

# CHANGING VISION INTO ACTION: THE NEW CMS REGULATIONS



## ORGANIZATIONAL CHANGE



**CATHY FICKER TERRILL**  
CQL | *President and CEO*  
[cfterrill@thecouncil.org](mailto:cfterrill@thecouncil.org)

## Where is this going?

- Enhancement/Expansion of Rights—  
Same as everyone else
- Requirements for demonstrated/evidence-based individualized and person-directed service delivery
- People must be supported to have maximum control over their lives and day-to-day decision making
- Feds are raising the bar; not just CMS, Justice Dept. too, i.e., Olmstead enforcement

## General HCBS Settings Requirements

- The settings 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
- Facilitates **choice** regarding services and who provides them

## Provider-Owned or Controlled Residential Settings

- Specific unit/dwelling is owned, rented, or occupied **under legally enforceable agreement**
- Same responsibilities/protections from eviction as all tenants under landlord tenant law of state, county, city or other designated entity
- If tenant laws do not apply, state ensures lease, residency agreement or other written agreement is in place **providing protections to address eviction processes and appeals comparable** to 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 **lockable entrance doors**, with the individual and appropriate staff having keys to doors as needed
- Individuals sharing units have a **choice of roommates**
- Individuals have the **freedom to furnish and decorate** their sleeping or living units within the lease or other agreement
- Individuals have **freedom and support to control their schedules and activities and have access to food any time**
- Individuals may have **visitors at any time**
- Setting is **physically accessible** to the individual



When Mandy found out about the new federal regulations, she showed her home providers that she had a few changes of her own to make!

## Provider-Owned or Controlled Residential Settings

**The HCBS Settings Requirements clarify, enhance, and expand the rights of ALL people receiving Home and Community Based Services —should be the same as the rights we enjoy as citizens**

**Modifications of the additional requirements (i.e., rights) must be:**

- Supported by specific assessed need
- Justified in the person-centered service plan
- Documented in the person-centered service plan
- And meet the additional specific criteria outlined in the regulations

## Person-Centered Plan

Evidence of **ALL** of the following for a **YES**:

- Plan developed **in conjunction** with the person
- Reflects **his/her** meaningful priorities/goals
- Relates to ISP  
(if ISP not person-centered, there is attempt to rectify by staff with MSC)
- Hab plan reflective of person's current desires
- At least one clear goal that moves the person towards what is most meaningful to him/her
- Informed choice



## This is My Life - This is My Plan



“I want to be as  
**INDEPENDENT**  
as possible.”

## This is My Life - This is My Plan



## This is My Life - This is My Plan

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### ABOUT ME | My Self

I like to be called Beth. I am 29 years old, live in my own condo with my support dog, Coco. I have 2 jobs. In the morning, I work at my local high school in the mailroom. In the afternoons I work for the park district in the after school program.

## This is My Life - This is My Plan

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### ABOUT ME | My Dreams

I dream about going to London with my friend, Tia.  
I want to exercise more and lose some weight.  
I want to learn easy ways to cook and stay healthy.

## This is My Life - This is My Plan

### My Goal #1 | Regular Exercise



I check my own blood pressure



I like to walk to work when I can.





## This is My Life - This is My Plan

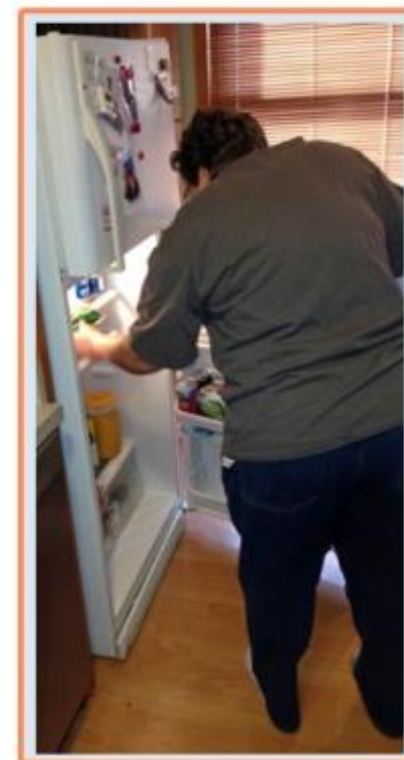
### My Goal #2 | Healthy Eating & Cooking



