

## Purpose

The Centers for Medicare and Medicaid Services (CMS) published its final rule related to Home and Community Based Services (HCBS) for Medicaid funded long-term services and supports provided in residential and non-residential home and community based settings. The final rule took effect March 17, 2014. States are required to submit transition plans to CMS within a year of the effective date indicating how they intend to comply with the new requirement within a reasonable time period. If states amend or renew any of their currently operating waivers or state plan amendments prior to the effective date, that action serves as a trigger for the state to submit a transition plan for all its waivers under 1915(c), as well as any state plan amendments under 1915(i) or 1915(k) within 120 days of the amendment/renewal submission. The following is Oklahoma's amended statewide transition plan pursuant to this requirement.

## Background

This document describes the Statewide Transition Plan (SWTP) of the Oklahoma Health Care Authority (OHCA), the single State Medicaid Agency, as required by the CMS final regulation related to new federal requirements for home and community-based (HCBS) settings. This SWTP includes the state's assessment of its regulations, standards, policies, licensing requirements, and other provider requirements to ensure settings comply with the new federal requirements. Additionally, the transition plan will describe action the state proposes to assure full and on-going compliance with the HCBS settings requirements.

## Overview

Oklahoma administers/operates six 1915 (c) waivers. There are approximately 26,106 individuals served in the State of Oklahoma through one of these 1915 (c) waivers. Oklahoma does not currently offer services through the state plan under 1915 (i) or 1915 (k) authority. Oklahoma operates two waiver programs with a nursing facility level of care designation and four waiver programs with an ICF/ID level of care designation. Across the six waiver programs, there are eight distinct settings utilized among Home and Community Based Waiver members, that does not include the member owned or family owned home. This document summarizes the State's preliminary assessment activities and its proposed strategy for continuous monitoring and remediation of HCBS settings for both the aged and physically disabled (NF-LOC) waivers and the developmental disabilities waivers (ICF/ID LOC).

### Section A: Systemic Review

#### Review Methodology

This section details how the State approached the systemic review for the Statewide Transition Plan. The State utilized a three-pronged approach for the review. The review began with the State lead compiling and reviewing all related regulations, contracts, policies and procedures,

and service definitions. It was the responsibility of the State lead to compile this information, assess it, and define its consistency to the HCBS Final Rule. The second prong of the process was a review by the State leads' partner agencies. These partner agencies included the Developmental Disabilities Division of the Oklahoma Department of Human Health and Services (OKDHS) and the Aging Services Division of the OKDHS. These partner agencies had the responsibility of reviewing the assessed regulation, policies and procedures, and service definitions. Partner Agencies were responsible for adding additional regulations and policies that were not previously identified. Partner Agencies made an assessment of each of the regulations and policies consistency/compliance with the HCBS final rule. Partner Agencies also proposed a remediation and action plan for all of those regulations and policies that required such. The third prong of the systemic review process involved stakeholder groups. Stakeholders represented both the ID/ICF level of care waivers as well as the NFLOC waivers. The systemic assessment was sent to all stakeholder groups affiliated with the waivers. The stakeholder groups were charged with reviewing the systemic grid and providing feedback on the state leads and partner agencies determination of applicable regulations and policies and their consistency with the HCBS final rule. All feedback, comments, and suggestions were reviewed and incorporated as appropriate in the statewide transition plan and systemic assessment grids.

#### Compliance Analysis

Within the three-prong review process each group (State Lead, Partner Agencies, and Stakeholders) made an analysis of whether the identified relevant policies and regulations were consistent with the elements outlined the HCBS Final Rule. The analysis of the policies and regulations resulted in a determination of fully compliant, partially compliant, silent, or non-compliant with the elements of the HCBS Final Rule. The outcome was determined through an evaluation of the regulations and/or policies consistency and congruence with elements of the HCBS final rule. Regulation and policy language precisely consistent and congruent with the elements was determined to be fully compliant. Full compliance was also determined if the intent of the message and language utilized in the regulation/policy was consistent with the elements. Policies and/or regulations consistent with only part of the elements of the HCBS Final Rule were determined to be partially compliant. Inconsistent language or language opposing the elements of the HCBS final rule was determined to be non-compliant. Absent language and absent intent of language used was determined to be silent. OKDHS DDS Division adopted an overarching general provision administrative rule in order to ensure clarity, consistency, and compliance across all waiver program settings. The overarching general provision administrative rule precisely follows the elements detailed in the HCBS Final Rule. As a result, it was determined that all ID/ICF LOC settings are compliant with the HCBS Final Rule. The systemic grid also includes supporting regulation and policies that enhance the consistency of the regulations and policies that address the elements in the HCBS Final Rule. Aging Services

Division plans to adopt a similar overarching general provision administrative rule that will assist in its settings becoming more compliant with the HCBS Final Rule. Much of the regulations and policy pertaining to the NFLOC settings remained silent; therefore the adoption of an overarching administrative rule would more directly signify that settings must comply with the standards of the HCBS Final Rule.

#### Remediation ActivitiesNF LOC Waivers

Many of the current policy and regulations pertaining to settings in the NF LOC waivers were determined to remain silent or be partially compliant with the elements of the HCBS Final Rule. It has been determined that remediation is necessary in order to allow the settings to become compliant with the HCBS Final Rule. Remediation activities will consist of the development and addition of an overarching policy that will precisely follow language of the HCBS Final Rule that all settings will have to abide by. The development of this overarching standard for NF LOC waiver settings will go through the States permanent rule promulgation process. It is projected the overarching standard for NF LOC waiver settings will be effective 9/1/2017. A draft copy of the updated policy and language can be found in Appendix \_\_\_\_\_.

#### ID/ICF LOC

The OKDHS DDS Division developed an overarching general provision standard that was effective 9/1/2015. This standard pertains to and must be followed by all settings in the ID/ICF waivers. This overarching general provision strictly follows the language in the HCBS Final Rule. Therefore, it has been determined there is no remediation necessary. OKDHS has supporting policy will be enhanced and updated to directly correspond with the HCBS Final Rule.

Alignment of ReviewThe State of Oklahoma, pursuant to House Bill 1566 which passed the Oklahoma Legislature and was signed by Governor Mary Fallin in April 2015, is in the process of issuing a Request for Proposal (RFP). The RFP is for a care coordination model for the Aged, Blind, and Disabled populations (ABD). Throughout the process of the RFP development OHCA has worked with the State's consultant group to verify all related managed care rules and how the proposed new service delivery model will ensure compliance with the HCBS Final Rule. The intent of the Legislation is to provide better access to care, improve quality and health outcomes, and control spending costs for the ABD populations. The State is working to gather all relevant information from federal statutes including the HCBS Final Rule, the newly proposed managed care rules, State policy, and stakeholder engagement. Section B: NF LOC Waivers

#### Introduction

Oklahoma operates two 1915(c) waivers with a nursing facility (NF) level of care designation serving approximately 21,000 individuals per month in community settings. The State conducted a review of all

of its applicable State statutes, administrative rules, approved waivers, provider requirements, and service specifications pertaining to the HCBS settings. The results of the State's systemic review are located in Appendix 1.

The following are the approved NF LOC Waiver Programs.

**Medically Fragile** – Serves individuals 19 years of age and older who meet hospital and/or skilled nursing level of care. The purpose of the waiver is to provide assistance for families who require long-term supports and services to maintain the medically fragile member in the family home while meeting their unique medical needs. Daily operation of this waiver is performed by the Oklahoma Health Care Authority.

**ADvantage** – Serves frail elderly individuals age 65 or older and adults age 21 and older with physical disabilities that would otherwise require placement in a nursing facility. Daily operation of this waiver is the responsibility of the Department of Human Services Aging Services (DHS-AS). The Oklahoma Health Care Authority retains administrative oversight of the waiver.

#### I. Assessment Methodology & Continued Monitoring

The Oklahoma Department of Human Services (DHS), Aging Services (AS), Medicaid Services Unit (MSU), Quality Assurance/Improvement (QAI) department, Provider Audit team conducts an annual on-site provider agency audit. Audits are completed using a representative sample of case records of Members receiving services in the Adult Day Health (ADH) and/or who reside in an Assisted Living facility (AL). Included in each audit is a survey of Member perception. Member Perception contacts are made with Members who were randomly selected for provider audit review in their ADH/AL setting, in the Member's home, or via telephone. Currently DHS-AS has been working with DHS, Developmental Disabilities Services (DDS), to complete Adult Day Site Visit Reports at the Adult Day Centers. DHS-AS Medicaid Services Unit is in the process of developing an Adult Day Health (ADH) and Assisted Living (AL) Consumer-Focused Quality Care Review (C-FQCR) tool during SFY16, to be used beginning SFY17. The C-FQCR tools are based on the provider agencies contractual documents, Oklahoma Administrative Code (OAC), Oklahoma statutes, and HCB Setting Final Rules. The tool is designed to measure provider compliance with defined standards and adherence to the waiver requirements, including Member choice of services and provider, training, compliance with delivery of services as authorized. The tool will also survey Member's perception of service delivery performance and support to integrate into the greater community. The Provider Audit team is responsible for monitoring and tracking provider's progress in complying with the performance measures and any necessary remediation. Each review includes a plan of correction that the agency completes, as well as a follow-up visit if there were any non-compliance issues with any of the requirements. 4

**Population:** All Members with service plans active during the reporting period

**Sample Size/Methodology:** Random cumulative sample selected according to the percentage of Members served by a single ADH/AL provider as a proportion of the total number of Members served receiving ADH/AL services on the Waiver. Sample size will be validated utilizing Raosoft Survey Design.

## II. Assessment Process

The proposed action steps and timelines for the statewide transition plan are outlined in the grids found in Appendices 3 & 4. The proposed timelines are contingent upon CMS approval of the plan.

## III. Remediation Strategy

### a. Remediation

Any provider who scored below 100% on these HCBS settings compliance reviews will be required to complete a plan of correction developed by the review team, complete two progress reports over a 6-month period and a follow-up visit. The Plan of Correction includes the identification and cause of the problem, the proposed action/intervention, a monitoring plan, the person accountable, the implementation and projected completion dates and the expected outcome. The Progress Reports include the status of implementation, what data has been collected, the collection date and the person accountable. The Plan of Correction is submitted within 30 days from the date that the final reports are mailed to the agency and the Progress Reports are due every 30 days after the Plan of Correction is approved by the Programs Assistant Administrator of the Quality Assurance/Improvement department or designee. The Follow-up Audit is completed during the month following the final Progress Report and includes only those Conditions that required a Plan of Correction.

### b. Improvement

Full compliance is requested for all HCB Setting requirements, as well as other performance measures to be reviewed during the audit. During this initial year of auditing, both the Quality Assurance and Improvement Advisor and the Quality Assurance and Improvement Programs Supervisor, will work with providers to come into full compliance on all HCB settings. Trainings have been conducted with providers to explain the monitoring method and answer any questions.

### c. Plan for Relocation

1. Each Member has an individualized person-centered Service Plan, prepared by the ADvantage Case Manager in conjunction with the Interdisciplinary Team (IDT), completed during each Service Plan year or when living arrangements are modified. One section of the Service Plan is Life Transition Planning. In this area, contingency plans list choices by the Member if they can no longer stay at the assisted living and the parties available to assist with this transition. Also included is a goal addressing what will happen to the Member's belongings, should the Member have to move into an NF.

2. Each Member has an individualized person-centered Services Backup Plan crafted by the ADvantage Case Manager in conjunction with the IDT team completed during each Service Plan year or when living arrangements are modified. This Services Backup Plan includes contingency plans for direct care assistance, critical health and supportive services, equipment repair or replacement, medications, DME supplies, transportation, etc. First, second, and third tier designated backups are also listed on the plan. The plan is signed by the Member, ADvantage Case Manager and any witnesses, if applicable.

3. Should the setting fail to reach compliance, Members, ADvantage Case Managers and the IDT will strategize for all possible living options available in the community. Immediate coordination with the ADvantage Case Manager and all other IDT members requested by the Member are critical in determining the wishes of the Member and the options available to them in a somewhat limited timeframe.

