

Eastern Los Angeles Regional Center

Home and Community Based Services (HCBS)

HCBS Regulatory Requirements



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

Choices: Is the right, power, or opportunity to choose; option.

Rights: A person’s right is that which is morally, legally, or ethically proper.

Opportunities: Opportunity is a good position, chance, or prospect, as for advancement or success; “a set of circumstances that makes it possible to do something”.

Integration: Integration is to give or cause to give equal opportunity and consideration to.

What are Regulatory Requirements for HCBS?

The HCBS Final Rule sets requirements for HCBS settings, which are places where people live or receive services. The regulatory requirements are designed to ensure that Medicaid-funded HCBS programs provide people with disabilities full access to the benefits of community living and offer them long term services and supports in the most integrated setting of their choosing. Each state has until March 2023 to help providers comply with the HCBS Final Rule.

Regulatory Requirements

All Settings	Residential
1. Integrated setting that provides full access to the community.	6. Residential Agreement protecting individuals from eviction.
2. Choice of setting.	7. Privacy, lockable door, choice of roommate, freedom to furnish and decorate.
3. Rights of privacy, dignity and respect, and freedom from coercion and restraint.	8. Freedom and support to control schedules and activities and access to food at any time.
4. Independence in making choices (activities, environments, socialization).	9. Right to have visitors at their choosing at any time.
5. Choice of Services & Supports and who provides them.	10. The setting is physically accessible to the individual.

Additional Information on the HCBS Regulatory Requirements

- [Exploratory Questions to Assist States in Assessment of Residential Settings](#)
- [Regulatory Requirements for Home and Community-Based Settings](#)
- [Exploratory Questions to Assist States in Assessment of Non-Residential Home and Community-Based Service \(HCBS\) Settings](#)
- [HCBS Final Rule](#)

For additional information on HCBS visit the following:

- [ELARC](#)
- [DDS](#)
- [CMS](#)

Contact ELARC’s HCBS Evaluator for support or questions regarding HCBS:

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You are encouraged to discuss this agenda topic with your team and identify any questions, concerns or comments about the topic. Please address your feedback and questions to [Lizette Villa](#) by April 30, 2021. Thank you.