhoods and communities.</p> <p>10.22.09.06B (7): The resource coordination licensee shall ensure through appropriate documentation that the resource coordinator receives training in developing opportunities for individuals to establish relationships, friendships, and connections in the community.</p> <p>Respite Services: 10.22.11.08 A & B. A-The SRC shall provide appropriate daily activities during the time the individual is in respite services. B- The SRC shall make every attempt to maintain the individual in the individual's vocational or day activity during the period of respite services and document the reasons if the individual is unable to attend.</p> <p>Special Programs: 10.22.19.02 C. Employment Eligibility. A job is an eligible job under the FIPE if:</p> <p>(1) The job is:</p> <p>(a) Located in the community;</p> <p>(b) Individualized;</p> <p>(c) Not an enclave, mobile crew, or in a segregated environment; and</p> <p>(d) Based on the individual's interests; and</p> <p>(2) The individual:</p> <p>(a) Is paid a competitive salary and, if available, offered benefits directly by the employer;</p> <p>(b) Does not receive salary and, if available, benefits from the provider or any organization affiliated with the licensee;</p> <p>(c) Deals directly with the employer regarding working conditions such as work schedule;</p>	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1d	The setting supports individuals to engage in community life	X			(d) Has the opportunity for increased responsibility, career advancement, and increased wages based on performance; and (e) If self-employed, the business generates revenue.	
1e	The setting supports individuals to control personal resources	X			<p>10.22.02.10(A)A licensee shall develop and adopt written policies and procedures for ensuring:</p> <p>(15) That there is adequate protection for the finances and property of each individual, including:</p> <p>(a) A system to ensure that each individual's funds are used in an appropriate manner consistent with the individual's needs and preferences,</p> <p>(b) A system to keep personal funds separate from the funds of the licensee and to ensure that funds are transferred to the individual in a timely manner when services are no longer being provided,</p> <p>(c) Timely access for the individual to the funds,</p> <p>10.22.04.02.B(7): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: B. Individual rights, which include: (7) Having access to one's money and belongings; and 10.22.04.02.E(5): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: E. Personal growth and independence by:(5) Having the opportunity to manage one's own affairs, including financial affairs as much as possible; FISS Specific: 10.22.06.03(D)(1) FISS includes ... budgeting</p>	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
1e	The setting supports individuals to control personal resources	X			Special Programs: 10.22.19.02 C. Employment Eligibility. A job is an eligible job under the FIPE if: (1) The job is: (a) Located in the community; (b) Individualized; (c) Not an enclave, mobile crew, or in a segregated environment; and (d) Based on the individual's interests; and (2) The individual: (a) Is paid a competitive salary and, if available, offered benefits directly by the employer; (b) Does not receive salary and, if available, benefits from the provider or any organization affiliated with the licensee; (c) Deals directly with the employer regarding working conditions such as work schedule; (d) Has the opportunity for increased responsibility, career advancement, and increased wages based on performance; and (e) If self-employed, the business generates revenue.	
1f	The setting supports individuals to receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS	X			10.22.04.02.G(3): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: G. Community membership and social inclusion by: (3) Having the opportunity to use the same resources as other people Vocational and Day Services: 10.22.07.02 A. Individuals often needs assistance to obtain and maintain work in the community. With supports, job skills are learned and behavior appropriate for the workplace is increased. Work in the community provides income, self-esteem, and personal value for the individual.	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA 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			.B. Individuals seeking to obtain and maintain work in the community are free to choose preferred types of work, to seek change of work when not satisfied, and have their day activities reflect the needs, preferences, and desires stated in their IPs, including the ability to combine day or vocational services with other community activities, such as school or recreation. Community Residential Services: 10.22.08.05 A. An individual may receive services under this chapter in the individual's own home, in the family's home, in a current residential service model, or in any other service model approved by the Director in accordance with COMAR 10.22.02.09F. B. A licensee providing services under this chapter shall make every effort to provide services that are integrated in neighborhoods and communities.	
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	FISS Specific: 10.22.06.03(B) FISS are provided by making use of resources available in the community while, at the same time, building on the individual's existing support network. FISS Specific: 10.22.06.03(C) Supports are the assistance provided to the individual to enable participation in the community. Supports are integral to each individual or family's quality of life and often enhance the lives of those involved. 10.22.09.04A: The resource coordination licensee shall determine an individual's needs, preferences, desires, satisfaction, and the most integrated setting appropriate to meet the individual's needs.	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
