

**Evidentiary Assessment and Summary
 Home and Community-Based Services (HCBS) Settings Rule
 Heightened Scrutiny Review–Non-Residential, 1-2 Bed IRIS Adult Family Home (AFH), Level 5 Foster Home**

Setting information				
Setting name Clark County Rehabilitation and Living Center	Number of residents or members supported with Family Care 18			
Setting type Prevocational Services	Number of residents or members supported with IRIS 1			
Setting address W4266 CTH X	City Owen	State WI	County Clark	ZIP code 54460
Primary contact person Jane Schmitz	Primary contact email Jane.schmitz@co.clark.wi.us			Primary contact phone number 715-229-2172
Name of inpatient or skilled nursing facility (SNF) on campus Clark County Rehabilitation and Living Center	Address of inpatient facility or SNF on campus W4266 CTH X Owen, WI 54460			

Reason for institutional presumption

- Setting is in a publicly or privately operated facility that provides inpatient institutional treatment.
- Setting is on the grounds of, or adjacent to, a public institution.
- Setting has the effect of isolating individuals from the broader community of individuals not receiving HCBS waiver services.

The Centers for Medicare and Medicaid Services’ (CMS’) HCBS settings rule assumes that certain settings are not home and community-based. If a Wisconsin setting meets one of the criteria for institutional presumption as defined above, the DHS Division of Medicaid Services (DMS) conducts a heightened scrutiny review.

DMS believes that Clark County Rehabilitation and Living Center has overcome the institutional presumption and meets the criteria of a home and community-based services setting as summarized below.

This assumption is based on the provider meeting all [nonresidential setting specific benchmarks](#), [1-2 Bed Certified Adult Family Home Benchmarks](#) or [Level 5 Foster Home Benchmarks](#), as applicable, in addition to the criteria outlined below.

Setting summary (Add a general overview of the process used to arrive at a compliance determination. For example, review of documents, interviews with participants and staff, onsite visit, etc.)

Reviewer believes that Clark County Rehabilitation and Living Center-Prevocational Services has overcome the institutional

presumption and meets the criteria of a home and community-based setting. This is based on an on-site visit to the setting on 11/26/2024, where reviewer observed a private entrance separate from the skilled nursing facility, in which it is located, as well as documentation submitted by the provider. Provider submitted several long-term service and support plans showing that participants have chosen this setting among other non-disability options, language in their handbook that they have developed a training transcript for all employees to receive training on HCBS principles upon hire and annually, and that only staff hired and trained for the setting will work there and at no time will staff be pulled from the setting to work in the institution unless there is an equally qualified staff member to replace them.

The benchmarks below were created to ensure that the setting is integrated in and supports full access to the greater community, in compliance with [42 CFR § 441.301(c)(4)(i)].

Benchmark 1: The HCBS setting demonstrates a meaningful distinction between the HCBS setting and the institutional setting, including separate entrances and signage.

Compliance within Wisconsin state standards and regulations

Each HCBS provider reviewed by the Wisconsin DHS HCBS Review Team is required to submit photographic and/or other documented evidence of compliance and submit to an onsite review conducted by DHS HCBS Review staff prior to receiving the applicable notice of compliance or certification. The onsite review is conducted to verify supportive documentation submitted during the desk review portion of the compliance process..

Met Unmet Not applicable

Reviewer observed evidence during on-site visit and in photographs submitted by provider, that setting has a private entrance that is separate from the Skilled Nursing Facility. The Adult Day Service setting has a sign that clearly marks where their private entrance is located.

Benchmark 2: The HCBS setting is selected by the individual from setting options including non-disability options. The setting options are documented in the long-term care service and support plan and are based on individual needs and preferences. [42 CFR § 441.301(c)(4)(ii)].

Compliance within Wisconsin state standards and regulations

Wisconsin has protections in place for Medicaid waiver participants which ensure they understand their choices. DHS waiver agencies – managed care organizations (MCOs) and participant self-directed IRIS (Include, Respect, I Self Direct) consultant agencies – are responsible for discussing choice of service settings with the waiver participant and family/guardian to locate the most suitable provider setting, including a discussion of enrolling or living in a non-disability specific setting. In practice, the waiver agencies are complying with this requirement, and documenting and monitoring the choice of settings in the member-centered plan or IRIS support and service plan, as applicable.

In Wisconsin, the choice of setting requirement is not the initial responsibility of the provider setting. Rather the choice of setting takes place through the person-centered planning process at the waiver agency level. Waiver agencies are certified by DHS and work within the requirements of contracts with DHS. Through ongoing monitoring, Wisconsin will ensure that individuals maintain the right to choose where they receive services, whether residential or non-residential.

Met Unmet Not applicable

Provider submitted three long-term care service and support plans with language indicating that participants have chosen this setting among other non-disability options. This choice was based on the individual's needs and preferences.

Benchmark 3: All staff working in the HCBS setting receive initial and ongoing training on the HCBS Settings Rule’s requirements, practices, and principles.

Met Unmet Not applicable

Reviewer observed evidence on page 25 of the Participant Handbook that setting has developed a training transcript showing that all staff working in the HCBS setting will receive initial and ongoing training on the HCBS Settings Rule’s requirements, practices and principles. Reviewer also observed evidence in HCBS Staff Training Record that all employees in this setting have received and passed this training in 2025.

Benchmark 4: If institution staff are assigned to support HCBS staff or provide services to people in the HCBS setting, they must meet the same qualifications and training requirements as HCBS staff.

Compliance within Wisconsin state standards and regulations

Benchmarks 11A and 27A of the compliance tools for non-residential providers of Adult Day Services, Prevocational Services, and CLTS Day Services.

Benchmark 10 in accordance with Wis. Admin. Code §§ DCF 56.05(1)(c)1.G., DCF 56.09(12), DCF 56.13(7)(F)10., and DCF 56.13(7)(F)11 for Level 5 Foster Homes as monitored for compliance by foster care licensing.

Article V.H.1 and Article V.H.2 of the Wisconsin Medicaid Standards for Certified 1-2 Bed Adult Family Homes

1-2 Bed IRIS AFH Benchmark 10

Met Unmet Not applicable

Reviewer observed evidence on page 26 of the Participant Handbook that “Only staff hired for the program and fully trained for the program work within the program. At no time will institution staff be assigned to support HCBS staff or provide services to people in the HCBS setting”.

Benchmark 5: Setting had policies and practices in place to ensure that staff in the HCBS setting are not pulled to work in the institution unless an equally qualified staff person is available to replace them, with no gap in coverage in the HCBS setting.

Met Unmet Not applicable

Reviewer observed evidence on page 26 of the Participant Handbook that “Staff hired for the program will not be pulled to work in the institution unless an equally qualified staff person is available to replace them, with no gap in coverage in the HCBS setting”.

DHS recommendation

DHS finds that Clark County Rehabilitation and Living Center possesses the required home and community–based characteristics and overcomes the presumption of having institutional qualities.

Please note that these findings are preliminary only and must receive final approval from CMS.

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