



State of Rhode Island and Providence Plantations
Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals
Division of Developmental Disabilities
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HCBS Final Rule

Guidance for Implementation and Frequently Asked Questions

Part 1

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Further requirements for all settings will be covered in part 2 of this guide.

Those requirements are:

1. Setting selection
2. The rights rule
3. Autonomy
4. Choice in services and supports

I. INTRODUCTION

How must your services change?

If you are a service provider who serves multiple consumers in the same location, these services must not isolate individuals from the community. The Final Rule requires that settings be integrated and support full access to the community. As a provider, you may need to modify where and how your services are delivered to meet the HCBS Final Rule. Policies and program designs may need to be changed, and staff training may be necessary to assure understanding of the new standards.

II. REQUIREMENTS FOR ALL SETTINGS

Integration

The Final Rule requires that the setting is integrated in and supports full access to the greater community for people who receive HCBS. This includes providing opportunities to seek employment and work in competitive integrated settings, maintain personal relationships, attend community events, join community groups, control personal resources, and receive services in the community to the same degree of access as people who do not receive HCBS.

Providers must not have rules, services, or support delivery practices that restrict or obstruct community access. Providers must also ensure service and support practices do not create an environment that is institutional in nature.

To engage with the person and the support team, the provider should use person-centered thinking to:

- Identify, develop, and make available information on transportation options for individuals
- Assist individuals with developing meaningful relationships with other members of the community
- Honor relationships with natural supports which individuals develop on their own
- Support individuals in their participation in faith communities

Of course, this is not an exhaustive list. There are countless ways to support individuals in community integration, and these ways are determined through person-centered thinking.

How can a rural setting meet this requirement?

Integration into the community will look very different in Chepachet than it will in Warwick or Providence. A very rural setting may have fewer opportunities for people to participate in community events or gatherings, but this is also true for the general public. The key is to be sure people have the same access to the community as others who live in that rural setting.

Is integration different for everyone?

Yes. Each person may have different needs and desires. Providers should address individual needs and desires and find a way to help every person meet those needs and desires to the greatest possible extent. A person's strengths and barriers are different as well, so integration looks different for everyone.

What are the expectations for day providers regarding "individual community opportunities?" Do you expect us to provide one-on-one community activities?

Day service providers (including adult day, day training & habilitation, prevocational activities, and structured day services) are not required to support a person with one-on-one community access unless aligned with assessed needs of individuals. However, the provider should talk to individuals about their likes, dislikes, and interests and make sure they have opportunities to participate in activities that match their preferences with people of their choosing, whether those others are also receiving services from the same provider. Providers should also share community activity information to raise awareness of and access to the broadest array of activities that may occur outside the setting. It is not an acceptable practice for providers to offer only on-site activities or only bring community members into the DDO setting (i.e., "reverse integration"). It is also not acceptable to concentrate group services or activities in community establishments that could hinder or limit desired integration with other community members.

Sample policy language

Policy: Integration with the broader community

(Provider) will ensure that the setting is integrated in and supports full access of individuals to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree as individuals not served by (provider).

(Provider) will assist individuals in accessing transportation according to the individuals' needs.

(Provider) will support individuals in becoming involved in community groups and community activities as desired by the individual.

(Provider) will assist individuals in identifying and building natural supports in the broader community (friends, organizations, businesses, other service providers, family members, peers, etc.) according to the individual's desires and interests.

III. ADDITIONAL REQUIREMENTS FOR RESIDENTIAL SETTINGS OWNED OR CONTROLLED BY PROVIDERS

Lease/Residency Agreement

The Final Rule requires that a living unit be "a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services...."

Individuals must have a lease or other legally enforceable residency agreement outlining their protections against eviction/discharge/transfer, with the appeal process explained. The lease/agreement must be signed by the individual or legally responsible party and by the residential provider.

In addition to eviction/discharge/transfer information, a residency agreement is also needed to document the rights and responsibilities of both parties in regard to the individual's residency at the setting.

Once signed and completed:

- The person and legal representative must receive a copy of the agreement
- The provider/landlord must maintain a copy in the person's record.

For provider-owned properties, legal advice should be sought in the formulation of residency agreements.

For State-owned properties, participants will have the same protections as participants in provider-owned properties. Additional guidance from the State is forthcoming.

