



# JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

## HCBS Settings Rule and Dementia Care

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# 5 Key Areas of Interest for Aging Advocates

Assessing  
settings

Community  
integration

Protections  
against  
eviction

Adult day  
services

Addressing  
“secure”  
settings

# 1. Assessing settings: Solicit and consider input from participants



## Watch For

- Overreliance on provider input
- Failure to obtain input from non-state sources



## Recommend

- Participant input through participant interviews
- Dementia is not a disqualifier
- Advocate need to be involved

# 2. Community Integration: Full access to the community

Watch For

- Contact with non-Medicaid-funded participants accepted as integration

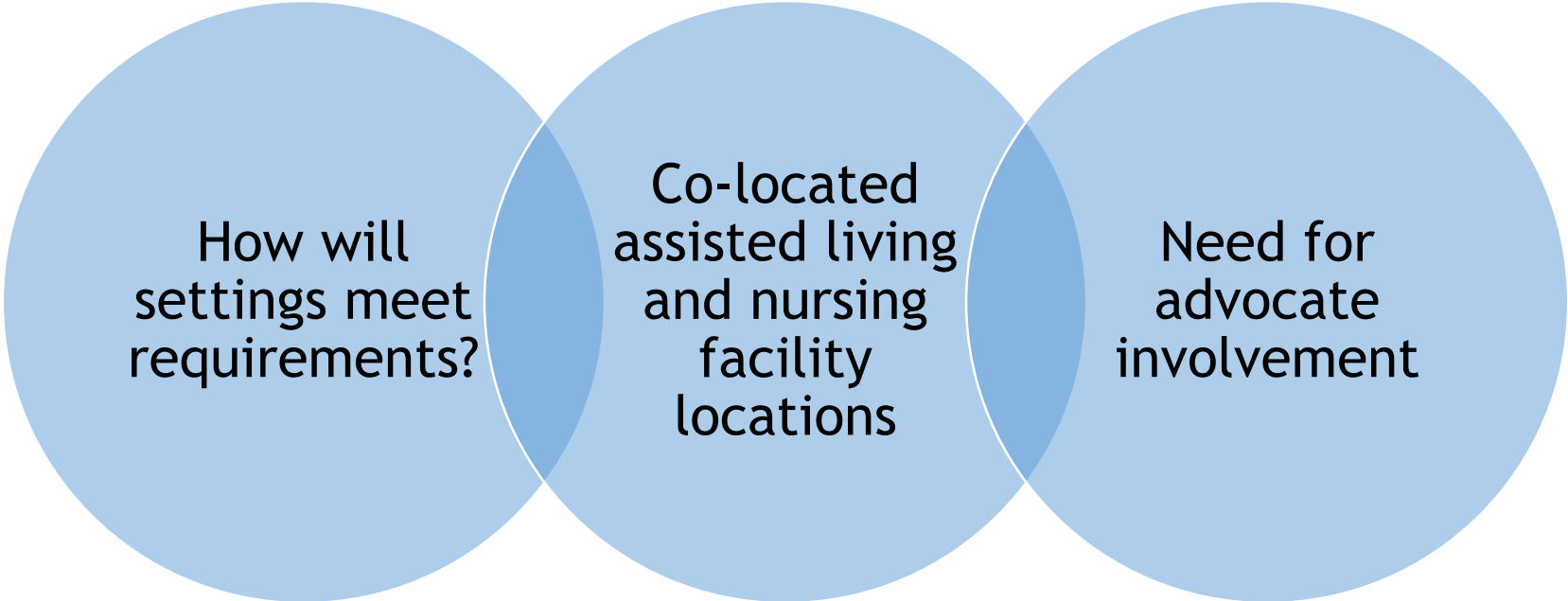
Recommend

- Integration with the community *outside* of the setting

# Community access

- Should facilitate participant access to greater community
- Visits by others are not sufficient
- Must be person-centered, maximize autonomy
- Cognitive impairment such as dementia should not be disqualifier

# Taking heightened scrutiny seriously



How will settings meet requirements?

Co-located assisted living and nursing facility locations

Need for advocate involvement

# 3. Protections Against Eviction

## Eviction protections for assisted living residents



### Watch For

- Failure to recognize complexity of establishing landlord-tenant protections



### Recommend

- Detailed strategies for implementing lease and eviction protections
- Standardized templates
- Revised state licensing requirements

# 4. Adult Day Services: Range of non-residential options



## Watch For

- Limited types of adult day programs
- Isolation of adult day participants



## Recommend

- Range of home-based, integrated day, and day center services
- Settings that provide services to non-disabled persons
- Culturally competent offerings



# 5. Addressing “secure” settings

Watch For

- Failure to address the issue of “secure” units

Recommend

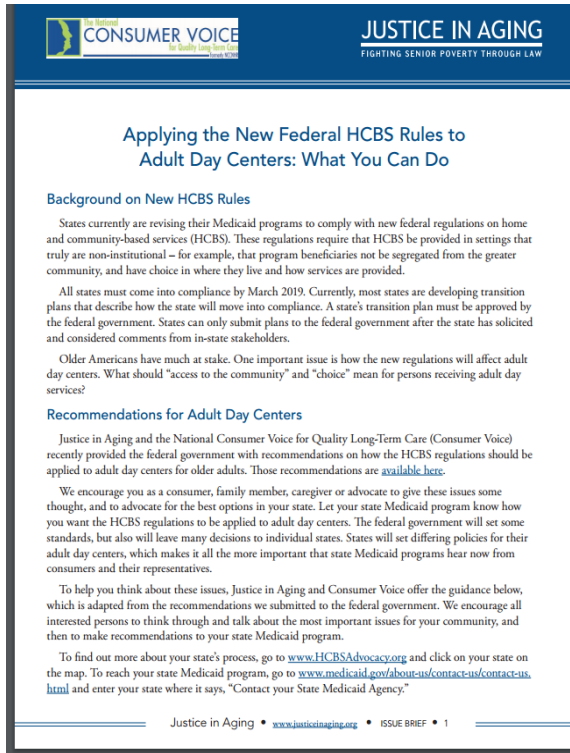
- State engages consumers and providers to determine how to comply with regulations for persons with dementia

# Recommendations for Dementia Care

- Look for ways to modify activities, not assume participants can't do them
- Use best practices to prevent wandering
  - **BUT dementia care is not just about wandering**
- No physical or chemical restraints
- Need for person-centered care



# Additional Resources



- Justice in Aging & Consumer Voice guides
- <http://www.justiceinaging.org/home-community-based-services-resources-created-partners/>
- [HCBSAdvocacy.org](http://HCBSAdvocacy.org)

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