I keep healthy foods on hand, like milk, fruit, eggs and yogurt

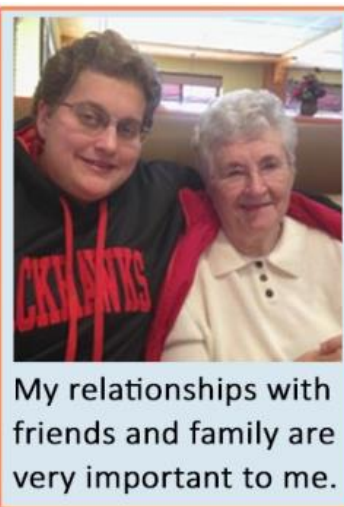


My family or support worker assist me in creating shopping lists and recipes with pictures. This helps me shop and cook on my own.



## This is My Life - This is My Plan

### My Goal #3 | Maintain Strong Relationships



My relationships with friends and family are very important to me.



## This is My Life - This is My Plan

### My Goal #4 | Meaningful Work





## This is My Life - This is My Plan

### If there was a Goal #5 | Having Fun!



## Person-Centered Plan

- Includes Person's Priorities for Meaningful Activities
- Informed Choice evident
- Positive safeguarding, not risk elimination
- Person First and Plain language
- Person empowered to drive the process, request changes, etc.
- Person satisfied with the process

# Education & Experience

- Provided in a manner that is **meaningful and understandable** to the person
- It is **directly related** to the choice in question

# Empowering & Enabling Individuals' Rights

- Person's right to make decisions is consistently reinforced in daily life:
  - Empowered to say or demonstrate what I think and want
  - Supports respond accordingly
- People are supported in:
  - Big Life Decisions
  - Everyday Life Decisions

## Choice and Control

- How to provide informed choice?

### **Exposure – Education - Experience**

- How to respect one's choice after they have weighed up their options?
- The right to risk:

### **What does that mean when applied?**

- How to keep up with people's changing preferences and new discoveries?
- What does a good life look like to each person?

## Full Access To The Community

### Section 4: Person has full access to broader community -- Integration and Community Access

- a. The person is **encouraged and supported** to have **full access** to the community based on their interests/preferences for meaningful activities **to the same degree as others** in the community.
- b. The person **regularly** participates in unscheduled and scheduled community activities in the same manner as individuals not receiving HCBS (CMS Exploratory Question).
- c. The person is **satisfied** with his/her level of access to the broader community and the support provided to pursue meaningful activities for the period of time that he/she desires.

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# NEW CMS REGULATIONS

## Full Access To The Community

- Access to **information** about activity options
- Staff facilitates **individualized choice from among array of options**
- Person is connected to **actual “experiences”** of interest to him/her
- Support to engage in what is **meaningful** to the person
- Encouragement/empowerment to **try new things**
- Access **transportation and natural supports/community resources**
- Spontaneous requests for participation **enabled**
- Person is satisfied with **how often they go out and what they do**



## Full Access To The Community

- Like people without disabilities, people receiving HCBS **choose where they go and when**
- Can still be integrated in the community if located in a rural area as long as people can travel around and participate in community life **in the same way that other people who live in that community do**

## Full Access To The Community

### Does **NOT** mean:

- The **only** time a person is ever in the community is on a “group trip”
- All **activities scheduled by staff** without input from individuals/others re: interests/preferences
- People only frequent community through same **limited set of activities** or with **little variance/options** offered

