

Wisconsin DQA Implements HCBS Settings Rule in Regulated Assisted Living Facilities

The Wisconsin Department of Quality Assurance ("DQA") announced that, effective March 1, 2019, it will begin inspecting facilities with Medicaid Home and Community-Based Services ("HCBS") programs to ensure compliance with the HCBS settings rule. Facilities will be required to address any HCBS settings rule deficiencies, and failure to remediate such deficiencies will result in the cessation of reimbursement to the facility for Medicaid adult long-term care waiver-funded services.

DQA plans to incorporate the settings rule requirements into existing licensing and certification reviews and surveys. Many of these requirements overlap with other Wisconsin statutes, regulations and standards with which facilities should already be complying. However, facilities must also comply with settings rule-specific requirements that surveyors and desk-reviewers now must ensure are met, including:

- Residents must be able to access their personal funds and resources to the extent of their functional capability, in a manner of their choosing, and at times agreed upon between the provider and the resident and his or her legal representative, as applicable.
- The facility has locks placed on all resident or consumer living unit doors, and residents have the means to unlock their living unit.
- The facility has policies to ensure why, how and when a staff member enters a resident's living unit.
- Staff, including nurses, who provide direct care to residents have completed an initial and an annual resident rights training that is documented in their personnel file.
- Residents and consumers have their choice of roommate when applicable.
- Residents and consumers have the opportunity to fully decorate their bedroom or apartment within the restrictions of the lease or agreement.
- Residents and consumers have the right to have visitors of their choosing at any time.

Does your facility have an HCBS settings rule compliance plan? Contact your regulatory counsel to assist with preparing such a plan, or to review and update your existing plan. Reinhart Boerner Van Deuren's Post-Acute Care and Long-

POSTED:

Mar 4, 2019

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Term Services team is experienced in advising clients regarding state and federal regulatory compliance, including the HCBS settings rule. If you have questions or concerns regarding your HCBS settings rule program or other regulatory issues, contact Bob Lightfoot or your Reinhart attorney today.

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