

# Assisted Living Providers

## Settings Rule Compliance





# Site Assessment Findings

- 95 enrolled AL providers
- 2,190 individuals receiving waiver services in 89 AL sites
- 40% of sites have 10 or fewer individuals
- 6 sites have no current individuals receiving waiver services



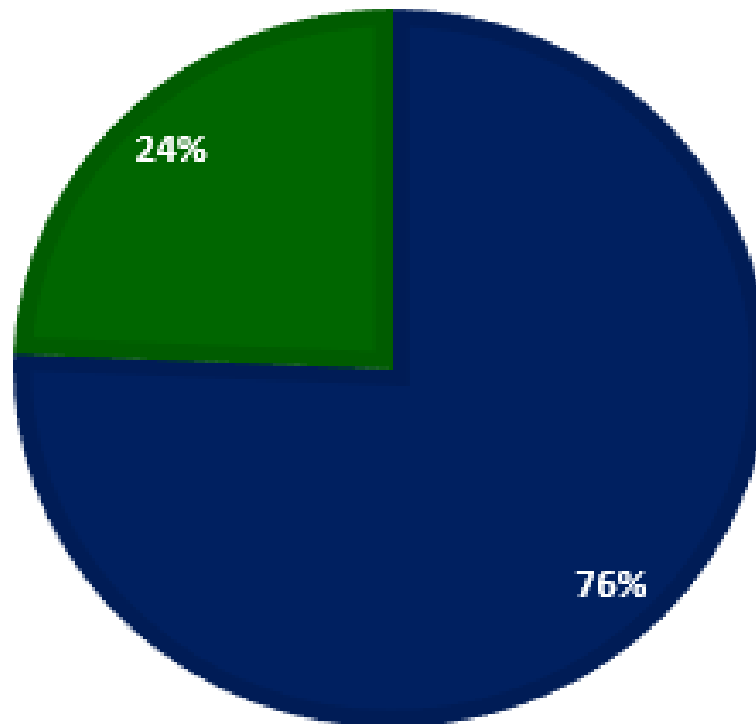
# Housing First

- Legally enforceable lease
- Eviction protections
- Cannot evict for reasons related to acuity, care needs, disability, diagnosis – Fair Housing
- Working on standards for new rule
- Source of most direct conflict with the RCF licensure

# Are residents able to freely move about inside and outside the site?

## PERCENT OF ASSISTED LIVING SETTINGS NOT COMPLIANT

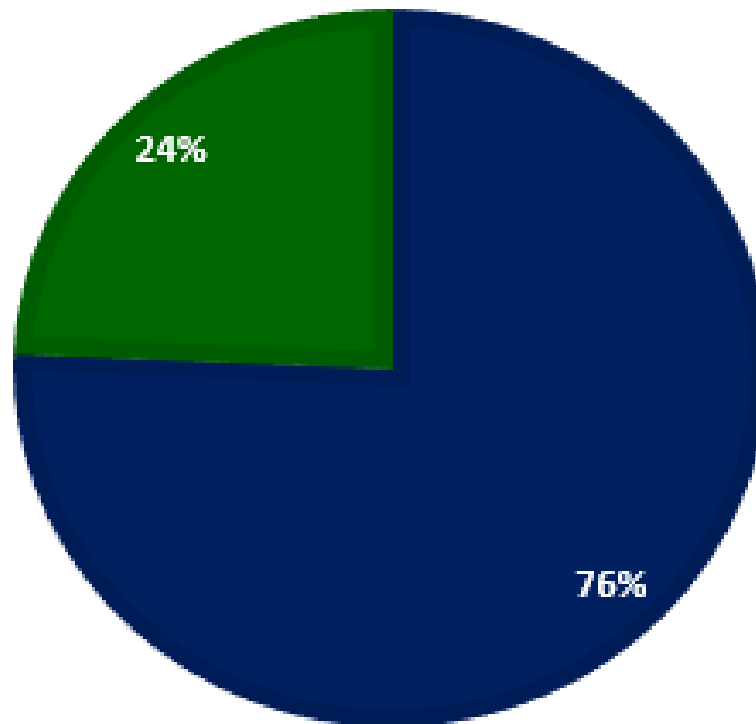
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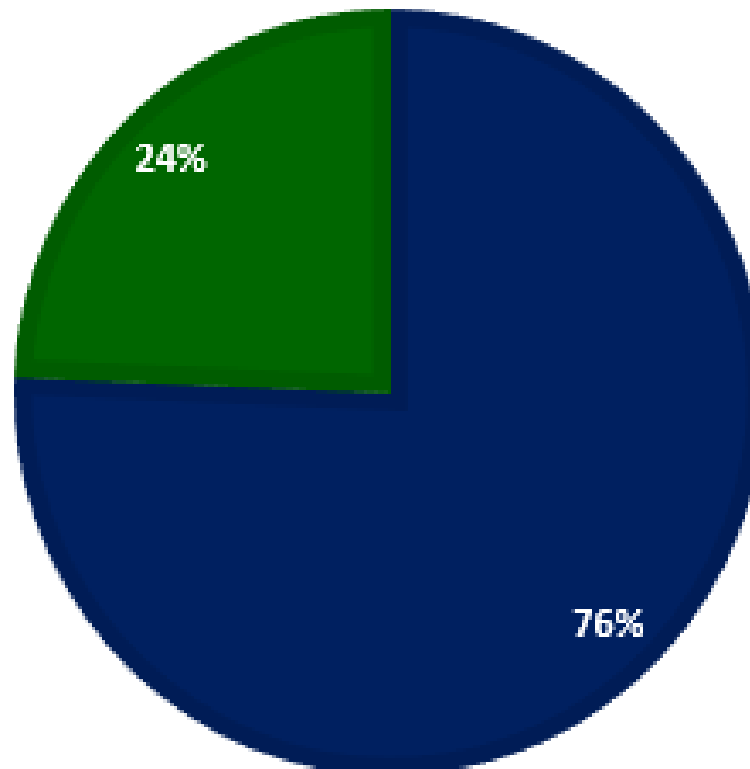
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# Are medications maintained and distributed in a way that promotes individual control and privacy?

