

PROVIDER ADVISORY #2024-021
RESIDENTIAL FACILITIES AND EXTERIOR DOOR KEYS

ACTION REQUIRED

EFFECTIVE DATE: SEPTEMBER 23, 2024

The Federal Home and Community-Based Services (HCBS) Settings Rule was implemented in 2014 to enhance the quality of home and community-based services and provide additional protections to individuals that receive services under applicable Medicaid authorities. In consultation with the Agency for Health Care Administration (AHCA), the Agency for Persons with Disabilities (APD) is working to ensure the iBudget Waiver continues to meet federal requirements related to the HCBS Settings Rule.

For individuals who receive iBudget Waiver services and reside in an APD licensed residential facility, the Centers for Medicare and Medicaid Services now requires that APD assess whether individuals have a key to the exterior door of their home.

The health, safety, and welfare of APD clients continues to be a top priority related to iBudget Waiver service delivery. The following steps must occur to maintain compliance with the HCBS Settings Rule:

1. For annual support plans occurring between July 1, 2024, through June 30, 2025, Waiver Support Coordinators (WSCs) are engaging and will continue to engage in person-centered conversations with clients who live in APD licensed residential facilities, legal representatives, and their circles of support to determine whether the client wants a key to the exterior door of the APD licensed residential facility and if so, would having personal possession of the exterior key pose a health or safety risk.
2. When having these conversations with the person's circle, these conversations should be individualized and include discussions surrounding any safety implications. For example, does the person have a history of elopements and as such, would the issuance of a door key increase this risk? Is there a considerable risk that the person may give the key to others who do not live in the home thereby potentially putting the residents at risk?
3. If there are no health, safety, and welfare concerns identified, the WSC must notify APD within 10 calendar days by adding a note in iConnect.
4. APD will notify the APD licensed residential facility of the need for a key. In order to document compliance, APD licensed residential providers will send an email to the Regional CMS Liaison verifying that an exterior door key was issued to the client.
5. If during the person-centered planning process potential health, safety, and/or welfare concerns are identified, the WSC must ensure documentation exists within the client's support plan specifying the restriction, the reason for the restriction, the interventions being utilized to help obtain full rights, and the review schedule. This should be documented in the Personal Rights section of the person-centered support plan in iConnect.

APD will be offering training to learn more about these requirements and will include this topic in the regional quarterly provider meetings. Please watch for more information coming soon. If you have questions, please contact apd.wscadvisories@apdcares.org.