For Shared Living Arrangements, participants will have the same protections as tenancy, in a manner consistent with a month-to-month lease, wherein the mutual satisfaction of the living arrangement is to be evaluated through the Agency's oversight and in conjunction with the State's 30-day notice policy for termination of services.

Sample policy language

Policy: Residency Agreement

(Provider) and an individual participant/responsible party will enter into a legally enforceable lease/residency agreement at the time the residency begins.

(Provider) will comply with State and HCBS requirements for residency agreements.

(Provider) will ensure that all individuals admitted to the residence, or their legally responsible party, sign a lease/residency agreement prior to or at move-in. Any modification to the signing of an agreement will not be made without:

1. identifying a specific and individualized assessed need;
2. documenting positive interventions and supports and less intrusive methods which were unsuccessful;
3. documenting a clear description of the intervention that is directly proportionate to the assessed need;
4. regularly reviewing data to measure the ongoing effectiveness of the modification;
5. establishing time limits for periodic reviews of the modification to determine if it is still necessary; and
6. ensuring informed consent and lack of harm to the individual from the modification.

Privacy in Living Unit

The Final Rule also requires that each individual have privacy in their living unit. This requirement is met in three ways, and all three ways must be present:

1. Lockable entrance doors

The federal requirement for door locks is intended to support a participant's personal privacy. While participants do have the right to choose not to lock their doors, the participants' choice does not remove the provider's responsibility to provide locks on living unit doors. Door locks simply allow the participant to exercise their right to privacy and personal choice.

Staff in each residential setting should always knock and receive permission prior to entering a participant's living space. If not already in place, the setting should create a policy requiring this practice, which is intended to respect participants' right to privacy. Each setting should have policies regarding door locks and participant privacy, along with related staff trainings, and indicate how compliance is maintained.

Where are door locks required?

Depending on the setting, a participant's "living unit" may be their own apartment, studio, or bedroom. Door locks are required on all entrances into the participant's personal living space. In the case of shared apartments where each participant has their own bedroom, each bedroom door must be lockable.

Alternative lock/key mechanisms may be utilized if they more appropriately meet the needs of the individual. Some examples may include digital keypads, finger-print access, dongle/Bluetooth, etc.

Does a provider need to have a written policy related to participant access to keys?

Yes. Each residential setting must have a policy concerning the distribution of keys to participants. The policy should address how participants will receive keys upon admission, the guidelines for participants' use of keys while living in the setting, and the process for participants' return of keys upon discharge.

If the participant has been assessed as not having the physical or cognitive ability to utilize a lock/key, this must be documented within the participant's Individual Service Plan (ISP), indicating how the participant's living unit will be kept secure and private.

Is it acceptable for a provider to not provide a key to the participant if the participant's legal representative has given consent verbally or in writing?

In general, no. With respect to a participant's personal choice and privacy, the participant must be involved, to the extent they are capable, in any decisions regarding their personal possessions and use of a key. If a restriction on the participant possessing a key is necessary, a modification is required (see the section on Modifications in this guide, or below in the Sample Policy Language). If the participant does not have possession of a key, they may still lock their door when leaving the setting in order to safeguard belongings and ensure privacy.

Does a provider need to have a written policy related to staff access to locked living units?

Yes. Providers must have a policy specifying which staff members have the ability to enter a living unit that is locked. The policy should state that the staff will enter a locked living unit only under circumstances agreed upon by the participant/guardian, and the circumstances must be documented in the participant's Individual Service Plan. The policy must also indicate how this practice will be maintained.

What about a setting that has multiple living units with unique keys?

Settings with multiple living units should consider having all living unit door locks keyed so that staff may use a master key as opposed to two or more different keys. This ensures dedicated keys for each participant's living unit while also allowing staff to have access to all living units with one master key.

What should a provider do when a participant cannot manage a key?

If a participant is prone to misplacing the key, the participant still has the right to lock their living unit in order to safeguard belongings and ensure privacy. In consultation with the participant and their support team, the provider may include a procedure in the participant's ISP to hold the key in a *safe place* so the participant can then use the key to enter their living unit.

If roommates differ in their ability to manage a key, what should be done?

Each setting should develop a plan that accommodates the different abilities of participants. Suggestions include storing a key in a safe place or allowing staff to lock and unlock the door for those participants who cannot manage a key. If either procedure is used, it must be documented in the participant's ISP.

