



October 9, 2017

Dear provider,

If you attended our informational meetings earlier this year, you learned about the new HCBS (Home and Community Based Services) rule. Also referred to as the Final Rule, the rule is a set of regulations or mandates issued by CMS (Centers for Medicaid and Medicare Services). All states are required to come into compliance with these Federal mandates as soon as possible, but no later than March 22, 2022. Those settings that are not in compliance with the rule will NOT be eligible to bill for Medicaid Waiver services. Each Family Care Home is considered a setting.

One mandate stipulates “there must be a signed lease or other legally enforceable agreement providing similar protections (to a lease agreement) with each individual who resides in the home.” You will be receiving or have received a lease from your manager. We encourage you to use this lease. It is modeled after an example given to us by the Virginia Network of Private Providers (VNPP).

You can create your own legally enforceable lease. It would just need to provide for all the protections afforded to people who rent and prior to use, it would need to be approved by your manager or regional manager.

We need to get these leases in place as soon as possible and want you to start working on them as soon as you receive them. If an individual has a guardian, power of attorney or AR, that person would also need to sign the lease.

In addition, the mandate stipulates that individuals must

- Have privacy in their sleeping units, including lockable doors, choice of roommates and the freedom to furnish or decorate their rooms
- Have the ability to control their daily schedules and activities and have access to food at any time
- Have the ability to receive visitors at any time
- Be able to physically maneuver within the residential setting

The mandate further states, “any modifications made to the above criteria must be the result of identified specific needs discovered through an independent (re)assessment and then documented and justified in a **person-centered plan.**”



The mandate also addresses the setting. It mandates that the (residential) setting

- Is integrated into the community and it supports full access to the greater community
- Is selected by the individual from among setting options
- Ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint
- Optimizes autonomy and independence in making life choices
- Facilitates choice regarding services and who provides them

While we know that most, if not all, of the providers under Lutheran Family Services do assure these mandates are followed, we will be taking a closer look to make sure everyone is in compliance with them. For those who are not, Lutheran Family Services will assist in finding possible solutions.

If you have any questions, please contact your manager or regional manager.

Sincerely,

Diane Exner

Director of Developmental Services