



Observations from HCBS Reviews Related to Group Day Services

During the last several months, the state team has conducted onsite validations for group day providers, and in doing so, has discovered that the index of allowable services has been misinterpreted and confused. As such, the intent of this notice is to clarify the allowable group day service activities in the Community Living, Family and Individual Supports, and Building Independence waiver(s).

Regulation 13VAC30-122-380 Criteria and Allowable Activities:

(<https://law.lis.virginia.gov/admincode/title12/agency30/chapter122/section380/>)

For group day service, an individual shall demonstrate the need for skill-building or supports offered primarily in settings other than the individual's own residence that allows the individual an opportunity for being a productive and contributing member of his community. In addition, group day service shall be available for individuals who can benefit from the supported employment service, **but** who need group day service as an appropriate alternative **or** in addition to the supported employment service.

1. Allowable activities shall include, as may be appropriate for the individual as documented in his plan for supports:
 - a. Developing problem-solving abilities; sensory, gross, and fine motor control abilities; and communication and personal care skills;
 - b. Developing self, social, and environmental awareness skills;
 - c. Developing skills as needed in (i) positive behavior, (ii) using community resources, (iii) community safety and positive peer interactions, (iv) volunteering and participating in educational programs in integrated settings, and (v) forming community connections or relationships;
 - d. Supporting older adults in participating in meaningful retirement activities in their communities (i.e., clubs and hobbies);
 - e. Skill-building and providing routine supports related to ADLs and IADLs.
 - f. Monitoring the individual's health and physical condition and providing supports with medication and other medical needs.
 - g. Providing safety supports in a variety of community settings;
 - h. Career planning and resume developing based on career goals, personal interests, and community experiences; and
 - i. Providing routine supports and safety supports with transportation to and from community locations and resources.

Clarification

The allowable group day service activities include career planning (an allowable service designed to prepare an individual for employment), but should not be misinterpreted as active employment. The group day service must not be delivered in a format that supports sheltered workshop employment or center based employment tasks. Medicaid does not pay for sheltered workshop services.

Should employment goals be identified in the individual's plan for supports for group day services, the individual may do so for career planning, expanding communication and/or socialization skills, or any of the above allowable activities. These activities and skills will promote the skills needed to gain competitive, integrated employment. An individual can access separate services (those designed specifically for obtaining employment), to secure and maintain employment. Group day services are an alternative to employment and are subject to the HCBS final rule. The setting must:

- Be integrated in and supports full access to the greater community.
- Ensure an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.
- Optimize, but 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.
- Facilitate individual choice regarding services and supports, and who provides them.
- Have person-centered individual support plans that reflect the services and supports that are important for the individuals' identified needs and preferences.

Should you need additional guidance, please contact your Community Resource Consultant (CRC) through DBHDS.