

DEPARTMENT OF SOCIAL SERVICES

Notice of Public Comment Period Regarding RCH & ADC Compliance with HCBS Setting Rules

The Centers for Medicare and Medicaid Services (CMS) issued a final rule for home and community-based services (HCBS)¹ that requires states to review and evaluate home and community-based settings, including residential and non-residential settings to determine that such settings allow for, and facilitate the integration of, residents into their community.² The final rule requires that all home and community-based settings meet certain qualifications. These include:

- The setting is integrated in and 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; and
- Facilitates choice regarding services and who provides them.

The final rule also includes additional requirements for provider-owned or controlled home and community-based residential settings. These requirements include:

- The individual has a lease or other legally enforceable agreement providing similar protections;
- The individual has privacy in their unit including lockable doors;
- The individual has a choice of roommates;
- The individual has the freedom to furnish or decorate the unit;
- The individual controls his/her own schedule including access to food at any time;
- The individual can have visitors at any time; and
- The setting is physically accessible.

In review of licensed Residential Care Homes (RCH) and Adult Day Centers (ADC) throughout the State of Connecticut, the Department of Social Services (DSS) identified various settings that are presumed to have institutional qualities under the settings rules and must therefore successfully undergo a heightened scrutiny assessment in order to qualify to provide Medicaid HCBS. States must allow for a 30-day public comment period of the heightened scrutiny assessments in adherence to CMS requirements. The public comment period will extend from August 6th to September 5th, 2024. After this process, DSS will be submitting the heightened scrutiny evidence package to CMS, demonstrating that these settings have overcome the presumption and are permitted to provide Medicaid HCBS.

The following RCHs were subject to a heightened scrutiny review:

1. Bethel Health Care/Cascades
2. Bradley Home & Pavilion
3. Elim Park Baptist Home, Inc.
4. Jerome Home
5. Leeway Residential Care Home
6. Lutheran Home of Southbury, Inc.
7. McLean Health Center
8. Noble Horizons

¹ This final rule defines and describes the requirements for home and community-based settings appropriate for the provision of HCBS under section 1915(c) HCBS waivers, section 1915(i) State Plan HCBS and section 1915(k) (Community First Choice) authorities.

² 42 CFR Parts 430, 431, 435, 436, 440, 441 and 447.

9. St. Joseph's Independent Living
10. St. Joseph's Residence
11. St. Mary's Home

The following ADC was subject to a heightened scrutiny review:

Hebrew Senior Center (ADC)

The heightened scrutiny evidence package is available, on the DSS website, www.ct.gov/dss, under "News," as well as the following direct link: <https://portal.ct.gov/dss/health-and-home-care/long-term-care/community-options/documents>, then "Residential Care Home (RCH) & Adult Day Centers (ADC) Heightened Scrutiny Review." A copy is also available at no cost, upon request from: Sallie Kolreg, DSS Central Office, 55 Farmington Avenue, Hartford, CT, 06105, or via email at sallie.kolreg@ct.gov.

The public is invited to comment regarding the assessment that was completed for each respective RCH. All written comments regarding this must be submitted by **September 5, 2024**, to: Sallie Kolreg, DSS Central Office, 55 Farmington Avenue 9 Fl, Hartford, CT, 06105, or via email at sallie.kolreg@ct.gov.