

**New Jersey Residential Home and Community-Based Setting Crosswalk for N.J.A.C. 8:36 --  
Standards for Licensure of Assisted Living (AL) Residences, Comprehensive Personal Care Homes and AL Programs**

<b>Section A: Physical Location</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?	NO/NOT APPLICABLE TO ASSISTED LIVING RESIDENCES, COMPREHENSIVE PERSONAL CARE HOMES AND ASSISTED LIING PROGRAMS. There are no Assisted Living facilities attached to county nursing homes, which can be considered public institutions.	-NOT APPLICABLE TO THIS LICENSED HEALTH CARE FACILITY CATEGORY -NOT REFERENCED IN THE RULE	
2	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not receiving HCBS?	NO/NOT APPLICABLE TO ASSISTED LIVING RESIDENCES, COMPREHENSIVE PERSONAL CARE HOMES AND ASSISTED LIING PROGRAMS.	N.J.A.C. 8:36-1.2; 1.3; 4.1(a) NJSA 10:5-12.2 N.J.A.C. 8:33H-1.15 N.J.A.C. 8:85-1.9 A RESIDENT OF A LICENSED HEALTHCARE FACILITY CANNOT BE DISCRIMINATED AGAINST BY REASON OF PAYOR SOURCE	
3	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a gated/secured “community” for people with disabilities?	NO/NOT APPLICABLE TO ASSISTED LIVING RESIDENCES, COMPREHENSIVE PERSONAL CARE HOMES AND ASSISTED LIING PROGRAMS.	-NOT APPLICABLE TO THIS LICENSED HEALTHCARE FACILITY CATEGORY -NOT REFERENCED IN THE RULE	
4	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a residential school incorporating both the educational program and the residential program in the same building or in buildings in close proximity to each other?	NO/NOT APPLICABLE TO ASSISTED LIVING RESIDENCES, COMPREHENSIVE PERSONAL CARE HOMES AND ASSISTED LIING PROGRAMS.	-NOT APPLICABLE TO THIS LICENSED HEALTHCARE FACILITY CATEGORY -NOT REFERENCED IN THE RULE	
5	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the provider operate and control multiple settings that are co-located and	NO/NOT APPLICABLE TO ASSISTED LIVING RESIDENCES,	-NOT APPLICABLE TO THIS LICENSED HELATHCARE FACILITY CATEGORY	

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		operationally related whereby a large number of people with disabilities are congregated together with shared programming and staff?	COMPREHENSIVE PERSONAL CARE HOMES AND ASSISTED LIING PROGRAMS.	-NOT REFERENCED IN THE RULE	
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<b>Section B: Integration with the Community</b>					
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	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the same manner as people not receiving Medicaid HCBS services?	YES	N.J.A.C. 8:36-1.3 8:36-4.1(a)2,13, 31, 34	
2	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual able to regularly access the greater community outside of the setting?	YES	N.J.A.C. 8:36-5.8(b)	
3	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual aware of or does he/she have access to information and materials to know of activities taking place outside of the setting?	YES	-NOT SPECIFICALLY ADDRESSED IN THE RULE -USUALLY ADDRESSED IN FACILITY POLICIES & PROCEDURES	
4	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.) in integrated community settings when they want? a) Can the individual come and go when he or she wants? b) Is the individual able work or stay active in the community outside of the setting? c) If the individual wants to work, is there a way to ensure the option is pursued?	YES  YES  YES  YES	N.J.A.C. 8:36-4.1 (a) RESIDENT RIGHTS  (b)N.J.A.C. 8:36-5.8(b)  N.J.A.C. 8:36-1.3 8:36-4.1(a)  C) NOT SPECIFICALLY ADDRESSED IN THE RULE -NOT APPLICABLE TO THIS POPULATION	
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?	YES	N.J.A.C. 8:36-4.1 (a) RESIDENT RIGHTS	
6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS live/receive services the setting live	NO	N.J.A.C. 8:36-4.1 (a) RESIDENT RIGHTS; (a) 23	

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		apart from individuals not receiving Medicaid HCBS?			
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residence and retail businesses?	UNKNOWN; OWNERSHIP CHOICE AND ZONING RESTRICTIONS APPLY AND ARE INVOLVED IN SETTING SELECTION	NOT REFERENCED IN THE RULE	
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	Explain how visitors are handled in the setting: a) Are visitors restricted to specified visiting hours? b) Are visiting hours posted? c) Is there evidence that visitors have been present at regular frequencies? d) Are there restricted visitor's meeting areas?	NO YES YES  (d) NO UNLESS RESIDENT'S CONDITION OR PHYSICIAN ORDERS REQUIRE RESTRICTED VISITOR'S AREAS IN THE BEST INTERESTS OF THE RESIDENT	N.J.A.C. 8:36-4.1 (a) 26,30,33 8:36-4.1(a) 30 – While a resident has this right, it is in accordance with the facility's policies and procedures. The visitation policy is left to the facility's discretion.	
9	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access which an individual has to access public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location? b) Is training in the use of public transportation facilitated? c) Where public transportation is limited, are other resources provided for the individual to access the broader community?	a) PUBLIC TRANSPORTATION SCHEDULES ARE AVAILABLE IN THE FACILITY, NOT NECESSARILLY POSTED b) NOT APPLICABLE TO THIS POPULATION GROUP c) YES/ LICENSED ASSISTED LIVING FACILITIES HAVE VEHICLES OR ARE RESPONSIBLE FOR TRANSPORTATION ARRANGEMENTS FOR THE RESIDENT	(a) NOT REQUIRED TO BE POSTED BY RULE  (b) NOT REQUIRED OR REFERENCED IN THE RULE  C) N.J.A.C. 8:36-5.8 (b)	

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10	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access individuals have to the community: a) Do individuals come and go at will? b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door? c) Is there a curfew or other requirement for a schedule return to the setting? d) Do individuals in the setting have access to public transportation? e) Are there bus stops nearby or are taxis available in the area? f) Is an accessible van available to bring individuals to appointments, shopping, etc.?	YES YES NO YES UNKNOWN IF BUSES ARE NEARBY A SPECIFIC FACILITY/FACILITY OR RESIDENT WILL CALL FOR TAXI SERVICE YES	(a) N.J.A.C. 8:36-4.1(a) (b)N.J.A.C. 8:36-12.1  c)N.J.A.C. 8:36-4.1(a)  (d) N.J.A.C. 8:36-5.8     (f) N.J.A.C. 8:36-5.8 (a), (b)	
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<b>Section C: Person-Centered Planning</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the development and updating of the individual's person-centered plan?	YES	N.J.A.C. 8:36-4.1(a) 13	
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions?	YES	N.J.A.C. 8:36-4.1(a) 13	
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at a time and place convenient for individuals to attend?	YES	N.J.A.C.8:36-7.1, 2, 3, 4, 5	
4	§441.301(c)(1) (iv)	Describe how the setting provides for the different cultural considerations of individuals: a) Do the setting's written materials and meetings reflect a plain language that is accessible to individuals? b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in English?	YES  YES	N.J.A.C. 8:36-5.16  (a)N.J.A.C. 8:36-5.16.  (b)N.J.A.C. 8:36-5.16.	
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	YES	N.J.A.C. 8:36-5.18 (a) (b) (c)	

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6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	YES	N.J.A.C. 8:36-7.1, 7.2, 7.3.	
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	YES	N.J.A.C. 8:36-4.1(a) N.J.A.C. 8:36-6.1i	

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<b>Section D: Choice and Independence</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice? a) Is the individual able to choose a roommate? b) Can married couples choose to share or not share a room? c) Does an individual know how he/she can request a roommate change?	YES  a) YES/WHERE SITUATION PERMITS, INDIVIDUAL RESIDENT MAY CHOOSE ROOMMATE. FACILITY DETERMINES PLACEMENT WHEN RESIDENT HAS NO REQUESTS. CHANGES CAN ALWAYS BE MADE b) YES c) YES	N.J.A.C. 8:36-1.3  (a)N.J.A.C. 8:36-1.3 8:36-4.1(a)-23	
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan? a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking, bathing, eating, exercising, activities, etc.? b) Can an individual's schedule vary from others in the same setting? c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at his/her convenience?	YES  a) YES  b) YES  c) YES	(a) N.J.A.C. 8:36-1.3 8:36-4.1(a)1,2,3,5	
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual controls his/her personal resources? a) Is the individual able to have a checking or savings account or	YES  a) YES	N.J.A.C. 8:36-4.1(a) 11, 12, 18, 19,	

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		<p>other means to control his/her funds?</p> <p>b) Does an individual have access to his/her funds?</p> <p>c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?</p>	<p>b)YES</p> <p>c)YES</p>	<p>20, 21,</p> <p>N.J.A.C. 8:36-6.3</p>	
4	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Describe the dining experience:</p> <p>a) Does the individual have a meal at the time and place of his/her choosing?</p> <p>b) Can the individual request an alternative meal if desired?</p> <p>c) Are snacks accessible and available anytime?</p> <p>d) Is the individual required to sit at an assigned seat in a dining area?</p> <p>e) If the individual desires to eat privately, can s/he do so?</p> <p>f) Is the individual able to choose with whom to eat—or to eat alone?</p> <p>g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use disposable cutlery, plates and cups?</p>	<p>a)YES</p> <p>b)YES</p> <p>c)YES</p> <p>d)NO</p> <p>e)YES</p> <p>f)YES</p> <p>g)YES</p>	<p>N.J.A.C.8:36-4.1(a) 2, 3, 4, 5, 34</p> <p>N.J.A.C. 8:36-10.5</p> <p>Dining policies are according to the facility's policies.</p>	
5	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Does the individual have access to make private telephone calls/text/email at the individual's preference and convenience?</p> <p>a) Does the individual have a private cell phone, computer or other personal communication device or</p>	<p>YES</p> <p>a)YES</p>	<p>N.J.A.C. 8:36-16.17</p>	

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		<p>have access to a telephone or other means for personal communication in private at any time?</p> <p>b) Is the telephone or other technology device in a location that has space around it to ensure privacy?</p> <p>c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack?</p>	<p>b)YES</p> <p>c)YES</p>	<p>N.J.A.C.8:36-4.1 (a) 29</p> <p>N.J.A.C. 8:36-4.1 (a) 29</p> <p>N.J.A.C. 8:36-16.17</p>	
6	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Is the setting an environment that supports individual comfort, independence and preferences?</p> <p>a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas?</p> <p>b) Is informal (written or oral) communication conducted in a language that the individual understands?</p> <p>c) Is assistance provided in private, as appropriate, when needed?</p>	<p>YES</p> <p>a)YES</p> <p>b)YES</p> <p>c)YES</p>	<p>N.J.A.C. 8:36-17.3 (a); 8:1.3</p> <p>N.J.A.C. 8:36-1.3</p> <p>8:36-16; 16.14</p>	
7	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Does the individual have full access in the setting?</p> <p>a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit from certain areas of the</p>	<p>YES</p> <p>a)YES. IN ASSISTED LIVING FACILITIES WITH ALZHEIMER'S /DEMENTIA UNITS, CONTROLLED INGRESS AND EGRESS ARE</p>	<p>N.J.A.C. 8:36-4.1 (a)16, 17</p> <p>8:36-17.1, 3 (a)(b)</p>	

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		<p>setting?</p> <p>b) Are individuals receiving Medicaid home and community-based services facilitated in accessing amenities such as a pool or gym used by others on-site?</p> <p>c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways, etc., limiting individuals' mobility in the setting or if they are present are there environmental adaptations such as a stair lift or elevator to fix the obstruction?</p>	<p>NECESSARY FOR RESIDENT SAFETY.</p> <p>b)YES</p> <p>c)YES</p>	<p>N.J.A.C. 8:36-17.1(b) 8:36-17.5, 17.7</p>	
8	<p>§441.301(c)(4)(vi) §441.710(a)(1)(vi)</p>	<p>Does the physical environment meet the needs of those individuals who require supports?</p> <p>a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in wheelchairs)?</p> <p>b) For those individuals who need supports to move about the setting as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies, etc.?</p> <p>c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably?</p>	<p>YES</p> <p>a)YES</p> <p>b)YES</p> <p>c)YES</p>	<p>(a) N.J.A.C. 8:36-4.1(a) N.J.A.C. 8:36-16; 16-14 N.J.A.C. 8:36-17.8 (f) (g)</p> <p>(b) N.J.A.C. 8:36-16.9(b) N.J.A.C. 8:36-17.7</p> <p>C) N.J.A.C. 8:36-16.9</p>	
9	<p>§441.301(c)(4)(vi) §441.710(a)(1)(vi)</p>	<p>Do individuals have privacy in their sleeping space and bathroom?</p>	<p>YES</p>		

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		<p>a) Is the furniture able to be arranged to suit the individual's needs and preferences?</p> <p>b) Can the individual close and lock the bathroom door?</p> <p>c) Can the individual close and lock the bedroom door?</p> <p>d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom?</p>	<p>a)YES</p> <p>b)YES</p> <p>c)YES</p> <p>d)YES</p>	<p>N.J.A.C. 8:36-1.3 8:36-4.1(a) 6, 22</p> <p>N.J.A.C. 8:36-16.c</p> <p>N.J.A.C. 8:36-4.1(a)3, 4, 5, 6</p>	
10	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Do individuals have comfortable places for private visits with family and friends?</p> <p>a) Is the furniture arranged to support small group conversations?</p>	<p>YES</p> <p>a)YES</p>	<p>N.J.A.C. 8:36-1.3 8:36-4.1(a) 8:36-16.11, 8:36-16.14</p>	
11	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Are individuals able to furnish and decorate their sleeping and/or living units as they wish?</p> <p>a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the individual desires?</p> <p>b) Can the furniture, linens, and other items reflect the individual's personal choices?</p> <p>c) Can individuals' living areas reflect their interests and hobbies?</p>	<p>YES</p> <p>a)YES</p> <p>b)YES</p> <p>c)YES</p>	<p>N.J.A.C. 8:36-1.3 8:36-4.1(a) 8:36-16.11, 8:36-16.14</p>	

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<b>Section E: Resident Rights</b>					
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	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individual choices incorporated into the services and supports received? a) Does staff ask the individual about her/his needs and preferences? b) Are individuals aware of how to make a service request? c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make decisions?	YES  a)YES  b)YES  c)YES	N.J.A.C. 8:36-4.1(a) 5  (a) N.J.A.C. 8:36-4.1(a) 1, 5   C) N.J.A.C. 8:36-4.1(a) 1, 5	
	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is an individual's right to dignity and privacy respected? a) Is an individual's health information kept private? b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view? c) Are individuals, who need assistance with grooming, groomed as they desire?	YES  a)YES  b)NO  c)YES	N.J.A.C. 8:36-4.1(a) 1, 3, 4, 6  N.J.A.C. 8:36-15.1, 15.3   N.J.A.C. 8:36-4.1(a) 1	
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does staff communicate with individuals in a dignified manner? a) Do individuals greet and chat with staff? b) Do staff converse with individuals in the setting while providing assistance during the regular course of daily activities? c) Does staff address individuals in the manner in which the person would like to be addressed?	YES  a)YES  b)YES  c)YES	(a) N.J.A.C. 8:36-4.1 (a) 4  (b) N.J.A.C. 8:36-4.1 (a)1, 4 8:36-5.6  (C) ) N.J.A.C. 8:36-4.1 (a) 1, 4	
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individuals free from coercion? a) Is information about filing a complaint	YES a)YES	N.J.A.C. 8:36-4.1 (a) 16	

