

**Adult Day Health Care HCBS and DHEC Crosswalk and Translation
42 CFR 441.301(c)(4)(i-v)**

| HCBS Regulation | Waiver Definition/Requirements Community Choices Waiver document ; CLTC Provider Manual (section 6) | DHEC Regulation S.C. Regulation 61-75 | Translation (<i>these are examples and are not exhaustive/inclusive</i>) |
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| <p>(i) The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including:</p> <ul style="list-style-type: none"> • opportunities to seek employment and work in competitive integrated settings, • engage in community life • control personal resources, and • receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS. | <p>Appendix C, Waiver definition, Adult Day Health Care: Services generally furnished five or more hours per day on a regularly scheduled basis, for one or more days per week, or as specified in the service plan, in a licensed non-institutional, community based setting, encompassing both health and social services needed to ensure the optimal functioning of the participant. This includes off-site outings and other efforts designed to provide socialization and integrate participants into the community. Meals provided as a part of these services shall not constitute a “full nutritional regimen” (3 meals per day).</p> <p>Appendix C, Provider type, Other standard: The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life,</p> | <p>Day Care Facility for Adults: A facility, for adults 18 years of age or older, which offers in a group setting a program of individual and group activities and therapies. The program is directed toward providing community-based day care services for those adults in need of a supportive setting, thereby preventing unnecessary institutionalization. The program shall provide a minimum of four (4) and a maximum of fourteen (14) hours of operation a day.</p> <p>Adult Day Care Services: Activities and therapies offered in a Day Care Facility for Adults through an individualized plan of care which sets forth measurable goals or behaviorally stated objectives, with such services being designed to activate, motivate, and retrain impaired or other categories of adults to enable them to sustain or regain functional independence</p> | <ul style="list-style-type: none"> • <i>Employment:</i> connect people to resources to help them find the job they want (i.e. let Case Manager know, family know, etc.) • <i>Engage:</i> use existing community resources, don’t re-invent the wheel (i.e., go to what is already happening – Garden shows, community classes, parades, etc.) • <i>Control:</i> have a place for people to store personal items (like a purse or wallet) while at facility • If service available in the community, take the people there – don’t create it at the facility just for them. <ul style="list-style-type: none"> ○ EX: walking path; fitness facilities (YMCA); library, etc. |

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| | <p>control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.</p> <p>From ADHC Scope of Services: The ADHC center must be integrated in and support full access of individuals receiving Medicaid HCBS to the greater community.</p> <p>Providers must ensure that participants receive information regarding their Rights and Responsibilities while under the care of the center. These Rights and Responsibilities must include the following information:</p> <ul style="list-style-type: none"> • Information referencing the participant’s right to have control over their personal resources while under the care of center • Information which offers opportunities for interested participants regarding employment • The assurance of the participants rights of privacy and respect and freedom from coercion and restraint • Detailed information on how and to whom to file a complaint | <p>Section 900 (901)(A) (2)</p> <p>A. Each participant must be accorded the following rights:</p> <p>2. The right to participate in a program of services and activities designed to encourage independence, learning, growth, and awareness of constructive ways to develop one's interests and talents.</p> | |
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| <p>(ii) 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.</p> <p>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.</p> | <p>From the Waiver document (Section 2): Case managers working in these 13 offices are responsible for ensuring that participants are aware of their service options and can make informed choices as to which form of service delivery they prefer.</p> <p>Appendix C, Provider “other standard”: 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 individual's needs, preferences, and, for residential settings, resources available for room and board.</p> | <p>Section 900, (901)(A)(3): The right to self-determination within the day care setting, including the opportunity to: (a) participate in developing one’s plan for services and any changes therein.</p> <p>Section 900, (901)(A)(8): The right to be fully informed, as evidenced by the participant's written acknowledgment of these rights, of all rules and regulations regarding participant conduct and responsibilities.</p> <p>Section 900, (901)(A)(10): The right to be fully informed, at the time of acceptance into the program, of services and activities available and related charges.</p> | <ul style="list-style-type: none"> • Setting (ADHC) selection happens at the Case Manager level during creation of person-centered plan • ADHC still creates a person-centered care plan for participant. Start with: “What are your goals for attending ADHC?” or “What do you want to get out of coming to ADHC?” |