If the participant or guardian indicates that they don't want a lock, do I need to install one anyway?

Yes. All living unit doors must have locks installed and available for use.

Sample policy language

Policy: Door locks

(Provider) will ensure that all individuals have living units with entrance doors lockable by the individual. All individuals will receive a key to their entrance door when they move in to (provider). Individuals will use this key to lock and unlock their living unit door as they choose.

(Provider) will ensure that all individuals who need assistance in using their key successfully will be supported through an individualized procedure which will be part of the Individual Service Plan.

(Provider) will ensure that all individuals who are assessed and determined to not have the ability to use a key, even with individualized assistance, are supported in keeping their living units secure and private. This support will be described in detail in the Individual Service Plan. Any modifications to lockable entrance doors will not be made without:

1. identifying a specific and individualized assessed need;
2. documenting positive interventions and supports and less intrusive methods which were unsuccessful;
3. documenting a clear description of the intervention that is directly proportionate to the assessed need;
4. regularly reviewing data to measure the ongoing effectiveness of the modification;
5. establishing time limits for periodic reviews of the modification to determine if it is still necessary; and
6. ensuring informed consent and lack of harm to the individual from the modification.

(Provider) will ensure that only appropriate staff have a master key or dedicated keys to living unit doors of all individuals in the residence. Appropriate staff are defined as (list of titles; as few as possible and still maintain safety, security, and privacy).

(Provider) will ensure that staff enter an individual's locked living unit only under circumstances agreed upon by the individual/guardian. (Provider) will also ensure that these agreed-upon circumstances are documented in the participant's ISP. The integrity of this practice will be maintained through education of staff upon hiring and at regular intervals thereafter and conferring with the individual and/or responsible party as needed.

(Provider) staff will protect the privacy of individuals by not entering the individual's living unit without first knocking on the door and obtaining permission from the individual to enter the living unit. If the individual is not readily able to express permission, the staff person will, as much as possible, ensure that the individual is aware of the staff person's presence and intention to enter the living unit and monitor the individual's reaction for signs of their privacy being violated.

2. Choice of Roommates

The Final Rule specifically mentions roommates only once – “In a provider-owned or controlled residential setting...individuals sharing units have a choice of roommates in that setting.” Providing this choice is one way of ensuring that individuals have privacy in their living unit. Individuals should be supported in exploring every possible residential option, and when the option chosen is sharing a room, the power to choose extends to the choice of a roommate.

How can a provider offer choice of roommate to every individual who resides in a shared room?

Often, choices of roommate are limited, but the individual still should choose. Making an informed choice requires that the individual meet their prospective roommate(s) and discuss sharing a room before making a choice. This applies to individuals already living in the residence and those who are moving in. The provider’s opinion about prospective roommate arrangements would also be important to individuals in making an informed choice. The ISP must document how roommate choice was provided to and exercised by the individual.

Will Providers be required to install privacy partitions in shared bedrooms?

No. The Final Rule does not require installation of privacy partitions.

Does the Rule allow housemates in a group home to choose who is admitted to their home?

Providers may exercise discretion in accepting new individuals in a group home. Providers are encouraged, however, to engage existing housemates in the selection process. (Housemates are individuals who reside in the same home.)

As a provider who has many shared bedrooms, do I have to convert to all private rooms?

No, providers are not required to convert all shared rooms at this time. If individuals who are sharing a bedroom want a private room, providers should explore options to accommodate the request, such as converting a shared room to private; determining if any changes in room arrangements among the other participants are likely to occur; or looking for a private room in a different residence.

Sample policy language

Policy: Roommate selection

(Provider) will ensure that individuals sharing units will have a choice of roommates. In all but the most extreme cases, choice of roommate will be provided prior to move-in and will entail a visit to the residence in which the prospective resident and roommate are introduced to one another and make a mutual decision to share a unit.

To the fullest extent possible, (provider) will ensure that a prospective resident has freedom of choice in selecting a unit within the residence.

Any modification to choice of roommates will not be made without:

1. identifying a specific and individualized assessed need;
2. documenting positive interventions and supports and less intrusive methods which were unsuccessful;
3. documenting a clear description of the intervention that is directly proportionate to the assessed need;
4. regularly reviewing data to measure the ongoing effectiveness of the modification;
5. establishing time limits for periodic reviews of the modification to determine if it is still necessary; and
6. ensuring informed consent and lack of harm to the individual from the modification.