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		<p>posted in an obvious location and in an understandable format?</p> <p>b) Does the individual know the person to contact or the process to make an anonymous complaint?</p> <p>c) Can the individual file an anonymous complaint?</p>	<p>b)YES</p> <p>c)YES</p>	<p>(a) N.J.A.C. 8:36-4.1(a) 35</p> <p>(b) N.J.A.C. 8:36-4.1(a) 40</p> <p>(C) N.J.A.C. 8:36-4.1(a) 40</p>	
5	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Is there a legally enforceable agreement for the unit or dwelling where the individual resides?</p> <p>a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement?</p> <p>b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?</p>	<p>YES</p> <p>a)YES</p> <p>b)YES</p>	<p>N.J.A.C. 8:36-2.2; 2.3; 2.4; 4.1(a)10; 5.14;</p> <p>(a) N.J.A.C. 8:36-4.1 (a) 19, 36, 37</p> <p>(b) N.J.A.C. 8:36-4.1 (a) 36, 37</p>	
6	<p>§441.710(a)(1)(vi)</p> <p>§441.301(c)(4)(vi)</p>	<p>Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the state who are not receiving Medicaid home and community based services?</p>	<p>YES</p>	<p>N.J.A.C. 8:36-4.1 (a) 10</p>	
7	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Do individuals know their rights regarding housing and when they could be required to relocate?</p> <p>a) Do individuals know how to relocate and request new housing?</p> <p>b) Does the written agreement include language that provides protections to address eviction processes and appeals comparable to those provided under the New Jersey's landlord tenant laws?</p>	<p>YES</p> <p>a)YES</p> <p>b)YES</p>	<p>(a) N.J.A.C. 8:36-4.1 (a) 36, 37</p>	

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<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?		Not referenced in regulation	<ul style="list-style-type: none"> <li>Amend regulation</li> </ul>
2	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not receiving HCBS?	State law requires DHS to insure residences are available throughout the state without unnecessary concentration in any area	N.J.S.A. 30:11B-5	
3	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a gated/secured “community” for people with disabilities?	No programs licensed under this rule are gated/secured communities	N.J.A.C. 10:44A-1.3	
4	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a residential school incorporating both the educational program and the residential program in the same building or in buildings in close proximity to each other?	Programs of this type/model are not regulated under this rule; only adults are served under this rule	Not referenced in regulation, however, no programs licensed under this rule will be collocated as per the state’s STP	
5	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby a large number of people with disabilities are congregated together with shared programming and staff?		Not referenced in regulation	
<b>Section B: Integration with the Community</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the same manner as people not receiving Medicaid HCBS services?	Service Plan (SP)  Activity schedules  Monthly reports  Progress notes	N.J.A.C. 10:44A-4.3  N.J.A.C. 10:44A-2.2  Provider agencies’ policy and procedures manuals require assurance of community integration and access  CCW Renewal – Appendix C-2, c, ii	

2	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual able to regularly access the greater community outside of the setting?	SP  Activity schedules  Monthly reports  Progress notes	N.J.A.C. 10:44A-4.3  Provider agencies' policy and procedures manuals require assurance of community integration and access  CCW Renewal – Appendix C-2, c, ii	
3	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual aware of or does he/she have access to information and materials to know of activities taking place outside of the setting?	Activity schedules  House meetings to plan outings/events  Agency required to assure community integration and access  Staff shall assist the individuals with setting the schedules and agendas for house meetings	N.J.A.C. 10:44A-3.2 (d)	
4	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.) in integrated community settings when they want? a) Can the individual come and go when he or she wants? b) Is the individual able work or stay active in the community outside of the setting? c) If the individual wants to work, is there a way to ensure the option is pursued?	SP  Services and supports are carried out with a minimum of limitation, intrusion, disruption, or departure from commonly accepted patterns of living  Inter Disciplinary Team (IDT) assures needed and requested services and supports—including referrals to the Division of Vocational Rehabilitation Services for vocational assessment and training—are addressed in SP	N.J.S.A. 30:6D-10 et seq.  N.J.A.C. 10:44A-4.3  Division Circular #35 "Service Plan"	
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?	Program settings are located within the general community	N.J.A.C. 10:44A-1.3 Definition of Community Residence	

6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS services in the setting live apart from individuals not receiving Medicaid HCBS?	Program settings are located within the general community	N.J.A.C. 10:44A-1.3 Definition of Community Residence	<ul style="list-style-type: none"> <li>Incorporate appropriate policy guidance into the policy and procedures manuals for the Supports Program (1115 Demonstration) and CCW (1915[c])</li> </ul>
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residences and retail businesses?	All settings are located in residential areas	Not referenced in regulation	<ul style="list-style-type: none"> <li>Incorporate appropriate policy guidance into the policy and procedures manuals for the Supports Program (1115 Demonstration) and CCW (1915[c])</li> </ul>
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	Explain how visitors are handled in the setting: a) Are visitors restricted to specified visiting hours? b) Are visiting hours posted? c) Is there evidence that visitors have been present at regular frequencies? d) Are there restricted visitor's meeting areas?	Residents and program manager develop house rules identifying visiting hours  Hours are not posted as this is not in keeping with a home-like setting  Communication log  Monthly report documents visitors  Other residents' bedrooms are restricted	N.J.A.C. 10:44A-3.1(a), 3.1(b)1, 3.2(a)  Personal Rights Document  CCW Renewal – Appendix C-2, c, ii	
9	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access individuals have to the community: a) Do individuals come and go at will? b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door? c) Is there a curfew or other requirement for a scheduled return to the setting? d) Do individuals in the setting have access to public transportation? e) Are there bus stops nearby or are taxis available in the area?	IDT process  SP and is commensurate with assessed level of capability and IDT approval, individuals may set their own schedules  Individuals through the house rules would agree upon a curfew  Access to public transportation where it is available	N.J.S.A. 30:6D-10 et seq.  N.J.A.C. 10:44A-4.3  Division Circular #35 "Service Plan"  N.J.A.C. 10:44A-3.2(a)	

		f) Is an accessible van available to bring individuals to appointments, shopping, etc.?	All licensed programs have vehicles sufficient for the individuals to access the community		
10	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access which an individual has to access public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location? b) Is training in the use of public transportation facilitated? c) Where public transportation is limited, are other resources provided for the individual to access the broader community?	Transportation needs are identified through the SP  All licensed programs have vehicles	N.J.S.A. 30:6D-10 et seq.  N.J.A.C. 10:44A-4.3  Division Circular #35 "Service Plan"  N.J.A.C. 10:44A-3.2(a)	

**Section C: Person-Centered Planning**

**Code of Federal Register (CFR) Citations all refer to Title 42.**

	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the development and updating of the individual's person-centered plan?	Individuals and/or their chosen representatives are members of the IDT  Individual participation is mandated	N.J.S.A. 30:6D-10 et seq.  N.J.A.C. 10:44A-4.3  Division Circular #35 "Service Plan"  Personal Rights Document	
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions?	Individuals and/or their chosen representatives are members of the IDT  Individual participation is mandated	N.J.S.A. 30:6D-10 et seq.  N.J.A.C. 10:44A-4.3  Division Circular #35 "Service Plan"  Personal Rights Document	
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at	Individuals and/or their chosen	N.J.S.A. 30:6D-10 et seq.	

		a time and place convenient for individuals to attend?	representatives are members of the IDT  Individual participation is mandated	N.J.A.C. 10:44A-4.3  Division Circular #35 "Service Plan"  Personal Rights Document  CCW Renewal – Appendix D -1, c & d	
4	§441.301(c)(1)(iv)	Describe how the setting provides for the different cultural considerations of individuals: a) Do the setting's written materials and meetings reflect a plain language that is accessible to individuals? b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in English?	Required by regulation, policy and procedure  IDT and Agency are responsible to assure information is conveyed in a language or manner the individual understands	N.J.A.C. 10:44A-3.1(a), (b), (c)  Personal Rights Document  Language line is available to participants and Interpreter Services is a Waiver service in the CCW Renewal	
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	Provider grievance policy is mandatory	N.J.A.C. 10:44A-2.2(b)8  N.J.A.C. 10:48 "Appeal Procedure"  Division Circular #37 "Appeals"  CCW Renewal – Appendix F-1	
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	Division Case Manager or contracted agency provides assistance to the individual and coordinates gaining access to the array of services needed for state plan, medical, social, educational	Division Circular #4  N.J.A.C. 10:40  Division Circular #41 "Informed Consent"	

			and other services	Division Circular #35 “Service Plan” CCW Renewal – Appendix D -1, c & f	
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	IDT convenes at the individual’s request	N.J.S.A. 30:6D-10 et seq. N.J.A.C. 10:44A-4.3 Division Circular #35 “Service Plan” Personal Rights Document CCW Renewal – Appendix D -1, c & d	

**Section D: Choice and Independence**  
Code of Federal Register (CFR) Citations all refer to Title 42.

	Federal Rule	CMS Guidance	Compliance Demonstration	Citation/Proof/Verification	Remediation Approach
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice? a) Is the individual able to choose a roommate? b) Can married couples choose to share or not share a room? c) Does an individual know how he/she can request a roommate change?	Married individuals may share a room; Case Management assists with requests	Not referenced in regulation CCW Renewal – Appendix C-2, c, ii	<ul style="list-style-type: none"> <li>Amend regulation and placement process to assure individuals participation in roommate selection</li> </ul>
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan? a) Is it made clear to the individual that he/she is not required to	Individuals establish their schedules with the supporting agency through the IDT process  It is explained to individuals that they are not required to adhere to	Division Circular #35 “Service Plan” CCW Renewal – Appendix C-2,c,ii	

		<p>adhere to a set schedule for walking, bathing, eating, exercising, activities, etc.?</p> <p>b) Can an individual's schedule vary from others in the same setting?</p> <p>c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at his/her convenience?</p>	<p>set schedules</p> <p>Individuals' schedules may vary from those of others in the same setting</p> <p>Individuals select activities that interest them through the IDT process</p>		
3	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Does the individual control his/her personal resources?</p> <p>a) Is the individual able to have a checking or savings account or other means to control his/her funds?</p> <p>b) Does an individual have access to his/her funds?</p> <p>c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?</p>	<p>Individual shall have the right to manage their personal funds consistent with abilities as documented in SP</p> <p>All funds entrusted to the licensee, shall have records and receipts of all transactions</p> <p>Upon admission and any subsequent request, the licensee shall provide the individual the DD Personal Rights Document, and advocate contact information to assist the individual in understanding and enforcing their rights</p>	<p>N.J.A.C. 10:44A-2.10 Individual financial records: individual funds</p> <p>N.J.A.C. 10:44A-4.3</p> <p>CCW Renewal – Appendix C-2, c, ii</p> <p>N.J.A.C. 10:44A-3.1 Advocacy and Rights</p>	

4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Describe the dining experience:</p> <p>a) Does the individual have a meal at the time and place of his/her choosing?</p> <p>b) Can the individual request an alternative meal if desired?</p> <p>c) Are snacks accessible and available anytime?</p> <p>d) Is the individual required to sit at an assigned seat in a dining area?</p> <p>e) If the individual desires to eat privately, can s/he do so?</p> <p>f) Is the individual able to choose with whom to eat—or to eat alone?</p> <p>g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use disposable cutlery, plates and cups?</p>	<p>Individuals are assured three nutritionally balanced meals, and snacks, varietal in nature, with reasonable adjustments to individual preferences, habits, customs and appetites</p> <p>In group homes, residents make the decision through the house rules process</p>	<p>N.J.A.C. 10:44A-5.5 Food et seq., 5.5(d)2, and 5.5(i)</p> <p>N.J.A.C 10:44A-3.2 Rules governing a residence</p>	
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Does the individual have access to make private telephone calls/text/email at the individual's preference and convenience?</p> <p>a) Does the individual have a private cell phone, computer or other personal communication device or have access to a telephone or other means for personal communication in private at any time?</p> <p>b) Is the telephone or other technology device in a location that has space around it to ensure privacy?</p> <p>c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET</p>	<p>Each individual receiving service shall have access to a telephone</p> <p>Individuals may have personal communications devices/internet access of their choice in the home or in their room</p> <p>If not, available by request</p>	<p>N.J.A.C. 10:44A-6.6(d)</p> <p>N.J.A.C. 10:44A-3.2</p> <p>Personal Rights Document</p>	

		jack?			
6	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Is the setting an environment that supports individual comfort, independence and preferences?</p> <p>a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas?</p> <p>b) Is informal (written or oral) communication conducted in a language that the individual understands?</p> <p>c) Is assistance provided in private, as appropriate, when needed?</p>	<p>The licensee shall make accommodations to ensure maximum physical accessibility feasible for entrance to and movement within the residence based upon individual characteristics</p> <p>Agency is required to assure conveyance to the individual in a language or manner the individual understands</p> <p>Private space is available for assistance when needed</p>	<p>N.J.A.C. 10:44A-6.6(g), 5.6(c)</p> <p>N.J.A.C. 10:44A-3.1(c)</p>	
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Does the individual have full access in the setting?</p> <p>a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit from certain areas of the setting?</p> <p>b) Are individuals receiving Medicaid home and community-based services facilitated in accessing amenities such as a pool or gym used by others on-site?</p> <p>c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways, etc., limiting individuals' mobility in the setting, or if they are present, are there environmental adaptations such as a stair lift or elevator to fix the obstruction?</p>	<p>IDT, Behavior Management and Human Rights Committee approval required for environmental modifications</p> <p>Individuals may access any and all amenities available; supporting agency required to facilitate</p> <p>The licensee shall make accommodations to ensure maximum physical accessibility feasible for entrance to and movement within the residence based upon individual characteristics</p>	<p>Division Circular # 5 "Human Rights Committee"</p> <p>Division Circular #18 "Behavior Management Committee"</p> <p>Division Circular # 34 "Behavior Modification Programming"</p> <p>N.J.A.C. 10:44A-6.6(a)</p>	

8	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Does the physical environment meet the needs of those individuals who require supports?</p> <p>a) Are appliances accessible to individuals (e.g. the washer/dryer are “front loading” for individuals in wheelchairs)?</p> <p>b) For those individuals who need supports to move about the setting as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies, etc.?</p> <p>c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably?</p>	<p>For residences housing individuals with physical disabilities, the licensee shall make accommodations to ensure maximum physical accessibility feasible for entrance to and movement within the residence based upon individual characteristics</p>	<p>N.J.A.C. 10:44A-6.6(a)</p>	
9	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Do individuals have privacy in their sleeping space and bathroom?</p> <p>a) Is the furniture able to be arranged to suit the individual’s needs and preferences?</p> <p>b) Can the individual close and lock the bathroom door?</p> <p>c) Can the individual close and lock the bedroom door?</p> <p>d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom?</p>	<p>Bathroom doors shall be equipped with standard hardware which provides a privacy lock and which can be readily opened from the outside in an emergency</p> <p>Individuals shall be treated in a respectful manner by anyone who manages or works in DDD’s residential programs</p>	<p>N.J.A.C. 10:44A-6.13 Bedrooms</p> <p>N.J.A.C. 10:44A-6.14 Bathrooms</p> <p>N.J.A.C. 10:44A-3.1(e)</p>	<ul style="list-style-type: none"> <li>Amend regulation to require providers ensure they have policies related to the need for staff to knock and receive permission prior to entering private areas</li> </ul>
10	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Do individuals have comfortable places for private visits with family and friends?</p> <p>a) Is the furniture arranged to support small group</p>	<p>Residences licensed under this rule are home settings and are arranged as the individuals desire</p> <p>Individuals have reasonable</p>	<p>Personal Rights Document</p>	

		conversations?	opportunities to visit or communicate privately without having to tell anybody first, and to associate with people of their choice		
11	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individuals able to furnish and decorate their sleeping and/or living units as they wish? a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the individual desires? b) Can the furniture, linens, and other items reflect the individual's personal choices? c) Can individuals' living areas reflect their interests and hobbies?	Each individual shall be provided with bedroom furnishings, in good repair, the style of which is consistent with his or her preference unless otherwise specified by the IDT  Individuals may choose to decorate their bedrooms according to individual taste and preference	N.J.A.C. 10:44A-6.13, (f), (g)  CCW Renewal – Appendix C-2, c, ii	

