



4 Key Principles Essential for Compliance with the HCBS Final Rule:

Choices

Choice is the right, power, or opportunity to choose; option.

Rights

A person's right is that which is morally, legally, or ethically proper.

Opportunities

An opportunity is a good position, chance, or prospect, as for advancement or success; "a set of circumstances that makes it possible to do something".

Community Integration

Integration means to give or cause to give equal opportunity and consideration to.

Home and Community Based Setting (HCBS) July Agenda Item

In terms of some of the settings requirements that relate to residential situations, what about situations in which following the requirements put someone at risk?

Specifically, the requirements that consumer have access to food at any time they want, or the freedom to leave the facility.



The federal rules allow for some of the requirements to be modified if:

1. There is an assessed need for the modification.
2. The modification is documented and included in the Person Centered Service Plan.
3. The modification is reviewed regularly and that review is consistent and documented.

How to document modifications in the Person Centered Plan? The plan should include:

- Risk factors and plans to minimize them, be specific
- Individualized backup plans and strategies when needed
- Positive interventions and supports used prior to any modifications to the person-centered service plan
- Less intrusive methods of meeting the need that have been tried but did not work
- Regular collection and review of data to measure the ongoing effectiveness of the modification
- Established time limits for periodic reviews to determine if the modification is still necessary or can be terminated
- An assurance that interventions and supports will cause no harm to the individual
- Individuals responsible for monitoring the plan

Please discuss this item with your team, and assign a note taker to compile questions, concerns or thoughts about the information above. Please provide to Maribel Garcia at margarcia@elarc.org by 08/31/2018. Thank you.