



<b>Clinical Operations</b>			
<b>Number:</b>	<b>Waiver Operations 1</b>		<b>Revision:</b> 3
<b>Title:</b>	<b>HOME AND COMMUNITY BASED SERVICES HUMAN RIGHTS POLICY - DAY SUPPORT CENTER</b>		
<b>Effective Date:</b>	2/4/2022	<b>Revised Date:</b> 2/4/2022	<b>Next Revision Date:</b> 2/4/2023
<b>Prepared By:</b>	Saundra Ward		<b>Distribution:</b> Waiver Staff

**PURPOSE**

The purpose of this policy is to articulate the expectations of Home and Community Based Services rights as guaranteed by 42CFR 441.301 and to communicate the methods and procedures for ensuring staff training and ongoing re-training of these rights, requirements for individual and stakeholder education and disclosure of HCBS rights, requirements for person centered practices, and requirements specific to the Group Day Support setting.

**POLICY**

It is the policy of Dominion Waiver Services, a program of Dominion Day Treatment, LLC, that all staff including contractors, volunteers, and interns are trained on Home and Community Based Services (HCBS) Rights at time of hiring and annually thereafter, individuals receiving services are notified of their HCBS rights annually and provided information on those rights and will be reviewed in a manner meaningful to the individual. Disclosure of these rights will be documented and include a signature and date. Additionally, it is the policy of Dominion Waiver Services to adhere to person centered practices in accordance with the preferences of the individual in services.

**PROCEDURE**

**General Rights**

The Developmental Disabilities (DD) Waiver Home and Community-Based Services (HCBS) Waivers provide Virginians eligible for DD Waiver services the choice to receive services and supports in the community versus an institutional setting. Per federal regulations (42 CFR 441.301), individuals enrolled in long-term services and supports waivers are permitted specific rights. For individuals receiving DD Waiver Group Day Service from Dominion Waiver Services the setting will:

- Be integrated in and support full access to the greater community.
- Ensure an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.



- Optimize, but not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.
- Facilitate individual choice regarding services and supports, and who provides them.

### **Expectations for Person-Centered Individual Support Plans**

In addition, Person Centered Individual Support Plans (PCISP) for individuals must reflect the services and supports that are important for the individuals' identified needs and preferences. An individual's written PCISP (alternatively referred to as Person Centered Plan) must:

- Reflect that the setting was the individual's choice and is integrated in, and supportive of full access of the individual to the greater community.
- Reflect the individual's strengths and preferences.
- Reflect clinical and support needs that have been identified through a functional needs assessment.
- Includes individually identified desired outcomes and support activities.
- Reflect the (paid/unpaid) services/supports, and providers of such services/supports that will assist the individual to achieve identified goals.
- Reflect risk assessment, mitigation, and backup planning.
- Be understandable (e.g. linguistically, culturally, and disability considerate) to both the individual receiving HCBS and the individual's support system.
- Identify the individual and/or entity responsible for monitoring the PCSP.
- With the written, informed consent of the individual, be finalized, agreed to, and signed by all individuals/providers responsible for implementation of the PCSP.
- Be distributed to the individual and others involved in the PCSP.
- Prevent service duplication and/or the provision of unnecessary services/supports.

It is the policy of Dominion Waiver Services that individuals receiving services are notified of their HCBS rights annually. These rights will be reviewed in a manner meaningful to the individual. Disclosure of these rights will be documented and include a signature and date.

### **Staff Training:**

- All staff will be trained on these rights in conjunction with the mandated training required by 12VAC35-115; questions concerning these rights will be included in the objective written test administered during initial staff in-services and annually following the annual retraining on HCBS rights including person centered practices, rights in the home and community, choices and preferences, and dignity of risk.
- Elements of the listed "rights" and practices for implementation are included, as appropriate, in both the position descriptions and the performance evaluations to emphasize the importance of these specific rights.

### **Communication:**



- 12VAC35-115-40 describes how a licensed provider is required to assure the rights as described in 37.2-400 of the Code of Virginia; the rights articulated above in this policy will be communicated in a like manner.
- HCBS Rights are posted on the Dominion Youth Services website for public review and provided to individuals and other stakeholders upon request.
- It is the policy of Dominion Waiver Group Day Services that individuals receiving services are notified of their HCBS rights annually. These rights will be reviewed in a manner meaningful to the individual. Disclosure of these rights will be documented and include a signature and date.

<b>Clinical Operations</b>					
<b>Number:</b>	<b>Waiver Operations 1</b>			<b>Revision:</b>	3
<b>Title:</b>	<b>HOME AND COMMUNITY BASED SERVICES HUMAN RIGHTS POLICY - RESIDENTIAL SERVICES</b>				
<b>Effective Date:</b>	2/4/2019	<b>Revised Date:</b>	2/4/2021	<b>Next Revision Date:</b>	2/4/2022
<b>Prepared By:</b>	Saundra Ward			<b>Distribution:</b>	Waiver Staff

## **PURPOSE**

The purpose of this policy is to articulate the expectations of Home and Community Based Services rights as guaranteed by 42CFR 441.301 and to communicate the methods and procedures for ensuring staff training and ongoing re-training of these rights, requirements for individual and stakeholder education and disclosure of HCBS rights, requirements for person centered practices, and requirements specific to the Residential setting.