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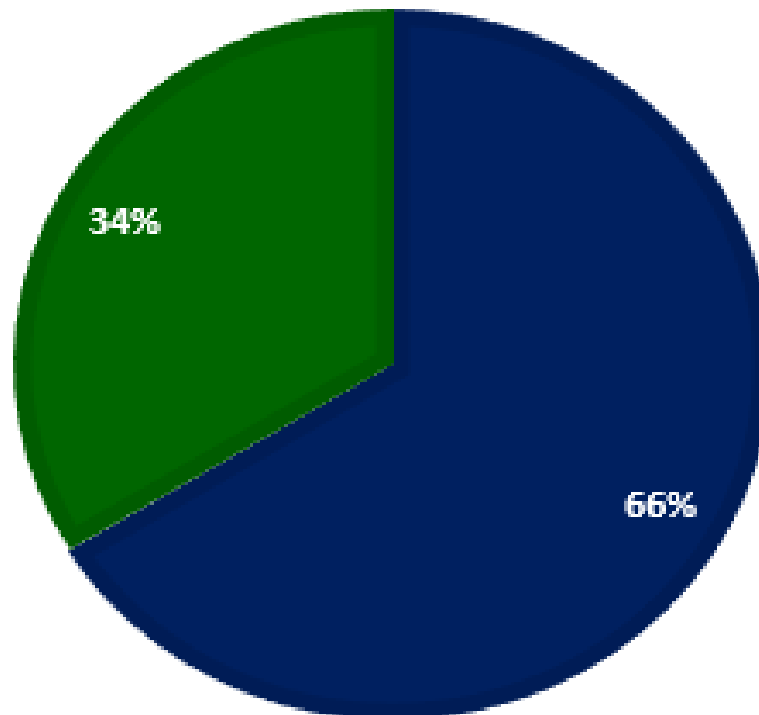
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Do staff and/or other residents knock on each other's doors or ask for permission before entering individual's rooms?

