

# HOME AND COMMUNITY-BASED SETTINGS RULE

## FREQUENTLY ASKED QUESTIONS

On March 17, 2014, a new federal mandate known as the Settings Rule was given to states. The Rule provides guidance to states about the required qualities of community-based settings where Medicaid funded services are provided. Utah is working with providers to ensure all Medicaid Home and Community Based Services (HCBS) waiver settings have these qualities by the federal implementation date of March 17, 2022. Examples of community-based settings are day programs, group homes and other places where services are paid for by the HCBS waiver.

### What are some of the qualities the Settings Rule requires?

The Rule requires that settings are chosen by a person from among other options and support the individual's access to the community. Settings must encourage independent decision making and ensure the person has dignity and respect. A person cannot be isolated from the community, including in settings that mostly include people with disabilities. A person must also have the opportunity to seek employment and work in the community to the same extent as persons without disabilities.

### How soon do settings have to meet all qualities of the Rule?

The State has until March 17, 2022, to help its current HCBS settings meet all qualities in the Rule. New settings or providers must comply with the Rule at the time the new contract or location is established.

### Does the Rule allow services to be provided in a building or facility?

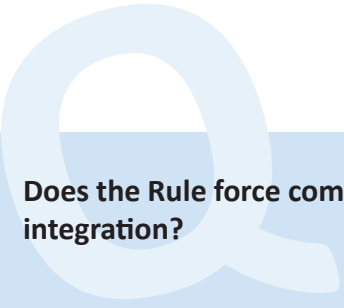
People must receive services in settings that integrate rather than separate individuals from the community. If individuals receive services in a building or facility where clients are mostly people with disabilities, the service provider can comply with the Rule by offering programs that support individuals in becoming involved in the community.

### Does the Rule affect Medicaid coverage?

A person will not lose Medicaid if any of their service settings are not currently compliant with the Rule; however, after March 17, 2022, settings that do not have all qualities in the Rule cannot receive payment with HCBS waiver funds. For the service to be paid for by the waiver, the State will assist individuals in choosing another service setting that is compliant. The individual will continue to receive Medicaid for other compliant services.

### Does the Rule limit choice?

The Rule is intended to promote choice in services and providers. Compliant settings will offer services to expand a person's choice to integrate in their community, if they choose. If a person chooses to be in a setting that does not meet the Rule requirements by March 17, 2022, Medicaid can no longer pay for services in that setting. People will not lose Medicaid coverage for other compliant services they are receiving.



**Does the Rule force community integration?**

The Rule promotes choice and individuality. Service settings must be integrated in and support access to the community and an individual will be able to choose how and the amount they interact with their community. The person-centered planning process will continue to make sure individual needs and choices are honored.

**Are day support services allowed under the Rule?**

Yes. Services need to offer many ways for individuals to participate in community life. Some day support settings may need to do more to involve people in the community under the Rule. The State will work with these providers to ensure compliance and service choice.

**Is sheltered work allowed under the Rule?**

If Utah's current sheltered work model remains unchanged, it will not meet Settings Rule requirements. Therefore, the State has developed an alternative center-based employment model to provide pre-vocational waiver services. Center-based employment will help individuals build job skills and spend time in the community based on their person-centered plan goals.

**Can the State "grandfather" existing services settings under the Rule?**

A state cannot choose to continue to provide HCBS in settings that do not meet the qualities of the Rule after March 17, 2022, or with any new setting or provider. The State is working with providers to help HCBS settings meet all qualities in the Rule by the implementation date.

**What is required of rural providers?**

Individuals receiving services in rural and remote locations must have the same opportunities in the community as people without disabilities in that same community.

**Are waiver participants or their families responsible to report if a setting does not have qualities required by the Rule?**

The State will verify HCBS waiver settings meet the qualities in the Rule by the implementation date. If you wish to provide feedback, please email [hcbsettings@utah.gov](mailto:hcbsettings@utah.gov)

**Who can I contact with additional questions?**

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