Some of the options available would be as follows:

#### Assisted Living

- Transferring to another certified ADvantage Assisted Living Center
- Home with HCBS services and informal supports
- Home with Adult Day Health services
- Explore all assistance and living arrangements with family, friends
- Nursing facility placement (if necessary)

#### Adult Day Health

- Transferring to another Adult Day Health facility
- Remaining in the home with PCA services in place, in conjunction with informal supports
- Move to a certified ADvantage Assisted Living Center
- Explore all assistance and living arrangements with family, friends.
- Nursing facility placement (if necessary)

#### IV. Baseline Assessment Process and Results

Baseline assessments were completed from August 2014 to March 2015. Providers received a survey via electronic mail and follow-up phone calls. The survey consisted of questions from the CMS Final Rule Exploratory Questions document. Follow-up calls were made to ensure that providers completed the survey in the allotted time frame. Surveys were sent to the entire NF LOC waiver setting locations. There was an 80% response rate on the survey. The State did reach out to those providers that did not respond to the survey. The State intends to assess these individuals in the next round of surveys through the annual provider audit process discussed in Section I, which includes a site visit. Assessment results indicate that 75% of settings assessed comply with the HCBS Final Rule and 25% do not comply. For those settings 6

that were found to be non-compliant, the State will take the steps listed above in the Remediation Section to ensure compliance by March 2019. We estimate based on the baseline assessments that at

least 75% of all settings comply with the HCBS Final Rule and 25% are non-compliant. A more detailed overview of the survey and the survey results can be found in Appendix 3.

## Section C: ICF/ID Waivers

### Introduction

Oklahoma operates four home and community-based waivers which require an ICF/ID level of care. Average monthly enrollment in these waivers is approximately 5,382. In accordance with Title 340 Chapter 100 of the Oklahoma Administrative Code (OAC), the ICF/ID level of care is mutually exclusive from the nursing facility levels of care, which are necessary for enrollment in the waivers administered and operated by DHS DDS. The State conducted a review of all of its applicable State statutes, administrative rules, approved waivers, provider requirements, and service specifications. The results of the State's systemic review are located in Appendix 2.

The following are the approved ICF/ID Waiver Programs. Daily operation of each of these waivers is the function of the Oklahoma Department of Human Services – Developmental Disabilities Services.

Community – Serves individuals who are 3 years of age and older who have intellectual disabilities and certain persons with related conditions who would otherwise require placement in an ICF/ID.

Homeward Bound – Serves individuals who are 18 years of age and older who have intellectual disabilities and certain persons with related conditions who (1) would otherwise require placement in an ICF/ID; and (2) have been certified by the U.S. District Court for the Northern District of Oklahoma as being members of the plaintiff class in *Homeward Bound et al. v. The Hissom Memorial Center et al.*, Case No. 85-C-437-e.

In-Home Supports Waiver for Adults – Serves the needs of individuals 18 years of age and older with intellectual disabilities who would otherwise require placement in an ICF/ID.

In-Home Supports Wavier for Children – Serves the needs of children ages 3 through 17 years with intellectual disabilities who would otherwise require placement in an ICF/ID

### I. Assessment Methodology & Continued Monitoring

An annual performance survey is conducted with agencies providing services through a Home and Community Based Waiver, to assess compliance with expectations defined in the agency's contract. A random sample is selected by DHS Office of Planning, Research and Statistics utilizing SPSS software. Surveys are conducted during each state fiscal year with providers of residential, vocational, or non-medical home supports. A representative sample of service 7

recipients from each of the four waivers is selected and then organized by provider agency who serves each service recipient included in the random sample. Notification is given to providers in the survey sample of when the survey will be completed. Surveys are completed through on-site visits.

### II. Assessment Process

Developmental Disabilities Services (DDS) Quality Assurance staff review all applicable rules and provider contracts before the site visit. During the site visit, DDS Quality Assurance staff observes and conduct interviews with service recipients and staff involved in each type of service provided by the agency. Observations and interviews occur during various times of service delivery. Quality Assurance staff members evaluate information obtained from observations, interviews, and records reviewed in the context of appropriate and applicable contract standards, state, and federal rules. The survey tools utilized by the Quality Assurance team have been revised to specifically address requirements for home and community based settings. Once the site visit is complete, the DDS Quality Assurance team conducts an Exit conference with the provider agency, where the findings of the review are presented. The proposed action steps and timelines for the statewide transition plan are outlined in the grids found in Appendices 3 & 4. The proposed timelines are contingent upon CMS approval of the plan.

### III. Remediation Strategy

Provider agencies surveyed by DD Quality Assurance Staff are given two weeks after the exit conference to send the Quality Assurance Staff a written response that identifies a date by which the agency will comply with cited requirements. The projected resolution date must be within two months of the exit conference. Any requests beyond two months of the date of the exit conference must be accompanied by a justification statement. Approval of extended resolution dates occurs only upon the presentation of evidence that extensive change in agency management systems or extensive expenditures is essential to the resolution of the issue. If a provider agency wishes to contest the findings of the performance review, the agency must submit a written appeal notice within two weeks of the exit conference. The written appeal notice does not relieve the agency from the responsibility to achieve resolution of contract deficiencies within two months from the date of the exit conference unless the appeal is approved. Provider agencies that receive citations will be re-surveyed to assess resolution of identified contract and rule deficiencies. DDS staff will continue to work with individual providers to identify and to achieve compliance within required time frames. Following the re-survey the provider is informed of the results. The provider may submit evidence contesting a citation. Any new citations found during the re-survey will be added to the report of the original survey. If the agency fails to correct cited issues sanctions may occur, including potential relocation of members. This process will continue through June 2018. Beginning July 2018 all settings must be compliant with the HCBS settings regulations. All settings that are not fully compliant with the HCBS settings regulation will be identified and individuals receiving HCBS in 8

those settings will be relocated to a compliant setting. Oklahoma DDS staff will follow person centered planning in the transition process. Individuals will have choice among qualified providers, settings and be provided opportunities to visit several settings and given information to help them understand the various options available. Individuals will be relocated as necessary by March 15, 2019.

### IV. Baseline Assessment Process & Results

First quarter provider surveys conducted during the period of July 2015 to September 2015 are being used for baseline information. This baseline assessment information was compiled utilizing the process



outlined in the Assessment Methodology and Assessment Process Sections above. The baseline information included the portion of the annual representative sample served by the provider agencies surveyed, which comprised 207 service recipients and 213 different settings. Assessment results indicate that 86% of settings assessed comply with the HCBS Final Rule and 14% do not comply. For those settings that were found to be non-compliant, the State will take the steps listed above in the Remediation Section to ensure compliance by March 2019. We estimate based on the baseline assessments that at least 85% of all settings comply with the HCBS Final Rule and 15% are non-compliant. Assessments are conducted to each provider on an annual basis, throughout the year, results are reported quarterly. A more detailed overview of the survey and the survey results can be found in Appendix 4.

#### Section D: Public Input

Oklahoma hosted meetings to include representatives from advocacy and stakeholder groups as well as the state agencies involved in operating its 1915(c) waivers. The purpose of the meetings was to plan the State's response to the new CMS rule on home and community based settings and to develop its approach to this statewide transition plan.

The Oklahoma Health Care Authority (OHCA) held a public meeting on March 10, 2015 to educate providers and stakeholders about the federal rules and the transition planning process, as well as to discuss preliminary survey results and answer questions. Final results of the surveys and transition plan was presented at the second public meeting on April 28, 2015.

OHCA held another public meeting on December 7, 2015 in an effort to make the public aware of the response letter from CMS concerning the Statewide Transition Plan, and the States process for making revisions and submitting the revised plan back to CMS. Stakeholders were made aware of the meeting through newspaper advertisements and the OHCA public website. The Public Meeting Notice was included in the 5 major Oklahoma Newspapers. *The State did not receive any comments at the public meeting held on December 7, 2015. The option to submit a written comment in a non-electronic format was made available by the State as well (<http://www.okhca.org/individuals.aspx?id=16904>).* The revised SWTP was posted to the OHCA website on December 15, 2015. There were no comments received.

*As a means of garnering more public input for the SWTP, the State and its partner agencies reached out to the established stakeholder groups and community to participate in the development of the revised SWTP. The state sent information to over 100 stakeholders, requesting their participation in the development and review of the revised plan. The state also hosted a training of over 300 providers where the SWTP was an agenda item. The State solicited feedback from the providers in attendance at the training. The majority of the comment's received were related HB 1566 relating to the proposal of implementing managed care in the State. Other comments received requested clarification on the determination of compliance for certain State policies. The state added language in the SWTP that clarifies the relationship of the HCBS Final rule with the proposed managed care implementation. The state also revised the systemic assessment grid to clarify the appropriate compliance determination for*

the state policy in question. The revised SWTP was posted to the OHCA website on October 5, 2016. Stakeholders were sent a notification of the public posting.

# Appendix A

## Appendix A: NFLOC Waivers

System Remediation Grid  
Updated 10/16

Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
Setting is integrated in, and supports full access of, individual receiving Medicaid HCBS to the greater community to the same degree of access as individuals not receiving Medicaid HCBS.	<p><b>1. Adult Day Health</b> <a href="#">OAC 310:605-13-1</a> Oklahoma Administrative Code 310:605-13-1 outlines the requirements for Adult Day Care Centers in the State of Oklahoma. This particular section outlines the services that are required to be provided to service recipients.</p>	Partially Compliant	This policy outlines the requirements for Adult Day Care Centers in the State of Oklahoma. The policy addresses choice for members; however it does not directly address the requirements to be integrated and support full access to the greater community. Therefore the State has determined that it is partially compliant.	Remediation is required and will consist of updating current policy and drafting overarching language to follow the elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix C.	Language has been proposed for MSU-AA policy OAC 317:30-5-763(3)(F). Please see Appendix C.	<ul style="list-style-type: none"> <li>•Tribal Consultation: November 2016</li> <li>Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016</li> <li>•Comment Period Begins: January 2017*</li> <li>•Comment Period Ends: February 2017</li> <li>•Public Hearing): February 2017*</li> <li>•MAC: March 2017*</li> <li>•Board Vote: March 2017*</li> <li>•ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017*</li> <li>•SOS Submitted to OAR: March 2017</li> <li>Expected effective date is 9/1/17</li> </ul>
	<p><b>2. Assisted Living</b> <a href="#">OAC 310:663</a> Oklahoma Administrative Code 310:663 outlines the</p>	Silent	This Administrative Code outlines the requirements for Assisted Living Facilities in the State of Oklahoma.	Remediation is required and will consist of updating current policy and drafting overarching	Language has been proposed for MSU-AA policy OAC 317:30-5-763(3)(F). Please see	<ul style="list-style-type: none"> <li>•Tribal Consultation: November 2016</li> <li>Permanent Rule Text Submitted to Governor</li> </ul>

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Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	requirements for Continuum of Care and Assisted Living in the State of Oklahoma.		The regulation does not contradict or speak against the requirement in the HCBS final rule, rather it remains silent. Therefore the State has determined this regulation to silent on the HCBS final rule.	language to follow the elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix C.	Appendix C.	and Cabinet per EO 2013-34: December 2016 <ul style="list-style-type: none"> <li>•Comment Period Begins: January 2017*</li> <li>•Comment Period Ends: February 2017</li> <li>•Public Hearing): February 2017*</li> <li>•MAC: March 2017*</li> <li>•Board Vote: March 2017*</li> <li>•ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017*</li> <li>•SOS Submitted to OAR: March 2017</li> </ul> Expected effective date is 9/1/17
The setting includes opportunities to seek employment and work in competitive integrated settings to the same degree of access as individuals not receiving Medicaid HCBS.	<p><b>1. Adult Day Health</b>  <a href="#">OAC 310:605</a>                      Oklahoma Administrative Code 310:605 outlines the requirements for Adult Day Care Centers in the State of Oklahoma.</p>	Silent	This Administrative Code outlines the requirements for Adult Day Care Centers in the State of Oklahoma. The regulation does not contradict or speak against the requirement in the HCBS final rule, rather it remains silent. Therefore the State has determined this regulation to silent on	Remediation is required and will consist of updating current policy and drafting overarching language to follow the elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix C.	Language has been proposed for MSU-AA policy OAC 317:30-5-763(3)(F). Please see Appendix C.	<ul style="list-style-type: none"> <li>•Tribal Consultation: November 2016</li> </ul> Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016 <ul style="list-style-type: none"> <li>•Comment Period Begins: January 2017*</li> <li>•Comment Period Ends: February 2017</li> <li>•Public Hearing):</li> </ul>

