

CHILDRENS LONG TERM SERVICES BENCHMARKS – COMPLIANCE TOOL

The Benchmark Guides for Home and Community-Based Services Settings Rule: Nonresidential Provider Settings cross-references the Wisconsin Department of Health Services (DHS) compliance requirements for nonresidential provider settings with the federal settings rule. It provides justification to support DHS' determination of compliance and gives settings a reference of DHS benchmarks for HCBS compliance.

DHS has completed the first round of nonresidential provider compliance reviews and recommends updates to the current benchmarks, including separating the benchmarks by specific provider type, eliminating redundancy between by combining benchmarks with similar objectives, and clarifying benchmark language. The reduction in number of benchmarks does NOT reduce the number of compliance efforts required by the setting, but rather, increases the setting's efficiency in demonstrating compliance with the Settings Rule. These proposed benchmarks only apply to Children's Long-term Services providers.

Revised 5/9/22

BENCHMARK NUMBER	PROPOSED BENCHMARK
1A	<p>Setting has at least two of the following at or near the setting:</p> <ul style="list-style-type: none"> • Sidewalks • Pedestrian roads • Signage • Curb cuts and • Accessible ramps (or equivalent) <p>If not, setting has a plan in place to access the broader community and implements the plan.</p>
1B	<p>Setting has access to a variety of community-based activities that provide a measure of psycho-social value to individuals. Examples of where such activities can take place may include, but are not limited to:</p> <ul style="list-style-type: none"> • Parks • Schools and/or colleges/universities • Library • Community center • Job center • Restaurants • Stores <p>If not, setting has a plan in place and implements the plan to access the broader community.</p>
2A	<p>Setting provides opportunities for daily interaction with people from the broader community who do not receive HCBS services and are not paid to provide support.</p>
2B	<p>People receiving HCBS have opportunities for individualized or small group activities in and outside the setting with people without disabilities in addition to congregate activities.</p>
3A	<p>People receiving HCBS may choose to receive their medical treatments in the same places as others without disabilities and are not mandated to use services provided by the setting.</p>

4A	Setting provides people 18 and older, the same degree of access to the community as people not receiving HCBS, including staff and volunteers. People under 18 have the same access to the community as same aged peers who do not receive HCBS.
5A	Setting offers opportunities to experience activities that promote new learning related to areas of interest identified by person receiving HCBS.
5B	Setting allows people receiving HCBS to request time off and call in sick.
6A	Settings does not have rules to restrict freedom of movement inside or outside the setting that can be considered different than people not receiving HCBS. Any approved restrictions must be documented in each individual's person-centered assessment, plan and behavior support plan.
7A	The setting provides accessible transportation to individuals receiving HCBS or enables individuals receiving HCBS to access accessible public transportation (individuals, where applicable, must have consent of legal decision maker), to and from the broader community. If public transportation is not available, the setting provides and posts information for individuals receiving HCBS or their legal decision makers about resources to access the broader community.
7B	The setting provides transportation to the broader community when requested, within reason. Individuals receiving HCBS, where applicable, must have consent of legal decision maker. If setting does not provide transportation upon request, it provides and posts information about transportation options to individuals receiving HCBS or their legal decision maker.
8A	Setting provides tasks and activities both inside and outside the setting that are comparable to tasks and activities for people of similar ages who do not receive HCBS.
8B	Individuals receiving HCBS are able to decline to participate in activities.
9A	Setting provides: <ul style="list-style-type: none"> • a secure place for people receiving HCBS to store their personal belongings, • opportunity for people receiving HCBS to choose where they keep their monetary resources in the same ways as people not receiving HCBS, and • decision making opportunities for spending one's own money onsite or in the community. This may include provision of vending machines, a cafeteria, access to restaurants and/or shopping opportunities.
10A	Setting is able to adapt activities and schedules to the needs and preferences of people receiving HCBS upon request. This includes: <ul style="list-style-type: none"> • offering both community-based and facility-based prevocational service options to allow flexibility to choose where their services take place at various times throughout the day, • using adaptive aids and technology to assist in activity participation, and • other accommodations to meet the needs of people receiving HCBS within the scope of the setting's responsibilities.
11A	Setting ensures all direct-support professionals receive training in person-centered assessment and planning strategies upon hire and annually, thereafter.
12A	Setting has practices, procedures, and policies to ensure: <ul style="list-style-type: none"> • All information about individuals receiving waiver funded HCBS services is kept private and confidential, • Individuals receiving HCBS have privacy when receiving assistance with personal cares, and • Staff receive training on confidentiality upon hire and annually thereafter.
13A	Setting ensures staff remain discreet and respectful at all times, including: <ul style="list-style-type: none"> • Addressing individuals in the manner in which they would like to be addressed, • Using a person's preferred name, nickname or title,

