

# Home and Community-Based Services (HCBS) Settings Rule

The Centers for Medicare and Medicaid Services (CMS) published a Final Rule, the HCBS Settings Rule, on January 16, 2014.

- Defines and describes HCBS setting requirements.
- Defines person-centered planning (PCP) requirements for persons in HCBS settings.
- Maximize opportunities for waiver participants to access the benefits of community living, including receiving services in the most integrated setting.

Rule is designed to improve HCBS programs by:

1

Ensuring the quality of HCBS.

2

Providing protections to participants.

3

Enabling participants the opportunity to receive services in the most integrated setting appropriate.

4

Maximizing opportunities for individuals to have full access to the benefits of community living.

All HCBS settings must meet certain qualifications including:

- Integration in, and supports access to, the greater community, including:
  - Opportunities to seek employment and work in competitive integrated settings.
  - Engage in community life.
  - Control personal resources.
  - Receive services in the community to the same degree of access as individuals not receiving HCBS.

- CMS is trying to define true community integration. CMS issued questions designed to help the providers determine their own compliance with the final rule. Here are a few examples:
  - Does the setting encourage visitors or other people from the greater community (aside from paid staff) to be present?
  - If there is public transportation available near the setting, do individuals use it?
  - Does the setting policy ensure informed choice of the individual?

## Person-Centered Planning (PCP)

- Service planning for participants must be developed through a PCP process.
- Must address health and long-term services and support needs in a manner that reflects individual preferences and goals with long-term support needs.
  - May include a representative that the individual has freely chosen and/or others chosen to contribute to the planning process.
- The plan should reflect the services and supports (paid and unpaid), who provides them, and whether an individual chooses to self-direct services.

## Implications

- The final rule is an enhancement and expansion of human rights.
- It includes requirements for demonstrated and evidence-based individualized and person-directed service delivery.
- Eligible individuals must be supported to have maximum control over their lives and day-to-day decision making.