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			the HCBS final rule.			February 2017* •MAC: March 2017* •Board Vote: March 2017* •ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017* •SOS Submitted to OAR: March 2017 Expected effective date is 9/1/17
	<p><b>2. Assisted Living</b>  <a href="#">OAC 310:663</a>                      Oklahoma Administrative Code 310:663 outlines the requirements for Continuum of Care and Assisted Living in the State of Oklahoma.</p>	Silent	This Administrative Code outlines the requirements for Assisted Living Facilities in the State of Oklahoma. The regulation does not contradict or speak against the requirement in the HCBS final rule, rather it remains silent. Therefore the State has determined this regulation to silent on the HCBS final rule.	Remediation is required and will consist of updating current policy and drafting overarching language to follow the elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix C.	Language has been proposed for MSU-AA policy OAC 317:30-5-763(3)(F). Please see Appendix C.	•Tribal Consultation: November 2016 Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016 •Comment Period Begins: January 2017* •Comment Period Ends: February 2017 •Public Hearing): February 2017* •MAC: March 2017* •Board Vote: March 2017* •ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017*

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System Remediation Grid

Updated 10/16

Settings Include: Adult Day Health; Assisted Living

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						<ul style="list-style-type: none"> <li>•SOS Submitted to OAR: March 2017</li> <li>Expected effective date is 9/1/17</li> </ul>
<p>The setting includes opportunities to engage in community life to the same degree of access as individuals not receiving Medicaid HCBS.</p>	<p>1. Adult Day Health  <a href="#">OAC 310:605-3-1</a>                      Oklahoma Administrative Code 310:605-3-1 outlines the requirements for Adult Day Care Centers in the State of Oklahoma.</p>	Partially Compliant	<p>Administrative policy is <b>partially compliant</b> with the rule as it does address the independence and choice of the service recipient; however it does not address the opportunities to engage in community life to the same degree of access as individuals not receiving HCBS.</p>	<p>Remediation is required and will consist of updating current policy and drafting overarching language to follow the elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix C.</p>	<p>Language has been proposed for MSU-AA policy OAC 317:30-5-763(3)(F). Please see Appendix C.</p>	<ul style="list-style-type: none"> <li>•Tribal Consultation: November 2016</li> <li>Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016</li> <li>•Comment Period Begins: January 2017*</li> <li>•Comment Period Ends: February 2017</li> <li>•Public Hearing): February 2017*</li> <li>•MAC: March 2017*</li> <li>•Board Vote: March 2017*</li> <li>•ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017*</li> <li>•SOS Submitted to OAR: March 2017</li> <li>Expected effective date is 9/1/17</li> </ul>
	<p>2. <b>Assisted Living</b>  <a href="#">OAC 310:663</a>                      Oklahoma Administrative</p>	Silent	<p>This Administrative Code outlines the requirements for Assisted Living Facilities</p>	<p>Remediation is required and will consist of updating current policy</p>	<p>Language has been proposed for MSU-AA policy OAC 317:30-5-</p>	<ul style="list-style-type: none"> <li>•Tribal Consultation: November 2016</li> <li>Permanent Rule Text</li> </ul>

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Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	Code 310:663 outlines the requirements for Continuum of Care and Assisted Living in the State of Oklahoma.		in the State of Oklahoma. The regulation does not contradict or speak against the requirement in the HCBS final rule, rather it remains silent. Therefore the State has determined this regulation to silent on the HCBS final rule.	and drafting overarching language to follow the elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix C.	763(3)(F). Please see Appendix C.	Submitted to Governor and Cabinet per EO 2013-34: December 2016 <ul style="list-style-type: none"> <li>•Comment Period Begins: January 2017*</li> <li>•Comment Period Ends: February 2017</li> <li>•Public Hearing): February 2017*</li> <li>•MAC: March 2017*</li> <li>•Board Vote: March 2017*</li> <li>•ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017*</li> <li>•SOS Submitted to OAR: March 2017</li> </ul> Expected effective date is 9/1/17
The setting includes opportunities to control personal resources to the same degree of access as individuals not receiving Medicaid HCBS.	<p style="text-align: center;"><b>1. Adult Day Health</b></p> <p style="text-align: center;"><a href="#">OAC 310:605</a></p> Oklahoma Administrative Code 310:605 outlines the requirements for Adult Day Care Centers in the State of Oklahoma.	Silent	This Administrative Code outlines the requirements for Adult Day Care Centers in the State of Oklahoma. The regulation does not contradict or speak against the requirement in the HCBS final rule, rather it remains silent. Therefore the State has determined	Remediation is required and will consist of updating current policy and drafting overarching language to follow the elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix	Language has been proposed for MSU-AA policy OAC 317:30-5-763(3)(F). Please see Appendix C.	<ul style="list-style-type: none"> <li>•Tribal Consultation: November 2016</li> </ul> Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016 <ul style="list-style-type: none"> <li>•Comment Period Begins: January 2017*</li> <li>•Comment Period Ends: February 2017</li> </ul>



## Appendix A: NFLOC Waivers

System Remediation Grid

Updated 10/16

Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			this regulation to silent on the HCBS final rule.	C.		<ul style="list-style-type: none"> <li>•Public Hearing): February 2017*</li> <li>•MAC: March 2017*</li> <li>•Board Vote: March 2017*</li> <li>•ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017*</li> <li>•SOS Submitted to OAR: March 2017</li> </ul> Expected effective date is 9/1/17
	<p style="text-align: center;"><b>2. Assisted Living</b>  <a href="#">Title 63 O.S. 1-1918</a>                      Oklahoma Statutes found in Title 63 1-1918 includes the rights and responsibilities of nursing home residents. Oklahoma Administrative Code 310:663-15-1 refers to this policy for the treatment of rights and responsibilities for service recipients in the Assisted Living facility as well.</p>	Fully Compliant	The State determined this policy to be <b>fully compliant</b> with the HCBS final rule as language specifically mentions the service recipient’s right to manage his or her own financial affairs.	No Remediation is Required		
The setting is selected by the individual from among setting options including non-disability specific settings and an	<p style="text-align: center;"><b>1. Adult Day Health</b>  <a href="#">OAC 310:605</a>                      Oklahoma Administrative Code 310:605 outlines the requirements for Adult Day</p>	Silent	This Administrative Code outlines the requirements for Adult Day Care Centers in the State of Oklahoma. The regulation does not	Remediation is required and will consist of updating current policy and drafting overarching language to follow the	Language has been proposed for MSU-AA policy OAC 317:30-5-763(3)(F). Please see Appendix C.	<ul style="list-style-type: none"> <li>•Tribal Consultation: November 2016</li> </ul> Permanent Rule Text Submitted to Governor and Cabinet per EO

## Appendix A: NFLOC Waivers

System Remediation Grid

Updated 10/16

Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.	Care Centers in the State of Oklahoma.		contradict or speak against the requirement in the HCBS final rule, rather it remains silent. Therefore the State has determined this regulation to silent on the HCBS final rule.	elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix C.		2013-34: December 2016 •Comment Period Begins: January 2017* •Comment Period Ends: February 2017 •Public Hearing): February 2017* •MAC: March 2017* •Board Vote: March 2017* •ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017* •SOS Submitted to OAR: March 2017 Expected effective date is 9/1/17
	<b>2. Assisted Living</b> <a href="#">OAC 310:663</a> Oklahoma Administrative Code 310:663 outlines the requirements for Continuum of Care and Assisted Living in the State of Oklahoma.	Silent	This Administrative Code outlines the requirements for Assisted Living Facilities in the State of Oklahoma. The regulation does not contradict or speak against the requirement in the HCBS final rule, rather it remains silent. Therefore the state has determined this regulation to silent on the HCBS final rule.	Remediation is required and will consist of updating current policy and drafting overarching language to follow the elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix C.	Language has been proposed for MSU-AA policy OAC 317:30-5-763(3)(F). Please see Appendix C.	•Tribal Consultation: November 2016 Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016 •Comment Period Begins: January 2017* •Comment Period Ends: February 2017 •Public Hearing): February 2017* •MAC: March 2017*

## Appendix A: NFLOC Waivers

System Remediation Grid

Updated 10/16

Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
						<ul style="list-style-type: none"> <li>•Board Vote: March 2017*</li> <li>•ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017*</li> <li>•SOS Submitted to OAR: March 2017</li> </ul> Expected effective date is 9/1/17
An individual's essential personal rights of privacy, dignity, respect, and freedom from coercion and restraint are protected.	<b>1. Adult Day Health</b> <a href="#">OAC 310:605-3-1</a> Oklahoma Administrative Code 310:605-3-1 outlines the requirements for Adult Day Care Centers in the State of Oklahoma.	Fully Compliant	The State has determined that the Administrative policy is fully compliant with the HCBS final rule as it addresses member's rights of privacy, dignity, respect, and freedom from coercion and restraints.	No Remediation is Required		
	<b>2. Assisted Living</b> <a href="#">Title 63 O.S. 1-1918</a> Oklahoma Statutes found in Title 63 O.S. 1-1918 includes the rights and responsibilities of nursing home residents. Oklahoma Administrative Code 310:663-15-1 refers to this policy for the treatment of rights and responsibilities for service recipients in the Assisted Living facility as well.	Fully Compliant	The State has determined that the Administrative policy is fully compliant with the HCBS final rule as it addresses member's rights of privacy, dignity, respect, and freedom from coercion and restraints.	No Remediation is required		

## Appendix A: NFLOC Waivers

System Remediation Grid

Updated 10/16

Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
Optimizes, but does not regiment individual initiative, autonomy, and independence in making life choices. This includes, but not limited to, daily activities, physical environment, and with whom to interact.	<p><b>1. Adult Day Health</b>  <a href="#">OAC 310:605-3-1</a>  <a href="#">OAC 310:605-13-1</a>                      Oklahoma Administrative Code 310:605-13-1(3) outlines the requirements for Adult Day Care Centers in the State of Oklahoma.</p>	Fully Compliant	The State has determined that the Administrative policy is fully compliant as it specifies the service recipient’s independence in making choices that include daily activities, physical environment, and with whom to interact.	No Remediation is Required		
	<p><b>2. Assisted Living</b>  <a href="#">Title 63 O.S. 1-1918</a>                      Oklahoma Statutes found in Title 63 1-1918 includes the rights and responsibilities of nursing home residents. Oklahoma Administrative Code 310:663-15-1 refers to this policy for the treatment of rights and responsibilities for service recipients in the Assisted Living facility as well.</p>	Fully Compliant	The State has determined that the Administrative policy is fully compliant as it specifies the service recipient’s liberties as it pertains to independent personal decisions and knowledge of available choices.	No Remediation is Required		
Individual choice regarding services and supports, and who provides them, is facilitated.	<p><b>1. Adult Day Health</b>  <a href="#">OAC 310:605-3-1</a>                      Oklahoma Administrative Code 310:605-3-1 outlines the requirements for Adult Day Care Centers in the State of Oklahoma.</p>	Fully Compliant	The State has determined that the Administrative policy is fully compliant as it specifies the service recipient’s opportunity to participate in developing one’s care plan for services. It also specifies	No Remediation is Required		

## Appendix A: NFLOC Waivers

System Remediation Grid

Updated 10/16

Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			the service recipient's right to be involved in program planning and operation.			
	<p><b>2. Assisted Living</b>  <a href="#">OAC 310:663</a>                      Oklahoma Administrative Code 310:663 outlines the requirements for Continuum of Care and Assisted Living in the State of Oklahoma.</p>	Silent	This Administrative Code outlines the requirements for Assisted Living Facilities in the State of Oklahoma. The regulation does not contradict or speak against the requirement in the HCBS final rule, rather it remains silent. Therefore the state has determined this regulation to silent on the HCBS final rule.	Remediation is required and will consist of updating current policy and drafting overarching language to follow the elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix C.	Language has been proposed for MSU-AA policy OAC 317:30-5-763(3)(F). Please see Appendix C.	<ul style="list-style-type: none"> <li>•Tribal Consultation: November 2016</li> <li>Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016</li> <li>•Comment Period Begins: January 2017*</li> <li>•Comment Period Ends: February 2017</li> <li>•Public Hearing): February 2017*</li> <li>•MAC: March 2017*</li> <li>•Board Vote: March 2017*</li> <li>•ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017*</li> <li>•SOS Submitted to OAR: March 2017</li> <li>Expected effective date is 9/1/17</li> </ul>
Provider owned or controlled residential settings: The unit or dwelling is a specific	<p><b>1. Adult Day Health</b>  <a href="#">OAC 310:605</a>                      Oklahoma Administrative Code 310:605 outlines the</p>	N/A – Adult Day Health Setting includes services furnished on a				

