



## Residential Setting: Privacy, Roommate, Decorate

### HCBS Settings Requirement

Each individual has privacy in their sleeping or living unit:

1. Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors as needed.
2. Individuals sharing units have a choice of roommate
3. Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or agreement.

### Intent (Lockable door, roommates, and decorations)

Individuals have the same rights as any of us have in our own homes. No one would want to return home from a long day at work and have to knock or ring the doorbell to enter their own home. This requirement ensures that an individual who pays rent to live in a home has unrestricted access to enter their homes common areas and their bedroom. This requirement is intended to ensure individuals have the privacy they desire and can lock their bedroom doors if they choose. No one wants to share a room with a stranger, as a provider you must have a process for individuals to choose their own roommates. This requirement is intended to ensure that the individual's living space feels like a home to them and can be furnished or decorated as they choose.



**When Liz began to express her choices and preferences, she showed her provider, friends and families what she likes and who she is.**



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### Best Practice Suggestions

#### Bedroom Locks-

- ✓ Individuals have a lock on their bedroom doors, they do not have to lock the door if they choose not to use the lock.
- ✓ Individuals have their own keys/fobs and are able to lock their bedrooms doors, if they choose.
- ✓ Staff or other residents receive permission before entering the individual's room. This could include knocking and waiting for the individual to invite staff into their room.
- ✓ If there are circumstances that would prevent an individual from having a locked bedroom/unit door, these are documented in the person-centered plan. Likewise, if there is a circumstance that would prevent someone from having a key to their residence, this is documented in a person-centered plan.
- ✓ Staff only access an individual's bedroom or unit as needed to address health and safety concerns.

#### Entrance Locks

- ✓ Each individual is assessed for their ability to safely manage a front door key
- ✓ If an individual has no health, safety or welfare related concerns to the possession of a front door key, the individual must be offered a front door key. If the individual desires a key, a key must be provided.
- ✓ If there is a concern that prevents the individual from managing a key at this time, this must be documented in the PCISP.
- ✓ Providers should reevaluate the appropriate use of the key on a regular basis (at least annually during the PCISP meeting). If an individual has a key, have they used it appropriately and safely? If the individual does not have a key, has the preventive barrier been overcome? If so, would the individual like a key?

#### Roommates

- ✓ Provider has a written process supporting individuals choosing their own roommate.
- ✓ Individual is involved in the selection of a roommate.
- ✓ Provider informs individuals of the process for requesting or changing a roommate.

#### Decorate

- ✓ Provider supports the individual's choice to decorate his/her bedroom and bring in his/her own furniture.
- ✓ Provider has a process for gathering input from individuals and providing support in decorating bedrooms.
- ✓ The provider asks family and friends to send photos and the individual decides which photos to frame and display.
- ✓ The individual is supported with going to the paint store and picking out paint color samples. The paint samples are taped to the bedroom wall for a few days while the individual makes the decision on what color they want to paint their room.
- ✓ Provider encourages individuality within the bedroom décor.



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### Additional Guidance

#### Where do individual rights intersect with health and safety under this requirement?

Providers have a responsibility to protect the health and safety of the individuals they support. When there is a medical issue or verifiable health or safety concern, it must be documented in the person-centered service plan and the process for making a modification of rights must be followed as outlined in the rule. All individuals have the right to privacy unless there is a documented health and safety concern.

#### Does the term living “unit or dwelling” mean that the individual should have a key to the residence as well as his or her bedroom?

*Yes. It is expected that individuals would have keys to the residences in which they live. If there are circumstances that would prevent an individual from having a key to the residence, these should be discussed during the person-centered planning process and described and documented in the person-centered plan. If, as indicated in the person-centered plan, an individual will not have a key to the residence, the individual should still have full access to the residence and methods to make this possible should be included in the plan.<sup>1</sup>*

#### If an individual is prone to misplacing a key, can the provider charge for a replacement key or not provide a key at all?

If an individual is prone to misplacing their keys it does not negate their right to have a key to their living unit or dwelling and their bedroom or unit. A provider may include in their internal policies that an individual may be charged for the price of a replacement key, should they misplace their key. As a general rule if someone misplaces their bedroom key, only a new key will be needed, **not** an entire new locking unit, and this would be a modest charge for the price of the key. The staff master key would be able to open the door, thus negating the need for an entire new locking unit.

If someone misplaces a house key, a new locking unit may be required for safety and this this expense could be incurred by the individual if the lease supports this practice.

#### Can someone opt-out of having a lock and key to their bedroom?

Locks and keys are to be **provided** to every individual unless there is a documented modification required. An individual may elect to never use their key, but they must be provided a key anyway. A provider may not require an individual to use their key or lock their space. This is solely the decision of the individual in the setting.

#### What kind of keys are acceptable?

The lock and key should meet the physical needs of each person in the setting. All locks should allow for individuals to leave their rooms without delay. Examples of acceptable keys include:

- Keyed door knobs and levers- turning the key from the inside disengages the lock.
- Duel chamber locks- locks with a separate keyhole on the lock that allows a different key to be used to override the lock/unlock function.



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- Electronic door locks and card based locks- can be disengaged via a computer.

### **Is it a violation of the other resident's privacy for an individual to have a key to the front door?**

No. Each individual must be assessed for their ability to use a front door/entrance key. If an individual has no preventive barriers, a provider must offer a key to the individual. If the individual wants a key after being asked, the provider must issue a key. The provider assessment should review any health, safety, welfare and behavioral barriers that would prevent a barrier in issuing a key to the individual. If an individual is issued a front door key, this key would work on the entrance door. This same key would not be able to unlock the personal bedrooms of any individual in the setting.

Think of an apartment building. There is likely a building key that gets you into the main entrance, but there is also a specific apartment key. The main entrance key would not work on every apartment door.

### **Practices to Avoid (Red Flags 🚩)**

#### Locks

- 🚩 Provider has a blanket policy that bedroom doors cannot be locked.
- 🚩 Provider has a blanket policy that individuals can't have a key to the front door
- 🚩 Staff and other residents can freely enter the room of an individual without permission.
- 🚩 Provider locks the front door at 10:00pm and everyone must be inside before that time.
- 🚩 Individuals have to knock on their front door or ring a doorbell and wait for staff to let them in.

#### Roommates

- 🚩 Provider selects the roommate for each individual.
- 🚩 Provider does not have a defined process for individuals to request a roommate of choice or change roommates.

#### Decorate

- 🚩 Provider decorates the individual's bedroom without input from the individual.
- 🚩 Provider rules do not allow the option for the individual to personalize their bedrooms.
- 🚩 Individual requests to decorate or redecorate their rooms are ignored by the provider.

#### Acknowledgements:

Idaho- Welcome to HCBS Rules Guidance Section of the Provider Toolkit

Minnesota- A Provider's Guide To Putting the HCBS Rule Into Practice

Wyoming-HCB Setting Improvement Strategies Guidance for Case Managers, Providers, Participants & Guardians

South Dakota-Guide to Expectations and Compliance

Wisconsin- Frequently Asked Questions About Doors and Locks in Adult Long-Term Care Residential Facilities

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<sup>1</sup> Centers for Medicare and Medicaid- Questions and Answers Regarding Home and Community Based Settings. HCB Settings- Residential.