2b	Settings include an option for a private unit in a residential setting			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
2c	The setting options are identified and documented in the person-centered service plan	X			COMAR 10.22.05.02(13): A determination of whether the needs of the individual could be met in more integrated settings. 10.22.09.05A(2): The resource coordinator is responsible for documenting that the IP is being implemented as designed.	
2d	The settings options are based on the individual's needs and preferences	X			Take into account an individual's needs but not preferences: 10.22.01.01(B)(9) "Behavioral respite" means relief services provided by a community residential licensee to meet an individual's behavioral needs. 10.22.01.01(B)(14)(b) "Community supported living arrangements (CSLA)" include: (i) Personal assistance services; (ii) Supports that enhance the individual's opportunity for community participation and to exercise choice and control over the individual's own life; (iii) Training and other services necessary to assist the individual in achieving and maintaining increased integration, interdependence, and productivity; 10.22.04.02.C(1-3): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: C. Choice and control, which includes: (1) Being given the opportunity to express choices and opinions;	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
2d	The settings options are based on the individual's needs and preferences	X			(2) Having choices about the following:(a) Where to live and with whom, (b) The appearance of one's home, (c) The services one receives and from whom, (d) How one spends one's time and with whom, (e) How menus, activities, schedules, and routines are structured, (f) Who advocates for the individual; and (3) Having one's choices and opinions respected and addressed; FISS Specific: 10.22.06.02(A) Services are to be flexible and dynamic to meet the needs of individuals or families desiring specific areas of support and for those who have changing needs. 10.22.09.02B: The resource coordinator assists individuals in obtaining the best quality and most appropriate services and supports within available resources. 10.22.09.04A: The resource coordination licensee shall determine an individual's needs, preferences, desires, satisfaction, and the most integrated setting appropriate to meet the individual's needs.	
2e	For residential settings, options are based on resources available for room and board			X		The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
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			COMAR 10.22.02.10A(4): A licensee shall develop and adopt written policies and procedures for ensuring confidentiality for each individual in accordance with Health-General Article, §7-1010, Annotated Code of Maryland.	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
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			COMAR 10.22.02.10A(3): A licensee shall develop and adopt written policies and procedures for ensuring that services are provided in a manner which promotes individual choice and the exercise of individual rights. 10.22.04.02.A(6): 10.22.04.02 Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: A. Personal well-being, which includes: (6) Having the time, space, and opportunity for privacy; 10.22.05.03A(2): The resource coordinator, as defined in COMAR 10.22.09, shall ensure that the IP is developed in a manner consistent with the values and outcomes in COMAR 10.22.04, and the provisions of any other relevant State or federal laws. 10.22.09.04D: The resource coordination licensee shall advocate for the individual to assure that the individual's rights are protected and the individual's needs and preferences are considered.	
3b	The settings ensure dignity and respect	X			COMAR 10.22.02.10A(2) and (3): A licensee shall develop and adopt written policies and procedures for ensuring (2) Fundamental rights in accordance with Health-General Article, §7-1002, Annotated Code of Maryland; (3) That services are provided in a manner which promotes individual choice and the exercise of individual rights. 10.22.04.02.D(1-5): 10.22.04.02 Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: D. Respect and dignity,	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
3b	The settings ensure dignity and respect	X			<p>which includes:(1) Being treated with courtesy and respect;(2) Being treated with warmth and caring;(3) Receiving positive recognition;(4) Being spoken to and treated in an age-appropriate manner; and(5) Living and working in places that reflect things that are valued;</p> <p>10.22.05.03A(2): The resource coordinator, as defined in COMAR 10.22.09, shall ensure that the IP is developed in a manner consistent with the values and outcomes in COMAR 10.22.04, and the provisions of any other relevant State or federal laws.</p>	
3c	The settings ensure freedom from coercion	X			<p>COMAR 10.22.02.10A(5): A licensee shall develop and adopt written policies and procedures for ensuring the implementation of a grievance process with safeguards which protect against retaliatory actions for the filing of any grievance.</p> <p>10.22.05.03A(2): The resource coordinator, as defined in COMAR 10.22.09, shall ensure that the IP is developed in a manner consistent with the values and outcomes in COMAR 10.22.04, and the provisions of any other relevant State or federal laws.</p>	
3d	The settings ensure freedom from restraint		X		<p>10.22.01.01(B)(53) "Restrictive technique" means a technique that is implemented to impede an individual's physical mobility or limit free access to the environment, including but not limited to physical, mechanical, or chemical restraints or medications used to modify behavior.</p>	<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p>