3. Freedom to furnish the living unit

The third way of ensuring privacy in a living unit is by giving the participant the freedom to furnish or decorate the living unit as they choose. However, any rules or responsibilities about furnishing of living units must be included in the terms of the lease or residency agreement and must be respected by both the participant and the provider.

Sample policy language

Policy: Furnishing of participant living spaces

(Provider) will ensure that all individuals have the freedom to furnish/decorate their living unit as they choose, within the terms of the lease or residency agreement.

Any modification of the freedom to furnish the living unit will not be made without:

1. Identifying a specific and individualized assessed need;
2. Documenting positive interventions and supports and less intrusive methods which were unsuccessful;
3. Documenting a clear description of the intervention that is directly proportionate to the assessed need;
4. Regularly reviewing data to measure the ongoing effectiveness of the modification;
5. Establishing time limits for periodic reviews of the modification to determine if it is still necessary; and
6. Ensuring informed consent and lack of harm to the individual from the modification.

Schedule Control

One of the most important things to most people is having control, particularly control over one's own life. Schedule control is integral to control over one's own life. How we spend our time speaks volumes about who we are as people. However, with control comes responsibility. The people in the individual's life, including service providers, must support the individual in exercising schedule control responsibly, but as fully as possible.

Does the Final Rule allow for curfews for individuals?

Yes, as long as the individual makes an informed and free choice to have a curfew. Otherwise, curfews are not in line with the Final Rule's concept of schedule control.

Doesn't schedule control make one-to-one staffing necessary for almost every individual?

One-on-one staffing should be provided only if it is based on an individual's assessed needs. Schedule control is possible without one-to-one staffing for most individuals by eliminating regimented schedules; helping individuals develop and utilize natural supports; adjusting staff responsibilities more toward a coaching approach; and fostering a culture of person-

centeredness through training and support. Sometimes one-on-one staffing is necessary, but schedule control does not require it for most individuals.

Sample policy language

Policy: Schedule and activity control

(Provider) will optimize individual initiative, autonomy, and independence in making life choices, including but not limited to choices of daily activities. (Provider) will support individuals in building an individualized schedule, including structured time and unstructured, “free” time.

(Provider) will offer individuals freedom and support to control their personal schedules and activities within the individuals’ congregate living setting. Any modifications to schedule control will not be made without:

1. identifying a specific and individualized assessed need;
2. documenting positive interventions and supports and less intrusive methods which were unsuccessful;
3. documenting a clear description of the intervention that is directly proportionate to the assessed need;
4. regularly reviewing data to measure the ongoing effectiveness of the modification;
5. establishing time limits for periodic reviews of the modification to determine if it is still necessary; and
6. ensuring informed consent and lack of harm to the individual from the modification.

(Provider) will create a residence schedule that promotes independence and individuality and that reflects the interests of the individuals who live at (provider).

1. Access to Food

One important area of schedule control is an individual’s right to access food of their choice at any time of their choosing. Participants who live in provider-owned, controlled, or operated settings must have access to food *at any time* and must be provided a place to store snacks (e.g., in the participant’s bedroom or the setting’s kitchen). Snacks may not be limited to specific times, places, or types of snacks. Providers must support participants in regard to access to food according to each participant’s needs, preferences, and goals.

Examples of support may include:

1. Assisting with budgeting and shopping for snacks;
2. Assisting with safe storage of snacks;
3. Providing alternative choices when a main meal option is not chosen or when the participant eats a meal outside of a standard mealtime; and
4. Assisting with healthy food choices without controlling or discounting the participant's preferences.

I provide services to a person who makes poor food choices. Does every individual have to have 24-hour access to food?

A provider may not limit a person's access to food unless there is an identified and documented risk to the person's health or safety that requires a modification. (See sample policy language below, or the Modifications section of this guide.) A provider may not limit a person's access to food based on it being deemed "junk food"; on the provider's personal beliefs; or on the provider's opinion that an individual's body weight is unhealthy.

If one person in a home has a modification in place restricting their access to food, and the modification includes locking the refrigerator and pantry, are all other participants in the home subject to the same modification?