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| <p>(iii) Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p> | <p>Appendix C, Provider “other standard”: Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p> <p>From ADHC Scope of Services: 3. Providers must ensure that participants receive information regarding their Rights and Responsibilities while under the care of the center. These Rights and Responsibilities must include the following information:</p> <ul style="list-style-type: none"> • The assurance of the participants rights of privacy and respect and freedom from coercion and restraint | <p>Section 900 (901)(A)(1,9): Each participant must be accorded the following rights:</p> <ol style="list-style-type: none"> 1. The right to be treated as an adult, with consideration, respect, and dignity, including privacy in treatment and care for personal needs. 9. The right to be free from harm, including isolation, excessive medication, if applicable, abuse, or neglect. | <ul style="list-style-type: none"> • Treat people like you want to be treated • People are free to choose what to participate in • People know where to go and/or who to talk to if they have a complaint • Call people by the name they prefer – not what you prefer (ex: Honey, sweetie, my kids, etc.) • Do any health-related activities (blood sugar, blood pressure, weight check, etc.) in private – not in common areas • Don’t ask across the room if a person needs to use the bathroom. Approach them and ask them privately. |

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| <p>(iv) Optimizes, but does 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.</p> | <p>Appendix C, Provider “other standard”: Optimizes, but does 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.</p> <p>From ADHC Scope of Services: The provider must either provide directly, or make sub-contractual arrangements (only nurses can be sub-contracted), for: Daily planned therapeutic activities to stimulate mental activity, communication and self-expression. These include reality orientation exercises, crafts, music, educational and cultural programs, games, etc. Participants must be given the opportunity to give input regarding the types of activities they would like to do at the center. They must also have alternative activities available in the event they do not want to participate in the planned activity.</p> | <p>Section 500 (501) A. Activities and therapies shall be offered through individualized plans of care which set forth measurable goals or behaviorally-stated objectives. These shall be designed to activate, motivate, and/or assist participants to enable them to sustain or regain functional independence. Group and individual type services shall be provided. B. A planned, well-balanced program of activities and services shall be provided at each facility. C. Each facility shall provide supervision and personal care training in order to assist the participant in developing self-help skills. D. Each facility shall make available social, group, individual, educational, recreational, and other activities</p> <p>Section 900 (901)(A) (2) (all are relevant) A. Each participant must be accorded the following rights: 2. The right to participate in a program of services and activities designed to encourage independence, learning, growth, and awareness of constructive ways to develop one's interests and talents.</p> | <ul style="list-style-type: none"> • Individuals freely move about the facility from various activities: They are not staying in one spot (i.e. sitting at a table or in a recliner) or one room for most of or all of daily activities. • People have a say in what they do all day and options to change their mind about what they want to do • Have meaningful activity options available to people who may not want to engage in a group activity – and encourage that <ul style="list-style-type: none"> ○ EX: age-appropriate books to read, crosswords, Sudoku, age-appropriate puzzles, etc. ASK participants what they would like as options |

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| (v) Facilitates individual choice regarding services and supports, and who provides them. | <p>Appendix C, Provider “other standard”: Facilitates individual choice regarding services and supports, and who provides them.</p> | <p>Section 900 (901)(A) (3) (all are relevant) A. Each participant must be accorded the following rights: 3. The right to self-determination within the day care setting</p> | <ul style="list-style-type: none"> • Discuss with people any preferences they may have in working with certain direct support professionals on staff • Discuss with people how they want services provided <ul style="list-style-type: none"> ○ EX: They want to eat their afternoon snack at 3:00 p.m. and not at 2 p.m. |