**Section E: Resident Rights**  
**Code of Federal Register (CFR) Citations all refer to Title 42.**

	Federal Rule	CMS Guidance	Compliance Demonstration	Citation/Proof/Verification	Remediation Approach
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individual choices incorporated into the services and supports received? a) Does staff ask the individual about her/his needs and preferences? b) Are individuals aware of how to make a service request? c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make decisions?	Division policies assure that each individual who receives services participates in the development and completion of an annual Division approved Service Plan (a tool for the planning and implementation of generic and specialized services designed to achieve personal outcomes that are appropriate to the individual's interests, strengths, needs and preferences)  House meetings shall include the individual  Staff shall assist individuals with setting schedules and agendas for	Division Circular #35 "Service Plan"  N.J.A.C. 10:44A-3 Advocacy and Rights  N.J.A.C. 10:44A-3.2(d)	

			house meetings		
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is an individual's right to dignity and privacy respected? a) Is an individual's health information kept private? b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view? c) Are individuals, who need assistance with grooming, groomed as they desire?	Agency required policy and procedures must assure practices comply with HIPPA  All needed services and supports are identified in the individual's SP	HIPPA  N.J.A.C. 10:41-2  N.J.A.C. 10:44A-2.2(b)12, 3.1(e)  Division Circular #35 "Service Plan"  N.J.A.C. 10:44A-4.3	
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does staff communicate with individuals in a dignified manner? a) Do individuals greet and chat with staff? b) Do staff converse with individuals in the setting while providing assistance during the regular course of daily activities? c) Does staff address individuals in the manner in which the person would like to be addressed?	Individuals must be treated in a respectful manner	Personal Rights Document	
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individuals free from coercion? a) Is information about filing a complaint posted in an obvious location and in an understandable format? b) Does the individual know the person to contact or the process to make an anonymous complaint? c) Can the individual file an anonymous complaint?	Division's Personal Rights Document advises individuals to talk to the person in charge and if not satisfied to talk to a DDD case manager  Advised upon admission of contact information for Advocacy, Licensing, Guardianship, Case Management, DCF, Ombudsman, and Community Health Law  Licensee's grievance procedure	Personal Rights Document  N.J.A.C. 10:44A-3.1(b)  N.J.A.C. 10:44A-4.1e(4)	

			The DDD hotline is posted	N.J.A.C. 10:44A-5.4 Emergency telephone numbers	
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is there a legally enforceable agreement for the unit or dwelling where the individual resides? a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement? b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?	Present where appropriate  Support agency required to assure	Not referenced in regulation	<ul style="list-style-type: none"> <li>Amend regulation to reference applicable housing/tenant rule/regulation citations</li> </ul>
6	§441.710(a)(1)(vi) §441.301(c)(4)(vi)	Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the state who are not receiving Medicaid home and community based services?	New Jersey statute assures all individuals with ID/DD are afforded all constitutional, civil and legal rights	N.J.S.A. 30:6D-2  Division Circular #36 "Transfer or Discharge From a Contracted Provider"  CCW Renewal – Appendix F-1	<ul style="list-style-type: none"> <li>Amend regulation to reference applicable housing/eviction rule/regulation citations</li> </ul>
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals know their rights regarding housing and when they could be required to relocate? a) Do individuals know how to relocate and request new housing? b) Does the written agreement include language that provides protections to address eviction processes and appeals comparable to those provided under the New Jersey's landlord tenant laws?	Agency required to provide appropriate information to assure informed decision-making is possible  Case Management assists individuals with requests to relocate	Not referenced in regulation  N.J.A.C. 10:48  Division Circular #37 "Appeals"  CCW Renewal – Appendix F-1	<ul style="list-style-type: none"> <li>Amend regulation to reference applicable housing rule/regulation citations</li> </ul>

<b>Section A: Physical Location</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?	CCRs are private family homes in the community	N.J.A.C. 10:44B-1.3	
2	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not receiving HCBS?	Individuals reside in the licensed family home in the broader community as any other citizen would	N.J.A.C. 10:44B-1.3	
3	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a gated/secured “community” for people with disabilities?	CCRs are private family homes in the community	N.J.A.C. 10:44B-1.3	
4	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a residential school incorporating both the educational program and the residential program in the same building or in buildings in close proximity to each other?	CCRs are private family homes in the community	N.J.A.C. 10:44B-1.3	
5	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby a large number of people with disabilities are congregated together with shared programming and staff?	The licensed home (domicile) shall be the primary, permanent, established residence of the licensee	N.J.A.C. 10:44B-1.4(b)	
<b>Section B: Integration with the Community</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the same manner as people not receiving Medicaid HCBS services?	Individuals shall have the right to access the community for recreation, education, shopping, employment, and to participate in social, religious, advocacy, or other groups of their choice  As identified in the Service Plan (SP)	N.J.A.C. 10:44B-3.1(e)  Division Circular #35 “Service Plan”  CCW Renewal – Appendix C-2, c, ii	

2	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual able to regularly access the greater community outside of the setting?	<p>Individuals shall have the right to access the community for recreation, education, shopping, employment, and to participate in social, religious, advocacy, or other groups of their choice</p> <p>As identified in the SP and documented in monthly reports</p>	<p>N.J.A.C. 10:44B-3.1(e)</p> <p>Division Circular #35 “Service Plan”</p> <p>CCW Renewal – Appendix C-2, c, ii</p>	
3	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual aware of or does he/she have access to information and materials to know of activities taking place outside of the setting?	<p>Individuals shall have the right to access the community for recreation, education, shopping, employment, and to participate in social, religious, advocacy, or other groups of their choice</p> <p>The licensee shall provide or make arrangements to facilitate the individual’s participation in all such community involvement</p>	N.J.A.C. 10:44B-3.1(e), (e)1	
4	§441.301(c)(4)(i) §441.710(a)(1)(i)	<p>Are individuals able to participate regularly in non-work activities (dining, shopping, etc.) in integrated community settings when they want?</p> <p>a) Can the individual come and go when he or she wants?</p> <p>b) Is the individual able work or stay active in the community outside of the setting?</p> <p>c) If the individual wants to work, is there a way to ensure the option is pursued?</p>	<p>There shall be no restrictions on the individual’s movement or access to any area inside or outside of the home that is commonly used by the licensee and the occupants of the home, other than those areas that are not routinely used by all the members of the household, such as the licensee or family member’s personal bedrooms</p> <p>Individuals shall have the right to access the community for recreation, education, shopping, employment, and to participate in</p>	N.J.A.C. 10:44B-3.1(d), (e)	

			<p>social, religious, advocacy, or other groups of their choice</p> <p>The licensee shall provide or make arrangements to facilitate the individual's participation in all such community involvement</p>		
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?	<p>CCRs are private family homes in the community</p> <p>Individuals reside in the licensed family home in the broader community as any other citizen would</p>	N.J.A.C. 10:44B-3.1	
6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS services in the setting live apart from individuals not receiving Medicaid HCBS?	<p>CCRs are private family homes in the community</p> <p>Individuals reside in the licensed family home in the broader community as any other citizen would</p>	N.J.A.C. 10:44B-3.1	
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residences and retail businesses?	<p>CCRs are private family homes in the community</p> <p>Individuals reside in the licensed family home in the broader community as any other citizen would</p>	N.J.A.C. 10:44B-3.1	
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	<p>Explain how visitors are handled in the setting:</p> <p>a) Are visitors restricted to specified visiting hours?</p> <p>b) Are visiting hours posted?</p> <p>c) Is there evidence that visitors have</p>	<p>Licensees shall assure that individuals are permitted to exercise those rights outlined in the Division Personal Rights Document; have visitors of their choice during reasonable set time</p>	<p>N.J.A.C. 10:44B-3.1(b)1, (b)8, (c)4</p> <p>Personal Rights Document</p> <p>CCW Renewal – Appendix C-2, c, ii</p>	

		<p>been present at regular frequencies?</p> <p>d) Are there restricted visitors' meeting areas?</p>	<p>Posting visiting hours is not in keeping with a home setting</p> <p>Complete privacy shall be afforded to individuals during visits with their guests</p> <p>Visitors are documented in the licensee's monthly report</p> <p>Visitors are restricted from access to other individual's bedrooms</p>		
9	<p>§441.301(c)(4)(i)</p> <p>§441.710(a)(1)(i)</p>	<p>Describe the level of access individuals have to the community:</p> <p>a) Do individuals come and go at will?</p> <p>b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door?</p> <p>c) Is there a curfew or other requirement for a schedule return to the setting?</p> <p>d) Do individuals in the setting have access to public transportation?</p> <p>e) Are there bus stops nearby or are taxis available in the area?</p> <p>f) Is an accessible van available to bring individuals to appointments, shopping, etc.?</p>	<p>Individuals shall have the right to access the community for recreation, education, shopping, employment, and to participate in social, religious, advocacy, or other groups of their choice</p> <p>The licensee facilitates the individual's participation in the community</p> <p>The licensee may establish reasonable house rules, which shall not infringe on the rights of the individuals and shall include provisions to assure that individuals exercise their rights in such a way as to not infringe upon the rights of or endanger others</p> <p>The licensee shall avoid any unreasonable schedule concerning the hours at which individuals shall rise or retire</p>	<p>N.J.A.C. 10:44B-3.1(e), (e)1</p> <p>N.J.A.C. 10:44B-6.5</p>	

			Accessible transportation when required shall be made available. (Access Link)		
10	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access which an individual has to access public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location? b) Is training in the use of public transportation facilitated? c) Where public transportation is limited, are other resources provided for the individual to access the broader community?	Transportation needs are met as identified in the SP  Where public transportation is unavailable, the licensee is required to assure community access	N.J.A.C. 10:44B-3.1(e), (e)1  N.J.S.A. 30:6D-10 et seq.  Division Circular #35 "Service Plan"	

**Section C: Person-Centered Planning**  
**Code of Federal Register (CFR) Citations all refer to Title 42.**

	Federal Rule	CMS Guidance	Compliance Demonstration	Citation/Proof/Verification	Remediation Approach
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the development and updating of the individual's person-centered plan?	Individuals and/or their chosen representatives share in developing their service plan designed specifically for them and to help decide what kinds of programs would be best for them in that plan	N.J.S.A. 30:6D-10 et seq.  N.J.A.C. 10:44B-3.1(b)11  Division Circular #35 "Service Plan"	
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions?	IDT Process  Service Plan	N.J.S.A. 30:6D-10 et seq.  Division Circular #35 "Service Plan"	
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at a time and place convenient for individuals to attend?	Required by policy	N.J.S.A. 30:6D-10 et seq.  Division Circular #35 "Service Plan"	

				Plan” CCW Renewal – Appendix D -1, c & d	
4	§441.301(c)(1)(iv)	Describe how the setting provides for the different cultural considerations of individuals: a) Do the setting’s written materials and meetings reflect a plain language that is accessible to individuals? b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in English?	Required by regulation, policy and procedure  IDT and licensee are responsible to assure information is conveyed in a language or manner the individual understands	N.J.A.C. 10:44B-3.1  Personal Rights Document  Language line is available to participants and Interpreter Services is a Waiver service in the CCW Renewal  Division Circular #35 “Service Plan”	
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	Licensee is required to be in compliance with all applicable Division policies	N.J.A.C. 10:48  Division Circular #37 “Appeals”  CCW Renewal – Appendix F-1	
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	Division Case Manager or contracted agency provides assistance to the individual and coordinates gaining access to the array of services needed for state plan, medical, social, educational, and other services	Division Circular #35 “Service Plan”  Division Circular #41 “Informed Consent”  CCW Renewal – Appendix D -1, c & f	
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	IDT convenes at the individual’s request	N.J.S.A. 30:6D-10 et seq.  Division Circular #35 “Service Plan”  Personal Rights Document  CCW Renewal – Appendix D -1, c	

				& d	
Section D: Choice and Independence					
Code of Federal Register (CFR) Citations all refer to Title 42.					
	Federal Rule	CMS Guidance	Compliance Demonstration	Citation/Proof/Verification	Remediation Approach
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice? a) Is the individual able to choose a roommate? b) Can married couples choose to share or not share a room? c) Does an individual know how he/she can request a roommate change?	Case Management assists with requests	Personal Rights Document  CCW Renewal – Appendix C-2, c, ii	<ul style="list-style-type: none"> <li>Revise placement process to assure individuals participation in roommate selection</li> <li>Incorporate appropriate policy guidance into the policy and procedures manuals for the Supports Program (1115 Demonstration) and CCW (1915[c])</li> </ul>
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan? a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking, bathing, eating, exercising, activities, etc.? b) Can an individual's schedule vary from others in the same setting? c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at his/her convenience?	Individuals establish their schedules with their licensee through the IDT process  Individuals shall have the right to access the community for recreation, education, shopping, employment, and to participate in social, religious, advocacy, or other groups of their choice	N.J.A.C. 10:44B-3.1(e), (e)1  CCW Renewal – Appendix C-2, c, ii	
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual control his/her personal resources? a) Is the individual able to have a checking or savings account or other means to control his/her funds? b) Does an individual have access to	Within their capability, as determined by the IDT  For all personal funds that the individual is not capable of managing, the licensee shall maintain an accurate record of all	N.J.A.C. 10:44B-3.2, (e), (f)1  Personal Rights Document  CCW Renewal – Appendix C-2, c, ii	

		<p>his/her funds?</p> <p>c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?</p>	<p>transactions</p> <p>As determined by the IDT</p>		
4	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Describe the dining experience:</p> <p>a) Does the individual have a meal at the time and place of his/her choosing?</p> <p>b) Can the individual request an alternative meal if desired?</p> <p>c) Are snacks accessible and available anytime?</p> <p>d) Is the individual required to sit at an assigned seat in a dining area?</p> <p>e) If the individual desires to eat privately, can s/he do so?</p> <p>f) Is the individual able to choose with whom to eat—or to eat alone?</p> <p>g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use disposable cutlery, plates and cups?</p>	<p>Individuals dine with the licensee’s family, unless the individual expresses a desire to dine elsewhere; IDT and guardian approved and recorded in the SP</p> <p>Individuals shall have full, unrestricted access to food in the home unless otherwise directed in writing by a physician or determined by the IDT and documented in the SP</p> <p>The licensee shall make a reasonable attempt to comply with food preferences and snacks requested by the individual, without charge to the individual</p> <p>There are no assigned seats</p> <p>There shall be sufficient seating and room at the dining table to accommodate all occupants of the household so that they may dine together</p>	N.J.A.C. 10:44B-3.4	
5	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Does the individual have access to make private telephone calls/text/email at the individual’s preference and convenience?</p> <p>a) Does the individual have a private cell phone, computer or other</p>	<p>Individuals shall have access to a telephone for incoming and outgoing calls, and shall be afforded privacy during these conversations</p> <p>Assistance shall be provided by the</p>	N.J.A.C. 10:44B-3.1(g), 3.1(b)6	