No. All other participants in the home must have a way to obtain food at any time, whether by having their own key to kitchen cabinets; having private storage in their own locked bedroom; or utilizing some other arrangement which respects the right to food access at any time. An arrangement in which the only way any participant has access to food is through a staff member must be used only as a last resort and with extreme caution. In that case, staff members and participants must be thoroughly and routinely educated about the freedom of participants to have access to food at any time.

May a participant eat meals and/or snacks in their room or another place of their choosing?

Yes. An important component of the Final Rule is that individuals have the same prerogatives in regard to food as people who do not receive HCBS services. A provider may be rightfully concerned about cleanliness, safety, and proper storage of food in an individual's room, but the freedom to consume food outside the dining room overrides these concerns. The way these concerns are approached is important. Seeing them as an

opportunity to help the individual learn to meet their own needs in regard to cleanliness and safety is the most beneficial way.

In cases where the individual requires staff supervision or physical assistance while eating for the purpose of safety, a plan to address this risk with respect to the individual's desires should be developed and documented in the ISP.

Sample policy language

Policy: Access to food

(Provider) will ensure that all individuals have access to food of their choosing at any time. Any modification to food access will not be made without:

1. identifying a specific and individualized assessed need;
2. documenting positive interventions and supports and less intrusive methods which were unsuccessful;
3. documenting a clear description of the intervention that is directly proportionate to the assessed need;
4. regularly reviewing data to measure the ongoing effectiveness of the modification;
5. establishing time limits for periodic reviews of the modification to determine if it is still necessary; and
6. ensuring informed consent and lack of harm to the individual from the modification.

(Provider) will ensure that all food is stored in a manner that allows individuals access at all times but that also promotes food safety. (Provider) staff will support individuals in accessing food responsibly, both in common areas and individual living units.

Participants who reside at (provider) will have the freedom to decide what meals are served and what snacks are available in the residence. (Provider) staff will support participants, both informally and formally, in making these decisions (for example, holding a regular meeting to set the menu). Staff will also encourage participants to be involved in dining in other ways of their choosing, such as assisting in grocery shopping.

(Provider) staff will offer meals to individuals at specific times to promote a sense of community among all individuals who wish to dine together. Individuals at (provider) are free to join others at set mealtimes or dine at other times and/or other places of their choosing.

Visitors

Individuals must be allowed to have visitors of their choosing at any time. Having visitors helps individuals develop personal, private relationships, just like someone who does not receive HCBS services. This requirement does not mean that other individuals' needs for quiet and safety in the residence should be disregarded. Common courtesy and respect are to be maintained by everyone in the residential setting.

The requirement, though, is intended to ensure that individuals have freedom in regard to visitors and relationships in their home. To comply with this requirement, providers will ensure that:

1. Individuals can choose their visitors and visit times, with no restrictions;
2. Individuals may have overnight guests;
3. Individuals and their guests may visit in any area of the residence, as long as other participants' rights are respected; and
4. Participants and their visitors have privacy during visits.

The setting may establish procedures to ensure the safety and welfare of people who live and work there. For example, providers may request that visitors notify staff that they are present in the residence. However, the procedure must not restrict visitors unnecessarily for the convenience of staff or restrict the individual's freedom of association with whomever they choose.

Can a provider require that participants get their permission to have particular visitors at particular times?

No. This arrangement is contrary to the Final Rule's requirement that individuals have visitors as they choose.

Sample policy language

Policy: Visitors to residential settings

(Provider) will ensure that individuals are able to have visitors of their choosing at any time, which optimizes their independence in making life choices and reinforces their right to privacy. Any modifications to this provision will not be made without:

1. identifying a specific and individualized assessed need;

2. documenting positive interventions and supports and less intrusive methods which were unsuccessful;
3. documenting a clear description of the intervention that is directly proportionate to the assessed need;
4. regularly reviewing data to measure the ongoing effectiveness of the modification;
5. establishing time limits for periodic reviews of the modification to determine if it is still necessary; and
6. ensuring informed consent and lack of harm to the individual from the modification.

Visitors to (provider) will have access to all common areas of the home and the living unit of the individual who is being visited, as long as the safety, security, and rights of all individuals in the home are respected.

Physical Accessibility

NOTE: The requirement of physical accessibility to the residence cannot be modified.

