

ATTACHMENT B

FREEDOM OF CHOICE

Under OBRA, certain individuals may receive home and community service as an alternative to nursing facility care. The following procedures apply to the freedom of choice individuals can exercise in the provision of services.

The individual's freedom of choice of service options will be explained as part of the Regional Office of Mental Retardation's determination notice.

The actual choice of service options will be offered individual or his/her representative by the County MH/MR Program development of the individual's specialized service plan and thereafter.

A. Individuals Who May Choose to Receive Specialized Service in a Nursing Facility or Other Setting

Individuals who have resided in a nursing facility for 30 consecutive months from the date of determination and who require specialized services, but do not need the level of services provided by a nursing facility have the choice to continue to reside in the facility or to receive services in alternative home and community settings.

Individuals who meet this criteria have the freedom to choose the following home and community service alternatives to nursing facility care:

1. Home and community based services provided under the Department's 2176 Waiver Program for persons with mental retardation.

2. Other community mental retardation services provided by or through the County MH/MR Program, including but not limited to case management services, family support services, community residential services, and adult day services.

3. ICF/MR services.

A sample choice form is contained as part of this attachment. The choice form should be maintained by the County's case manager and by the nursing facility, if the individual chooses nursing facility care.

B. Individuals Who Must Be Discharged From the Nursing Facility

1. Short-Term Residents Needing Specialized Services

Individuals who have resided in a nursing facility for less than 30 consecutive months prior to the date of determination, who require specialized services, but do not require the level of care provided by a nursing facility must be discharged to an appropriate setting where specialized services are available.

The County MH/MR Program will develop program plans for these individuals for community mental retardation services which may include:

- a. Home and community-based services provided under an approved 2176 Waiver.
- b. Other community mental retardation services provided by or through the County MH/MR Program.
- c. ICF/MR services.

Individuals meeting this criteria have no right to freedom of choice beyond these rights of other persons who receive community mental retardation services.

C. Short and Long-Term Residents

Individuals residing in a nursing facility who require neither specialized services, or the level of care provided by a nursing facility must be discharged from the facility.

Individuals who meet this criteria will be referred to appropriate community resources by the nursing facility.