



State of Louisiana

Louisiana Department of Health
Office for Citizens with Developmental Disabilities

MEMORANDUM

OCDD-P-22-004
OCDD-SC-22-003

DATE: January 27, 2022

TO: Providers of Residential Owned or Controlled Properties
Local Governing Entities
Support Coordination Agencies

FROM: Paul Rhorer, OCDD Waiver Program Manager 4

SUBJECT: Meeting for Providers who Own or Control a Residential Property where a Waiver Participant Resides

The Office for Citizens with Developmental Disabilities (OCDD) will be hosting a meeting to discuss the Home and Community Based Services Settings Rule compliance as it pertains to providers who own or control a residential property where a waiver participant resides.

OCDD will hold a meeting on **Wednesday, February 9, 2022 at 10:00 a.m.** Please **share a login if possible, as there are only 200 available lines.**

You can join the meeting by Zoom link at <https://ldhocddadmin.zoom.us/j/9509607128>, or by telephone at **602-333-0032** (Conference code 460186).

Over the next couple of months, OCDD will be completing onsite assessments with every individual who resides in a provider-owned or provider controlled residence in order to meet compliance with the Home and Community Based Services (HCBS) Settings Rule.

CMS's considers a property as provider-owned or controlled setting if:

- A setting is provider-owned or controlled when the setting in which the individual resides is a physical place that is owned, co-owned, and/or operated by a provider of home and community-based services.
- A setting is provider-owned or controlled if a provider is furnishing Home and Community-Based Services to all individuals in a setting in a property

owned and leased by a third party, if the HCBS provider leases from a third party or owns the property.

- A setting is provider-owned or controlled if the provider does not lease or own the property, but has a direct or indirect financial relationship with the property owner. This is presumed to be provider controlled unless the property owner or provider establishes that the nature of the relationship does not affect either the care provided or the financial conditions applicable to tenants.
- A setting is provider-owned or controlled if the selection of a setting limits the participant to a specific HCBS provider of services.
- A setting is provider-owned or controlled if the person who owns the home in foster care or a shared living setting and the caregiver receives funding from an HCBS authority, and is **not** a family member of the HCBS participant.

OCDD must identify all properties that fall into the category of a provider-owned or controlled setting.

OCDD is asking that each provider who meets one of the criteria for a provider-owned or controlled property, attend the meeting and send an email that includes the list of participants, the address of each property and attach a copy of the lease, to OCDD-HCBS@la.gov by February 8, 2022.

If you have any questions or concerns, please contact Rosemary Morales at Rosemary.morales@la.gov.

Thank you.