## Full Access To The Community

### Section 10: “Freedom and Control over Own Schedule and Activities”

- The person is aware that he/she is not required to follow a particular schedule for waking up, going to bed, eating, leisure activities, etc.
- The person is encouraged and supported to make their own scheduling choices according to their preferences and needs
- The person has access to such things as televisions, radio, computer internet, and leisure activities that interest him/her and he/she can schedule and enjoy these activities at his/her convenience
- The person is satisfied with his/her schedule of activities and knows how to request assistance with changes if he/she wants to

## Full Access To The Community

### Section 10: “Freedom and Control over Own Schedule and Activities”

- People have the ability and support to make last-minute plans or decisions about how to spend their free time like everyone else
- Persons need for support is not a reason to not have options or to only have his/her choices supported when provider agrees
- Stringent rules/routines for administrative convenience i.e. lack of staffing is no longer acceptable under HCBS Settings requirements

## Relationships

- Person is encouraged and supported to foster and/or maintain relationships that are important and meaningful to him/her.
- Person regularly interacts with people who are important to him/her (who are not paid to spend time with him/her) and is satisfied with the type/frequency of interactions
- The Person is able (i.e., allowed) to have visitors of his/her choosing at any time

## Relationships

### Key Interpretation Criteria:

- Ongoing and consistent support to foster and maintain relationships
- Evidence that the person regularly interacts with people who are important to him/her
- The person is satisfied with number/type of relationships and frequency of interaction
- Visitors

## Choice of Living Arrangement/Roommate

- Person is satisfied—he/she does not express a desire to move or have another roommate
- If person is dissatisfied, provider staff is assisting/supporting the person to resolve issues and/or to seek out other alternatives