		<p>personal communication device or have access to a telephone or other means for personal communication in private at any time?</p> <p>b) Is the telephone or other technology device in a location that has space around it to ensure privacy?</p> <p>c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack?</p>	<p>licensee if requested by the individual</p> <p>If not, available by request</p>		
6	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Is the setting an environment that supports individual comfort, independence and preferences?</p> <p>a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas?</p> <p>b) Is informal (written or oral) communication conducted in a language that the individual understands?</p> <p>c) Is assistance provided in private, as appropriate, when needed?</p>	<p>There shall be no restrictions on the individual's movement or access to any area inside or outside of the home that is commonly used by the licensee and the occupants of the home</p> <p>There shall be no restrictions on the individual's use of any household appliance or device in any area inside or outside of the home commonly used by the licensee and the occupants of the home, except as necessary for the safety of the individual as determined by the IDT and recorded in the SP</p>	<p>N.J.A.C. 10:44B-3.1(d), (f), 3.2(h)8, 3.4(e)1, 6.1(bb)1-8</p>	
7	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Does the individual have full access in the setting?</p> <p>a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit from certain areas of the setting?</p> <p>b) Are individuals receiving Medicaid</p>	<p>There shall be no restrictions on the individual's movement or access to any area inside or outside of the home that is commonly used by the licensee and the occupants of the home, unless rights restrictions have been approved by the IDT, Human Rights and Behavior</p>	<p>N.J.A.C. 10:44B-3.1(d)</p> <p>N.J.A.C. 10:44B-6 Physical Plant and Safety</p>	

		<p>home and community-based services facilitated in accessing amenities such as a pool or gym used by others on-site?</p> <p>c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways, etc., limiting individuals' mobility in the setting or if they are present are there environmental adaptations such as a stair lift or elevator to fix the obstruction?</p>	<p>Management Committees</p> <p>The home shall incorporate barrier-free design, as necessary, for individuals in the home with physical disabilities</p>	N.J.A.C. 10:44B-6.1(z)	
8	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Does the physical environment meet the needs of those individuals who require supports?</p> <p>a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in wheelchairs)?</p> <p>b) For those individuals who need supports to move about the setting as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies, etc.?</p> <p>c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably?</p>	<p>The home shall incorporate barrier-free design, as necessary, for individuals in the home with physical disabilities</p>	N.J.A.C. 10:44B-6.1(z)	
9	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Do individuals have privacy in their sleeping space and bathroom?</p> <p>a) Is the furniture able to be arranged to suit the individual's needs and preferences?</p> <p>b) Can the individual close and lock</p>	<p>The licensee must assure the individuals rights are not prohibited, including the right to privacy and to have visitors of their choice during reasonable set times</p>	<p>N.J.A.C. 10:44B-3.1(a)1</p> <p>N.J.A.C. 10:44B-6.1(q)</p>	<ul style="list-style-type: none"> <li>Amend regulation to require licensees ensure they have policies related to the need for staff to knock and receive permission prior to entering private areas</li> </ul>

		<p>the bathroom door?</p> <p>c) Can the individual close and lock the bedroom door?</p> <p>d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom?</p>	<p>Complete privacy shall be afforded to individuals during visits with their guests</p> <p>All bedroom doors are equipped with privacy locks, unless IDT, Human Rights and Behavior Management Committee have determine/approved their removal</p>	<p>N.J.A.C. 10:44B-6.4 Individual bedrooms, 6.4(o)</p>	
10	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Do individuals have comfortable places for private visits with family and friends?</p> <p>a) Is the furniture arranged to support small group conversations?</p>	<p>The licensee must assure the individuals rights are not prohibited, including the right to privacy and to have visitors of their choice during reasonable set times</p> <p>Complete privacy shall be afforded to individuals during visits with their guests</p>	<p>N.J.A.C. 10:44B-3.1(a)1, (b)8</p>	
11	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Are individuals able to furnish and decorate their sleeping and/or living units as they wish?</p> <p>a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the individual desires?</p> <p>b) Can the furniture, linens, and other items reflect the individual's personal choices?</p> <p>c) Can individuals' living areas reflect their interests and hobbies?</p>	<p>The licensee shall assist an individual in maintaining or decorating his or her room according to the individual's personal taste and preference</p>	<p>N.J.A.C. 10:44B-6.4(o)</p> <p>CCW Renewal – Appendix C-2, c, ii</p>	

**Section E: Resident Rights**

**Code of Federal Register (CFR) Citations all refer to Title 42.**

	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Are individual choices incorporated into the services and supports received?</p> <p>a) Does staff ask the individual about</p>	<p>Individuals shall share in developing their service plans designed specifically for them and to help</p>	<p>N.J.A.C. 10:44B-3.1(b)11</p> <p>Division Circular #35 "Service</p>	

		<p>her/his needs and preferences?</p> <p>b) Are individuals aware of how to make a service request?</p> <p>c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make decisions?</p>	decide what kinds of programs would be best for them in those plans	Plan”	
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Is an individual’s right to dignity and privacy respected?</p> <p>a) Is an individual’s health information kept private?</p> <p>b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view?</p> <p>c) Are individuals, who need assistance with grooming, groomed as they desire?</p>	Individuals are afforded privacy, health information is kept confidential and individuals receive all assistance needed/desired as identified in their service plans	<p>HIPPA</p> <p>N.J.A.C. 10:41-2</p> <p>Division Circular #35 “Service Plan”</p>	
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Does staff communicate with individuals in a dignified manner?</p> <p>a) Do individuals greet and chat with staff?</p> <p>b) Does staff converse with individuals in the setting while providing assistance during the regular course of daily activities?</p> <p>c) Does staff address individuals in the manner in which the person would like to be addressed?</p>	Individuals shall be treated in an age-appropriate manner with regard to communication or any other aspect of daily living, taking into consideration their personal preferences	N.J.A.C. 10:44B-3.1(k)	
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Are individuals free from coercion?</p> <p>a) Is information about filing a complaint posted in an obvious location and in an understandable format?</p> <p>b) Does the individual know the person to contact or the process to</p>	<p>Posted material is not appropriate for a family home setting</p> <p>The telephone number of the Division hotline shall be readily accessible by the primary telephone</p>		

		<p>make an anonymous complaint?</p> <p>c) Can the individual file an anonymous complaint?</p>		N.J.A.C. 10:44B-6.1(i)1	
5	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Is there a legally enforceable agreement for the unit or dwelling where the individual resides?</p> <p>a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement?</p> <p>b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?</p>	CCRs are private family homes in the community		<ul style="list-style-type: none"> <li>Develop a written residency agreement</li> </ul>
6	<p>§441.710(a)(1)(vi)</p> <p>§441.301(c)(4)(vi)</p>	Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the state who are not receiving Medicaid home and community based services?	New Jersey statute assures all individuals with ID/DD are afforded all constitutional, civil and legal rights	<p>Not referenced in regulation</p> <p>Division Circular #36 "Transfer or Discharge From a Contracted Provider"</p> <p>N.J.S.A. 30:6D-2, affords all IDD all constitutional, civil and legal rights</p> <p>N.J.A.C. 10:48</p> <p>Division Circular #37 "Appeals"</p> <p>CCW Renewal – Appendix F-1</p>	
7	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Do individuals know their rights regarding housing and when they could be required to relocate?</p> <p>a) Do individuals know how to relocate and request new housing?</p> <p>b) Does the written agreement include language that provides protections to address eviction</p>	If an individual's physical, emotional, mental or spiritual needs cannot be met, the individual shall not be maintained in the residence after consultation between the licensee and the placing agency representative	<p>Not referenced in regulation</p> <p>N.J.A.C. 10:48</p> <p>Division Circular #37 "Appeals"</p> <p>CCW Renewal – Appendix F-1</p>	<ul style="list-style-type: none"> <li>Amend Personal Rights Document to include housing component</li> </ul>

		processes and appeals comparable to those provided under the New Jersey's landlord tenant laws?	Case Management assists individuals with requests to relocate  Licensee and care manager are required to provide appropriate information to assure informed decision-making is possible		
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**New Jersey Residential Home and Community-Based Setting Crosswalk for 10:44C  
Community Residences for Persons with Head Injuries**

<b>Section A: Physical Location</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?	Setting is a community residential facility which includes: group homes, halfway houses, supervised apartment living arrangements, and hostels; such a residence shall not be considered a health care facility	N.J.A.C. 10:44C-1.3 Definitions "Community residence for persons with head injuries"	
2	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not receiving HCBS?	Individuals participate in mainstream community and maintain social relationships with family members, peers, and others in the community who do not have head injuries  They have equal access to and full participation in community resources and activities available to the general public	N.J.A.C. 10:44C-1.3	
3	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a gated/secured "community" for people with disabilities?	No settings are gated/secured	Not referenced in regulation	
4	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a residential school incorporating both the educational program and the residential program in the same building or in buildings in close proximity to each other?	No settings are also schools	Not referenced in regulation	
5	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby a large number of people with disabilities are congregated together with shared programming and staff?		Not referenced in regulation	

**New Jersey Residential Home and Community-Based Setting Crosswalk for 10:44C  
Community Residences for Persons with Head Injuries**

<b>Section B: Integration with the Community</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the same manner as people not receiving Medicaid HCBS services?	Persons served maintain social relationships with family members, peers, and others in the community who do not have head injuries	N.J.A.C. 10:44C-1.3  CCW Renewal – Appendix C-2, c, ii	
2	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual able to regularly access the greater community outside of the setting?	Individuals participate in mainstream community and maintain social relationships with family members, peers, and others in the community who do not have head injuries  They have equal access to and full participation in community resources and activities available to the general public	N.J.A.C. 10:44C-1.3, 5.8  CCW Renewal – Appendix C-2, c, ii	
3	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual aware of or does he/she have access to information and materials to know of activities taking place outside of the setting?	Persons served are assisted to access benefits, privileges, and community resources that are equal to those that are available to other citizens	N.J.A.C. 10:44C-1.3	
4	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.) in integrated community settings when they want? a) Can the individual come and go when he or she wants? b) Is the individual able work or stay active in the community outside of the setting? c) If the individual wants to work, is there a way to ensure the option is	Individuals participate in mainstream community and maintain social relationships with family members, peers, and others in the community who do not have head injuries  They have equal access to and full participation in community resources and activities available to the general public	N.J.A.C. 10:44C-1.3, 5.8	

**New Jersey Residential Home and Community-Based Setting Crosswalk for 10:44C  
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		pursued?	<p>Within identified capabilities they may come and go and work as they want</p> <p>The Trans-Disciplinary Team (TDT) is responsible for ensuring pursuit of work options for interested individuals</p>		
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?	<p>Yes, Individuals participate in mainstream community and maintain social relationships with family members, peers, and others in the community who do not have head injuries</p> <p>They have equal access to and full participation in community resources and activities available to the general public</p>	N.J.A.C. 10:44C-1.3	
6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS live/receive services the setting live apart from individuals not receiving Medicaid HCBS?	No		
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residence and retail businesses?	Yes		
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	<p>Explain how visitors are handled in the setting:</p> <p>a) Are visitors restricted to specified visiting hours?</p> <p>b) Are visiting hours posted?</p> <p>c) Is there evidence that visitors have been present at regular frequencies?</p>	<p>The licensee may establish reasonable rules that govern the conduct of persons in a particular residence, including, but not limited to, rules regarding smoking, pets and visitors, provided:</p> <p>1. The rules are commensurate with</p>	<p>N.J.A.C. 10:44C-3.1(a), 3.4(b)11</p> <p>CCW Renewal – Appendix C-2, c, ii</p>	

**New Jersey Residential Home and Community-Based Setting Crosswalk for 10:44C  
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		<p>d) Are there restricted visitor's meeting areas?</p>	<p>the abilities and rights of the persons served;</p> <p>2. Persons served and their guardians, where applicable, are informed of the rules governing a residence prior to their admission;</p> <p>3. The persons served affected by such rules are consulted whenever a revision is considered, and there is evidence the rules are necessary to promote order and to benefit the collective group;</p> <p>4. The rules include provisions to ensure that a person served exercising his or her rights does so in such a way so as to not infringe upon the rights of, or endanger, others</p> <p>Individuals may have visitors of their choice during set times</p> <p>Visits may be documented in the communication log, or individual's monthly report</p>		
9	<p>§441.301(c)(4)(i) §441.710(a)(1)(i)</p>	<p>Describe the level of access individuals have to the community:</p> <p>a) Do individuals come and go at will?</p> <p>b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door?</p> <p>c) Is there a curfew or other</p>	<p>Individuals participate in mainstream community and maintain social relationships with family members, peers, and others in the community who do not have head injuries</p>		

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		<p>requirement for a schedule return to the setting?</p> <p>d) Do individuals in the setting have access to public transportation?</p> <p>e) Are there bus stops nearby or are taxis available in the area?</p> <p>f) Is an accessible van available to bring individuals to appointments, shopping, etc.?</p>	<p>They have equal access to and full participation in community resources and activities available to the general public</p> <p>Based on assessed level of need they may come and go at will, or have an established schedule</p> <p>All transportation available to the public is available to program participants</p> <p>Programs are required to have accessible vehicles were necessary</p>		
10	§441.301(c)(4)(i) §441.710(a)(1)(i)	<p>Describe the level of access which an individual has to access public transportation:</p> <p>a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location?</p> <p>b) Is training in the use of public transportation facilitated?</p> <p>c) Where public transportation is limited, are other resources provided for the individual to access the broader community?</p>	<p>As identified through Level of Service , TDT and Service Plan</p> <p>Public transportation schedule and phone numbers are available when needed by Individuals served</p> <p>Training in the use of public transportation is facilitated</p> <p>All licensed programs are required to have vehicles</p>	Not referenced in regulation	

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<b>Section C: Person-Centered Planning</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the development and updating of the individual’s person-centered plan?	<p>The individual shall share in developing his or her “Individual Treatment Plan” (ITP) designed specifically for him or her and to help decide what kinds of programs would be best for him or her in that plan</p> <p>An advocate from a local, State or private agency may be requested to assist the person served</p> <p>Family members may be requested to assist in making decisions with and for the person served, if the person served so desires</p>	<p>N.J.A.C. 10:44C-3.4(b)15</p> <p>N.J.A.C. 10:44C-3.5 (k) and (l)</p> <p>N.J.A.C. 10:44C-4.2 Individual treatment plan</p> <p>CCW Renewal – Appendix D-1, c &amp; d</p>	
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions?	Persons served shall receive training and support in order to understand options, make choices and exercise rights and responsibilities	<p>N.J.A.C. 10:44C-3.1(e), 3.5 (k) and (l), 4.211(b)11.i</p> <p>CCW Renewal – Appendix D-1, c &amp; d</p>	
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at a time and place convenient for individuals to attend?	The individual shall share in developing his or her ITP	<p>N.J.A.C. 10:44C-3.4(b)15</p> <p>CCW Renewal – Appendix D -1, c &amp; d</p>	
4	§441.301(c)(1) (iv)	Describe how the setting provides for the different cultural considerations of individuals: a) Do the setting’s written materials and meetings reflect a plain	The licensed provider is required to make reasonable accommodations which include a qualified reader or interpreter	<p>N.J.A.C. 10:44C-1.3, 3.1(c)</p> <p>Language line is available to participants and Interpreter Services is a Waiver service in the</p>	