## **POLICY**

It is the policy of Dominion Waiver Services, a program of Dominion Day Treatment, LLC, that all staff including contractors, volunteers, and interns are trained on Home and Community Based Services (HCBS) Rights at time of hiring and annually thereafter, individuals receiving services are notified of their HCBS rights annually and provided information on those rights and will be reviewed in a manner meaningful to the individual. Disclosure of these rights will be documented and include a signature and date. Additionally, it is the policy of Dominion Waiver Services to adhere to person centered practices in accordance with the preferences of the individual in services.

## **General Rights**

The Developmental Disabilities (DD) Waiver Home and Community-Based Services (HCBS) Waivers provide Virginians eligible for DD Waiver services the choice to receive services and supports in the community versus an institutional setting. Per federal regulations (42 CFR



441.301), individuals enrolled in long-term services and supports waivers are permitted specific rights. For individuals receiving DD Waiver Sponsored Residential services from Dominion Waiver Services, the setting must:

- Be integrated in and supports full access to the greater community.
- Ensure an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.
- Optimize, but not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.
- Facilitate individual choice regarding services and supports, and who provides them.

In addition to the rights and qualities specified above, in the home where HCBS services are provided the following conditions will be met:

1. 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 and protections from eviction that tenants have under the landlord/tenant law of Virginia. For settings in which landlord tenant laws do not apply, there will be a lease, residency agreement or other form of written agreement in place for each HCBS participant, and the document provides protections that address eviction processes and appeals comparable to those provided under the landlord tenant law. Dominion Waiver Services ensures that a Sponsor Residential Housing Agreement is reviewed and signed at least annually which establishes a legally enforceable agreement between the individual and the Sponsor Residential contracted provider.

2. 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.
- Individuals sharing units have a choice of roommates in that setting.
- Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.

3. Individuals have the freedom and support to control their own schedules and activities and have access to food at any time.

4. Individuals can have visitors of their choosing at any time.

5. The setting is physically accessible to the individual

6. Any modification of the additional conditions specified in items 1 through 4 above, must be supported by a specific individually-assessed need and justified in the person-centered individual support plan. The following requirements must be documented in the person-centered individual support plan:

- Identify a specific and individualized assessed need.
- Document the positive interventions and supports used prior to any modifications to the person-centered individual support plan.
- Document less intrusive methods of meeting the need that have been tried but did not work.

- Include a clear description of the condition that is directly proportionate to the specific assessed need.
- Include regular collection and review of data to measure the ongoing effectiveness of the modification.
- Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.
- Include the informed consent of the individual.
- Include an assurance that interventions and supports will cause no harm to the individual.

### **Expectations for Person-Centered Individual Support Plans**

In addition, Person Centered Individual Support Plans (PCISP) must reflect the services and supports that are important for the individuals' identified needs and preferences. An individual's written PCISP must:

- Reflect that the setting was the individual's choice and is integrated in, and supportive of full access of the individual to the greater community.
- Reflect the individual's strengths and preferences.
- Reflect clinical and support needs that have been identified through a functional needs assessment.
- Includes individually identified desired outcomes and support activities.
- Reflect the (paid/unpaid) services/supports, and providers of such services/supports that will assist the individual to achieve identified goals.
- Reflect risk assessment, mitigation, and backup planning.
- Be understandable (e.g. linguistically, culturally, and disability considerate) to both the individual receiving HCBS and the individual's support system.
- Identify the individual and/or entity responsible for monitoring the PCISP.
- With the written, informed consent of the individual, be finalized, agreed to, and signed by all individuals/providers responsible for implementation of the PCISP.
- Be distributed to the individual and others involved in the PCISP.
- Include services that afford the individual the option to self-direct.
- Prevent service duplication and/or the provision of unnecessary services/supports.

It is the policy of Dominion Waiver Services that individuals receiving services are notified of their HCBS rights annually. These rights will be reviewed in a manner meaningful to the individual.

Disclosure of these rights will be documented and include a signature and date.

#### **Staff Training:**

- All staff will be trained on these rights in conjunction with the mandated training required by 12VAC35-115; questions concerning these rights will be included in the objective written test administered during initial staff in-services and annually following the annual retraining on such subjects as human rights/HCBS rights, safety, medication administration, etc.
- Elements of the listed "rights" and practices for implementation are included, as appropriate, in both the position descriptions and the performance evaluations to emphasize the importance of these specific rights.



**Communication:**

- 12VAC35-115-40 describes how a licensed provider is required to assure the rights as described in 37.2-400 of the Code of Virginia; the rights articulated above in this policy will be communicated in a like manner.
- HCBS Rights are posted on the Dominion Youth Services website for public review and provided to individuals and other stakeholders upon request.
- It is the policy of Dominion Waiver Sponsor Residential Services that individuals receiving services are notified of their HCBS rights annually. These rights will be reviewed in a manner meaningful to the individual. Disclosure of these rights will be documented and include a signature and date.