

Home and Community Based Services (HCBS) Settings Final Rule

Fact Sheet

In January 2014, the Centers for Medicare and Medicaid Services (CMS) issued the Home and Community Based Services (HCBS) settings final rule. The intent of this rule is to enhance individual choice, ensure HCBS service settings are not institutional in nature, to ensure the preservation of individual rights, require services to be received in the most integrated setting, and maximize opportunities for people to have full access to their communities.

Final Rule Summary

- The setting is integrated with and supports full access to the community;
- Is selected by the individual from among other settings;
- Ensures individual rights of privacy, dignity, and respect;
- Optimizes autonomy and independence in making life choices;
- Facilitates choice regarding services and who provides them;
- The individual has the privacy in their unit including lockable doors, choice of roommates, and freedom to furnish or decorate their home;
- The individual controls their own schedule including access to food at any time;
- The individual can have visitors at any time; and
- The setting is physically accessible

* Any modifications of the settings rule requirements must be supported by a specific assessed need and justified in the person-centered service plan, with the following items documented in the person-centered service plan: (1) Identify a specific and individualized assessed need; (2) Document the positive interventions and supports used prior to any modifications to the person-centered service plan; (3) Document less intrusive methods of meeting the need that have been tried but did not work; (4) Include a clear description of the condition that is directly proportionate to the specific assessed need; (5) Include regulation collection and review of data to measure the ongoing effectiveness of the modification; (6) Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated; (7) Include the informed consent of the individual; (8) Include an assurance that interventions and supports will cause no harm to the individual.

States have been given until **March 17, 2022** to demonstrate full compliance with the final settings rule. The Utah Department of Health (UDOH) has created the transition plan for the state, which includes action items with descriptions of how each step will be accomplished. The Division of Services for People with Disabilities (DSPD) is working with UDOH to bring the state into full compliance by the required deadline.

To read the rule in its entirety please visit www.medicaid.gov/medicaid/hcbs

For more information about Utah's transition planning please visit:

<http://health.utah.gov/ltc/hcbstransition/>