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		<p>language that is accessible to individuals?</p> <p>b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in English?</p>		CCW Renewal	
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	<p>Provider grievance policy is required and must address resolving complaints and grievances of persons served or decisions of the TDT</p> <p>Division's appeals process</p>	<p>N.J.A.C. 10:44C-2.2(b)9</p> <p>N.J.A.C. 10:48</p> <p>Division Circular #37 "Appeals"</p>	
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	<p>Individuals are provided a range of choices, with personal preference, self-determination and dignity of risk receiving full respect and consideration</p> <p>Persons served shall receive training and support in order to understand options, make choices and exercise rights and responsibilities</p>	<p>N.J.A.C. 10:44C-3.1 Advocacy and Rights et seq.</p> <p>N.J.A.C. 10:44C-3.5</p> <p>CCW Renewal – Appendix D -1, c &amp; f</p>	
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	<p>Yes, the ITP shall be reviewed and modified on a regular and as-needed basis, but no less than annually</p> <p>The ITP may be appealed in accordance with licensee procedure</p>	CCW Renewal – Appendix D -1, c & d	

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<b>Section D: Choice and Independence</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice? a) Is the individual able to choose a roommate? b) Can married couples choose to share or not share a room? c) Does an individual know how he/she can request a roommate change?	Married individuals may share a room  Individuals are advised their case manager is responsible to assist in requests for change of roommate	Not referenced in regulation  CCW Renewal – Appendix C-2, c, ii	<ul style="list-style-type: none"> <li>Revise policy to assure individuals participation in roommate selection.</li> </ul>
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan? a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking, bathing, eating, exercising, activities, etc.? b) Can an individual's schedule vary from others in the same setting? c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at his/her convenience?	Individuals establish their schedules with their supporting agency through the TDT process  Staff shall assist the persons served with setting their schedules and agendas  At service initiation, evaluations covering recreation and leisure are completed with input from the person served of preferences, goals and needs  Individuals have access to activities that interest them, schedule at their convenience	N.J.A.C. 10:44C-3.3  CCW Renewal – Appendix C-2, c, ii  10:44C-4.2(b)11ix	
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual controls his/her personal resources? a) Is the individual able to have a checking or savings account or	Individual shall have the right to manage their personal funds consistent with their abilities as determined by the treatment team	N.J.A.C. 10:44C-2.10 Funds and Financial Records  CCW Renewal – Appendix C-2, c,	

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		<p>other means to control his/her funds?</p> <p>b) Does an individual have access to his/her funds?</p> <p>c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?</p>	<p>All funds entrusted to the licensee, shall have records and receipts of all transactions</p> <p>Individuals have access to their funds as determined by the TDT</p> <p>It is explained to individuals that they are not required to sign over paychecks to the provider</p>	<p>ii</p>	
4	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Describe the dining experience:</p> <p>a) Does the individual have a meal at the time and place of his/her choosing?</p> <p>b) Can the individual request an alternative meal if desired?</p> <p>c) Are snacks accessible and available anytime?</p> <p>d) Is the individual required to sit at an assigned seat in a dining area?</p> <p>e) If the individual desires to eat privately, can s/he do so?</p> <p>f) Is the individual able to choose with whom to eat—or to eat alone?</p> <p>g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use disposable cutlery, plates and cups?</p>	<p>In supervised apartments and supported living programs there is full compliance; group homes will need to be reviewed in order to assure adherence to CMS guidance</p> <p>Persons served shall be afforded the choice of dining with other persons or dining by themselves</p> <p>The licensee shall make reasonable adjustments to personal preferences, habits, customs and appetites</p> <p>If a person served decides to dine alone, such choice shall be documented in his or her ITP</p> <p>Food shall be readily accessible to persons served unless limitations have been approved by the TDT</p>	<p>N.J.A.C. 10:44C-5.5 Food, 5.5(h), 5.5(e)</p> <p>N.J.A.C. 10:44C-5.5(d)1.vi</p> <p>N.J.A.C. 10:44C-5.5(c)</p> <p>N.J.A.C. 10:44C-5.5(e)</p> <p>N.J.A.C. 10:44C-5.1(g)</p> <p>N.J.A.C. 10:44C-5.5(e), (e)1</p> <p>N.J.A.C. 10:44C-5.5(b, f)</p>	<ul style="list-style-type: none"> <li>Revise policy to allow individuals to choose when and where to have meals</li> </ul>

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5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Does the individual have access to make private telephone calls/text/email at the individual's preference and convenience?</p> <p>a) Does the individual have a private cell phone, computer or other personal communication device or have access to a telephone or other means for personal communication in private at any time?</p> <p>b) Is the telephone or other technology device in a location that has space around it to ensure privacy?</p> <p>c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack?</p>	<p>Each person served shall be afforded the right to make or receive private telephone calls during set times, unless the person served has a personal telephone, in which case private telephone calls shall not be restricted unless otherwise determined by the TDT</p> <p>Communication devices are located in spaces that ensure privacy</p> <p>Individuals may utilize telephone jacks, WI-FI or ETHERNET in their rooms if they choose/can afford it</p>	<p>N.J.A.C. 10:44C-6.6(d)</p> <p>N.J.A.C. 10:44C-3.4(b)8</p>	
6	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Is the setting an environment that supports individual comfort, independence and preferences?</p> <p>a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas?</p> <p>b) Is informal (written or oral) communication conducted in a language that the individual understands?</p> <p>c) Is assistance provided in private, as appropriate, when needed?</p>	<p>The licensee shall provide laundry facilities without additional charge to persons served</p> <p>Laundry may be at a centralized location</p> <p>Agency shall assist the person served to understand materials, policies, and procedures; providing qualified readers or interpreters as needed</p> <p>Assistance is provided in private as needed</p>	<p>N.J.A.C. 10:44C-5.6(c), 6.6(g)</p> <p>N.J.A.C. 10:44C-3.4 Enumeration of Rights</p>	
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Does the individual have full access in the setting?</p>	<p>The licensee shall make the existing facilities readily accessible to and</p>	<p>N.J.A.C. 5:23-7 Barrier-Free Sub code.</p>	

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		<p>a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit from certain areas of the setting?</p> <p>b) Are individuals receiving Medicaid home and community-based services facilitated in accessing amenities such as a pool or gym used by others on-site?</p> <p>c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways, etc., limiting individuals' mobility in the setting or if they are present are there environmental adaptations such as a stair lift or elevator to fix the obstruction?</p>	<p>usable by people with disabilities</p> <p>Access is not restricted unless approved by TDT and Human Rights Committee</p> <p>Individuals are assisted in accessing amenities on-site through TDT</p> <p>For residences housing persons served with physical disabilities, the licensee shall make accommodations to ensure maximum physical accessibility feasible for entrance to and movement within the residence based upon personal characteristics</p> <p>Any necessary modifications shall conform to the requirements contained in the Barrier-Free Subcode, N.J.A.C. 5:23-7</p>	<p>N.J.A.C. 10:44C-1.3</p> <p>N.J.A.C. 10:44C-6.6(a)</p>	
8	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Does the physical environment meet the needs of those individuals who require supports?</p> <p>a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in wheelchairs)?</p> <p>b) For those individuals who need supports to move about the setting as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps</p>	<p>The licensee shall make the existing facilities readily accessible to and usable by people with disabilities</p> <p>Appliances are accessible where needed/available</p> <p>For residences housing persons served with physical disabilities, the licensee shall make accommodations to ensure maximum physical accessibility</p>	<p>N.J.A.C. 5:23-7 Barrier-Free Sub code.</p> <p>N.J.A.C. 10:44C-6.6(a)</p>	

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		for wheel chairs, viable exits for emergencies, etc.? c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably?	feasible for entrance to and movement within the residence based upon personal characteristics		
9	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals have privacy in their sleeping space and bathroom? a) Is the furniture able to be arranged to suit the individual's needs and preferences? b) Can the individual close and lock the bathroom door? c) Can the individual close and lock the bedroom door? d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom?	Furniture is arranged to suit individual needs/preferences  Bathroom and bedroom doors may be closed and locked  Those wishing to enter another individuals bedroom or bathroom knock and receive permission first	N.J.A.C. 10:44C-6.14(d)  N.J.A.C. 10:44C-3.4 Enumeration of rights	
10	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals have comfortable places for private visits with family and friends? a) Is the furniture arranged to support small group conversations?	Comfortable and private areas are available for visitors  Furniture is arranged as individuals desire	Not referenced in regulation	<ul style="list-style-type: none"> <li>Revise policy to ensure accommodations</li> </ul>
11	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individuals able to furnish and decorate their sleeping and/or living units as they wish? a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the individual desires? b) Can the furniture, linens, and other items reflect the individual's personal choices?	Individuals may choose to decorate their bedrooms according to personal taste and preference	N.J.A.C. 10:44C-6.13(g) and (h)  CCW Renewal – Appendix C-2, c, ii	

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		c) Can individuals' living areas reflect their interests and hobbies?			
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<b>Section E: Resident Rights</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individual choices incorporated into the services and supports received? a) Does staff ask the individual about her/his needs and preferences? b) Are individuals aware of how to make a service request? c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make decisions?	Individuals participate in the formulation of their Service Plans  The provider must assure a range of choices, with personal preference, self-determination and dignity of risk receiving full respect and consideration  Individuals are informed of how to make a service request  Individuals are empowered to make decisions regarding the services and supports received	Division Circular #35 “Service Plan”  N.J.A.C. 10:44C-3.2(d), 6.13(f)7 and (g)  N.J.A.C. 10:44C-3.1(b)1, (b)2i-x, (b)3, (b)4i-iv, (e)  N.J.A.C. 10:44C-3.4(f), 3.3(a-d)	
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is an individual’s right to dignity and privacy respected? a) Is an individual’s health information kept private? b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view? c) Are individuals, who need assistance with grooming, groomed as they desire?	All health information is kept private; agency policies are required to assure HIPPA compliance  Individual schedules are not posted  The need for assistance with grooming is identified in individuals’ ITPs	HIPPA  N.J.A.C. 10:41-2,  N.J.A.C. 10:44C-1.3, 2.2(b)12, 3.4(b)16  Division Circular #35 “Service Plan”	
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does staff communicate with individuals in a dignified manner? a) Do individuals greet and chat with staff? b) Do staff converse with individuals in the setting while providing	Support agency required to ensure that the rights of a person served are not ignored or infringed upon; this affirmation and protection is reflected in all aspects of the service process	N.J.A.C. 10:44C-1.3	

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		<p>assistance during the regular course of daily activities?</p> <p>c) Does staff address individuals in the manner in which the person would like to be addressed?</p>			
4	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Are individuals free from coercion?</p> <p>a) Is information about filing a complaint posted in an obvious location and in an understandable format?</p> <p>b) Does the individual know the person to contact or the process to make an anonymous complaint?</p> <p>c) Can the individual file an anonymous complaint?</p>	<p>Upon admission to the program and upon subsequent request, the licensee shall provide the person served and his or her guardian, where applicable, with the following:</p> <p>1. A copy of the list of rights of persons served, as specified at N.J.A.C. 10:44C-3.4(b);</p> <p>2. The names, addresses and telephone numbers of advocates available to assist the person served in understanding and enforcing these rights, to include, at a minimum:</p> <p>i. Disability Rights New Jersey;</p> <p>ii. Community Health Law Project;</p> <p>iii. Brain Injury Association of New Jersey (1-800-669-4323);</p> <p>iv. Office of Licensing;</p> <p>v. Special Response Unit;</p> <p>vi. Bureau of Guardianship, if applicable;</p> <p>vii. Office of the Public Guardian;</p> <p>viii. His or her case manager;</p> <p>ix. Department of Children and Families State Central Registry at 1-877-NJ-ABUSE (1-877-652-2873), if</p>	<p>N.J.A.C. 10:44C-3.1(b)4, (c), (c)1, 4.1(d)4</p> <p>N.J.A.C. 10:44C-3.1(b)2i-vii</p> <p>N.J.A.C. 10:44C-3.1(b)2i-x</p>	

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			<p>applicable; and x. Office of the Ombudsman (1-877-582-6995), if applicable;</p> <p>An advocate from a local, State or private agency may be requested to assist the person served</p> <p>Individuals can file anonymous complaints</p>	N.J.A.C. 10:44C-3.5(k)	
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Is there a legally enforceable agreement for the unit or dwelling where the individual resides?</p> <p>a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement?</p> <p>b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?</p>	<p>Individuals in SAs and SLPs have written residency agreements</p> <p>Support agency required to assure individuals know their rights regarding housing and relocation</p>	Not referenced in regulation	<ul style="list-style-type: none"> <li>Amend regulation to require lease-based housing or legally enforceable agreement</li> </ul>
6	§441.710(a)(1)(vi) §441.301(c)(4)(vi)	Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the state who are not receiving Medicaid home and community based services?	New Jersey Statute assures all ID/DD individuals are afforded all constitutional, civil and legal rights	<p>Not referenced in regulation</p> <p>N.J.S.A. 30:6D-2</p> <p>CCW Renewal – Appendix F-1</p>	<ul style="list-style-type: none"> <li>Amend regulation to require lease-based housing or legally enforceable agreement</li> </ul>
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Do individuals know their rights regarding housing and when they could be required to relocate?</p> <p>a) Do individuals know how to relocate and request new housing?</p> <p>b) Does the written agreement include language that provides protections to address eviction processes and appeals comparable to those provided under the New</p>	Support agency required to ensuring that the rights of a person served are not ignored or infringed upon; this affirmation and protection is reflected in all aspects of the service process, from service initiation to discharge and follow up	<p>Not referenced in regulation</p> <p>CCW Renewal – Appendix F-1</p>	<ul style="list-style-type: none"> <li>Amend regulation to require lease-based housing or legally enforceable agreement</li> </ul>

**New Jersey Residential Home and Community-Based Setting Crosswalk for 10:44C  
Community Residences for Persons with Head Injuries**

		Jersey's landlord tenant laws?			
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**New Jersey Residential Home and Community-Based Setting Crosswalk  
NJ Comprehensive Medicaid Wavier: Special Terms and Conditions**

<b>Section A: Physical Location</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?	Not referenced in STCs		
2	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not receiving HCBS?	Not referenced in STCs		
3	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a gated/secured “community” for people with disabilities?	Not referenced in STCs		
4	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a residential school incorporating both the educational program and the residential program in the same building or in buildings in close proximity to each other?	Not referenced in STCs		
5	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby a large number of people with disabilities are congregated together with shared programming and staff?	Not referenced in STCs		
<b>Section B: Integration with the Community</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the same manner as people not receiving Medicaid HCBS services?	Yes:STC 46f requires that enrollees be provided an opportunity to make decisions about their day to day activities in their home and community.  STC 46g requires that enrollees are allowed to choose how and when to spend their free time, and have	STC 46 f and g	

