

HCBS Final Rule Federal Requirements

Requirements for <u>All Settings</u>	Additional Requirements For <u>Residential Settings</u>
<p>FR #1: The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community including:</p> <ul style="list-style-type: none"> • 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. 	<p>FR #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 and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city or other designated entity. For settings in which landlord/tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each participant and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction’s landlord/tenant law.</p>
<p>FR #2: The setting 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. The setting options are identified and documented in the person-centered service plan and are based on the individual’s needs, preferences, and, for residential settings, resources available for room and board.</p>	<p>FR #7: Each individual has privacy in their sleeping or living unit including but not limited to the following:</p> <ul style="list-style-type: none"> • Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors; • Individuals sharing units have a choice of roommates in that setting; and • Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.
<p>FR #3: Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.</p>	<p>FR #8: Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time</p>
<p>FR #4: Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</p>	<p>FR #9: Individuals are able to have visitors of their choosing at any time</p>
<p>FR #5: Facilitates individual choice regarding services and supports, and who provides them.</p>	<p>FR # 10: The setting is physically accessible to the individual</p>
	<p>FR # 11: <i>Unique to SDP:</i> The unit or dwelling maybe shared by no more than four waiver participants</p>