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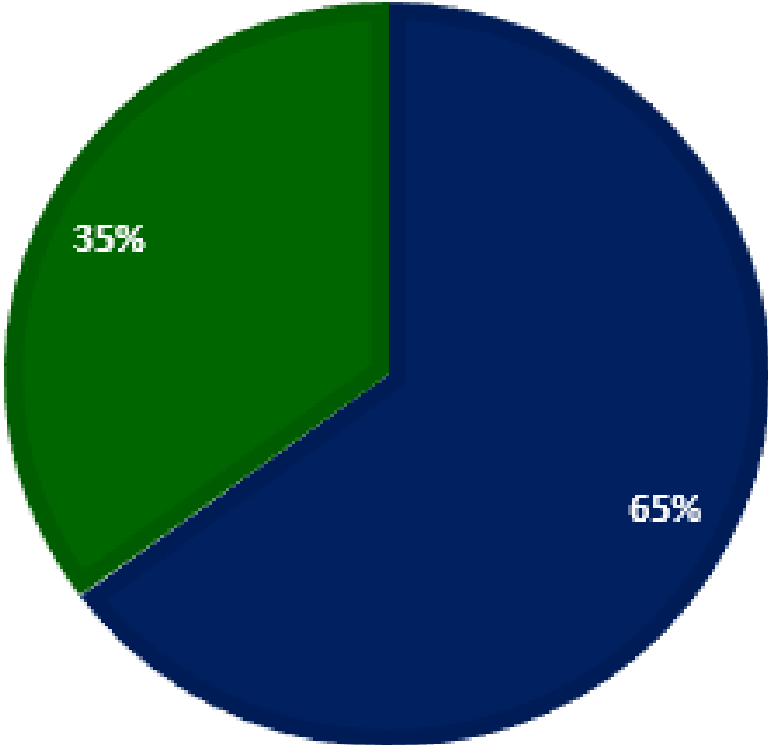
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# Are residents allowed to have visitors whenever they would like?

## PERCENT OF ASSISTED LIVING SETTINGS NOT COMPLIANT

■ Not Compliant ■ Compliant





# Other Areas of Non-compliance



- Access to food at any time, flexibility in meal times
- Site free from gates, locked doors, other barriers
- Independence and autonomy in making life decisions
  - Individuals can dine alone or in a private area
  - Individuals have easy access and ability to have private conversations with people outside of the site by telephone, email and/or mail
- Units have locking doors, with only appropriate staff having keys



# Remediation Plan Template

- Template will come with site survey results in January 2017
- Will require the following elements:
  - Identification of areas of non-compliance
  - Specific remediation steps
  - Measurable milestones with dates
- Will be due back to DA by March 2017



# Examples of Remediations

- Do staff and/or other residents knock on each other's doors or ask for permission before entering individual's rooms?
  - Possible remediation strategies:
    - New policy
    - Training for staff



# Examples of Remediations

- Access to food at any time, flexibility in meal times
  - Possible remediation strategies:
    - New policy
    - Expanded meal times
    - Special arrangements for individuals leaving the site for part of the day



## Examples of Remediations

- Are residents allowed to have visitors whenever they would like?
  - Possible remediation strategies:
    - Address in lease
    - Training for staff
    - Make sign in voluntary

# Presumed Institutional Settings



- 30 sites are co-located but do not have secured memory care
- 15 sites are co-located and have a secured memory care
- 12 sites have a secured memory care but are not co-located
- 24 sites are not co-located and do not have secured memory care
- All 84 sites are licensed as health care facilities

# Residential Care Facility Licensure



While ISDH does not regulate “assisted living,” both waivers currently require licensure by ISDH

- These regulations push AL providers toward institutional qualities
- Removing licensure alone will not bring AL settings into compliance



# Remediation Plan for Assisted Living

Two-tiered approach to resolving compliance issues:

1. Working with ISDH on interim resolution of licensure conflicts with the Settings Rule
2. Working with stakeholder group to develop new standards to be outline in the updating Aging Rule (455 IAC 2.1)
3. Design, develop and submit to CMS a new Medicaid HCBS program



# Compliance in current program



- Work with ISDH to temporarily address conflicts within the RCF licensure
- DA staff training to review and certify new AL providers
- Assisted Living workgroup will develop compliance evaluation criteria
- Remediation process will begin
  - Remediation plans are due in March
  - DA will review and provide feedback, request changes as needed
  - Ongoing monitoring, follow up and site visits to verify completion



# Development of a new HCBS program

- Program will include a congregate, residential option for individuals
- DA will work with stakeholders, obtain technical assistance to evaluate and develop structure of the program
- RCF licensure will not be required as part of new program
- Certification process to be administered by DA
- Rate methodology and service definitions will be created



## Questions to be answered yet

- What does the service definition look like?
- What services are part of the per diem?
- Are there different levels of per diem?
- How do we assure care is appropriately provided, using licensed providers when required?



# Dementia Care

- A secure unit or area designated for dementia care creates a potential isolating setting
- Site is presumed institutional
- Modifications through person centered planning are key



# Dementia Care - New Strategies

- Different methods to address wandering
- Delayed egress instead of hard lock/full security
- Access to the outdoors
- Provide wandering paths
- Take focus away from the exit