All HCBS residential buildings must be physically accessible to the participants who live there. In the case of a current participant who becomes unable to enter the building, the preferred option is to accommodate the participant through adaptive equipment or other accommodation. Physical accessibility to the building is a requirement for admission to a residential setting, so this factor must be addressed during the assessment process. In this case, too, accommodation of an individual's accessibility needs is the preferred approach, in order to provide the individual with as much choice as possible in selecting a residence.

Sample policy language

(Provider) will determine through a full assessment process whether a prospective resident is physically able to enter the residence. If any barriers to access exist for the individual, the preferred course of action will be to develop a plan to address the individual's accessibility needs. This plan will be communicated to the prospective resident and their support team during the selection process.

(Provider) will develop a plan to address any barriers to building access for any current resident who becomes unable to physically access the residence. This policy is intended to preserve the option of remaining at the residence as the preferred option and to provide as much choice of residential setting as possible to the participant.

Modifications

To review, the HCBS Final Rule identifies five conditions that provider-owned or controlled residential settings must meet, in addition to the requirements for all HCBS settings. These additional conditions are: 1) the living unit must be a “specific physical place that can be owned, rented, or occupied under a legally enforceable agreement;” 2) each individual must have privacy in their living unit, reinforced by lockable entrance doors, choice of roommate, and freedom to furnish the living unit as they choose; 3) each individual must have the freedom and support to control their own schedules, and have access to food at any time; 4) each individual must be able to have visitors of their choosing at any time; and 5) the setting must be physically accessible to the individual.

The Final Rule does allow for modifications of these conditions, if necessary. A modification may be necessary if meeting one of these conditions puts the individual or others at serious risk of harm, for example. Modifications are allowed so that a provider can continue to serve an individual in a community setting as opposed to transferring them to a segregated, institutional setting. However, **physical accessibility to the residence is the one and only condition that cannot be modified**. Every participant must be able to physically access the residence.

Modifications can be necessary to allow “providers to serve individuals with the most complex needs in integrated community settings to ensure that the setting supports the health and well-being of the individual beneficiary and those of people around them.”

Any modification must consist of the following six elements:

1. identifying a specific and individualized assessed need;
2. documenting positive interventions and supports and less intrusive methods which were unsuccessful;
3. documenting in the Individual Service Plan a clear description of the intervention that is directly proportionate to the assessed need;
4. regularly reviewing data to measure the ongoing effectiveness of the modification;
5. establishing time limits for periodic reviews of the modification to determine if it is still necessary; and
6. ensuring informed consent and lack of harm to the individual from the modification.

What is the consequence if an individual in a residential HCBS setting does not consent to a modification? Can the individual be permitted to remain in the residential setting without the modification?

An individual must provide informed consent prior to a necessary modification, and providers cannot implement a modification without such consent. The State and provider must use the person-centered planning process and alternative strategies that allow the individual the fullest self-determination and independence. If an individual continues to reside in the setting without the necessary modification, the State is still responsible for assuring the individual's health and welfare and implementation of services consistent with the person-centered plan. The State would therefore need to determine if it could assure the health and welfare of the individual if they continue to reside in the setting without the modification.

Sample policy language

Policy: Modifications

(Provider) will ensure that every individual/responsible party has entered into a legally enforceable agreement with (provider) regarding occupancy of the living unit by the individual.

(Provider) will ensure that every participant has privacy in their living unit through the following means: 1. entrance doors lockable by the individual; 2. choice of roommate in shared living units; and 3. freedom to furnish/decorate the living unit as the participant sees fit, within the terms of the lease/residency agreement.

(Provider) will ensure that every participant has the freedom and support to control their own schedules, including access to food at any time.

(Provider) will ensure that every participant has the freedom to have visitors of their choosing at any time.

Prior to making any modification to any of the above-mentioned conditions, (provider) will ensure that the modification will consist of all the following elements:

1. identifying a specific and individualized assessed need;
2. documenting positive interventions and supports and less intrusive methods which were unsuccessful;
3. documenting in the Individual Service Plan a clear description of the intervention that is directly proportionate to the assessed need;
4. regularly reviewing data to measure the ongoing effectiveness of the modification;

5. establishing time limits for periodic reviews of the modification to determine if it is still necessary; and
6. ensuring informed consent and lack of harm to the individual from the modification.

(Provider) will maintain documentation sufficient to demonstrate that the six elements of a modification are present during the time period that the modification is in place.