	<ul style="list-style-type: none"> • Not talking about a person receiving services in the presence of others, and • Not discussing individuals as if they were not present.
14A	<p>Settings using restraints or restrictive measures must:</p> <ol style="list-style-type: none"> a) Have a policy that matches state restrictive measures policies, b) Use them in accordance with Wisconsin policies, c) Use them only as approved by DHS and if not approved, does not use, and d) Report emergency use of restrictive measures to the waiver agency as an incident. <p>Settings that do not use restraints or restrictive measures are exempt from meeting this benchmark.</p>
15A	Setting has practices and policies in place to ensure that staff respond to the needs and preferences of people receiving HCBS, as identified in their person-centered assessment and plan, in a timely manner.
16A	Setting ensures person-centered behavior support plans are implemented in such a way as to not impede the rights of other individuals or restrict others from setting activities.
17A	<p>Setting ensures that people who receive HCBS make meaningful choices in their daily activities, which align with their personal goals, interests, and needs.</p> <p>Meaningful choices may be made in a variety of ways including:</p> <ul style="list-style-type: none"> • person-centered assessments, • formal interviews or • informal discussion with person receiving HCBS, and • consideration of input from parent, legal decision maker or family
18A	<p>Setting offers a variety of places in the physical environment to meet the goals and needs of people receiving HCBS. Activities cannot take place in the same room, but rather in a variety of at least two distinct areas, with at least one allowing for privacy. Options include:</p> <ul style="list-style-type: none"> • indoor or outdoor gathering spaces, • large or small group activity areas, • private space, or • quiet areas
19A	<p>Setting offers:</p> <ul style="list-style-type: none"> • an array of comparable tasks and activities, • the flexibility to adjust as needed, • comparable assessment tools, and • communication approaches for people receiving HCBS who are of similar age, skills and abilities.
20A	<p>Setting provides and posts information about:</p> <ul style="list-style-type: none"> • Individual rights, • How to make a request for additional services, accommodations, or changes to their setting-specific plans, and • Competitive integrated employment.
21A	Setting must have a reasonable accommodations policy and must be accessible per the Americans with Disabilities Act (ADA).
22A	<p>Setting ensures that people who receive HCBS have access to a dignified, age-appropriate dining experience. This includes:</p> <ul style="list-style-type: none"> • A meal setting where people can move about, talk to others and be comfortable, • A dignified approach to assistance with pace, food sequence and refusal of food items when setting assists people to eat,

	<ul style="list-style-type: none"> • Use of appropriate clothing protection, if needed, • Allowing consumption of snacks and meals for people receiving HCBS like others in a similar setting, and • Opportunities for private dining if requested.
23A	Setting provides alternative meals upon request.
24A	<p>The setting will:</p> <ul style="list-style-type: none"> • Not restrict social interactions with others in or outside the setting the same as people not receiving HCBS • Allow people receiving HCBS to spend as much of their free time as they like with whomever they choose the same as people not receiving HCBS
25A	Setting provides informed choice opportunities for people receiving HCBS to practice decision making and to be as autonomous as possible.
26A	Setting allows flexibility for people receiving HCBS to choose with which staff they would like to work, within reason, that doesn't negatively impact the quality of services being provided to others in the setting.
27A	<p>Setting offers people receiving HCBS opportunities to:</p> <ul style="list-style-type: none"> • make their own schedules, and • update and change their daily schedules upon request and at the person's six- month review. <p>Setting must document these choices and options for each person receiving HCBS.</p>
28A	Setting has documented policies, procedures and practices to ensure the person receiving HCBS is supported and involved in developing person-centered, setting-specific assessments and plans to support their needs and preferences.
29A	<p>Setting has policies, procedures and practices in place to ensure that staff is trained in:</p> <ul style="list-style-type: none"> • person-centered assessment and planning strategies, • working with the target population, • using individualized communication styles, and • utilization of assistive technology.