## Appendix A: NFLOC Waivers

System Remediation Grid

Updated 10/16

Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and 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. For settings in which landlord tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.	requirements for Adult Day Care Centers in the State of Oklahoma.	regularly scheduled basis, for one or more days per week in an outpatient setting.				
	<p><b>2. Assisted Living</b>  <a href="#">OAC 310:663-13-1</a>                      Oklahoma Administrative Code 310:663-13-1 outlines the requirements for Continuum of Care and Assisted Living in the State of Oklahoma.</p>	Fully Compliant	The State has determined that the policy is consistent with and fully complies with the HCBS final rule. The language in the policy specifically outlines the legally enforceable agreement between the provider and the service recipient.	No Remediation is Required		

## Appendix A: NFLOC Waivers

System Remediation Grid

Updated 10/16

Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
Provider owned or controlled residential settings: Each individual has privacy in their sleeping or living unit: Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.	<b>1. Adult Day Health</b> <a href="#">OAC 310:605</a> Oklahoma Administrative Code 310:605 outlines the requirements for Adult Day Care Centers in the State of Oklahoma.	N/A – Adult Day Health Setting includes services furnished on a regularly scheduled basis, for one or more days per week in an outpatient setting.				
	<b>2. Assisted Living</b> <a href="#">OAC 310:663-7-2</a> Oklahoma Administrative Code 310:663 outlines the requirements for Continuum of Care and Assisted Living in the State of Oklahoma.	Fully Compliant	The State has determined that the policy is fully compliant with the HCBS final rule as it specifically speaks to the service recipient’s right to lockable doors and ensures the privacy and independence of service recipients.	No Remediation is Required		
Provider owned or controlled residential settings: Individuals have the freedom to choose roommates ( if applicable)	<b>1. Adult Day Health</b> <a href="#">OAC 310:605</a> Oklahoma Administrative Code 310:605 outlines the requirements for Adult Day Care Centers in the State of Oklahoma.	N/A – Adult Day Health Setting includes services furnished on a regularly scheduled basis, for one or more days per week in an outpatient setting.				
	<b>2. Assisted Living</b>	Silent	This Administrative Code	Remediation is required	Language has been	•Tribal Consultation:

## Appendix A: NFLOC Waivers

System Remediation Grid

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Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	<p><a href="#">OAC 310:663-7-2</a> Oklahoma Administrative Code 310:663 outlines the requirements for Continuum of Care and Assisted Living in the State of Oklahoma.</p>		<p>outlines the requirements for Assisted Living Facilities in the State of Oklahoma. The regulation does not contradict or speak against the requirement in the HCBS final rule, rather it remains silent. Therefore the State has determined this regulation to silent on the HCBS final rule.</p>	<p>and will consist of updating current policy and drafting overarching language to follow the elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix C.</p>	<p>proposed for MSU-AA policy OAC 317:30-5-763(3)(F). Please see Appendix C.</p>	<p>November 2016 Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016 •Comment Period Begins: January 2017* •Comment Period Ends: February 2017 •Public Hearing): February 2017* •MAC: March 2017* •Board Vote: March 2017* •ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017* •SOS Submitted to OAR: March 2017 Expected effective date is 9/1/17</p>
<p>Provider owned or controlled residential settings: Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</p>	<p><b>1. Adult Day Health</b> <a href="#">OAC 310:605</a> Oklahoma Administrative Code 310:605 outlines the requirements for Adult Day Care Centers in the State of Oklahoma.</p>	<p>N/A – Adult Day Health Setting includes services furnished on a regularly scheduled basis, for one or more days per week in</p>				



## Appendix A: NFLOC Waivers

System Remediation Grid

Updated 10/16

Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
		an outpatient setting.				
	<p><b>2. Assisted Living</b>  <a href="#">OAC 310:663-7-2</a>                      Oklahoma Administrative Code 310:663 outlines the requirements for Continuum of Care and Assisted Living in the State of Oklahoma.</p>	Fully Compliant	The State has determined that the policy is fully compliant with the HCBS final rule as it specifically gives service recipients the right to furnish and decorate their own living space.	No Remediation is Required		
Provider owned or controlled residential settings: Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.	<p><b>1. Adult Day Health</b>  <a href="#">OAC 310:605</a>                      Oklahoma Administrative Code 310:605 outlines the requirements for Adult Day Care Centers in the State of Oklahoma.</p>	N/A – Adult Day Health Setting includes services furnished on a regularly scheduled basis, for one or more days per week in an outpatient setting.				
	<p><b>2. Assisted Living</b>  <a href="#">OAC 310:663-3-1(b)</a>                      Oklahoma Administrative Code 310:663 outlines the requirements for Continuum of Care and Assisted Living in the State of Oklahoma.</p>	Fully Compliant	The State has determined that the policy is fully compliant with the HCBS final rule as it ensures the service recipients direct all routines of care and the provision of service delivery.	No Remediation is Required		
Provider owned or	<b>1. Adult Day Health</b>	N/A – Adult Day				

## Appendix A: NFLOC Waivers

System Remediation Grid  
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Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
controlled residential settings: Individuals are able to have visitors of their choosing at any time.	<a href="#">OAC 310:605</a> Oklahoma Administrative Code 310:605 outlines the requirements for Adult Day Care Centers in the State of Oklahoma.	Health Setting includes services furnished on a regularly scheduled basis, for one or more days per week in an outpatient setting.				
	<b>2. Assisted Living</b> <a href="#">OAC 310:663</a> Oklahoma Administrative Code 310:663 outlines the requirements for Continuum of Care and Assisted Living in the State of Oklahoma.	Silent	This Administrative Code outlines the requirements for Assisted Living Facilities in the State of Oklahoma. The regulation does not contradict or speak against the requirement in the HCBS final rule, rather it remains silent. Therefore the State has determined this regulation to silent on the HCBS final rule.	Remediation is required and will consist of updating current policy and drafting overarching language to follow the elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix C.	Language has been proposed for MSU-AA policy OAC 317:30-5-763(3)(F). Please see Appendix C.	<ul style="list-style-type: none"> <li>•Tribal Consultation: November 2016</li> <li>Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016</li> <li>•Comment Period Begins: January 2017*</li> <li>•Comment Period Ends: February 2017</li> <li>•Public Hearing): February 2017*</li> <li>•MAC: March 2017*</li> <li>•Board Vote: March 2017*</li> <li>•ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017*</li> <li>•SOS Submitted to OAR: March 2017</li> <li>Expected effective date</li> </ul>

## Appendix A: NFLOC Waivers

System Remediation Grid

Updated 10/16

Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
						is 9/1/17
Provider owned or controlled residential settings: The setting is physically accessible to the individual.	<p><b>1. Adult Day Health</b>  <a href="#">OAC 310:605</a>                      Oklahoma Administrative Code 310:605 outlines the requirements for Adult Day Care Centers in the State of Oklahoma.</p>	N/A – Adult Day Health Setting includes services furnished on a regularly scheduled basis, for one or more days per week in an outpatient setting.				
	<p><b>2. Assisted Living</b>  <a href="#">OAC 310:663-7-1</a>                      Oklahoma Administrative Code 310:663 outlines the requirements for Continuum of Care and Assisted Living in the State of Oklahoma.</p>	Fully Compliant	The State has determined that the policy is fully compliant as it specifies that the design of the Assisted Living Center shall be appropriate to service recipients with physical disabilities.	No Remediation is Required		
Locations that have qualities of institutional settings, as determined by the Secretary. Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment,		All State regulation, policy, or other standards are silent.		Remediation is required and will consist of updating current policy and drafting overarching language to follow the elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix	Language has been proposed for MSU-AA policy OAC 317:30-5-763(3)(F). Please see Appendix C.	<ul style="list-style-type: none"> <li>•Tribal Consultation: November 2016</li> <li>Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016</li> <li>•Comment Period Begins: January 2017*</li> <li>•Comment Period Ends: February 2017</li> </ul>

## Appendix A: NFLOC Waivers

System Remediation Grid

Updated 10/16

Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
or in a building on the grounds of, or immediately adjacent to, a public institution.				C.		<ul style="list-style-type: none"> <li>•Public Hearing): February 2017*</li> <li>•MAC: March 2017*</li> <li>•Board Vote: March 2017*</li> <li>•ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017*</li> <li>•SOS Submitted to OAR: March 2017</li> </ul> Expected effective date is 9/1/17
Home and community-based settings do not include the following: a nursing facility; institution for mental diseases; an intermediate care facility for individuals with intellectual disabilities; a hospital.		All State regulation, policy, or other standards are silent.		Remediation is required and will consist of updating current policy and drafting overarching language to follow the elements found in the HCBS Final Rule. A draft of the policy and corresponding language can be found in Appendix C.	Language has been proposed for MSU-AA policy OAC 317:30-5-763(3)(F). Please see Appendix C.	<ul style="list-style-type: none"> <li>•Tribal Consultation: November 2016</li> <li>Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016</li> <li>•Comment Period Begins: January 2017*</li> <li>•Comment Period Ends: February 2017</li> <li>•Public Hearing): February 2017*</li> <li>•MAC: March 2017*</li> <li>•Board Vote: March 2017*</li> <li>•ARRs, RISs, and Rule Texts Submitted to</li> </ul>

## Appendix A: NFLOC Waivers

System Remediation Grid

Updated 10/16

Settings Include: Adult Day Health; Assisted Living

Regulations	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
						Governor and Legislature March 2017* •SOS Submitted to OAR: March 2017 Expected effective date is 9/1/17

# Appendix B



## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
Setting is integrated in, and supports full access of, individual receiving Medicaid HCBS to the greater community to the same degree of access as individuals not receiving Medicaid HCBS.	<p>1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access as individuals not receiving Medicaid HCBS.</p>	Fully Compliant	<p><b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the State has determined that it is <b>fully compliant</b> with the HCBS final rule.</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	<p>2. <a href="#">OAC 317:40-5-5(c)(19)(4)</a> <a href="#">OAC 317:40-5-5(c)(20)</a> Oklahoma Administrative Code 317:40-5-5(c)(19)(4) and 317:40-5-5(c)(20) are specific to the Agency Companion setting. The language strongly suggests and supports community integration.</p>	Fully Compliant	<p><b>Agency Companion Setting</b> This policy is specific to the <u>Agency Companion</u> setting and uses language that promotes individual integration in the community; therefore the State considers it to be consistent with the HCBS Settings Final Rule. The State has determined that the policy is <b>fully compliant</b></p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		

## Appendix B: ICF/ID Waivers

System Remediation Grid

Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			with the HCBS final rule that settings are integrated in, and supports full access of individuals receiving Medicaid HCBS.			
	3. <a href="#">OAC 317:40-5-152(1)</a> Oklahoma Administrative Code 317:40-5-152(1) ensures members in group home settings reside in and participate in the community.	Fully compliant	<b><u>Group Home Setting</u></b> This policy is specific to the <u>Group Home setting</u> and states that “Group homes ensure members reside and participate in the community.” The State has determined that the policy is <b>fully compliant</b> with the HCBS final Rule that settings are integrated in, and supports full access of individuals receiving Medicaid HCBS.	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	4. <a href="#">OAC 317:40-5-55(8)</a> Oklahoma Administrative Code 317:40-5-55(8) ensures members in specialized foster care settings have the right to community integration.	Fully Compliant	<b><u>Specialized Foster Care Setting</u></b> This policy is specific to <u>Specialized Foster Care setting</u> and promotes individuals having experiences to enhance	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are		



## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			independence and community inclusion. The State has determined that the policy is <b>fully compliant</b> with the HCBS final Rule that settings are integrated in, and supports full access of individuals receiving Medicaid HCBS.	supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	<p>5. <a href="#">OAC 317:40-7 Sub Chapter 7 (the entire sub chapter) (See Appendix D) need link.</a></p> <p>Oklahoma Administrative Code 317:40-7 Sub Chapter outlines the requirements for agencies providing employment services to Medicaid HCBS service recipients. An individualized plan is developed to achieve competitive integrated employment.</p>	Partially Compliant	<p><b>Prevocational Services Setting; Supported Employment Setting</b></p> <p>This policy is specific to Prevocational Services and Supported Employment. It identifies service options available to the individual to maximize employment opportunities. The State believes that the intent of this policy is to ensure that service recipients are integrated in the community. The state</p>	When the policy revisions are finalized the DDS rule for employment settings will be fully compliant with the HCBS Final Rule. OAC 317:40-7-2 has been revised to reflect a new definition of competitive integrated employment. OAC 317:40-7-6 has been revised to reflect HCBS setting requirements.	DDS will promulgate a rule that will ensure full compliance with the HCBS Final Rule. The draft of the revised rule is documented in Appendix__.	<ul style="list-style-type: none"> <li>•Tribal Consultation: November 2016</li> <li>Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016</li> <li>•Comment Period Begins: January 2017*</li> <li>•Comment Period Ends: February 2017</li> <li>•Public Hearing): February 2017*</li> <li>•MAC: March</li> </ul>

