

Home and Community Based Services Final Rule Fact Sheet for Service Providers



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. HCBS provides Medicaid (Medi-Cal) beneficiaries with DD the opportunity to remain integrated in their community rather than in hospital-like settings. In 2014 the Center for Medicaid and Medicare Services (CMS) passed the HCBS Final Rule after a five year review of HCBS. All service providers who provide HCBS must come into compliance with the HCBS Final Rule by March 17, 2023. The HCBS Final Rule is made up of 10 federal requirements that ensure that person centered changes continue to evolve and enhance the quality of home and community based services. The final rule says that people with developmental disabilities are to be provided with full access to the benefits of community living and long term services and supports in the most integrated setting of their choosing. Under the Final Rule, HCBS recipients secure choices, rights, opportunities and community integration to the same degree as someone not receiving home and community based services.

The HCBS Final Rule Applies to:

- Day and Work Type Services
- Residential Services
- Self Determination Program
- The Workforce Innovation and 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 provide HCBS to multiple consumers in the same location may need to modify where and how service are delivered to meet the HCBS Final Rule. The Final Rule says that settings must be integrated and support full access to the community, offer choices, opportunities and honor rights. Policies and program designs may need to be changed and staff training may be necessary to assure their understanding of the new expectations.

Service Providers will complete and participate in the DDS Self-Assessment and Site Assessments in order to identify levels of compliance. ELARC will closely with service providers to help bring them into compliance with the HCBS Final Rule.

Additional Information

- [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; option

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 in, and supports full access of individuals receiving Medicaid HCBS to the greater community to the same degree of access as individuals not receiving Medicaid HCBS.
2. Is selected by the individual from among setting options including non-disability-specific settings and an option for a private unit in a residential setting.
3. Ensures an individual's rights of privacy, dignity and respect, as well as freedom from coercion and restraint.
4. Optimizes, but does not control, individual initiative, freedom, and independence in making life choices, including but not limited to: daily activities, physical environment, and with whom to interact.
5. Facilitates 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 unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services.
7. Each individual has privacy in their sleeping or living unit; including doors lockable by the individual, choice of a roommate if sharing a unit, and the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.
8. Individuals have the freedom and support to control 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