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
3d	The settings ensure freedom from restraint		X		.10.22.05.03A(2): The resource coordinator, as defined in COMAR 10.22.09, shall ensure that the IP is developed in a manner consistent with the values and outcomes in COMAR 10.22.04, and the provisions of any other relevant State or federal laws. Behavioral Support Services: 10.22.10.08 Use of Physical Restraint. A. Physical restraint may only be used when the individual's behavior presents a danger to self or serious bodily harm to others; 10.22.10.09 Use of Mechanical Restraint and Support. A. Use of Mechanical Restraint for Behavioral Purposes (1-5); and 10.22.10.09.B. Use of Mechanical Restraint for Medical Purposes.	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria
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			10.22.04.02.C(2)(d-e): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: C. Choice and control, which includes: (2) Having choices about the following:(d) How one spends one's time and with whom,(e) How menus, activities, schedules, and routines are structured, 10.22.05.03A(2): The resource coordinator, as defined in COMAR 10.22.09, shall ensure that the IP is developed in a manner consistent with the values and outcomes in COMAR 10.22.04, and the provisions of any other relevant State or federal laws.	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
4b	The settings optimize independence in making life choices	X			<p>10.22.01.01(B)(14) Community Supported Living Arrangements. (b) "Community supported living arrangements (CSLA)" include: (i) Personal assistance services; (ii) Supports that enhance the individual's opportunity for community participation and to exercise choice and control over the individual's own life.</p> <p>10.22.05.03A(2): The resource coordinator, as defined in COMAR 10.22.09, shall ensure that the IP is developed in a manner consistent with the values and outcomes in COMAR 10.22.04, and the provisions of any other relevant State or federal laws.</p> <p>10.22.09.04A: The resource coordination licensee shall determine an individual's needs, preferences, desires, satisfaction, and the most integrated setting appropriate to meet the individual's needs.</p>	
4c	The settings optimize independence in daily activities	X			<p>10.22.04.02.C(2)(d-e): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: C. Choice and control, which includes: (2) Having choices about the following: (d) How one spends one's time and with whom,(e) How menus, activities, schedules, and routines are structured; and 10.22.04.02.E(6): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: E. Personal growth and independence by: (6) Having the opportunity to participate in individual activities</p>	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
4c	The settings optimize independence in daily activities	X			<p>10.22.05.03A(2): The resource coordinator, as defined in COMAR 10.22.09, shall ensure that the IP is developed in a manner consistent with the values and outcomes in COMAR 10.22.04, and the provisions of any other relevant State or federal laws.</p> <p>Special Programs: 10.22.19.02 C. Employment Eligibility. A job is an eligible job under the FIPE if:</p> <p>(1) The job is:</p> <p>(a) Located in the community;</p> <p>(b) Individualized;</p> <p>(c) Not an enclave, mobile crew, or in a segregated environment; and</p> <p>(d) Based on the individual's interests; and</p> <p>(2) The individual:</p> <p>(a) Is paid a competitive salary and, if available, offered benefits directly by the employer;</p> <p>(b) Does not receive salary and, if available, benefits from the provider or any organization affiliated with the licensee;</p> <p>(c) Deals directly with the employer regarding working conditions such as work schedule;</p> <p>(d) Has the opportunity for increased responsibility, career advancement, and increased wages based on performance; and</p> <p>(e) If self-employed, the business generates revenue.</p>	
4d	The settings optimize independence in the physical environment			X	<p>10.22.05.03A(2): The resource coordinator, as defined in COMAR 10.22.09, shall ensure that the IP is developed in a manner consistent with the values and outcomes in COMAR 10.22.04, and the provisions of any other relevant State or federal laws.</p>	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
4e	The settings optimize independence with whom to interact.	X			<p>10.22.04.02.C(2)(d): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: C. Choice and control, which includes: (2) Having choices about the following:(d) How one spends one's time and with whom</p> <p>10.22.05.03A(2): The resource coordinator, as defined in COMAR 10.22.09, shall ensure that the IP is developed in a manner consistent with the values and outcomes in COMAR 10.22.04, and the provisions of any other relevant State or federal laws.</p>	
5a	<p>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</p>	X			<p>COMAR 10.22.02.10A(3): A licensee shall develop and adopt written policies and procedures for ensuring that services are provided in a manner which promotes individual choice and the exercise of individual rights.</p> <p>10.22.04.02.C(2)(c): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: C. Choice and control, which includes (2) Having choices about the following: (c) The services one receives and from whom,</p> <p>10.22.05.03A(2): The resource coordinator, as defined in COMAR 10.22.09, shall ensure that the IP is developed in a manner consistent with the values and outcomes in COMAR 10.22.04, and the provisions of any other relevant State or federal laws.</p>	