**There must be evidence of proactivity**

## What is **more** important?

The right  
question

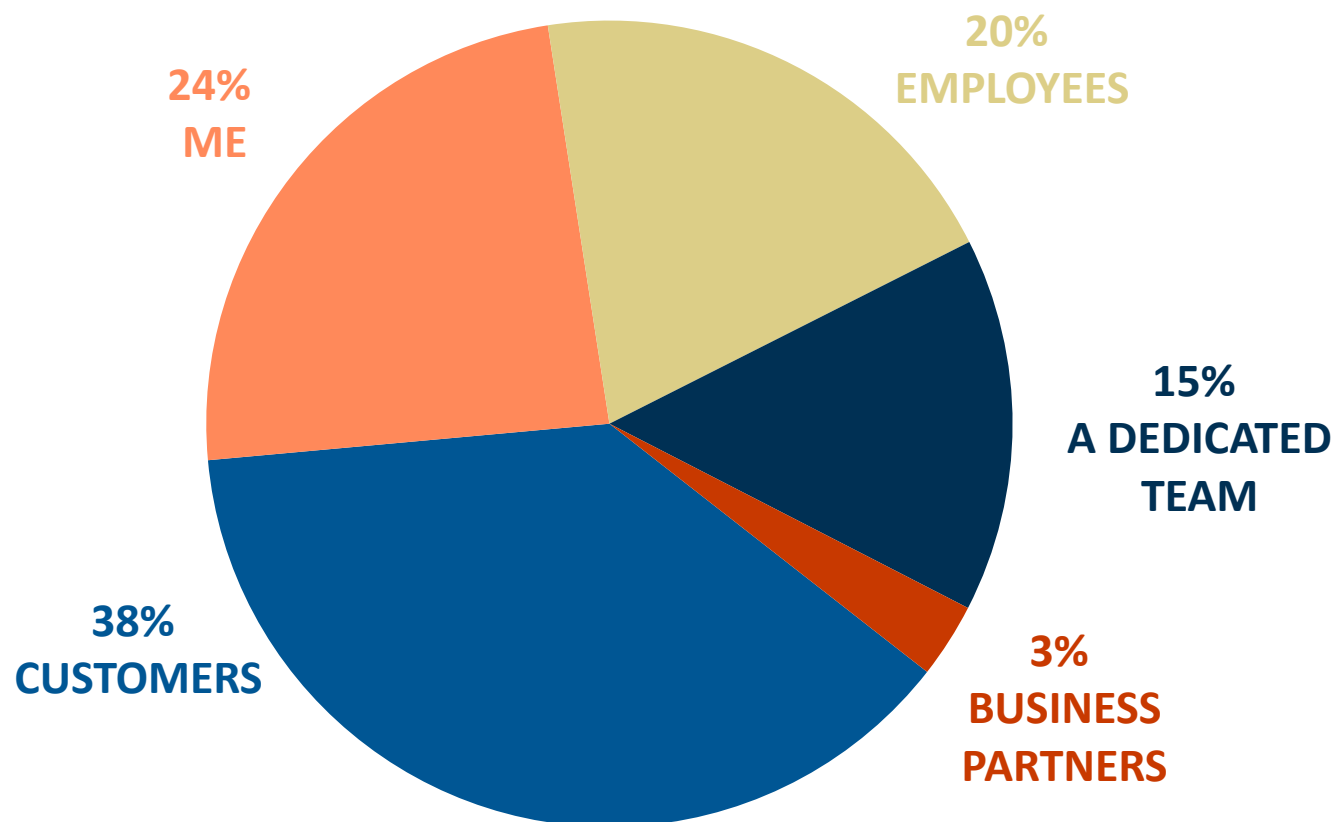


The right  
answer

Source: Inc. 500 CEO Survey



# Where do you get the **best ideas** for new products and services?



Source: Inc. 500 CEO Survey

# Appreciative Inquiry

## Listening and Learning

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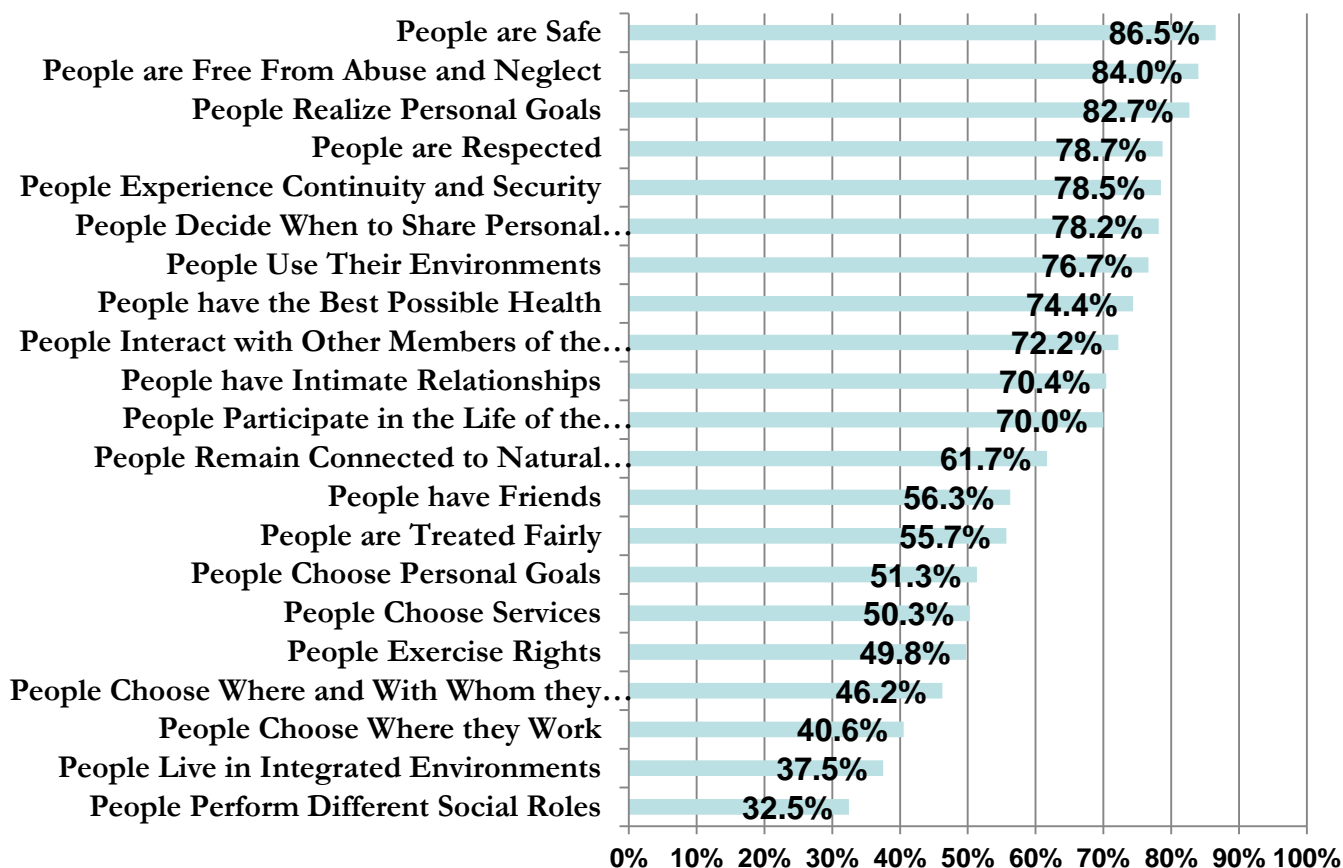
**What questions do you ask  
when you listen?**



