

Home and Community Based Services Final Rule

Fact Sheet for Individuals & Families



EASTERN LOS ANGELES
REGIONAL CENTER

Overview

Home and Community Based Services (HCBS) are services and supports that are provided to individuals with Developmental Disabilities (DD) in their community, home or a homelike setting instead of a hospital-like setting. In 2014 the Center for Medicaid and Medi-Care Services (CMS) passed the HCBS Final Rule after a five year review of HCBS.

The HCBS Final Rule is made up of 10 federal requirements that provide individuals with DD with person centered services that will improve their quality of life. The Final Rule says that people with DD are to be provided with full access to the community and long term services and supports in the most integrated setting of their choice. All service providers who provide HCBS must follow the HCBS Final Rule by March 17, 2023.

The HCBS Final Rule Applies to:

- Day and Work Type Services
- Residential Services
- Self Determination Program
- Workforce Innovation & Opportunities Act (W-I-O-A)

The HCBS Final Rule Does Not Apply to:

- Nursing homes
- Hospitals
- Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID)
- Institutions for mental diseases (IMD)

Service Providers

Service providers who may need to make changes to where and how they provide services to meet HCBS Final Rule. Service providers must provide full access to the community, offer choices, opportunities and honor rights. ELARC will work closely with service providers to help bring them into compliance with the HCBS Final Rule.

Service Providers

- [Eastern Los Angeles Regional Center - HCBS](#)
- [Department of Developmental Services - HCBS](#)
- [Center for Medicare and Medicaid Services - HCBS](#)

C.R.O.I.

There are four key principles essential for compliance with the HCBS Final Rule:

CHOICE: The right, power, or opportunity to choose

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

OPPORTUNITY: A good position, chance, or prospect, as of advancement of success; "a set of circumstances that makes it possible to do something"

INTEGRATION: To give or cause to give equal opportunity and consideration to

HCBS Final Rule Federal Requirements

There are 10 federal requirements to the HCBS Final Rule. Federal requirements 1 thru 5 apply to ALL settings.

The Setting:

1. Is integrated with full access to the community to the same degree as individuals not receiving HCBS.
2. Is selected by the individual among setting options including non-disability-specific settings and an option for a private unit in a residential setting.
3. Ensures rights of privacy, dignity and respect, as well as freedom from bullying and restraint.
4. Expands, but does not control freedom, and independence in making life choices such as daily activities, outings, and with whom to interact.
5. Provides individual choice regarding services and supports, and who provides them.

In addition to requirements 1 thru 5 above, provider owned or controlled residential settings must also comply with federal requirements 6 thru 10.

6. The home is a physical place under a legally enforceable agreement.
7. Individual have privacy including lockable doors; choice of a roommate, and the freedom to furnish and decorate their space within the lease agreement.
8. Individuals have control of their own schedules and activities, and have access to food at any time.
9. Individuals are able to have visitors of their choosing at any time.
10. The setting is physically accessible to the individual.