Service Setting

Applicable to the following settings: Group Homes, Alternative Living Units, Community Learning Services, Day Habilitation, Supported Employment

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
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			Vocational and Day Services: 10.22.07.02 B. Individuals seeking to obtain and maintain work in the community are free to choose preferred types of work, to seek change of work when not satisfied, and have their day activities reflect the needs, preferences, and desires stated in their IPs, including the ability to combine day or vocational services with other community activities, such as school or recreation. 10.22.09.02B: The resource coordinator assists individuals in obtaining the best quality and most appropriate services and supports within available resources. 10.22.09.04A: The resource coordination licensee shall determine an individual's needs, preferences, desires, satisfaction, and the most integrated setting appropriate to meet the individual's needs.	
5b	The settings facilitates who provides services and supports	X			10.22.02.09(E)(4) Setting and location, which includes a description of where the services are to be provided and the number of individuals expected to be served. 10.22.04.02.C(2)(c): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: C. Choice and control, which includes (2) Having choices about the following: (c) The services one receives and from whom,	

Residential Services - Provider Owned or Controlled Settings (Group Homes and Alternative Living Units)

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6a(1)	1915c: §441.301(c)(4)(vi) 1915i: §441.710(a)(1)(vi) 1915k: §441.530(a)(1)(vi) (A) The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services		X		10.22.01.01(B)(2) "Alternative living unit (ALU)" means a residence owned, leased, or operated by a licensee that: (a) Provides residential services for individuals who, because of a developmental disability, require specialized living arrangements; (b) Admits not more than 3 individuals; and (c) Provides 10 or more hours of supervision per unit, per week. 10.22.01.01(B)(20-1) "Forensic residential center (FRC)" means a facility that is: (a) Licensed to provide a continuum of integrative services to individuals with intellectual disabilities: (i) Ordered by the court for an evaluation or to be confined; (ii) Court-committed for care or treatment to the Department as incompetent to stand trial or not criminally responsible who are dangerous as a result of intellectual disabilities; or (iii) On conditional release and returned to the facility either voluntarily or on hospital warrant; (b) A related institution as defined in Health-General Article, §19-301(o), Annotated Code of Maryland; and (c) Not an extended care or comprehensive rehabilitation facility. 10.22.01.01(B)(25) "Group home" means a residence owned, leased, or operated by a licensee that:	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria

Residential Services - Provider Owned or Controlled Settings (Group Homes and Alternative Living Units)

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6a(1)	<p>1915c: §441.301(c)(4)(vi) 1915i: §441.710(a)(1)(vi) 1915k: §441.530(a)(1)(vi) (A) The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services</p>		X		<p>(a) Provides residential services for individuals who, because of a developmental disability, require specialized living arrangements; (b) Admits at least four, but not more than eight individuals; and (c) Provides 10 or more hours of supervision per week.</p> <p>10.22.01.01(B)(55) "State residential center (SRC)" means a State owned and operated facility for individuals with intellectual disabilities.</p> <p>10.22.01.01(B)(27) "Individual family care (IFC) home" means a private, single family residence which provides a home for up to three individuals with developmental disabilities, who are unrelated to the care provider.</p>	<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p>
6a(2)	<p>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.</p>			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p>
6a(3)	<p>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</p>			X		<p>The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria</p>

Residential Services - Provider Owned or Controlled Settings (Group Homes and Alternative Living Units)

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6a(4)	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	10.22.04.02.A(6): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: A. Personal well-being, which includes:(6) Having the time, space, and opportunity for privacy;	
6c(1)	(C) Individuals have the freedom and support to control their own schedules			X	10.22.04.02.C(2)(d-e): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: C. Choice and control, which includes: (2) Having choices about the following:(d) How one spends one's time and with whom,(e) How menus, activities, schedules, and routines are structured, 10.22.09.07B: To the extent feasible, individuals may select the time, place, and frequency of meetings.	
6c(2)	Individuals have the freedom and support to control their own activities	X			10.22.04.02.E(6): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: E. Personal growth and independence by: (6) Having the opportunity to participate in individual activities	
6c(3)	Individuals have the freedom to access food at any time	X			10.22.04.02. A(3): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP:	

Residential Services - Provider Owned or Controlled Settings (Residential Habilitation Group Homes and Alternative Living Units)

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
6c(3)	Individuals have the freedom to access food at any time	X			A. Personal well-being, which includes: (3) Having access to the places in which the individual lives, works, and receives services; and 10.22.04.02. B(5): 10.22.04. 02. Values to be Considered in the Development of the IP. The following values shall be considered in the development of the IP: B. Individual rights, which include:(5) Living, working, and receiving services in a manner that is not unnecessarily restrictive;	
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

Person-Centered Service Plan - Modifications for Restrictive Techniques						
#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
	1915c: §441.301 1915i: §441.710 1915k: §441.530					
7	The following requirements must be documented in the person-centered service plan upon any modification of the additional conditions:				10.22.05.03A(2): The resource coordinator, as defined in COMAR 10.22.09, shall ensure that the IP is developed in a manner consistent with the values and outcomes in COMAR 10.22.04, and the provisions of any other relevant State or federal laws.	
7a	*Identify a specific and individualized assessed need.	X			10.22.04.03.A(1)(a-d): 10.22.04.03 Fundamental Rights. A. Each individual is entitled to the basic rights set forth in Health-General Article, 7-1002-----7-1004, Annotated Code of Maryland, unless the individual's team decides it is necessary to restrict a right. If the restriction is due to a challenging behavior, the licensee shall follow the procedures outlined in COMAR 10.22.10. If it is necessary to restrict a right not related to a challenging behavior, the standing committee shall review, approve, and establish the time frame for the restriction. The licensee shall: (1) Document in the IP the: (a) Right being restricted, (b) Reason for the restriction, (c) Conditions under which the restriction is employed, (d) Efforts to restore the right to the individual, and (e) Conditions under which the right would be restored; Behavioral Support Services: 10.22.10.05(B)(3) Specifies the behavioral objectives for the individual, and includes: (a) A description of the hypothesized function of current behaviors including their frequency and severity, and	

