

Specific Residential Setting Requirements

- Documentation that the setting complies with the requirements for provider owned or controlled settings at §441.301(c)(4)(vi)A through D:
 - Legally enforceable agreement between the provider and resident with:
 - same responsibilities and protections from eviction that tenants have under landlord/tenant law; OR
 - If tenant laws don't apply, the state must ensure written agreement is in place that addresses eviction appeals.
 - Provides an individual privacy in their sleeping/living unit
 - Entrance doors lockable by individual with only appropriate staff having keys
 - Individuals have a choice of roommate, if have to share
 - Individuals have the freedom to furnish and decorate their sleeping/living units
 - Individuals have the freedom and support to control their own schedules/activities
 - Individuals have the freedom to have access to food at any time
 - Individuals are able to have visitors, of their choosing, at any time.
 - Physically accessible to individuals.

- If any modifications to these requirements above have been made, such modifications are documented in the person-centered plan(s) consistent with the requirements at §441.301(c)(4)(vi)(F). Those requirements are:
 - Identify a specific and individualized assessed need
 - Document the positive interventions and supports used prior to any modifications to the person-centered service plan
 - Document less intrusive methods of meeting the need that have been tried but did not work
 - Include a clear description of the condition that is directly proportionate to the specific assessed need
 - Include regular collection and review of data to measure the ongoing effectiveness of the modification
 - Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated
 - Include the informed consent of the individual
 - Include an assurance that interventions and supports will cause no harm to the individual