

From: [Aaron Biery \(NMRE\)](#)
To: [Chris VanWagoner \(NMRE\)](#)
Subject: FW: Beacon Communication
Date: Friday, November 8, 2024 9:51:12 AM

Good afternoon,

We have recently received a number of concerns and questions regarding Beacon placing signs on their doors indicating there is no alcohol or drugs allowed in the setting and the inclusion of this restriction in their resident handbooks. Beacon indicates that a CMH has asked them to post the sign on their doors and we have already been told by Beacon that these signs will be removed. We have clarified with them that they should feel free to reach out to us when this type of a request is made to ensure compliance with the HCBS rule.

In regard to their blanket restriction in their rights and responsibilities handbook and their stance that alcohol cannot be stored or used on site we provided the following information regarding their options for coming into compliance with the HCBS rule:

1. *“ You remove all references to alcohol being restricted and allow for the storage and use on premises when requested by residents.*
2. *You determine whether you can work with the treating CMHSPs to determine whether an HCBS compliant restriction can be developed and implemented in the persons IPOS. In order to do this, there would have to be a legitimate health or safety concern. The CMHSP cannot indicate because the person is on meds they cannot use alcohol without an MD or someone who is medical professional backing them up. Likewise, a guardian cannot restrict a person’s rights where Medicaid funding is being utilized without a professional weighing in on the health or safety needs of the person. The PIHP/CMHSPs should be well versed in writing an HCBS compliant restriction.*

Should you choose option number two we will impose a deadline for all IPOS’s to be in full compliance or individuals will have to transition from your setting(s) as they will not be compliant. We would be looking at no more than 6 months

for this work to be completed”.

We are aware that this will impact the CMHSPs who currently have individuals in Beacon settings and we expect that some will be pleased and others may not be as pleased however, we want to be sure you understand that when CMS was here in July it was made crystal clear that we cannot identify settings as compliant with the rule if they implement blanket restrictions of any kind.

We are open to hearing about concerns within your region through you and we want to make this transition as easy as it can be knowing it has the potential to be a heavy lift.

We will keep you informed about Beacons decision but wanted to make sure you were in the loop.

Have a great weekend. ms

Millie Shepherd
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