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
7a	*Identify a specific and individualized assessed need.	X			(b) Criteria for determining achievement of the objectives established; 10.22.10.05(4) Takes into account the medical condition of the individual; Respite Services: 10.22.11.01- In addition to this chapter, an SRC providing respite services shall comply with the following regulations of this subtitle: COMAR 10.22.05. COMAR 10.22.05.02A(4) The IP is intended to specify all needed assessments, services and training, 10.22.05.02 B(1) Strengths and needs of the individual, (2)Preferences and desires identified by and for the individual, (3)Services to be provided by the individual by the licensee, such as... (4) A behavior plan, if required, (5) Specific training and staffing ratio based on the needs, preferences, and desires of the individual; (6) Measurable goals for the completion of outcomes; (7) Target dates for the completion of goals; (Implementation strategies and dates), etc.	
7b	*Document the positive interventions and supports used prior to any modifications to the person-centered service plan.	X			10.22.04.03A(3)(b): 10.22.04.03 Fundamental Rights. A. Each individual is entitled to the basic rights set forth in Health-General Article, 7-1002-----7-1004, Annotated Code of Maryland, unless the individual's team decides it is necessary to restrict a right. If the restriction is due to a challenging behavior, the licensee shall follow the procedures outlined in COMAR 10.22.10. If it is necessary to restrict a right not related to a challenging behavior, the standing committee shall review, approve, and establish the time frame for the restriction. The licensee shall: (3) Ensure that	

Person-Centered Service Plan - Modifications for Restrictive Techniques

#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
7b	*Document the positive interventions and supports used prior to any modifications to the person-centered service plan.	X			the restriction:(b) Is only implemented after other methods have been systematically tried and objectively determined to be ineffective.	
7c	*Document less intrusive methods of meeting the need that have been tried but did not work.	X			<p>10.22.04.03.A(3)(a): 10.22.04.03 Fundamental Rights. A. Each individual is entitled to the basic rights set forth in Health-General Article, 7-1002-----7-1004, Annotated Code of Maryland, unless the individual's team decides it is necessary to restrict a right. If the restriction is due to a challenging behavior, the licensee shall follow the procedures outlined in COMAR 10.22.10. If it is necessary to restrict a right not related to a challenging behavior, the standing committee shall review, approve, and establish the time frame for the restriction. The licensee shall: (3) Ensure that the restriction:(a) Represents the least restrictive, effective alternative,</p> <p>Behavioral Support Services: 10.22.10.06 (A)The licensee shall ensure that the use of restrictive techniques in any BP:(1) Represents the least restrictive, effective alternative, or the lowest effective dose of a medication; and (2) Is only implemented after other methods have been: (a) Systematically tried, and (b) Objectively determined to be ineffective.</p> <p>Respite Services: 10.22.11.01-In addition to this chapter, an SRC providing respite services shall comply with the following regulations of this subtitle:</p>	

