



MISSISSIPPI DIVISION OF

**MEDICAID**

**Public Comments**

**Home and Community-Based Services (HCBS) Assisted Living**

**(AL) Waiver Renewal**

May 10, 2018

Received via e-mail from:  
Faith Hadley, Director  
House of Faith LLC  
Jackson, MS

Division of Medicaid:

Upon review of the public notice for the AL waiver renewal, I have a couple of concerns:

- 1) The condition that limits 2 participants per room. The MS Department of Health, who approves facility, allows 3 participants per room based on a minimum of square feet per person. I believe that reducing it to 2 participants will have a negative impact on the number of Medicaid certified beds. Which results in a decreased amount of residents we can accept. That in turn decreases our ability to assist the participants that are in need of our services. Our census mainly consist of participants with some type of mental illness/disability and lower income. In addition, we do not have any participants that require the need of any bulky equipment such as electric scooters, power wheelchairs, oxygen equipment, etc. that may take up any extra space.
- 2) The condition that an attendant shall be alerted if participant wanders from facility. If participants have the freedom to move about the community at their choice, why should we be alerted when they go to the store (for example)? The participant signs out when they leave the facility and sign in when they return. The log consist of date, time, location, and contact number (if they are going with family/friend). In addition, generally the participant verbally tells the attendant when he/she leaves the facility. Attendants are required to check on participants, making sure they are accounted for and safe every 15 – 30 minutes.

Thank you for allowing providers to provide feedback to the proposal. I can be reached via phone, fax, or email if necessary.

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May 30, 2018

Received via e-mail from:  
Micah Dutro  
Legal Director  
Disability Rights Mississippi  
Jackson, MS

Ms. Wilson,

Disability Rights Mississippi (DRMS) is the designated Protection and Advocacy organization for the State of Mississippi and is a part of the national network of Protection and Advocacy organizations, as established in 42 USC 15041, *et seq.* DRMS provides legal assistance, advocacy services, and information and referrals to residents of Mississippi living with disabilities. DRMS also investigates allegations of abuse and neglect of persons with disabilities and is empowered by federal law to do so. Our primary areas of focus are the ADA, HUD, Medicaid services, treatment facilities, and educational services for children.

The following comments pertain to the Assisted Living Waiver Renewal posted on or about May 1, 2018 on the website of the Mississippi Division of Medicaid.

1. DRMS believes that waiver participants should be able to reside in their own homes, rather than be required to enter an assisted living facility or personal care home. The proposal states that participants exercise freedom of choice by choosing to enter the waiver in lieu of institutional services. While it is true that waiver participants require nursing home-level services, those services could be delivered in true residential settings through in home services. As it stands, waiver participants are offered the choice of institutionalization or institutionalization in a setting with a more “residential” appearance. Participants should be given the option to receive services in their own homes or in the homes of their loved ones with whom they reside. Simply having an apartment style room or suite does not constitute community integration, especially when all of a participants neighbors are necessarily waiver participants (or similar) themselves.

The goal of community integration is ensure that people with disabilities can live and participate in community life to the extent that they desire to do so. The ability to live with our loved ones in truly residential settings is a large part of this concept.

2. The proposed renewal does not permit a participant’s family members to be recognized as, and receive remuneration for acting as, a service provider. DRMS takes the position that the Assisted Living waiver should be amended to allow this practice.

Many of the services that the waiver provides do not require qualified medical personnel. Most services related to the participant’s activities of daily living could be

performed just as easily by a family member residing in the home with the participant. Given the lack of readily available service providers in many areas of Mississippi, family members could help fill in the gaps that waiver participants often face and broaden their available choices for the providers of some services.

Naturally, some limitations would have to exist. Family member service providers should have to pass the same background check that employees of assisted living facilities submit to upon hiring. The types of services that family members deliver would have to be clearly and well defined. Despite these limitations, DRMS believes that the permitting family members to provide services related to activities of daily living would vastly increase the range of choices for waiver participants and substantially improve their quality of life.

3. As always, DRMS urges the Division of Medicaid to do all it can to increase provider compensation rates and encourage new providers to come to Mississippi and existing providers to expand their services. Many areas of Mississippi are chronically and tragically underserved when it comes to medical services. While the proposal allows for some freedom of choice on the part of the participant, that freedom is severely curtailed when there are few or no qualified providers near the participant. Most participants would prefer to stay relatively near friends and family. Increased availability of providers makes such geographical proximity easier to maintain and substantially increases quality of life for waiver participants.

While DRMS advocates for and provides legal services to individuals with disabilities, we recognize that a strong network of providers is required for waiver participants to fully enjoy the benefits of living in their communities in a fully integrated manner.

We would like to thank the Division of Medicaid for their diligent efforts in their efforts to better serve Medicaid beneficiaries in Mississippi and look forward to your responses to the issues that we have raised.

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