**New Jersey Residential Home and Community-Based Setting Crosswalk  
NJ Comprehensive Medicaid Wavier: Special Terms and Conditions**

			opportunities to participate in community activities of their choosing.		
2	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual able to regularly access the greater community outside of the setting?	Not referenced in STCs		
3	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual aware of or does he/she have access to information and materials to know of activities taking place outside of the setting?	Not referenced in STCs		
4	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.) in integrated community settings when they want? a) Can the individual come and go when he or she wants? b) Is the individual able work or stay active in the community outside of the setting? c) If the individual wants to work, is there a way to ensure the option is pursued?	Not referenced in STCs		
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?	Not referenced in STCs		
6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS live/receive services the setting live apart from individuals not receiving Medicaid HCBS?	Not referenced in STCs		
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residence and retail businesses?	Not referenced in STCs		
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	Explain how visitors are handled in the setting:	Yes: STC 46d requires common living areas a common space for	STC46 d, f, and g	

**New Jersey Residential Home and Community-Based Setting Crosswalk  
NJ Comprehensive Medicaid Wavier: Special Terms and Conditions**

		<ul style="list-style-type: none"> <li>a) Are visitors restricted to specified visiting hours?</li> <li>b) Are visiting hours posted?</li> <li>c) Is there evidence that visitors have been present at regular frequencies?</li> <li>d) Are there restricted visitor's meeting areas?</li> </ul>	<p>interaction between participants, their guests and other residents.</p> <p>STC 46f requires that enrollees be provided with an opportunity to make decisions about their day to day activities including visitors.</p> <p>STC 46g requires that enrollees have privacy to visit with friends and family.</p>		
10	§441.301(c)(4)(i) §441.710(a)(1)(i)	<p>Describe the level of access individuals have to the community:</p> <ul style="list-style-type: none"> <li>a) Do individuals come and go at will?</li> <li>b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door?</li> <li>c) Is there a curfew or other requirement for a schedule return to the setting?</li> <li>d) Do individuals in the setting have access to public transportation?</li> <li>e) Are there bus stops nearby or are taxis available in the area?</li> <li>f) Is an accessible van available to bring individuals to appointments, shopping, etc.?</li> </ul>	Not referenced in STCs		
9	§441.301(c)(4)(i) §441.710(a)(1)(i)	<p>Describe the level of access which an individual has to access public transportation:</p> <ul style="list-style-type: none"> <li>a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location?</li> <li>b) Is training in the use of public</li> </ul>	Not referenced in STCs		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
NJ Comprehensive Medicaid Wavier: Special Terms and Conditions**

		transportation facilitated? c) Where public transportation is limited, are other resources provided for the individual to access the broader community?			
<b>Section C: Person-Centered Planning</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the development and updating of the individual's person-centered plan?	Yes: STC 52a requires team based Person-Centered planning, which takes into account the person's abilities and preferences.	STC 52a.	
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions?	Yes: STC 52 requires that the necessary information is offered to the individual so that they may direct their plan of care as much as possible.	STC 52	
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at a time and place convenient for individuals to attend?	Yes: STC 52c requires meetings related to the participant's PoC are held at a location, date, and time that is convenient for the participant.	STC 52c	
4	§441.301(c)(1) (iv)	Describe how the setting provides for the different cultural considerations of individuals: a) Do the setting's written materials and meetings reflect a plain language that is accessible to individuals? b) Is the information accessible to individuals with disabilities and persons with a limited proficiency	Not referenced in STCs		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
NJ Comprehensive Medicaid Waiver: Special Terms and Conditions**

		in English?			
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	Yes: STC 72 requires integrated care coordination for physical health and MLTSS will be provided by the MCOs in a manner that is “conflict-free” and includes a CMS approved process to ensure “conflict-free” care coordination.	STC 72	
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	Yes: STC 52g requires that participants have the choice of participating providers within the plan network as well as access to non-participating providers when the appropriate provider type is not in the MCO network. STC 52a requires participation by the enrollee when developing the plan of care.	STC 52a & g	
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	Yes: STC 52i requires a yearly review of the Plan of Care, or more often if requested by the participant/representative.	STC 52i	

**Section D: Choice and Independence**  
**Code of Federal Register (CFR) Citations all refer to Title 42.**

	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice? a) Is the individual able to choose a roommate? b) Can married couples choose to share or not share a room? c) Does an individual know how he/she can request a roommate	Yes: STC 46a requires the individual be allowed to make decisions associated with sharing a bedroom.	STC 46a	

**New Jersey Residential Home and Community-Based Setting Crosswalk  
NJ Comprehensive Medicaid Wavier: Special Terms and Conditions**

		change?			
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan? a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking, bathing, eating, exercising, activities, etc.? b) Can an individual's schedule vary from others in the same setting? c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at his/her convenience?	Yes: STC 46f requires the opportunity to make decisions about their day to day activities including visitors, when and what to eat, in their home and in the community.	STC 46f	
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual controls his/her personal resources? a) Is the individual able to have a checking or savings account or other means to control his/her funds? b) Does an individual have access to his/her funds? c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?	Not referenced in STCs		
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Describe the dining experience: a) Does the individual have a meal at the time and place of his/her choosing? b) Can the individual request an alternative meal if desired? c) Are snacks accessible and available anytime?	Yes: STC 46e affords that the participant has access to food storage or a food pantry at all times.  STC 46f requires that the participant can chose when and what to eat.  STC 46g requires the participant is	STC 46e, f and g	

**New Jersey Residential Home and Community-Based Setting Crosswalk  
NJ Comprehensive Medicaid Wavier: Special Terms and Conditions**

		<p>d) Is the individual required to sit at an assigned seat in a dining area?</p> <p>e) If the individual desires to eat privately, can s/he do so?</p> <p>f) Is the individual able to choose with whom to eat—or to eat alone?</p> <p>g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use disposable cutlery, plates and cups?</p>	<p>treated with respect at all times.</p>		
5	<p>§441.301(c)(4)(vi) §441.710(a)(1)(vi)</p>	<p>Does the individual have access to make private telephone calls/text/email at the individual’s preference and convenience?</p> <p>a) Does the individual have a private cell phone, computer or other personal communication device or have access to a telephone or other means for personal communication in private at any time?</p> <p>b) Is the telephone or other technology device in a location that has space around it to ensure privacy?</p> <p>c) Do individuals’ rooms have a telephone jack, WI-FI or ETHERNET jack?</p>	<p>Yes: STC 46g requires that the participant have the ability to make private telephone calls and have a private space for their personal items.</p>	<p>STC 46g</p>	
6	<p>§441.301(c)(4)(vi) §441.710(a)(1)(vi)</p>	<p>Is the setting an environment that supports individual comfort, independence and preferences?</p> <p>a) Do individuals have full access to typical facilities in a home such as</p>	<p>Yes: STC 46e requires enrollees have access to a food storage or food pantry at all times.</p>	<p>STC 46e</p>	

**New Jersey Residential Home and Community-Based Setting Crosswalk  
NJ Comprehensive Medicaid Wavier: Special Terms and Conditions**

		<p>a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas?</p> <p>b) Is informal (written or oral) communication conducted in a language that the individual understands?</p> <p>c) Is assistance provided in private, as appropriate, when needed?</p>			
7	<p>§441.301(c)(4)(vi) §441.710(a)(1)(vi)</p>	<p>Does the individual have full access in the setting?</p> <p>a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit from certain areas of the setting?</p> <p>b) Are individuals receiving Medicaid home and community-based services facilitated in accessing amenities such as a pool or gym used by others on-site?</p> <p>c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways, etc., limiting individuals' mobility in the setting or if they are present are there environmental adaptations such as a stair lift or elevator to fix the obstruction?</p>	Not referenced in STCs		
8	<p>§441.301(c)(4)(vi) §441.710(a)(1)(vi)</p>	<p>Does the physical environment meet the needs of those individuals who require supports?</p> <p>a) Are appliances accessible to individuals (e.g. the washer/dryer</p>	Not referenced in STCs		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
NJ Comprehensive Medicaid Wavier: Special Terms and Conditions**

		<p>are “front loading” for individuals in wheelchairs)?</p> <p>b) For those individuals who need supports to move about the setting as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies, etc.?</p> <p>c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably?</p>			
9	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Do individuals have privacy in their sleeping space and bathroom?</p> <p>a) Is the furniture able to be arranged to suit the individual’s needs and preferences?</p> <p>b) Can the individual close and lock the bathroom door?</p> <p>c) Can the individual close and lock the bedroom door?</p> <p>d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom?</p>	<p>Yes: STC 46a requires private or semi-private bedrooms including decisions associated with sharing a bedroom.</p> <p>STC 46c requires private or semi-private bathrooms that include provisions for privacy.</p>	STC 46 a and c	
10	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Do individuals have comfortable places for private visits with family and friends?</p> <p>a) Is the furniture arranged to support small group conversations?</p>	<p>Yes: STC 46g requires enrollees to have privacy to visit with friends and family.</p>	STC 46g	
11	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Are individuals able to furnish and decorate their sleeping and/or living units as they wish?</p>	<p>Yes: STC 46g requires enrollees to be treated with respect and have private space for their personal</p>	STC 46g	

**New Jersey Residential Home and Community-Based Setting Crosswalk  
NJ Comprehensive Medicaid Wavier: Special Terms and Conditions**

		<ul style="list-style-type: none"> <li>a) Are the individuals’ personal items, such as pictures, books, etc. able to be present and arranged as the individual desires?</li> <li>b) Can the furniture, linens, and other items reflect the individual’s personal choices?</li> <li>c) Can individuals’ living areas reflect their interests and hobbies?</li> </ul>	items.		
<b>Section E: Resident Rights</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Are individual choices incorporated into the services and supports received?</p> <ul style="list-style-type: none"> <li>a) Does staff ask the individual about her/his needs and preferences?</li> <li>b) Are individuals aware of how to make a service request?</li> <li>c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make decisions?</li> </ul>	Not referenced in STCs		
	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Is an individual’s right to dignity and privacy respected?</p> <ul style="list-style-type: none"> <li>a) Is an individual’s health information kept private?</li> <li>b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view?</li> <li>c) Are individuals, who need assistance with grooming, groomed as they desire?</li> </ul>	Yes: STC 46g requires enrollees be treated with respect.	STC 46g	
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does staff communicate with individuals in a dignified manner?	Yes: STC 46g requires enrollees be treated with respect.	STC 46g	

**New Jersey Residential Home and Community-Based Setting Crosswalk  
NJ Comprehensive Medicaid Wavier: Special Terms and Conditions**

		<ul style="list-style-type: none"> <li>a) Do individuals greet and chat with staff?</li> <li>b) Do staff converse with individuals in the setting while providing assistance during the regular course of daily activities?</li> <li>c) Does staff address individuals in the manner in which the person would like to be addressed?</li> </ul>			
4	<p>§441.301(c)(4)(vi) §441.710(a)(1)(vi)</p>	<p>Are individuals free from coercion?</p> <ul style="list-style-type: none"> <li>a) Is information about filing a complaint posted in an obvious location and in an understandable format?</li> <li>b) Does the individual know the person to contact or the process to make an anonymous complaint?</li> <li>c) Can the individual file an anonymous complaint?</li> </ul>	<p>Yes: STC 72 requires integrated care coordination for physical health and MLTSS will be provided by the MCOs in a manner that is “conflict-free” and includes a CMS approved process to ensure “conflict-free” care coordination.</p>	STC 72	
5	<p>§441.301(c)(4)(vi) §441.710(a)(1)(vi)</p>	<p>Is there a legally enforceable agreement for the unit or dwelling where the individual resides?</p> <ul style="list-style-type: none"> <li>a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement?</li> <li>b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?</li> </ul>	Not referenced in STCs		
6	<p>§441.710(a)(1)(vi) §441.301(c)(4)(vi)</p>	<p>Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the state who are not receiving Medicaid home and community based services?</p>	Not referenced in STCs		
7	§441.301(c)(4)(vi)	Do individuals know their rights	Not referenced in STCs		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
 NJ Comprehensive Medicaid Wavier: Special Terms and Conditions**

	§441.710(a)(1)(vi)	regarding housing and when they could be required to relocate? a) Do individuals know how to relocate and request new housing? b) Does the written agreement include language that provides protections to address eviction processes and appeals comparable to those provided under the New Jersey’s landlord tenant laws?			
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**New Jersey Residential Home and Community-Based Setting Crosswalk  
MLTSS Service Dictionary**

<b>Section A: Physical Location</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?	Not referenced in Service Dictionary		*The MLTSS Service Dictionary is a high level description of the services offered in MLTSS and the majority of the descriptions to not include information on what would be required of the provider to be considered in compliance with the HCBS Settings Rule. .
2	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not receiving HCBS?	Not referenced in Service Dictionary		
3	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a gated/secured “community” for people with disabilities?	Not referenced in Service Dictionary		
4	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a residential school incorporating both the educational program and the residential program in the same building or in buildings in close proximity to each other?	Not referenced in Service Dictionary		
5	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby a large number of people with disabilities are congregated together with shared programming and staff?	Not referenced in Service Dictionary		
<b>Section B: Integration with the Community</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the same manner as people not receiving Medicaid HCBS services?	Not referenced in Service Dictionary		
2	§441.301(c)(4)(i)	Is the individual able to regularly access	Not referenced in Service Dictionary		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MLTSS Service Dictionary**

	§441.710(a)(1)(i)	the greater community outside of the setting?			
3	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual aware of or does he/she have access to information and materials to know of activities taking place outside of the setting?	Not referenced in Service Dictionary		
4	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.) in integrated community settings when they want? a) Can the individual come and go when he or she wants? b) Is the individual able work or stay active in the community outside of the setting? c) If the individual wants to work, is there a way to ensure the option is pursued?	Not referenced in Service Dictionary		
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?	Not referenced in Service Dictionary		
6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS live/receive services the setting live apart from individuals not receiving Medicaid HCBS?	Not referenced in Service Dictionary		
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residence and retail businesses?	Not referenced in Service Dictionary		
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	Explain how visitors are handled in the setting: a) Are visitors restricted to specified visiting hours? b) Are visiting hours posted? c) Is there evidence that visitors have	Not referenced in Service Dictionary		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MLTSS Service Dictionary**

		<p>been present at regular frequencies?</p> <p>d) Are there restricted visitor's meeting areas?</p>			
10	<p>§441.301(c)(4)(i) §441.710(a)(1)(i)</p>	<p>Describe the level of access individuals have to the community:</p> <p>a) Do individuals come and go at will?</p> <p>b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door?</p> <p>c) Is there a curfew or other requirement for a schedule return to the setting?</p> <p>d) Do individuals in the setting have access to public transportation?</p> <p>e) Are there bus stops nearby or are taxis available in the area?</p> <p>f) Is an accessible van available to bring individuals to appointments, shopping, etc.?</p>	Not referenced in Service Dictionary		
9	<p>§441.301(c)(4)(i) §441.710(a)(1)(i)</p>	<p>Describe the level of access which an individual has to access public transportation:</p> <p>a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location?</p> <p>b) Is training in the use of public transportation facilitated?</p> <p>c) Where public transportation is limited, are other resources provided for the individual to access the broader community?</p>	Not referenced in Service Dictionary		