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			has determined that this policy is <b>partially compliant</b> .			2017* •Board Vote: March 2017* •ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017* •SOS Submitted to OAR: March 2017
	6. <a href="#">OAC 340:100-5-22.1</a> Oklahoma Administrative Cod340:100-5-22.1 directs community residential supports for individuals receiving Agency Companion Services, Specialized Foster Care, Daily Living Supports, as well as other HCBS. The service promotes, supports, and ensures community integration.	Fully Compliant	<b><u>Agency Companion; Daily Living Supports; and Specialized Foster Care Settings</u></b> This policy is specific to Community Residential Supports a service that is provided in the following settings: <u>Specialized Foster Care Setting, Agency Companion Setting, Daily Living Supports Settings</u> . The service promotes independence and integration. The State	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			has determined that the policy is <b>fully compliant</b> with the HCBS final Rule that settings are integrated in, and supports full access of individuals receiving Medicaid HCBS.			
	7. <a href="#">OAC 340:100-5-50</a> Oklahoma Administrative Code 340:100-5-50 provides direction and purpose in designing services and supports for individuals receiving DDS HCBS. It outlines the use of the person centered planning process that is an individually focused approach to identifying the needs, preferences, goals, and desired outcomes of the person receiving services.	Fully Compliant	<b>All Settings</b> This policy is specific to principles of individual planning. It outlines the Individual Plan process and promotion of individual choice, independence, social and community integration. The intent of this policy is to promote person-centered planning thereby supporting independence and integration. The State has determined based on the strong intent and premise of this policy that it is <b>fully compliant</b> with the HCBS final rule.	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	<p style="text-align: center;">8. <a href="#">OAC 340:100-5-52</a> Oklahoma Administrative Code 340:100-5-52 promotes the Personal Support Team approach utilized for individuals receiving HCBS. The Team is composed of people who are selected by the service recipient and work with the recipient to insure the recipients desired person-centered outcomes.</p>	Fully Compliant	<p style="text-align: center;"><b>All Settings</b> The policy is specific to the composition of the individuals personal support team. It outlines the personal team responsibilities to respect the service recipients' dignity and implement the services needed to achieve the desired outcomes of the service recipient. The team promotes independence and integration as it works to support the person centered process. The State has determined based on the strong intent and premise of this policy that it is <b>fully compliant</b> with the HCBS final rule.</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	<p style="text-align: center;">9. <a href="#">OAC 310:605-13-1</a> OAC 317:40-5-113 Oklahoma Administrative Code 317:40-5-113 outlines the requirements for DDS recipients receiving HCBS in an</p>	Partially Compliant	<p style="text-align: center;"><b>Adult Day Health</b> This policy outlines the requirements for Adult Day Care Centers in the State of Oklahoma. The</p>	OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are	DDS will promulgate a rule that will ensure full compliance with the HCBS	Tribal Consultation: November 2017 Permanent Rule Text Submitted to

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	Adult Day Care Setting. Oklahoma Administrative Code 310:605-13-1 outlines the requirements for Adult Day Care Centers in the State of Oklahoma. This particular section outlines the services that are required to be provided to service recipients.		policy addresses choice for members; however it does not directly address the requirements to be integrated and support full access to the greater community. Therefore the State has determined that it is <b>partially compliant</b> .	supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.  As a support policy DDS will revise OAC 317:40-5-113 to include provisions for integration and full access to the greater community.	Final Rule. The draft of the revised rule is documented in Appendix__.	Governor and Cabinet per EO 2013-34: December 2017 •Comment Period Begins: January 2018* •Comment Period Ends: February 2018 •Public Hearing): February 2018* •MAC: March 2018* •Board Vote: March 2018* •ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2018* •SOS Submitted to OAR: March 2018
The setting includes opportunities to	1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be	Fully Compliant	<b>All Settings</b> This policy outlines the requirements for all	No Remediation Required. OAC 317:40-1-3 fully		

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
seek employment and work in competitive integrated settings to the same degree of access as individuals not receiving Medicaid HCBS.	fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access as individuals not receiving Medicaid HCBS.		HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the State has determined that it is <b>fully compliant</b> with the HCBS final rule.	complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	2. <a href="#">OAC 340:100-6-60(f)(3)</a> Oklahoma Administrative Code 340:100-6-60(f)(3) outlines the requirement that community inclusion and access to work be assessed and addressed in the individual plan of members who receive services through the group home.	Partially Compliant	<b>Group Home Setting</b> The policy outlines the requirement for community inclusion and access to work be addressed, assessed, and in the individual plan of the service recipient. Access to work settings is addressed in the Individual Plan; therefore the State has determined the policy to be <b>partially compliant</b> .	This policy is a support policy. It supports the general provision that precisely follows the final rule language. When the policy revisions are finalized it will be fully compliant. OAC 317:40-7-2 has been revised to reflect a new definition of competitive integrated employment. OAC 317:40-7-6 has been revised to reflect	DDS will promulgate rules that will ensure full compliance with the HCBS Final Rule. The draft of the revised rule is documented in Appendix__.	<ul style="list-style-type: none"> <li>•Tribal Consultation: November 2016</li> <li>Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016</li> <li>•Comment Period Begins: January 2017*</li> <li>•Comment Period Ends: February 2017</li> <li>•Public Hearing): February 2017*</li> <li>•MAC: March</li> </ul>

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
				HCBS settings requirements.		2017* •Board Vote: March 2017* •ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017* •SOS Submitted to OAR: March 2017
	3. <a href="#">OAC 340:100-17-25</a> Oklahoma Administrative Code 340:100-17-25 outlines the purpose of employment services to engage in gainful and integrated employment.	Fully Compliant	<b><u>Prevocational Services Settings; Supported Employment Setting</u></b> This policy is specific to prevocational services and supported employment. It directs community integrated employment services. It outlines service recipient's independence and engagement in gainful integrated employment settings. The State has determined based on the purpose and	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			direction of this policy that it is <b>fully compliant</b> with the HCBS Final Rule.			
	<p>4. <a href="#">OAC 340:100-5-50</a> Oklahoma Administrative Code 340:100-5-50 provides direction and purpose in designing services and supports for individuals receiving DDS HCBS. It outlines the use of the person centered planning process that is an individually focused approach to identifying the needs, preferences, goals, and desired outcomes of the person receiving services.</p>	Fully Compliant	<p><b>All Settings</b> This policy is specific to principles of individual planning. It outlines the Individual Plan process and promotion of individual choice, independence, social and community integration. The intent of this policy is to promote person-centered planning thereby supporting independence and integration. The State has determined based on the strong intent and premise of this policy that it is <b>fully compliant</b> with the HCBS final rule.</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	<p>5. <a href="#">OAC 340:100-5-22.1</a> Oklahoma Administrative Code 340:100-5-22.1 directs community residential supports for individuals</p>	Fully Compliant	<p><b>Agency Companion; Daily Living Supports; and Specialized Foster Care Settings</b></p>	OAC 317:40-1-3 fully complies with the HCBS final rule and other documented		



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System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	receiving Agency Companion Services, Specialized Foster Care,-Daily Living Supports, as well as other HCBS. The service promotes, supports, and ensures community integration.		This policy is specific to Community Residential Supports a service that is provided in the following settings: <u>Specialized Foster Care Setting, Agency Companion Setting, Daily Living Supports Setting</u> . The service promotes independence and integration. The State has determined that the policy is <b>fully compliant</b> with the HCBS final Rule that settings are integrated in, and supports full access of individuals receiving Medicaid HCBS.	policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	5. <a href="#">OAC 310:605-13-1</a> <a href="#">OAC 317:40-5-113</a> Oklahoma Administrative Code 317:40-5-113 outlines the requirements for DDS recipients receiving HCBS in an Adult Day Care Setting. Oklahoma Administrative Code 310:605-13-1 outlines the requirements for Adult Day	Silent	<b>Adult Day Health</b> This Administrative Code outlines the requirements for Adult Day Care Centers in the State of Oklahoma. The regulation does not contradict or speak	OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of	DDS will promulgate rules that will ensure full compliance with the HCBS Final Rule. The draft of the revised rule is	Tribal Consultation: November 2017 Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34:

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	Care Centers in the State of Oklahoma. This particular section outlines the services that are required to be provided to service recipients.		against the requirement in the HCBS final rule, rather it remains silent. Therefore, the State has determined this regulation to silent on the HCBS final rule.	the qualities defined in federal regulations per CFR 441.301.  As a support policy DDS will revise OAC 317:40-5-113 to include provisions for integration and full access to the greater community.	documented in Appendix__.	December 2017 •Comment Period Begins: January 2018* •Comment Period Ends: February 2018 •Public Hearing): February 2018* •MAC: March 2018* • Board Vote: March 2018* •ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2018* •SOS Submitted to OAR: March 2018
The setting includes opportunities to engage in community life to	1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS	Fully Compliant	<b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and		

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System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
the same degree of access as individuals not receiving Medicaid HCBS.	to the greater community to the same degree of access of individuals not receiving Medicaid HCBS.		precisely follows the language in the HCBS Settings Final rule. Therefore, the state has determined that it is <b>fully compliant</b> with the HCBS final rule.	other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	<p style="text-align: center;">2. <a href="#">OAC 317:40-5-5(c)(19)</a> <a href="#">OAC 317:40-5-5(c)(20)</a></p> <p>Oklahoma Administrative Code 317:40-5-5(c)(19) and 317:40-5-5(c)(20) are specific to the Agency Companion setting. The language strongly suggests and supports community integration.</p>	Fully Compliant	<p style="text-align: center;"><b><u>Agency Companion Setting</u></b></p> <p>This policy is specific to the <u>Agency Companion</u> setting and uses language that promotes individual integration in the community; therefore the state considers it to be consistent with the HCBS Settings Final Rule. The State has determined that the policy is <b>fully compliant</b> with the HCBS final rule that settings are integrated in, and supports full access of individuals receiving</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		

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System Remediation Grid  
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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			Medicaid HCBS.			
	<p>3. <a href="#">OAC 317:40-5-152(A)(1)</a> Oklahoma Administrative Code 317:40-5-152(1) ensures members in group home settings reside in and participate in the community.</p>	Fully Compliant	<p><b>Group Home Setting</b> This policy is specific to the <u>Group Home setting</u> and states that “Group homes ensure members reside and participate in the community.” The State has determined that the policy is <b>fully compliant</b> with the HCBS final Rule that settings are integrated in, and supports full access of individuals receiving Medicaid HCBS.</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	<p>4. <a href="#">OAC 317:40-5-55(8)</a> Oklahoma Administrative Code 317:40-5-55(8) ensures members in specialized foster care settings have the right to community integration.</p>	Fully Compliant	<p><b>Specialized Foster Care Setting</b> This policy is specific to <u>Specialized Foster Care setting</u> and promotes individuals having experiences to enhance independence and community inclusion. The State has determined that the policy is <b>fully compliant</b></p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations		

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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			with the HCBS final Rule that settings are integrated in, and supports full access of individuals receiving Medicaid HCBS.	per CFR 441.301.		
	<p>5. <a href="#">OAC 317:40-7 Sub Chapter 7 (the entire sub chapter) (See Appendix D ) need link.</a></p> <p>OAC 317:40-7 outlines the requirements for agencies providing employment services to Medicaid HCBS service recipients. An individualized plan is developed to achieve competitive integrated employment. Members have the same rights of employment as those non-Medicaid recipients.</p>	Partially Compliant	<p><b>Prevocational Services Setting;-Supported Employment Setting</b></p> <p>These rules ensures that service recipients have individualized employment assessments The State believes that the intent of this policy is to ensure that service recipients are and remain integrated, but language does not specify this intention, therefore the State has determined that this policy is <b>partially compliant</b>.</p>	The DDS rules for employment settings will be fully compliant with the HCBS Final Rule. OAC 317:40-7-2 has been revised to reflect a new definition of competitive integrated employment. OAC 317:40-7-6 has been revised to reflect HCBS settings requirements.	DDS will promulgate rules that will ensure full compliance with the HCBS Final Rule. The draft of the revised rule is documented in Appendix__.	<p>Tribal Consultation: November 2016</p> <p>Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016</p> <ul style="list-style-type: none"> <li>•Comment Period Begins: January 2018*</li> <li>•Comment Period Ends: February 2017</li> <li>•Public Hearing): February 2017*</li> <li>•MAC: March 2017*</li> <li>•Board Vote: March 2017*</li> <li>•ARRs, RISs, and Rule Texts</li> </ul>