Person-Centered Service Plan - Modifications for Restrictive Techniques						
#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
7c	*Document less intrusive methods of meeting the need that have been tried but did not work.	X			COMAR 10.22.10.06A Use of Restrictive Techniques- A. The licensee shall ensure that the use of restrictive techniques in any BP: (1) Represents the least restrictive, effective alternative, or the lowest effective dose of a medication; and (2) Is only implemented after other methods have been:(a) Systematically tried, and (b) Objectively determined to be ineffective. (Note the word "document" is absent)	
7d	*Include a clear description of the condition that is directly proportionate to the specific assessed need.	X			10.22.04.03.A(1)(a-d): 10.22.04.03 Fundamental Rights. A. Each individual is entitled to the basic rights set forth in Health-General Article, 7-1002-----7-1004, Annotated Code of Maryland, unless the individual's team decides it is necessary to restrict a right. If the restriction is due to a challenging behavior, the licensee shall follow the procedures outlined in COMAR 10.22.10. If it is necessary to restrict a right not related to a challenging behavior, the standing committee shall review, approve, and establish the time frame for the restriction. The licensee shall: (1) Document in the IP the: (a) Right being restricted, (b) Reason for the restriction, (c) Conditions under which the restriction is employed, (d) Efforts to restore the right to the individual, and (e) Conditions under which the right would be restored;	
7e	* Include a regular collection and review of data to measure the ongoing effectiveness of the modification.	X Partial Compliance			Behavioral Support Services: 10.22.10.05(B)(9) Specifies the data to be collected to assess progress towards meeting the BP's objectives;	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	DDA 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 Partial Compliance			Respite Services: B. The licensee shall collect and present objective data to the authorizing licensed health care practitioner to indicate whether the restrictive technique being used is effective in reducing the individual's challenging behavior. COMAR 10.22.10B (7) & (9) Includes a description of the adaptive skills to be learned by the individual that serve as functional alternatives to the challenging behavior or behaviors to be decreased & (9) Specifies the data to be collected to assess progress towards meeting the BP's objectives	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			COMAR 10.22.05.02B(12): Documentation indicating that the individual or the individual's proponents, when applicable, have been involved in, informed of, and agree with the plan. Behavioral Support Services: 10.22.10.05(C)(2)(a) (2) Includes written informed consent of the: (a) Individual, Respite Services: 10.22.11.01-In addition to this chapter, a SRC providing respite services shall comply with the following regulations of this subtitle: COMAR 10.22.10.05C Use of Restrictive Techniques- Before implementation, the licensee shall ensure that each behavior plan which includes the use of restrictive techniques is:	

Person-Centered Service Plan - Modifications for Restrictive Techniques						
#	Federal Requirement	DDA Assessment			If standards exist, cite them.	Remediation Strategy
		Compliant	Noncompliant	Absent		
7g	*Include informed consent of the individual.	X			(1) Approved by the standing committee as specified in COMAR 10.22.02.14E(1)(d); and (2) Includes written informed consent of the:(a) Individual,(b) Individual's legal guardian, or (c) Surrogate decision maker as defined in Health-General Article, §5-605, Annotated Code of Maryland.	
7h	*Include an assurance that interventions and supports will cause no harm to the individual.			X	<p>Behavioral Support Services: 10.22.10.09(A)(2) (2) The licensee shall ensure that a mechanical restraint is designed and used:</p> <p>(a) In a humane, safe, and effective manner; and</p> <p>(b) Without intent to harm or create undue discomfort.</p> <p>Respite Services: 10.22.11.01-In addition to this chapter, a SRC providing respite services shall comply with the following regulations of this subtitle: COMAR 10.22.10.06D &E Use of Restrictive Techniques- D. The licensee shall ensure that staff do not use:(1) Any method or technique prohibited by law, including aversive techniques;(2) Any method or technique which deprives an individual of any basic right specified in Health-General Article, 7-1002-----7-1004, Annotated Code of Maryland, except as permitted in COMAR 10.22.04.03A; (3) Seclusion;(4) A room from which egress is prevented; or (5) A program which results in a nutritionally inadequate diet. E. Staff may not use restrictive technique:(1) As a substitute for a treatment plan;(2) As punishment; or (3) For convenience.</p>	The Department is proposing regulation changes to COMAR 10.09.36: General Medical Assistance Provider Participation Criteria