**Section C: Person-Centered Planning**  
Code of Federal Register (CFR) Citations all refer to Title 42.

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MLTSS Service Dictionary**

	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the development and updating of the individual’s person-centered plan?	Yes: Social Adult Day Care requires an individualized plan of care that is developed jointly with the client and family.	MLTSS Service Dictionary – Social Adult Day Care	
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions?	Not referenced in Service Dictionary		
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at a time and place convenient for individuals to attend?	Not referenced in Service Dictionary		
4	§441.301(c)(1) (iv)	Describe how the setting provides for the different cultural considerations of individuals: a) Do the setting’s written materials and meetings reflect a plain language that is accessible to individuals? b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in English?	Not referenced in Service Dictionary		
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	Not referenced in Service Dictionary		
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and	Not referenced in Service Dictionary		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MLTSS Service Dictionary**

		from whom?			
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	Not referenced in Service Dictionary		
<b>Section D: Choice and Independence</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice? a) Is the individual able to choose a roommate? b) Can married couples choose to share or not share a room? c) Does an individual know how he/she can request a roommate change?	Not referenced in Service Dictionary		
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan? a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking, bathing, eating, exercising, activities, etc.? b) Can an individual's schedule vary from others in the same setting? c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at his/her convenience?	Yes: Assisted Living promotes self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike surroundings.	MLTSS Service Dictionary – Assisted Living Services	
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual controls his/her personal resources?	Not referenced in Service Dictionary		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MLTSS Service Dictionary**

		<ul style="list-style-type: none"> <li>a) Is the individual able to have a checking or savings account or other means to control his/her funds?</li> <li>b) Does an individual have access to his/her funds?</li> <li>c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?</li> </ul>			
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Describe the dining experience:</p> <ul style="list-style-type: none"> <li>a) Does the individual have a meal at the time and place of his/her choosing?</li> <li>b) Can the individual request an alternative meal if desired?</li> <li>c) Are snacks accessible and available anytime?</li> <li>d) Is the individual required to sit at an assigned seat in a dining area?</li> <li>e) If the individual desires to eat privately, can s/he do so?</li> <li>f) Is the individual able to choose with whom to eat—or to eat alone?</li> <li>g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use disposable cutlery, plates and cups?</li> </ul>	<p>Yes: Assisted Living Services – Residents in ALRs have access to their own living unit’s kitchen 24/7 and to facility food and beverages 24/7. Residents in CPCHs have access to facility food and beverages 24/7 and, if equipped, access to their own unit’s food preparation area.</p>	MLTSS Services Dictionary – Assisted Living Services	
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Does the individual have access to make private telephone calls/text/email at the individual’s preference and convenience?</p> <ul style="list-style-type: none"> <li>a) Does the individual have a private cell phone, computer or other</li> </ul>	Not referenced in Service Dictionary		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MLTSS Service Dictionary**

		<p>personal communication device or have access to a telephone or other means for personal communication in private at any time?</p> <p>b) Is the telephone or other technology device in a location that has space around it to ensure privacy?</p> <p>c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack?</p>			
6	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Is the setting an environment that supports individual comfort, independence and preferences?</p> <p>a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas?</p> <p>b) Is informal (written or oral) communication conducted in a language that the individual understands?</p> <p>c) Is assistance provided in private, as appropriate, when needed?</p>	<p>Yes: Assisted Living promotes self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike surroundings.</p>	<p>MLTSS Services Dictionary – Assisted Living Services</p>	
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Does the individual have full access in the setting?</p> <p>a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit from certain areas of the setting?</p> <p>b) Are individuals receiving Medicaid</p>	<p>Not referenced in Service Dictionary</p>		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MLTSS Service Dictionary**

		<p>home and community-based services facilitated in accessing amenities such as a pool or gym used by others on-site?</p> <p>c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways, etc., limiting individuals' mobility in the setting or if they are present are there environmental adaptations such as a stair lift or elevator to fix the obstruction?</p>			
8	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Does the physical environment meet the needs of those individuals who require supports?</p> <p>a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in wheelchairs)?</p> <p>b) For those individuals who need supports to move about the setting as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies, etc.?</p> <p>c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably?</p>	Not referenced in Service Dictionary		
9	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Do individuals have privacy in their sleeping space and bathroom?</p> <p>a) Is the furniture able to be arranged to suit the individual's needs and preferences?</p>	Yes: Assisted Living Services – Apartment units at a minimum provide one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit	MLTSS Services Dictionary – Assisted Living Services	

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MLTSS Service Dictionary**

		<ul style="list-style-type: none"> <li>b) Can the individual close and lock the bathroom door?</li> <li>c) Can the individual close and lock the bedroom door?</li> <li>d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom?</li> </ul>	entrance.		
10	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Do individuals have comfortable places for private visits with family and friends?</p> <ul style="list-style-type: none"> <li>a) Is the furniture arranged to support small group conversations?</li> </ul>	Not referenced in Service Dictionary		
11	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Are individuals able to furnish and decorate their sleeping and/or living units as they wish?</p> <ul style="list-style-type: none"> <li>a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the individual desires?</li> <li>b) Can the furniture, linens, and other items reflect the individual's personal choices?</li> <li>c) Can individuals' living areas reflect their interests and hobbies?</li> </ul>	Yes: Assisted Living promotes self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike surroundings.	MLTSS Services Dictionary- Assisted Living Services	
<b>Section E: Resident Rights</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Are individual choices incorporated into the services and supports received?</p> <ul style="list-style-type: none"> <li>a) Does staff ask the individual about her/his needs and preferences?</li> <li>b) Are individuals aware of how to make a service request?</li> </ul>	Yes: Assisted Living promotes self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike surroundings.	MLTSS Services Dictionary- Assisted Living Services	

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MLTSS Service Dictionary**

		c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make decisions?			
	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is an individual's right to dignity and privacy respected? a) Is an individual's health information kept private? b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view? c) Are individuals, who need assistance with grooming, groomed as they desire?	Not referenced in Service Dictionary		
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does staff communicate with individuals in a dignified manner? a) Do individuals greet and chat with staff? b) Do staff converse with individuals in the setting while providing assistance during the regular course of daily activities? c) Does staff address individuals in the manner in which the person would like to be addressed?	Yes: Assisted Living promotes self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and homelike surroundings.	MLTSS Services Dictionary – Assisted Living Services	
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individuals free from coercion? a) Is information about filing a complaint posted in an obvious location and in an understandable format? b) Does the individual know the person to contact or the process to make an anonymous complaint? c) Can the individual file an	Not referenced in Service Dictionary		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MLTSS Service Dictionary**

		anonymous complaint?			
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is there a legally enforceable agreement for the unit or dwelling where the individual resides? a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement? b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?	Not referenced in Service Dictionary		
6	§441.710(a)(1)(vi) §441.301(c)(4)(vi)	Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the state who are not receiving Medicaid home and community based services?	Not referenced in Service Dictionary		
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals know their rights regarding housing and when they could be required to relocate? a) Do individuals know how to relocate and request new housing? b) Does the written agreement include language that provides protections to address eviction processes and appeals comparable to those provided under the New Jersey's landlord tenant laws?	Not referenced in Service Dictionary		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MCO Contract, Chapter 9**

<b>Section A: Physical Location</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?	Not referenced in contract		
2	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not receiving HCBS?	Not referenced in contract		
3	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a gated/secured “community” for people with disabilities?	Not referenced in contract		
4	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a residential school incorporating both the educational program and the residential program in the same building or in buildings in close proximity to each other?	Not referenced in contract		
5	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby a large number of people with disabilities are congregated together with shared programming and staff?	Not referenced in contract		
<b>Section B: Integration with the Community</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the same manner as people not receiving Medicaid HCBS services?	Not referenced in contract		
2	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual able to regularly access the greater community outside of the setting?	Not referenced in contract		
3	§441.301(c)(4)(i)	Is the individual aware of or does	Not referenced in contract		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MCO Contract, Chapter 9**

	§441.710(a)(1)(i)	he/she have access to information and materials to know of activities taking place outside of the setting?			
4	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.) in integrated community settings when they want? a) Can the individual come and go when he or she wants? b) Is the individual able work or stay active in the community outside of the setting? c) If the individual wants to work, is there a way to ensure the option is pursued?	Not referenced in contract		
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?	Not referenced in contract		
6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS live/receive services the setting live apart from individuals not receiving Medicaid HCBS?	Not referenced in contract		
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residence and retail businesses?	Not referenced in contract		
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	Explain how visitors are handled in the setting: a) Are visitors restricted to specified visiting hours? b) Are visiting hours posted? c) Is there evidence that visitors have been present at regular frequencies? d) Are there restricted visitor's	Not referenced in contract		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MCO Contract, Chapter 9**

		meeting areas?			
10	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access individuals have to the community: a) Do individuals come and go at will? b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door? c) Is there a curfew or other requirement for a schedule return to the setting? d) Do individuals in the setting have access to public transportation? e) Are there bus stops nearby or are taxis available in the area? f) Is an accessible van available to bring individuals to appointments, shopping, etc.?	Not referenced in contract		
9	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access which an individual has to access public transportation: a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location? b) Is training in the use of public transportation facilitated? c) Where public transportation is limited, are other resources provided for the individual to access the broader community?	Not referenced in contract		
<b>Section C: Person-Centered Planning</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to	Yes: 9.6.2.A requires the member must be present for, and be	9.6.2.A	

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MCO Contract, Chapter 9**

		take an active role in the development and updating of the individual's person-centered plan?	included in, the on-site visit that is done when completing the Plan of Care. The on-site visit is done at the member's residence. If the member is unable to participate in the development of the Plan of Care, then the member's authorized representative, parent, or legal guardian will participate on their behalf.		
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions?	Yes: 9.6.3 requires the care managers to use a person centered approach and provide adequate information and guidance to assist the member/family to make informed decisions and choices.	9.6.3	
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at a time and place convenient for individuals to attend?	Yes: 9.6.2.A1 and 2 The on-site visit for the Plan of Care is done face-to-face with the member present.	9.6.2.A1 and 2	
4	§441.301(c)(1) (iv)	Describe how the setting provides for the different cultural considerations of individuals: a) Do the setting's written materials and meetings reflect a plain language that is accessible to individuals? b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in English?	Yes: The MCO contract requires the MCO be trained and also train providers to provide for the different cultural and linguistic needs of their members. They are required to have written materials that are culturally and linguistically sensitive and a hotline that serves the cultural and linguistic needs of the members.  The Plans of Care are required to take into consideration any cultural and linguistic services needed by the member.	4.2.9 4.6.5 5.1.4I 5.7 5.8.1 5.8.2 5.9.1 5.14 6.3 Article 9	

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MCO Contract, Chapter 9**

5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?	Yes: The MCO Contract provides for a Grievances and Appeals process that the member may go through should they feel that they are not receiving adequate care.	5.15	
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	Yes: 9.6.3 offers the member the ability to be flexible and creative with service delivery options.	9.6.3	
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	Yes: 9.6.6E allows for the Care Manager to make required changes to the plan of care at request of the member or a person chosen by the member should an urgent/emergent need arise.	9.6.6E	

**Section D: Choice and Independence**  
**Code of Federal Register (CFR) Citations all refer to Title 42.**

	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice? a) Is the individual able to choose a roommate? b) Can married couples choose to share or not share a room? c) Does an individual know how he/she can request a roommate change?	Not referenced in contract		
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan? a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for	Not referenced in contract		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MCO Contract, Chapter 9**

		walking, bathing, eating, exercising, activities, etc.? b) Can an individual's schedule vary from others in the same setting? c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at his/her convenience?			
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual controls his/her personal resources? a) Is the individual able to have a checking or savings account or other means to control his/her funds? b) Does an individual have access to his/her funds? c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?	Not referenced in contract		
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Describe the dining experience: a) Does the individual have a meal at the time and place of his/her choosing? b) Can the individual request an alternative meal if desired? c) Are snacks accessible and available anytime? d) Is the individual required to sit at an assigned seat in a dining area? e) If the individual desires to eat privately, can s/he do so? f) Is the individual able to choose with whom to eat—or to eat alone? g) Does the dining area afford dignity	Not referenced in contract		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MCO Contract, Chapter 9**

		to the diners and are individuals not required to wear bibs or use disposable cutlery, plates and cups?			
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have access to make private telephone calls/text/email at the individual's preference and convenience? a) Does the individual have a private cell phone, computer or other personal communication device or have access to a telephone or other means for personal communication in private at any time? b) Is the telephone or other technology device in a location that has space around it to ensure privacy? c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack?	Not referenced in contract		
6	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is the setting an environment that supports individual comfort, independence and preferences? a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas? b) Is informal (written or oral) communication conducted in a language that the individual understands?	Not referenced in contract		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MCO Contract, Chapter 9**

		c) Is assistance provided in private, as appropriate, when needed?			
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have full access in the setting? a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit from certain areas of the setting? b) Are individuals receiving Medicaid home and community-based services facilitated in accessing amenities such as a pool or gym used by others on-site? c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways, etc., limiting individuals' mobility in the setting or if they are present are there environmental adaptations such as a stair lift or elevator to fix the obstruction?	Not referenced in contract		
8	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the physical environment meet the needs of those individuals who require supports? a) Are appliances accessible to individuals (e.g. the washer/dryer are "front loading" for individuals in wheelchairs)? b) For those individuals who need supports to move about the setting as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for	Not referenced in contract		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MCO Contract, Chapter 9**

		emergencies, etc.? c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably?			
9	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals have privacy in their sleeping space and bathroom? a) Is the furniture able to be arranged to suit the individual's needs and preferences? b) Can the individual close and lock the bathroom door? c) Can the individual close and lock the bedroom door? d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom?	Not referenced in contract		
10	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals have comfortable places for private visits with family and friends? a) Is the furniture arranged to support small group conversations?	Not referenced in contract		
11	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individuals able to furnish and decorate their sleeping and/or living units as they wish? a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the individual desires? b) Can the furniture, linens, and other items reflect the individual's personal choices? c) Can individuals' living areas reflect	Not referenced in contract		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MCO Contract, Chapter 9**

		their interests and hobbies?			
<b>Section E: Resident Rights</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individual choices incorporated into the services and supports received? a) Does staff ask the individual about her/his needs and preferences? b) Are individuals aware of how to make a service request? c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make decisions?	Yes: 9.6.5B requires the Care Manager ensure that Members are placed and/or maintained in the most integrated/least restrictive setting based on the assessed needs of the Member; taking into consideration Member preferences as discussed in the face-to-face visit.	9.6.5B	
	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is an individual's right to dignity and privacy respected? a) Is an individual's health information kept private? b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view? c) Are individuals, who need assistance with grooming, groomed as they desire?	Yes: Appendix B 4.14 Std X requires the MCOs to have a written policy on MLTSS member's rights which include the right to be treated with respect, dignity and need for privacy.	Appendix B 4.14 Std X	
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does staff communicate with individuals in a dignified manner? a) Do individuals greet and chat with staff? b) Do staff converse with individuals in the setting while providing assistance during the regular course of daily activities? c) Does staff address individuals in the manner in which the person would	Yes: Appendix B 4.14 Std X requires the MCOs to have a written policy on MLTSS member's rights which include the right to be treated with respect, dignity and need for privacy.	Appendix B 4.14 Std X	

