



HCBS Rule Overview for Professionals

In March 2014, the Centers for Medicare and Medicaid Services (CMS) published a final rule regarding changes to Home and Community-Based Waiver Services (HCBS). The rule will help people get the services they need in truly integrated settings. The final rule sets forth standards for the settings where people receive home and community-based services, including standards for privacy, choice, integration, and access to jobs in the community.

The official citation for the new rule is 79 Fed. Reg. 2947. You can read it online at: www.gpo.gov/fdsys/pkg/FR-2014-01-16/pdf/2014-00487.pdf

The final HCBS rule information will be in a box like this, and have a citation to tell you what part of the rule is being talked about —42 C.F.R. § 441.301

The final rule includes six standards that all home and community-based services need to meet: 1) Integration into the Community; 2) Individual Choice; 3) Individual Rights; 4) Autonomy; 5) Choice Regarding Services and Providers; 6) Person Centered Planning

1) Integrated into the Community

“Home and community-based settings must have all of the following qualities, and such other qualities as the Secretary determines to be appropriate, based on the needs of the individual as indicated in their person-centered service plan: (i) 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.” —42 C.F.R. § 441.301(c)(4), (c)(4)(i)

(“The Secretary” is referring to the Secretary of the U.S. Department of Health and Human Services)

For professionals this means you support and assist individuals to:

- Live, work and do things in a neighborhood which includes people without disabilities.
- Work in their community which includes people of all abilities.
- Shop where they want.
- Go out with family and friends.
- Have access to their personal spending money.
- Go to fun places of their choice close to their home.
- Have friends who live in their neighborhood.
- Be part of making their community better.

2) Individual Choice

“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.” —42 C.F.R. § 441.301(c)(4)(ii) (about HCBS waivers); § 441.710(a)(1)(ii) (about State Plan programs).

For professionals this means:

- Individuals decide where they live, who they want to provide their supports and who lives with them.
- If they pick a different agency to provide their supports, they don’t have to move from their home.
- Individuals rent or buy a home that they can afford and still have money left over for bills and other things that they need.
- Individuals have the right to privacy in their home, such as locking their bathroom door or talking on the phone.
- Individuals have a choice about where they get their services.

3) Individual Rights

“Ensures an individual’s rights of privacy, dignity and respect, and freedom from coercion and restraint.”
 —42 C.F.R. § 441.301(c)(4)(iii) (about HCBS waivers); § 441.710 (a)(1)(iii) (about State Plan programs).

For professionals this means supporting individuals to:

- Talk with friends/family privately.
- Do things at home, such as watch TV or listen to the radio.
- In provider owned or controlled settings the individual has a legally enforceable agreement with the same responsibilities and protections from eviction that all tenants have under the landlord/tenant law of the state

4) Autonomy

“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.”
 —42 C.F.R. § 441.301(c)(4)(iv) (about HCBS waivers); § 441.710 (a)(1)(iv) (about State Plan programs).

For professionals this means supporting and assisting individuals to:

- Make choices about how they spend their free time.
- Do household activities such as laundry at times they choose.
- To furnish and decorate their sleeping area and living unit

5) Choice Regarding Services and Providers

“Facilitates individual choice regarding services and supports, and who provides them.” —42 C.F.R. § 441.301 (c)(4)(v) (about HCBS waivers); § 441.710(a)(1)(v) (about State Plan programs).

For providers this means:

- The individual chooses the services they get.
- The individual chooses who provides those services.

6) Person-Centered Planning

Person-centered planning process and Individual Service Plan —42 C.F.R. § 441.301(c)(1); 42 C.F.R. § 441.301(c)(2)

For providers this means:

- Supporting the individual to include people chosen by them.
- Ensuring that the plan is accessible to the individual and in language that they understand.
- Ensuring that the process occurs at times and locations convenient to the individual.

Get More Information

	Fostering Self-determination http://dmh.mo.gov/dd/selfdetermination.htm
	Supporting Families http://dmh.mo.gov/dd/fsc.htm
	Facilitating Individualized Services and Supports http://dmh.mo.gov/dd/individsupports.htm
	Developing Accessible Housing http://dmh.mo.gov/dd/Housing.htm
	Promoting Employment First http://dmh.mo.gov/dd/progs/employment.htm



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