



The HCBS final rule applies to non-residential settings such as day programs. Here are highlights from the CMS guidance:

- **Integration:** People may receive services with other people who have either the same or similar disabilities, but must have the option to be served in a setting that is not exclusive of people with same or similar disabilities.
- **Access to the community.** Facility-based or site-based settings must demonstrate the qualities of HCBS settings, ensure your experience is home and community-based, not institutional in nature, and ensure that it does not isolate you from the broader community
- You may receive pre-vocational services in a facility based setting such as a sheltered workshop. All HCBS settings must support full assess of you to the greater community, including facilitating opportunities to seek employment in competitive settings.
- The person-centered service plan must reflect risk factors and measures in place to minimize them, including back-up plans and strategies.
- Any restrictions on your choice must be focused on the health and welfare of you. Risk mitigation strategies must be implemented, documented and evaluated prior to the restriction.

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SAN DIEGO
REGIONAL CENTER
Serving Individuals with Developmental Disabilities
in San Diego and Imperial Counties



**Home &
Community-
Based Services
Final Rule**

HCBS Final Rule



Serving Individuals
with Developmental Disabilities
in San Diego and Imperial Counties

Facts about

~ HCBS Final Rule ~

The Center for Medicare & Medicaid Services (CMS) issued new rules for states to be part of the Home and Community-Based Services (HCBS) waiver program in 2014. Before these final rules, Home and Community Based (HCB) setting requirements were based on the location, or the physical characteristics of the place services were provided. These final rules define HCB settings as based on the life you want to lead, such as:

- ▶ Being integrated in and supporting full access to the greater community, including opportunities to seek employment and work in competitive integrated settings, be part of the community, control of your money and belongings, and receive services in the community, to the same degree of access as anybody else.
- ▶ Giving you the right to choose from among various living options, including non-disability specific settings and an option for a private room in a home.
- ▶ Ensuring your right of privacy, dignity and respect, and freedom from coercion and restraint.
- ▶ More chances to make independent decisions about making life choices, including daily activities, places to live and go, and the people you want to spend time with.
- ▶ Facilitate choice regarding services and supports and who provides them.

The new HCBS rule applies to residential and non-residential settings but in particular group homes. Group homes must meet the following:

- ▶ Units or rooms must be a specific physical place, the kind that could be owned or rented in a typical landlord-tenant agreement.
- ▶ You have privacy in your living or sleeping rooms, meaning that:
 - Rooms have lockable doors and entrances, with only appropriate staff having keys to doors;
 - You have a choice of roommate in that settings;
 - You can furnish and decorate your own rooms within the limits of the lease agreement;
 - You control your own schedules, including access to food at any time;
 - You can have visitors at any time

The following are never home and community-based settings:

- ▶ Nursing facilities
- ▶ Institutions for mental illness
- ▶ Intermediate care facilities for people with intellectual disabilities
- ▶ Hospitals
- ▶ Places that are on the same grounds as institutions, hospitals, or nursing homes.

The keys to the HCBS final rule are your choice and Person-Centered Plan (PCP.) You can take an active role in the person-centered planning process by:

- ▶ Providing accurate information for eligibility and service planning
- ▶ Actively identifying and engaging providers, case managers, family members, friends, direct support workers, support brokers, medical professionals, and others
- ▶ Approving and signing only a plan that is developed and accepted by everyone involved
- ▶ Participating fully after the plan is implemented (e.g., appearing timely for meetings and appointments, reviewing the plan regularly)
- ▶ Providing regular feedback on the HCBS provided

Exceptions and waivers to the HCBS final rule are based on the PCP. This includes the following:

- ▶ Provider of HCB setting for you, or those who have an interest in or are employed by a provider for HCB setting for you, must not develop the person-centered plan.
- ▶ Process for plan development must be driven by you.
- ▶ Process must be conducted to reflect what is important to you to ensure delivery of services in a manner reflecting personal preferences and ensuring health and welfare.