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MCO Contract, Chapter 9**

		like to be addressed?			
4	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individuals free from coercion? a) Is information about filing a complaint posted in an obvious location and in an understandable format? b) Does the individual know the person to contact or the process to make an anonymous complaint? c) Can the individual file an anonymous complaint?	Yes: The MCOs have a Grievances and Appeals process if the member feels they are dissatisfied with their care, and they are also required to give the member written documents on notifying their care manager if any problems occur with a provider or service per Appendix B 4.14 Std X.	5.15 and Appendix B4.14 Std X	
5	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Is there a legally enforceable agreement for the unit or dwelling where the individual resides? a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement? b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?	Not referenced in contract		
6	§441.710(a)(1)(vi) §441.301(c)(4)(vi)	Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the state who are not receiving Medicaid home and community based services?	Not referenced in contract		
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Do individuals know their rights regarding housing and when they could be required to relocate? a) Do individuals know how to relocate and request new housing? b) Does the written agreement include language that provides protections to address eviction processes and appeals comparable	Not referenced in contract		

**New Jersey Residential Home and Community-Based Setting Crosswalk  
MCO Contract, Chapter 9**

		to those provided under the New Jersey's landlord tenant laws?			
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<b>Section A: Physical Location</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting on the grounds of, or immediately adjacent to, a public institution serving a similar population?	This does not apply to the Supports Program		
2	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the setting isolate its residents receiving Medicaid HCBS from the broader community of individuals not receiving HCBS?	This does not apply to the Supports Program		
3	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a gated/secured “community” for people with disabilities?	This does not apply to the Supports Program		
4	§441.301(c)(5)(v) §441.710(a)(2)(v)	Is the setting a residential school incorporating both the educational program and the residential program in the same building or in buildings in close proximity to each other?	This does not apply to the Supports Program		
5	§441.301(c)(5)(v) §441.710(a)(2)(v)	Does the provider operate and control multiple settings that are co-located and operationally related whereby a large number of people with disabilities are congregated together with shared programming and staff?		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>
<b>Section B: Integration with the Community</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>

1	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals in the setting able to participate in unscheduled and scheduled community activities in the same manner as people not receiving Medicaid HCBS services?	Information about and examples of activities and community experiences are included in Section 17.7.4.1 of the Supports Program Policies & Procedures Manual	Section 17.7.4.1	
2	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual able to regularly access the greater community outside of the setting?	Information about and examples of activities and community experiences are included in Section 17.7.4.1 of the Supports Program Policies & Procedures Manual	Section 17.7.4.1	
3	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the individual aware of or does he/she have access to information and materials to know of activities taking place outside of the setting?		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>
4	§441.301(c)(4)(i) §441.710(a)(1)(i)	Are individuals able to participate regularly in non-work activities (dining, shopping, etc.) in integrated community settings when they want? a) Can the individual come and go when he or she wants? b) Is the individual able work or stay active in the community outside of the setting? c) If the individual wants to work, is there a way to ensure the option is pursued?	Everyone enrolled in the Supports Program has an annual discussion about employment facilitated by their Support Coordinator through the “Pathway to Employment”  Additionally, everyone must have at least one employment outcome included in the Individual Service Plan (ISP) and provide information regarding their employment status – along with an explanation if the individual is not working or pursuing employment – within the “Employment First Implementation” section of the Individual Service Plan	Sections 1.2.2, 8.4.1.1.2.1.9, 8.5.2.1, and 8.5.3	
5	§441.301(c)(4)(i) §441.710(a)(1)(i)	Does the setting prevent the isolation of individuals from individuals not receiving Medicaid HCBS in the broader community?		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>

6	§441.301(c)(4)(i) §441.710(a)(1)(i)	Do individuals receiving HCBS services in the setting live apart from individuals not receiving Medicaid HCBS?	This does not apply to the Supports Program		
7	§441.301(c)(4)(i) §441.710(a)(1)(i)	Is the setting in the community among other private residences and retail businesses?		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>
8	§441.301(c)(4)(i) §441.710(a)(1)(i)	Explain how visitors are handled in the setting: a) Are visitors restricted to specified visiting hours? b) Are visiting hours posted? c) Is there evidence that visitors have been present at regular frequencies? d) Are there restricted visitors' meeting areas?		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>
9	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access individuals have to the community: a) Do individuals come and go at will? b) Are individuals moving about inside and outside the setting as opposed to sitting by the front door? c) Is there a curfew or other requirement for a schedule return to the setting? d) Do individuals in the setting have access to public transportation? e) Are there bus stops nearby or are taxis available in the area? f) Is an accessible van available to bring individuals to appointments, shopping, etc.?		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable.</li> </ul>
10	§441.301(c)(4)(i) §441.710(a)(1)(i)	Describe the level of access which an individual has to access public transportation:		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>

		<p>a) Are bus and other public transportation schedules and telephone numbers posted in a convenient location?</p> <p>b) Is training in the use of public transportation facilitated?</p> <p>c) Where public transportation is limited, are other resources provided for the individual to access the broader community?</p>			
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**Section C: Person-Centered Planning**  
**Code of Federal Register (CFR) Citations all refer to Title 42.**

	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(1)	Does the setting allow an individual, or a person chosen by the individual, to take an active role in the development and updating of the individual's person-centered plan?	The Person-Centered Planning Process is an integral step in developing the Individualized Service Plan. In addition, the service provider is responsible for developing strategies (goals) for progressing to the outcomes include in the ISP in collaboration with the individual and as documented forms required specific to the service that is being provided.	Sections 8.1, 8.4.1.1.2, 17.5.5.4, 17.6.5.4, 17.7.5.4, 17.16.5.4, and 17.20.5.5	
2	§441.301(c)(1)(ii)	Does the setting offer the necessary information and support to ensure that the individual can direct the person-centered planning process to the maximum extent possible so he/she can make informed choices and decisions?		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>
3	§441.301(c)(1)(iii)	Are planning meetings able to occur at a time and place convenient for individuals to attend?	Meetings must be scheduled at a date, time, and location mutually convenient for the individual, Support Coordinator, and other	Sections 8.4.2.1 and 17.19.4.10	

			planning team members – this includes scheduling meetings outside of business hours if needed		
4	§441.301(c)(1)(iv)	Describe how the setting provides for the different cultural considerations of individuals: a) Do the setting’s written materials and meetings reflect a plain language that is accessible to individuals? b) Is the information accessible to individuals with disabilities and persons with a limited proficiency in English?		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>
5	§441.301(c)(1)(v)	Does the provider have strategies in place for solving conflict or disagreement within the process, including clear conflict-of-interest guidelines for all planning participants?		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>
6	§441.301(c)(1)(vii)	Does the provider offer informed choices to the individual regarding the services and supports they receive and from whom?	Some of this is addressed through the previously mentioned person-centered planning, ISP development process	Sections 8.1, 8.4.1.1.2, 17.5.5.4, 17.6.5.4, 17.7.5.4, 17.16.5.4, and 17.20.5.5	<ul style="list-style-type: none"> <li>Additional guidance for and reference to this rule will be included within the revisions to the Supports Program Policies &amp; Procedures Manual, as applicable</li> </ul>
7	§441.301(c)(1)(viii)	Does the provider have a means for the individual, or a person chosen by the individual, to request updates to the plan as needed?	An individual can request changes to the ISP at any time	Section 8.8	
<b>Section D: Choice and Independence</b>					
<b>Code of Federal Register (CFR) Citations all refer to Title 42.</b>					
	<b>Federal Rule</b>	<b>CMS Guidance</b>	<b>Compliance Demonstration</b>	<b>Citation/Proof/Verification</b>	<b>Remediation Approach</b>
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does the individual have his/her own bedroom or share a room with a roommate of choice? a) Is the individual able to choose a roommate?	This does not apply to the Supports Program		

		<p>b) Can married couples choose to share or not share a room?</p> <p>c) Does an individual know how he/she can request a roommate change?</p>			
2	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Is the individual able to choose and control a schedule that meets his/her wishes in accordance with a person-centered plan?</p> <p>a) Is it made clear to the individual that he/she is not required to adhere to a set schedule for walking, bathing, eating, exercising, activities, etc.?</p> <p>b) Can an individual's schedule vary from others in the same setting?</p> <p>c) Does an individual have access to leisure activities that interest him/her, which can be scheduled at his/her convenience?</p>	<p>Some of this is addressed through the previously mentioned person-centered planning, ISP development process</p>	<p>Sections 8.1, 8.4.1.1.2, 17.5.5.4, 17.6.5.4, 17.7.5.4, 17.16.5.4, and 17.20.5.5</p>	<ul style="list-style-type: none"> <li>Additional guidance for and reference to this rule will be included within the revisions to the Supports Program Policies &amp; Procedures Manual, as applicable.</li> </ul>
3	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Does the individual control his/her personal resources?</p> <p>a) Is the individual able to have a checking or savings account or other means to control his/her funds?</p> <p>b) Does an individual have access to his/her funds?</p> <p>c) Is it made clear that the individual is not required to sign over his/her paychecks to the provider?</p>	<p>This does not apply to the Supports Program</p>		
4	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Describe the dining experience:</p> <p>a) Does the individual have a meal at the time and place of his/her choosing?</p> <p>b) Can the individual request an</p>		<p>Not referenced in policy</p>	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>

		<p>alternative meal if desired?</p> <p>c) Are snacks accessible and available anytime?</p> <p>d) Is the individual required to sit at an assigned seat in a dining area?</p> <p>e) If the individual desires to eat privately, can s/he do so?</p> <p>f) Is the individual able to choose with whom to eat—or to eat alone?</p> <p>g) Does the dining area afford dignity to the diners and are individuals not required to wear bibs or use disposable cutlery, plates and cups?</p>			
5	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Does the individual have access to make private telephone calls/text/email at the individual's preference and convenience?</p> <p>a) Does the individual have a private cell phone, computer or other personal communication device or have access to a telephone or other means for personal communication in private at any time?</p> <p>b) Is the telephone or other technology device in a location that has space around it to ensure privacy?</p> <p>c) Do individuals' rooms have a telephone jack, WI-FI or ETHERNET jack?</p>		Not referenced in policy	<ul style="list-style-type: none"> <li>• Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>
6	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	Is the setting an environment that supports individual comfort, independence and preferences?		Not referenced in policy	<ul style="list-style-type: none"> <li>• Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>

		<p>a) Do individuals have full access to typical facilities in a home such as a kitchen with cooking equipment, dining area, laundry, and comfortable seating in the shared areas?</p> <p>b) Is informal (written or oral) communication conducted in a language that the individual understands?</p> <p>c) Is assistance provided in private, as appropriate, when needed?</p>			
7	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Does the individual have full access in the setting?</p> <p>a) Are there gates, Velcro strips, locked doors, or other barriers preventing individuals' entrance to or exit from certain areas of the setting?</p> <p>b) Are individuals receiving Medicaid home and community-based services facilitated in accessing amenities such as a pool or gym used by others on-site?</p> <p>c) Is the setting physically accessible with no obstructions like steps, lips in a doorway, narrow hallways, etc., limiting individuals' mobility in the setting or if they are present are there environmental adaptations such as a stair lift or elevator to fix the obstruction?</p>		Not referenced in policy	<ul style="list-style-type: none"> <li>• Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>
8	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Does the physical environment meet the needs of those individuals who require supports?</p> <p>a) Are appliances accessible to</p>		Not referenced in policy	<ul style="list-style-type: none"> <li>• Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>

		<p>individuals (e.g. the washer/dryer are “front loading” for individuals in wheelchairs)?</p> <p>b) For those individuals who need supports to move about the setting as they choose, are supports provided, such as grab bars, seats in the bathroom, ramps for wheel chairs, viable exits for emergencies, etc.?</p> <p>c) Are tables and chairs at a convenient height and location so that individuals can access and use the furniture comfortably?</p>			
9	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Do individuals have privacy in their sleeping space and bathroom?</p> <p>a) Is the furniture able to be arranged to suit the individual’s needs and preferences?</p> <p>b) Can the individual close and lock the bathroom door?</p> <p>c) Can the individual close and lock the bedroom door?</p> <p>d) Do staff or other residents always knock and receive permission prior to entering a bedroom or bathroom?</p>	This does not apply to the Supports Program		
10	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Do individuals have comfortable places for private visits with family and friends?</p> <p>a) Is the furniture arranged to support small group conversations?</p>		Not referenced in policy	<ul style="list-style-type: none"> <li>• Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>
11	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Are individuals able to furnish and decorate their sleeping and/or living units as they wish?	This does not apply to the Supports Program		

		<p>a) Are the individuals' personal items, such as pictures, books, etc. able to be present and arranged as the individual desires?</p> <p>b) Can the furniture, linens, and other items reflect the individual's personal choices?</p> <p>c) Can individuals' living areas reflect their interests and hobbies?</p>			
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**Section E: Resident Rights**  
**Code of Federal Register (CFR) Citations all refer to Title 42.**

	Federal Rule	CMS Guidance	Compliance Demonstration	Citation/Proof/Verification	Remediation Approach
1	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Are individual choices incorporated into the services and supports received?</p> <p>a) Does staff ask the individual about her/his needs and preferences?</p> <p>b) Are individuals aware of how to make a service request?</p> <p>c) Is individual choice facilitated in a manner that leaves the individual feeling empowered to make decisions?</p>		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>
2	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	<p>Is an individual's right to dignity and privacy respected?</p> <p>a) Is an individual's health information kept private?</p> <p>b) Are schedules of individuals for PT, OT, medications, restricted diet, etc., posted in a general open area for all to view?</p> <p>c) Are individuals, who need assistance with grooming, groomed as they desire?</p>		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>
3	§441.301(c)(4)(vi) §441.710(a)(1)(vi)	Does staff communicate with individuals in a dignified manner?		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for</li> </ul>

		<p>a) Do individuals greet and chat with staff?</p> <p>b) Does staff converse with individuals in the setting while providing assistance during the regular course of daily activities?</p> <p>c) Does staff address individuals in the manner in which the person would like to be addressed?</p>			and reference to this rule, as applicable
4	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Are individuals free from coercion?</p> <p>a) Is information about filing a complaint posted in an obvious location and in an understandable format?</p> <p>b) Does the individual know the person to contact or the process to make an anonymous complaint?</p> <p>c) Can the individual file an anonymous complaint?</p>		Not referenced in policy	<ul style="list-style-type: none"> <li>Revisions will be made to the Supports Program Policies &amp; Procedures Manual to include guidance for and reference to this rule, as applicable</li> </ul>
5	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	<p>Is there a legally enforceable agreement for the unit or dwelling where the individual resides?</p> <p>a) Does the individual have a lease or, for settings in which landlord tenant laws do not apply, a written residency agreement?</p> <p>b) Does the individual know his/her rights regarding housing and when s/he could be required to relocate?</p>	This does not apply to the Supports Program		
6	<p>§441.710(a)(1)(vi)</p> <p>§441.301(c)(4)(vi)</p>	Are individuals protected from eviction and afforded appeal rights in the same manner as all persons in the state who are not receiving Medicaid home and community based services?	This does not apply to the Supports Program		
7	<p>§441.301(c)(4)(vi)</p> <p>§441.710(a)(1)(vi)</p>	Do individuals know their rights regarding housing and when they could	This does not apply to the Supports Program		

		<p>be required to relocate?</p> <p>a) Do individuals know how to relocate and request new housing?</p> <p>b) Does the written agreement include language that provides protections to address eviction processes and appeals comparable to those provided under the New Jersey's landlord tenant laws?</p>			
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