# Appreciative Inquiry

## Listening and Learning

### Personal Outcome Measures® January 2010 (N=7,879)



# Appreciative Inquiry

## Listening and Learning

SPECIFIC OUTCOMES CORRELATED WITH TOTAL OUTCOMES – PREDICTORS	
HIGHEST	
Exercise Rights	.537
Choose where and with whom they live	.528
Treated fairly	.521
Choose where to work	.507
Interact with other members of the community	.500
Perform different social roles	.487
LOWEST	
Decide when to share personal information	.332
Have the best possible health	.309
Free from abuse and neglect	.287
Experience continuity and security	.276
Are safe	.189

## Access To Food At Any Time

- “A person should not be presented with narrow meal and snack options, decided by someone else, without input from the person.” (79 *Fed Reg.* 2965-66)
- Food options should not be unreasonably limited
- ‘Requirement would not be satisfied by choice between a granola bar or pitcher of water and crackers’

# Appreciative Inquiry

## A Story from Dirk Wasano

- In the 70's:
  - Treated us like PLANTS
- In the 80's:
  - Treated us like PETS
- In the 90's:
  - Treated us like PEOPLE
- Now it's 2015:
  - It is really time to listen.



## Requirements If Rights Modification Is Necessary

### **ALL Requirements Must Be Met For A YES:**

- ID of specific assessed need
- Documentation of positive interventions and supports used prior to modification
- Documentation of less intrusive methods tried
- Clear description of condition in direct proportion to the assessed need
- Inclusion of regular collection/review of data to measure effectiveness of modification
- Established timeframes for periodic review
- Informed Consent of the person
- Assurance that interventions/supports will cause no harm to the person

### Innovation is as American as Apple Pie.

- New products every 30 minutes

**YET, we still have so much technology untouched**

- Global World

**YET, we can't convert sheltered workshops  
to models for building social capital**

- Computers can Drive Cars

**Yet, we are afraid to tear down  
brick & mortar to get to outcomes**



### Cultural Guidelines for Changing the Way You Handle Change

- Stop the history
- Do what works
- Don't wait for instruction
- Take initiative
- Don't play it safe
- Take more risks
- Try not to break things
- Welcome change

## Leadership...

“It’s like a woman **riding a lion.**

**People think,**

‘This woman’s brave.’

**And she’s thinking,**

‘How the heck did I get on a lion,  
and how do I keep from getting eaten?’”

Source: Inc. 500 CEO Survey



CQL | The Council on  
Quality and Leadership

CQL is dedicated to the  
definition, measurement  
and improvement of  
personal quality of life for  
people receiving human  
services and supports.

**CATHY FICKER TERRILL**  
CQL | *President and CEO*

[cfterrill@thecouncil.org](mailto:cfterrill@thecouncil.org)

[www.c-q-l.org](http://www.c-q-l.org)