

<b>Provider Name:</b> Click or tap here to enter text.	<b>Setting Manager:</b> Click or tap here to enter text.	<b>Date(s) of Review:</b> Click or tap here to enter text.
<b>Address:</b> Click or tap here to enter text.	<b>Informant Name/Role:</b> Click or tap here to enter text.	<b>MIS#s of Individuals Interviewed:</b> Click or tap here to enter text.
<b>NPI #:</b> Click or tap here to enter text.	<b>Informant Contact:</b> Click or tap here to enter text.	<b>Number of individuals in this setting:</b> Click or tap here to enter text.
<b>VID #:</b> Click or tap here to enter text.	<b>Setting Type:</b> <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential	<b>State Agency:</b> Click or tap here to enter text. <b>State Agency Representative:</b> Click or tap here to enter text.

**Reason for Institutional Presumption**

- Settings in a publicly or privately operated facility that provides inpatient institutional treatment. Click or tap here to enter text.
- Settings on the grounds of, or adjacent to, a public institution. Name of institution: Click or tap here to enter text.
- Settings with the effect of isolating individuals from the broader community of individuals not receiving HCBS waiver services.

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The Centers for Medicare and Medicaid Services' (CMS) HCBS settings rule assumes that certain settings are not home and community –based. If a New Jersey setting meets one of the criteria for institutional presumption as defined above, the Department of Human Services (DHS) conducts a heightened scrutiny review.

Facility Name overcomes the institutional presumption and meets the criteria of a home and community based services setting as summarized below.

**Facility Summary**

Enter Facility Summary

**The setting is integrated in and supports full access to the greater community** [42 CFR § 441.301(c)(4)(i)].

The community considers the setting a part of their community and does not associate the setting with institutional services.

Met  Unmet  Not Applicable

Enter Evidence Here

Individuals, to the extent they desire, have opportunities to participate in typical community life activities outside of the setting.

Met  Unmet  Not Applicable

Enter Evidence Here

Activities are individualized or include more than just setting-based group activities.

Met  Unmet  Not Applicable

Enter Evidence Here

The setting supports access to community activities through its own transportation or coordination of transportation options.

Met  Unmet  Not Applicable

Enter Evidence Here

Individuals, if they choose, have opportunities to seek employment and work in competitive integrated settings.

Met  Unmet  Not Applicable

Enter Evidence Here

Individuals are able to control their personal resources.

Met  Unmet  Not Applicable

Enter Evidence Here

The setting is selected by the individual from among setting options including non-disability specific settings. [42 CFR § 441.301(c)(4)(ii)].

Met  Unmet  Not Applicable

Enter Evidence Here

The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and resources available for room and board. [42 CFR § 441.301(c)(4)(ii)].

Met  Unmet  Not Applicable

Enter Evidence Here

The setting facilitates choice regarding services and supports, and who provides them. Individuals have a choice in selecting their service providers, and are not reliant on services from the institution to the exclusion of other community-based options. Individuals can choose to receive services in the community to the same degree as individuals not receiving Medicaid HCBS. [42 CFR § 441.301(c)(4)(v)]

Met  Unmet  Not Applicable

Enter Evidence Here

The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact. [42 CFR § 441.301(c)(4)(iv)]

Met  Unmet  Not Applicable

Enter Evidence Here

Individuals have the freedom and support to control their own schedules and activities. [42 CFR § 441.301(c)(4)(vi)(C)]

Met  Unmet  Not Applicable

Enter Evidence Here

The setting ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint, [42 CFR § 441.301(c)(4)(iii)].

Met  Unmet  Not Applicable

Enter Evidence Here

Individuals are able to have visitors of their choosing at any time. [42 CFR § 441.301(c)(4)(vi)(D)]

Met  Unmet  Not Applicable

Enter Evidence Here

Individuals have access to food at any time.

Met  Unmet  Not Applicable

Enter Evidence Here

The living unit is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services:

- The individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the applicable landlord/tenant laws.
- The State must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law. [42 CFR § 441.301(c)(4)(vi)(A)]

Met  Unmet  Not Applicable

[Enter Evidence Here](#)

### Overcoming Institutional Presumption

The setting demonstrated a meaningful physical distinction between the HCBS setting and the institutional setting, including separate entrances and signage, physical divisions, and differences in décor.

Met  Unmet  Not Applicable

[Enter Evidence Here](#)

Each individual has privacy in their sleeping or living unit.

Met  Unmet  Not Applicable

[Enter Evidence Here](#)

Individual living units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.

Met  Unmet  Not Applicable

[Enter Evidence Here](#)

Individuals sharing units have a choice of roommates in that setting.

Met  Unmet  Not Applicable

[Enter Evidence Here](#)

Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement. [42 CFR § 441.301(c)(4)(vi)(B)(1-3)]

Met  Unmet  Not Applicable

[Enter Evidence Here](#)

The setting is physically accessible to the individual. [42 CFR § 441.301(c)(4)(vi)(E)]

Met  Unmet  Not Applicable

Enter Evidence Here

The setting demonstrated meaningful operational distinction between the institution and the community-based setting, such as minimal administrative and financial interconnectedness.

Met  Unmet  Not Applicable

Enter Evidence Here

There is a distinction between staff for the HCBS setting and the institutional setting. Staff working in the HCBS setting receive initial and ongoing training on HCBS settings rule requirements and principles, and person-centered planning.

Met  Unmet  Not Applicable

Enter Evidence Here

***The following section will be completed by State of New Jersey staff.***

**DHS Recommendation-**

DHS finds that Facility Name does / does not possess the required home and community based characteristics to overcome the presumption of having institutional qualities.

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