

Eastern Los Angeles Regional Center

Home and Community Based Services (HCBS)

HCBS Final Rule: Federal Requirement # 1 Integration



INTEGRATION

HCBS the Final Rule

The HCBS Final Rule ensures that people with disabilities have full access to, and enjoy the benefits of, community living through long-term services and supports in the most integrated settings of their choosing. There are 10 federal requirements that make up the Final Rule. Federal Requirements 1-5 apply to providers of ALL services, including residential and non-residential settings. Federal Requirements 6-10 are additional requirements that apply ONLY to provider-owned or controlled residential settings. Service Providers are to be in compliance with the HCBS Final Rule by March 17, 2023.

What is Federal Requirement #1?

The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.

What does this mean for Service Providers?

Service providers who identified to be in compliance with federal requirement #1 via the DDS Self-Assessment and/or the DDS Site-Assessment will need to provide supporting documents to demonstrate compliance with the requirement during the remediation reporting period projected to commence in 2022. Service providers who are not in compliance with federal requirement #1 will work closely with ELARC to come into compliance with the requirement. Service providers should continue to self-assess for compliance with federal requirement #1 even if they have identified as being in compliance.

What does this mean for Service Coordinators?

Service Coordinators are to continue to ensure that individuals served have full access to integrated settings as defined in federal requirement #1. Person centered needs, wants and interested are to be identified during regularly scheduled meetings and/or as requested by the individuals served. Service Coordinators will also support service providers assess for compliance with federal requirement #1 during regularly scheduled meetings and reviews.

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.

For additional information on HCBS visit the following:

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

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

HCBS Evaluator: Lizette Villa
Phone: 626-299-4868
Email: lvilla@elarc.org

Assessing for Compliance with Federal Requirement 1

The following are a series of questions intended to help identify compliance or non-compliance with federal requirement #1. Service Providers and Service Coordinators are encouraged to routinely assess and discuss federal requirement #1 with each other and with individuals served during regularly scheduled meetings such as IPPs, quarterlies, ISPs and/or as needed. Service Providers and Service Coordinators are not limited to the guidance provided below and some questions may not apply to all services. Service Providers and Service Coordinators are to consider person centered needs when assessing for compliance with federal requirements.

Guidance for Federal Requirement #1

- Do individuals have the opportunity to participate in individual and group outings and activities in the community at the frequency and for the amount of time desired by individuals?
- Do individuals receive services in the community based on their needs, preferences and abilities?
- Do the opportunities for community outings and activities include meaningful interaction with individuals not receiving regional center services, not including paid staff or volunteers?
- If individuals want to seek paid employment, do they have access to competitive integrated employment opportunities?
- Do individuals have the choice to receive related personal services in the community (rather than on site) based on their needs, preferences and abilities to the same degree as individuals not receiving regional center services?
 - Personal Services may include but are not limited to: medical, dental, psychiatry, therapy, salon services, banking services, community services etc.
- Do individuals have access to transportation options that promote ease of use and optimize individuals' independence, per their individual program plan?
 - Access to transportation may include but is not limited to: public transportation, provider transportation, ride share (Uber, Lyft), volunteer organization, family or friends, church etc.
- Do individuals have the option to control their personal resources if applicable?
 - Control of personal resources may include but is not limited to: money, checkbooks, and budgets.

Additional Support

Service Providers and Service Coordinators are encouraged to contact the assigned [Community Services Specialist](#) or the HCBS Evaluator if additional support is needed assessing for compliance with federal requirement #1 and or if a service provider is assessed to be out of compliance with the requirement.