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System Remediation Grid  
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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
						Submitted to Governor and Legislature March 2017* •SOS Submitted to OAR: March 2017
	<p>6. <a href="#">OAC 310:605-13-1</a> OAC 317:40-5-113 Oklahoma Administrative Code 317:40-5-113 outlines the requirements for DDS service recipients receiving HCBS in an Adult Day Care Setting. Oklahoma Administrative Code 310:605-13-1 outlines the requirements for Adult Day Care Centers in the State of Oklahoma. This particular section outlines the services that are required to be provided to service recipients.</p>	Partially Compliant	<p><b>Adult Day Health</b> This policy outlines the requirements for Adult Day Care Centers in the State of Oklahoma. The policy addresses choice for members; however it does not directly address the requirements to be integrated and support full access to the greater community. Therefore the State has determined that it is partially compliant.</p>	<p>OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.</p> <p>As a support policy DDS will revise OAC 317:40-5-113 to include provisions for integration and full access to the greater community.</p>	DDS will promulgate rules that will ensure full compliance with the HCBS Final Rule. The draft of the revised rule is documented in Appendix___.	<p>Tribal Consultation: November 2016 Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016 •Comment Period Begins: January 2018* •Comment Period Ends: February 2017 •Public Hearing): February 2017* •MAC: March 2017* •Board Vote: March 2017* •ARRs, RISs, and</p>

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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
						Rule Texts Submitted to Governor and Legislature March 2017* <ul style="list-style-type: none"> <li>• SOS Submitted to OAR: March 2017</li> </ul>
The setting includes opportunities to control personal resources to the same degree of access as individuals not receiving Medicaid HCBS.	1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access of individuals not receiving Medicaid HCBS.	Fully Compliant	<b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the State has determined that it is <b>fully compliant</b> with the HCBS final rule.	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	2. <a href="#">OAC 340:100-6-95</a> Oklahoma Administrative Code 340:100-6-95 outlines the rights and responsibilities of individuals residing in HCBS group home. It specifies all the	Fully Compliant	<b>Group Home Settings</b> The policy is specific to service recipients in a group home. It specifies that recipients have the	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and		

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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	rights of the individuals including the right to control personal resources to the same degree as individuals not receiving Medicaid HCBS.		right to manage their own financial affairs. The State has determined that this is consistent and thereby <b>fully compliant</b> with the HCBS final rule.	other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	<p>3. <a href="#">OAC 310:60513-1</a> <a href="#">OAC 317:40-5-113</a></p> <p>Oklahoma Administrative Code 317:40-5-113 outlines the requirements for Development Delayed Service recipients receiving HCBS in an Adult Day Care Setting. Oklahoma Administrative Code 310:605-13-1 outlines the requirements for Adult Day Care Centers in the State of Oklahoma. This particular section outlines the services that are required to be provided to service recipients.</p>	Silent	<p><b>Adult Day Health</b></p> <p>This Administrative Code outlines the requirements for Adult Day Care Centers in the State of Oklahoma. The regulation does not contradict or speak against the requirement in the HCBS final rule, rather it remains silent. Therefore the State has determined this regulation to silent on the HCBS final rule.</p>	<p>OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.</p> <p>As a support policy DDS will revise OAC 317:40-5-113 to include provisions for integration and full access to the greater community.</p>	DDS will promulgate rules that will ensure full compliance with the HCBS Final Rule. The draft of the revised rule is documented in Appendix__.	<p>Tribal Consultation: November 2016</p> <p>Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016</p> <ul style="list-style-type: none"> <li>•Comment Period Begins: January 2018*</li> <li>•Comment Period Ends: February 2017</li> <li>•Public Hearing): February 2017*</li> <li>•MAC: March 2017*</li> <li>•Board Vote:</li> </ul>



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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
						March 2017* •ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017* •SOS Submitted to OAR: March 2017
The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the	1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access of individuals not receiving Medicaid HCBS. Provision specifies that settings are selected by the individual from among setting options and documented in the person centered plan.	Fully Compliant	<b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the State has determined that it is <b>fully compliant</b> with the HCBS final rule.	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	2. <a href="#">OAC 340:100-5-22.1</a> Oklahoma Administrative Code 340:100-5-22.1 directs community residential supports for individuals	Fully Compliant	<b>Agency Companion; Daily Living Supports; and Specialized Foster Care Settings</b>	No Remediation is Required. OAC 317:40-1-3 fully complies with the		

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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
individual's needs, preferences, and, for residential settings, resources available for room and board.	receiving Agency Companion Services, Specialized Foster Care, Group Homes Services, Daily Living Supports, as well as other HCBS. The service promotes, supports, and ensures community integration.		This policy is specific to Community Residential Supports, a service that is provided in the following settings: <u>Specialized Foster Setting, Agency Companion, Setting, Daily Living Supports Settings</u> . The service promotes independence and integration. The State has determined that the policy is <b>fully compliant</b> with the HCBS final Rule that settings are integrated in, and supports full access of individuals receiving Medicaid HCBS.	HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	3. <a href="#">OAC 340:100-5-50</a> Oklahoma Administrative Code 340:100-5-50 provides direction and purpose in designing services and supports for individuals receiving DDS HCBS. It outlines the use of the person centered planning process that is an individually focused approach to	Fully Compliant	<b>All Settings</b> This policy is specific to principles of individual planning. It outlines the Individual Plan process and promotion of individual choice, independence, social	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule		

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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	identifying the needs, preferences, goals, and desired outcomes of the person receiving services.		and community integration. The intent of this policy is to promote person-centered planning thereby supporting independence and integration. The State has determined based on the strong intent and premise of this policy that it is <b>fully compliant</b> with the HCBS final rule.	requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	4. <a href="#">OAC 340:100-5-52</a> Oklahoma Administrative Code 340:100-5-52 promotes the Personal Support Team approach utilized for individuals receiving HCBS. The Team is composed of people who are selected by the service recipient and work with the recipient to insure the recipients desired person-centered outcomes.	Fully Compliant	<b>All Settings</b> The policy is specific to the composition of the individuals personal support team. It outlines the personal team responsibilities to respect the service recipients' dignity and implement the services needed to achieve the desired outcomes of the service recipient. The team promotes independence and integration as it works	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			to support the person centered process. The State has determined based on the strong intent and premise of this policy that it is <b>fully compliant</b> with the HCBS final rule.			
	<p>5. <a href="#">OAC 310:605-13-1</a> <a href="#">OAC 317:40-5-113</a> Oklahoma Administrative Code 317:40-5-113 outlines the requirements for Development Delayed Service recipients receiving HCBS in an Adult Day Care Setting. Oklahoma Administrative Code 310:605-13-1 outlines the requirements for Adult Day Care Centers in the State of Oklahoma. This particular section outlines the services that are required to be provided to service recipients.</p>	Silent	<p><b>Adult Day Health</b> This Administrative Code outlines the requirements for Adult Day Care Centers in the State of Oklahoma. The regulation does not contradict or speak against the requirement in the HCBS final rule, rather it remains silent. Therefore the State has determined this regulation to silent on the HCBS final rule.</p>	<p>OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.</p> <p>As a support policy DDS will revise OAC 317:40-5-113 to include provisions for integration and full access to the greater community.</p>	<p>DDS will promulgate rules that will ensure full compliance with the HCBS Final Rule. The draft of the revised rule is documented in Appendix____.</p>	<p>Tribal Consultation: November 2016 Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016 •Comment Period Begins: January 2018* •Comment Period Ends: February 2017 •Public Hearing): February 2017* •MAC: March 2017* •Board Vote: March 2017*</p>

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
						<ul style="list-style-type: none"> <li>•ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017*</li> <li>•SOS Submitted to OAR: March 2017</li> </ul>
An individual's essential personal rights of privacy, dignity, respect, and freedom from coercion and restraint are protected.	<p>1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access of individuals not receiving Medicaid HCBS.</p>	Fully Compliant	<p><b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the State has determined that it is <b>fully compliant</b> with the HCBS final rule.</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	<p>2. <a href="#">OAC 317:40-5-5</a> Oklahoma Administrative Code 317:40-5-5 offers Agency Companion provider responsibilities which are centered on the promotion of the individual's</p>	Fully Compliant	<p><b>Agency Companion Setting</b> This policy is specific to the <u>Agency Companion</u> setting and uses</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and		

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	independence, personal rights of privacy, dignity, respect, and freedom from coercion and restraint.		language that promotes individual integration in the community; therefore the state considers it to be consistent with the HCBS Settings Final Rule. The State has determined that the policy is <b>fully compliant</b> with the HCBS final rule that settings are integrated in, and supports full access of individuals receiving Medicaid HCBS.	other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	3. <a href="#">OAC 317:40-5-55</a> Oklahoma Administrative Code 317:40-5-55 is specific to Specialized Foster Care and has provisions that outline the individuals' essential personal rights.	Fully Compliant	<b><u>Specialized Foster Care Setting</u></b> This policy is specific to Specialized Foster Care setting and promotes individuals having experiences to enhance independence and community inclusion. The state has determined based on this language that the Specialized Foster Care	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		

## Appendix B: ICF/ID Waivers

System Remediation Grid

Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			Setting <b>fully supports</b> the HCBS final Rule that settings are integrated in, and supports full access of individuals receiving Medicaid HCBS.			
	<p>4. <a href="#">OAC 340:100-5-22.1</a>            Oklahoma Administrative Code 340:100-5-22.1 directs community residential supports for individuals receiving Agency Companion Services, Specialized Foster Care, Group Homes Services, Daily Living Supports, as well as other HCBS. The service promotes, supports, and ensures community integration.</p>	Fully Compliant	<p><b><u>Agency Companion; Daily Living Supports; Group Home, and Specialized Foster Care Settings</u></b>            This policy is specific to Community Residential Supports a service that is provided in the following settings: <u>Specialized Foster Setting, Agency Companion, Setting, Daily Living Supports and Group Home Settings</u>. The service promotes independence and integration. The state has determined that the policy is <b>fully compliant</b> with the HCBS final Rule</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			that settings are integrated in, and supports full access of individuals receiving Medicaid HCBS.			
	<p>5. <a href="#">OAC 340:100-5-50</a> Oklahoma Administrative Code 340:100-5-50 provides direction and purpose in designing services and supports for individuals receiving DDS HCBS. It outlines the use of the person centered planning process that is an individually focused approach to identifying the needs, preferences, goals, and desired outcomes of the person receiving services.</p>	Fully Compliant	<p><b>All Settings</b> This policy is specific to principles of individual planning. It outlines the Individual Plan process and promotion of individual choice, independence, social and community integration. The intent of this policy is to promote person-centered planning thereby supporting independence and integration. The State has determined based on the strong intent and premise of this policy that it is <b>fully compliant</b> with the HCBS final rule.</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	<p>6. <a href="#">OAC 340:100-5-52</a> Oklahoma Administrative Code 340:100-5-52 promotes the Personal</p>	Fully Compliant	<p><b>All Settings</b> The policy is specific to the composition of the</p>	No Remediation is Required. OAC 317:40-1-3 fully		



## Appendix B: ICF/ID Waivers

System Remediation Grid  
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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	Support Team approach utilized for individuals receiving HCBS. The Team is composed of people who are selected by the service recipient and work with the recipient to insure the recipients desired person-centered outcomes.		individuals personal support team. It outlines the personal team responsibilities to respect the service recipients' dignity and implement the services needed to achieve the desired outcomes of the service recipient. The team promotes independence and integration as it works to support the person centered process. The State has determined based on the strong intent and premise of this policy that it is <b>fully compliant</b> with the HCBS final rule.	complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	<p style="text-align: center;">7. <a href="#">OAC 310:605-13-1</a> OAC 317:40-5-113</p> <p>Oklahoma Administrative Code 317:40-5-113 outlines the requirements for Development Delayed Service recipients receiving HCBS in an Adult Day Care Setting.</p>	Fully Compliant	<p style="text-align: center;"><b><u>Adult Day Health</u></b></p> <p>The State has determined that the Administrative policy is fully compliant with the HCBS final rule as it addresses member's rights of privacy,</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule	DDS will promulgate rules that will ensure full compliance with the HCBS Final Rule. The draft of the revised rule is	Tribal Consultation: November 2016 Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34:

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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	Oklahoma Administrative Code 310:605-13-1 outlines the requirements for Adult Day Care Centers in the State of Oklahoma. This particular section outlines the services that are required to be provided to service recipients.		dignity, respect, and freedom from coercion and restraints.	requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.  As a support policy DDS will revise OAC 317:40-5-113 to include provisions for integration and full access to the greater community.	documented in Appendix__.	December 2016 •Comment Period Begins: January 2018* •Comment Period Ends: February 2017 •Public Hearing): February 2017* •MAC: March 2017* •Board Vote: March 2017* •ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017* •SOS Submitted to OAR: March 2017
Optimizes, but does not regiment individual initiative, autonomy, and independence in	1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same	Fully Compliant	<b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented		

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System Remediation Grid  
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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
making life choices. This includes, but not limited to, daily activities, physical environment, and with whom to interact.	degree of access of individuals not receiving Medicaid HCBS.		language in the HCBS Settings Final rule. Therefore, the State has determined that it is <b>fully compliant</b> with the HCBS final rule.	policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	<p style="text-align: center;">2. <a href="#">OAC 317:40-5-5</a></p> <p>Oklahoma Administrative Code 317:40-5-5 offers Agency Companion provider responsibilities which are centered on the promotion of the individual's autonomy.</p>	Fully Compliant	<p style="text-align: center;"><b><u>Agency Companion Setting</u></b></p> <p>This policy is specific to the <u>Agency Companion</u> setting and uses language that promotes individual integration in the community; therefore the state considers it to be consistent with the HCBS Settings Final Rule. The State has determined that the policy is <b>fully compliant</b> with the HCBS final rule that settings are integrated in, and supports full access of individuals receiving Medicaid HCBS.</p>	No Remediation is Required. OAC 317:40-3- fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		

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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	<p>3. <a href="#">OAC 317:40-5-55</a> Oklahoma Administrative Code 317:40-5-55 has provisions that outline the individuals' autonomy and independence.</p>	Fully Compliant	<p><b><u>Specialized Foster Care Setting</u></b> This policy is specific to <u>Specialized Foster Care</u> setting and promotes individuals having experiences to enhance independence and community inclusion. The State has determined that the policy is <b>fully compliant</b> with the HCBS final Rule that settings are integrated in, and supports full access of individuals receiving Medicaid HCBS.</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	<p>4. <a href="#">OAC 340:100-5-50</a> Oklahoma Administrative Code 340:100-5-50 provides direction and purpose in designing services and supports for individuals receiving DDS HCBS. It outlines the use of the person centered planning process that is an individually focused approach to identifying the needs, preferences, goals, and desired outcomes of the person receiving services.</p>	Fully Compliant	<p><b><u>All Settings</u></b> This policy is specific to principles of individual planning. It outlines the Individual Plan process and promotion of individual choice, independence, social and community integration. The intent of this policy is to</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined		

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System Remediation Grid  
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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			<p>promote person-centered planning thereby supporting independence and integration. The State has determined based on the strong intent and premise of this policy that it is <b>fully compliant</b> with the HCBS final rule.</p>	<p>in federal regulations per CFR 441.301.</p>		
	<p>5. <a href="#">OAC 340:100-5-52</a> Oklahoma Administrative Code 340:100-5-52 promotes the Personal Support Team approach utilized for individuals receiving HCBS. The Team is composed of people who are selected by the service recipient and work with the recipient to insure the recipients desired person-centered outcomes.</p>	<p>Fully Compliant</p>	<p><b>All Settings</b> The policy is specific to the composition of the individuals personal support team. It outlines the personal team responsibilities to respect the service recipients' dignity and implement the services needed to achieve the desired outcomes of the service recipient. The team promotes independence and integration as it works to support the person centered process. The State has determined</p>	<p>No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.</p>		

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Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			based on the strong intent and premise of this policy that it is <b>fully compliant</b> with the HCBS final rule.			
	<p>6. <a href="#">OAC 310:605-3-1</a> OAC 317:40-5-113 Oklahoma Administrative Code 317:40-5-113 outlines the requirements for Development Delayed Service recipients receiving HCBS in an Adult Day Care Setting. Oklahoma Administrative Code 310:605-13-1(3) outlines the requirements for Adult Day Care Centers in the State of Oklahoma.</p>	Fully Compliant	<p><b>Adult Day Health</b> The State has determined that the Administrative policy is fully compliant as it specifies the service recipient’s independence in making choices that include daily activities, physical environment, and with whom to interact.</p>	<p>No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.</p> <p>As a support policy DDS will revise OAC 317:40-5-113 to include provisions for integration and full access to the greater community.</p>	<p>DDS will promulgate rules that will ensure full compliance with the HCBS Final Rule. The draft of the revised rule is documented in Appendix__.</p>	<p>Tribal Consultation: November 2016 Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016 •Comment Period Begins: January 2018* •Comment Period Ends: February 2017 •Public Hearing): February 2017* •MAC: March 2017* •Board Vote: March 2017* •ARRs, RISs, and Rule Texts Submitted to</p>

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System Remediation Grid  
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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
						Governor and Legislature March 2017* •SOS Submitted to OAR: March 2017
Individual choice regarding services and supports, and who provides them, is facilitated.	1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access of individuals not receiving Medicaid HCBS.	Fully Compliant	<b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the state has determined that it is <b>fully compliant</b> with the HCBS final rule.	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	2. <a href="#">OAC 340:100-5-50</a> Oklahoma Administrative Code 340:100-5-50 provides direction and purpose in designing services and supports for individuals receiving DDS HCBS. It outlines the use of the person centered planning process that is an individually focused approach to	Fully Compliant	<b>All Settings</b> This policy is specific to principles of individual planning. It outlines the Individual Plan process and promotion of individual choice, independence, social	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule		

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System Remediation Grid  
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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
	identifying the needs, preferences, goals, and desired outcomes of the person receiving services.		and community integration. The intent of this policy is to promote person-centered planning thereby supporting independence and integration. The State has determined based on the strong intent and premise of this policy that it is <b>fully compliant</b> with the HCBS final rule.	requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	3. <a href="#">OAC 340:100-5-52</a> Oklahoma Administrative Code 340:100-5-52 promotes the Personal Support Team approach utilized for individuals receiving HCBS. The Team is composed of people who are selected by the service recipient and work with the recipient to insure the recipients desired person-centered outcomes.	Fully Compliant	<b>All Settings</b> The policy is specific to the composition of the individuals personal support team. It outlines the personal team responsibilities to respect the service recipients' dignity and implement the services needed to achieve the desired outcomes of the service recipient. The team promotes independence and integration as it works	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		



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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			to support the person centered process. The State has determined based on the strong intent and premise of this policy that it is <b>fully compliant</b> with the HCBS final rule.			
	<p style="text-align: center;">4. <a href="#">OAC 310:605-13-1</a> <a href="#">OAC 317:40-5-113</a></p> <p>Oklahoma Administrative Code 317:40-5-113 outlines the requirements for Development Delayed Service recipients receiving HCBS in an Adult Day Care Setting.</p> <p>Oklahoma Administrative Code 310:605-13-1 outlines the requirements for Adult Day Care Centers in the State of Oklahoma. This particular section outlines the services that are required to be provided to service recipients.</p>	Fully Compliant	<p style="text-align: center;"><b>Adult Day Health</b></p> <p>The State has determined that the Administrative policy is fully compliant as it specifies the service recipient’s opportunity to participate in developing one’s care plan for services. It also specifies the service recipient’s right to be involved in program planning and operation.</p>	<p>OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.</p> <p>As a support policy DDS will revise OAC 317:40-5-113 to include provisions for integration and full access to the greater community.</p>	<p>DDS will promulgate rules that will ensure full compliance with the HCBS Final Rule. The draft of the revised rule is documented in Appendix____.</p>	<p>Tribal Consultation: November 2016</p> <p>Permanent Rule Text Submitted to Governor and Cabinet per EO 2013-34: December 2016</p> <ul style="list-style-type: none"> <li>•Comment Period Begins: January 2018*</li> <li>•Comment Period Ends: February 2017</li> <li>•Public Hearing): February 2017*</li> <li>•MAC: March 2017*</li> <li>•Board Vote: March 2017*</li> </ul>

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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
						<ul style="list-style-type: none"> <li>•ARRs, RISs, and Rule Texts Submitted to Governor and Legislature March 2017*</li> <li>•SOS Submitted to OAR: March 2017</li> </ul>
<p>Provider owned or controlled residential settings: 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, and the individual has, at a minimum, the same responsibilities</p>	<p>1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access of individuals not receiving Medicaid HCBS.</p>	<p>Fully Compliant</p>	<p><b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the State has determined that it is <b>fully compliant</b> with the HCBS final rule.</p>	<p>No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.</p>		

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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
<p>and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity. For settings in which landlord tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant, and that that the document provides protections that address eviction processes and appeals comparable to</p>						

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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
those provided under the jurisdiction's landlord tenant law.						
Provider owned or controlled residential settings: Each individual has privacy in their sleeping or living unit: Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.	1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access of individuals not receiving Medicaid HCBS.	Fully Compliant	<b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the State has determined that it is <b>fully compliant</b> with the HCBS final rule.	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
Provider owned or controlled residential settings: Individuals have the freedom to	1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access of individuals not receiving Medicaid HCBS.	Fully Compliant	<b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule.	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule		

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**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
choose roommates ( if applicable)			Therefore, the State has determined that it is <b>fully compliant</b> with the HCBS final rule.	requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	<p style="text-align: center;">2. <a href="#">OAC 317:40-5-40(d)(4)</a> Oklahoma Administrative Code 317:40-5-40 specifies that individuals have their own private room. Bedrooms are only shared when it is determined to be in the best interest of the member.</p>	Fully Compliant	<p><b><u>Agency Companion Settings; Group Home Setting; Specialized Foster Care</u></b></p> <p>This policy is specific to the home profile process for Agency Companion Services, Specialized Foster Care and any other situation that requires home profiling. This policy specifies that bedrooms be provided for each service recipient and that adequate space be provided for privacy. The State has determined that this policy is <b>fully compliant</b> as it speaks to private sleeping living units. Shared rooms are only</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			allowed if in the best interest of the recipient.			
Provider owned or controlled residential settings: Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.	1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access of individuals not receiving Medicaid HCBS.	Fully Compliant	<b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the State has determined that it is <b>fully compliant</b> with the HCBS final rule.	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
	2. <a href="#">OAC 317:40-5-40(d)(4)</a> Oklahoma Administrative Code 317:40-5-40(4) outlines the individuals freedoms to furnish and decorate living spaces.	Fully Compliant	<b>Agency Companion Settings; Group Home Setting; Specialized Foster Care</b> This policy outlines the service recipient's right to furnish and decorate their living unit. Therefore the State has determined that it is in <b>full compliance</b> with the HCBS final rule.	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations		

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
				per CFR 441.301.		
Provider owned or controlled residential settings: Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.	1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access of individuals not receiving Medicaid HCBS.		<b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the State has determined that it is <b>fully compliant</b> with the HCBS final rule.	No remediation is required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
Provider owned or controlled residential settings: Individuals are able to have visitors of their choosing at any time.	1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access of individuals not receiving Medicaid HCBS.	Fully Compliant	<b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the State has determined that it is <b>fully compliant</b> with the	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined		

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			HCBS final rule.	in federal regulations per CFR 441.301.		
	<p>2. <a href="#">OAC 340:100-6-41</a> Oklahoma Administrative Code 317:40-1-3 outlines the rights of individuals to have visitors.</p>	Fully Compliant	<p><b>Group Home Setting</b> This policy is specific to Group homes and specifies the right of the service recipient to have visitors according to the desires of the service recipient. Therefore the State has determined that this policy is <b>fully compliant</b> with the HCBS final rule.</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
Provider owned or controlled residential settings: The setting is physically accessible to the individual.	<p>1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access of individuals not receiving Medicaid HCBS.</p>	Fully Compliant	<p><b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the state has determined that it is <b>fully compliant</b> with the</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined		



## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
			HCBS final rule.	in federal regulations per CFR 441.301.		
	<p>2. <a href="#">OAC 317:40-5-40(d)</a> Oklahoma Administrative Code 317:40-5-40 outlines the requirements for physical accessibility.</p>	Fully Compliant	<p><b><u>Agency Companion Settings; Group Home Setting; Specialized Foster Care</u></b> This policy outlines the requirements home standards for DDS HCBS settings that include the requirements for physical accessibility. The State has determined that this policy is in <b>full compliance</b> of the HCBS final rule.</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		
Locations that have qualities of institutional settings, as determined by the Secretary. Any setting that is located in a building that is also a publicly or	<p>1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access of individuals not receiving Medicaid HCBS.</p>	Fully Compliant	<p><b><u>All Settings</u></b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the State has determined that it is</p>	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of		

## Appendix B: ICF/ID Waivers

System Remediation Grid  
Updated 10/2016

**Settings Include: Agency Companion; Specialized Foster Care; Daily Living Supports; Group Home Services; Adult Day Health; Supported Employment; Prevocational Services**

Regulation	Current State Standard of Relevance	Compliance Status	States Justification of Compliance Determination	Remediation Required	Action Steps	Timeline
privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public institution.			<b>fully compliant</b> with the HCBS final rule.	the qualities defined in federal regulations per CFR 441.301.		
Home and community-based settings do not include the following: a nursing facility; institution for mental diseases; an intermediate care facility for individuals with intellectual disabilities; a hospital.	1. <a href="#">OAC 317:40-1-3</a> Oklahoma Administrative Code 317:40-1-3 requires all DDS HCBS settings to be fully integrated and support full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access of individuals not receiving Medicaid HCBS.	Fully Compliant	<b>All Settings</b> This policy outlines the requirements for all HCBS settings. The language in the policy precisely follows the language in the HCBS Settings Final rule. Therefore, the State has determined that it is <b>fully compliant</b> with the HCBS final rule.	No Remediation is Required. OAC 317:40-1-3 fully complies with the HCBS final rule and other documented policies are supportive. The rule requires all DDS HCBS settings have all of the qualities defined in federal regulations per CFR 441.301.		



# Appendix C

(3) Adult day health (ADH) care.

(A) Adult day health care (ADH) is furnished on a regularly-scheduled basis for one or more days per week in an outpatient setting. It provides both health and social services necessary to ensure the member's optimal functioning. Most assistance with activities of daily living (ADLs), such as eating, mobility, toileting, and nail care are integral services to ADH care service and are covered by the ADH care basic reimbursement rate.

(B) ADH care is a 15-minute unit of service. No more than 32 units (eight hours) are authorized per day. The number of units of service a member may receive is limited to the number of units approved on the member's approved service plan.

(C) Physical, occupational, and speech therapies are only provided as an enhancement to the basic adult day health ADH care service when authorized by the service plan and are billed as a separate procedure. ADH care therapy enhancement is a maximum of one session unit per day of service.

(D) Meals provided as part of this service do not constitute a full nutritional regimen. One meal, that contains at least one-third of the current daily dietary recommended intake (DRI) as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, is provided to those participants who are in the center for four or more hours per day, and does not constitute a full nutritional regimen. Member's access to food at any time must also be available in addition to the required meal and is consistent with an individual not receiving Medicaid-funded services and supports.

(E) Personal care service enhancement in adult day health care ADH is assistance in bathing, hair care, or laundry service, authorized by the person-centered service plan and billed as separate procedures. Most assistance with activities of daily living (ADL), such as eating, mobility, toileting, and nail care are integral services to adult day health care service and are covered by the adult day health care basic reimbursement rate. This service is authorized when an ADvantage Waiver member who uses ADH requires assistance with bathing, hair care, or laundry to maintain health and safety. Assistance with bathing, hair care, or laundry service is not a usual and customary adult day health ADH care service. Enhanced personal care in adult day health care for assistance with bathing, hair care, or laundry service is authorized when an ADvantage Waiver member who uses adult day health care requires assistance with bathing, hair care, or laundry service to maintain his or her health and safety. ADH personal care enhancement is a maximum of one unit per day of bathing, hair care, or laundry service.

(B) Adult day health care is a 15-minute unit of service. No more than eight hours, 32 units, are authorized per day. The number of units of service a member may receive is limited to the number of units approved on the member's approved service plan.

(C) Adult day health care therapy enhancement is a maximum of one session unit per day of service.

(D) Adult day health personal care enhancement is a maximum of one unit per day of bathing, hair care, or laundry service.

(F) DHS Home and Community-Based Services (HCBS) Waiver settings have qualities defined in federal regulation per Section 441.301(c)(4) of Title 42 of the Code of Federal Regulations (42 C.F.R. § 441.301(c)(4)) based on the needs of the individual defined in the member's authorized service plan.

- (i) The ADH center is integrated and supports full access of ADvantage members to the greater community, including opportunities to:
  - (I) seek employment and work in competitive integrated ADH Center, not a requirement for persons that are retirement age;
  - (II) engage in community life;
  - (III) control personal resources; and
  - (IV) receive services in the community, to the same degree as individuals not receiving ADvantage Program or other Medicaid HBCS Waiver services.
- (ii) The ADH is selected by the member from all available service options and given the opportunity to visit and understand the options.
- (iii) The ADH ensures the member's rights of privacy, dignity, respect, and freedom from coercion and restraint.
- (iv) The ADH optimizes the member's initiative, autonomy, and independence in making life choices including, but not limited to:
  - (I) daily activities;
  - (II) the physical environment; and
  - (III) with whom to interact.
- (v) The ADH facilitates the member's choice regarding services and supports, including the provider.
- (vi) Each member has the freedom and support to control his or her own schedules, activities, and access to food at any time.
- (vii) Each member may have visitors whenever he or she chooses.
- (viii) The ADH center is physically accessible to the member.
- (G) ADH centers that are presumed not to be Home and Community-Based settings per 42 C.F.R. § 441.301(c)(5)(v) include:
  - (i) ADH centers in a publicly or privately-owned facility providing inpatient treatment;
  - (ii) ADH centers on the grounds of or adjacent to a public institution;
  - (iii) ADH centers with the effect of isolating individuals from the broader community of individuals not receiving ADvantage Program or another Medicaid HCBS;

(H) If the ADH is presumed not HCBS, according to 42 C.F.R. § 441.301(c)(5)(v), it may be subject to heightened scrutiny by AA, OHCA, and CMS. The ADH must provide evidence that the ADH portion of the facility has clear administrative, financial, programmatic, and environmental distinctions from the institution and comply with additional monitoring by the AA.

# Appendix D



## 317:40-7-2. Definitions

The following words and terms, when used in this Subchapter shall have the following meaning, unless the context clearly indicate indicates otherwise.

"Commensurate Wage wage" means wages paid to a worker with a disability based on the worker's productivity in proportion to the wages and productivity of workers without a disability performing essentially the same work in the same geographic area. Commensurate wages must be based on the prevailing wage paid to experienced workers without disabilities doing the same job.

"Competitive integrated employment" means work in the competitive labor market performed on a full-time or part-time basis in integrated community settings. The individual is compensated at or above minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities. Competitive employment is an individual placement.

"Employment Assessment assessment" means the evaluation that identifies the unique preferences, strengths, and needs of the service recipients members in relation to work. The assessment determines work skills and work behaviors, is supplemented by personal interviews and behavioral observations, and incorporates information that addresses the service recipient's member's desired medical, physical, psychological, social, cultural, and educational outcomes, as well as present and future employment options. The assessment, which is updated annually or more frequently as needed, includes support needs, environmental preferences, and possible accommodations.

"Enhanced Rate rate" means a differential rate established to provide an incentive to provider agencies to provide community employment services to service recipients members with significant needs.

"Group Placement placement" means two-to-eight service recipients workers with disabilities situated close together, who are provided continuous, long-term training and support in an integrated job site. service recipients Members may be employed by the company or by the provider agency. The terms "work crew" and "enclave" also describe a group placement.

"Individual placement in job coaching services" means one service recipient member receiving job coach coaching services, who:

- (A) works in an integrated job setting;
- (B) receives minimum wage or more;
- (C) does not receive services from a job coach who is simultaneously responsible for continuous job coaching for a group;
- (D) is employed by a community employer or the provider agency; and

(E) has a job description that is specific to his or her work.

"Individual placement in community-based services" means the service recipient member is provided supports that enable him or her to participate in approved community-based activities, as described in per OAC per Oklahoma Administrative Code 317:40-7-5, individually and not as part of a group placement.

"Integrated Employment Site employment site" means an activity or job that provides regular interaction with people without disabilities, excluding service providers, to the same extent that a worker without disabilities in a comparable position interacts with others.

"Job Coach coach" means an individual who holds a DDS DDSD approved training job coach certification and provides ongoing support services to eligible persons in supported employment placements. Services directly support the service recipient's member's work activity including marketing and job development, job and work site assessment, training and worker assessment, job matching procedures, development of co-worker natural and paid supports, and teaching job skills.

"Job Sampling sampling" means a paid situational assessment whereby a service recipient member performs a job at a prospective employer's integrated job site, in order to determine the service recipient's member's interests and abilities. Situational assessments adhere to the Department of Labor (DOL) regulations regarding wages. The Personal Support Team (Team) determines the appropriate type and number of situational assessments for each service recipient member.

"On-Site Supports On-site supports" means a situation in which the job coach is physically at the job site providing job training to a service recipient member.

"Situational assessment" means a comprehensive community-based evaluation of the service recipient's member's functioning in relation to the supported job, including the job site, the community through which the service recipient member must travel to and from the job, and the people those at the job site, such as the job coach, co-workers, and supervisor supervisors.

"Sub-Contract With Industry Sub-contract with industry" means the provider agency enters into a sub-contract with an industry or business to pay industry employees to provide supports to service recipients members. If When the industry agrees, the provider agency may contract directly with an industry employee(s) of the industry directly to provide the services. The state continues to pay the provider agency and the agency provides all pertinent information that is required for persons served by the agency. The Team determines what, if any, training is required for the employees of the industry providing services.

"Supported Employment employment" means competitive work in an integrated work setting with ongoing support services for service recipients members for whom competitive employment has not traditionally occurred or has been was interrupted or intermittent as a result of the member's disabilities.

"Unpaid Training training" means unpaid experience in integrated employment sites in accordance with per DOL regulations. Service recipients Members do a variety of tasks, which that do not equal the full job description of a regular worker.

"Volunteer Job job" means an unpaid activity in which a service recipients member freely participates.

317:40-7-6. Center-Based Services Center-based services

(a) Center-Based Services Center-based services are provided in segregated settings, where the majority of people served have a disability. Any employment service provided where a majority of the people at the site are persons with a disability is billed as Center-Based Services any employment service provided where a majority of the people at the site are persons with a disability. These settings facilitate opportunities to seek employment in competitive settings and support access to the greater community.

(b) Center-Based Services Center-based services are pre-planned, documented activities that relate to the member's identified employment outcomes.

(c) Examples of Center-Based Services Center-based services are active participation in:

(1) paid contract work which occurs in a workshop or other center-based setting learning and work experiences where the individual can develop general, non-job-task specific strengths and skills that contribute to employability in paid employment in integrated community settings.;

(2) Team-prescribed team-prescribed therapy programs, such as speech, physical therapy, or switch activation which are implemented by employment provider staff in the workshop or other center-based setting.;

(3) unpaid training or paid work experience which occurs in a setting without opportunities for regular daily interactions with co-workers without disabilities or the general public.

(4) computer classes, GED General Education Development preparation, job club, interviewing skills, or other classes whose participants all have disabilities, even if when the location is in the community.

(d) Paid contract work is usually subcontracted, and the persons receiving services earn commensurate wage according to Department of Labor regulations.

(e) For SoonerCare reimbursement in Center-Based Services, a member's pay cannot exceed 50% of minimum wage.

(f) Participation in Center-Based Services is limited to 15 hours per week for persons receiving services through the Homeward Bound Waiver, unless approved through the exception process explained in OAC 317:40-7-21.

(g)(f) Agency The provider agency must meet physical plant expectations of OAC per Oklahoma Administrative Code 340:100-17-13.

(h)(g) During periods in which no paid work is available for members, despite the provider's documented good faith efforts of the provider to secure such work, the employment-provider agency ensures that each member participates in training activities that are age appropriate, work related, and consistent with the IP Individual Plan. Such activities may include, but are not limited to:

(1) resume development and application writing;

(2) work attire selection;

- (3) job interview training and practice;
- (4) job safety and evacuation training;
- (5) personal or social skills training; and
- (6) stamina and wellness classes