

What is the Home and Community Based Services (HCBS) Settings Rule?

Home and Community Based Services (HCBS) are Medicaid support services for people with disabilities to help them live in their own homes and communities. The HCBS Settings Rule ensures funding for HCBS services is used to support people to experience life they choose in their own community.

A setting is integrated in and supports full access to the greater community. The setting is selected by the individual from among setting options and ensure the rights of privacy, dignity, respect and freedom from coercion and restraint.

Until now, most people with intellectual disabilities receiving Medicaid supports have been served in settings segregated and isolated from spaces, where people without disabilities live, learn, work and recreate. The new Medicaid HCBS settings rule change this practice. The focus is on access to the community and integration.

Why is the Rule Important?

It will:

- Ensure you have the same benefits of community living as people without disabilities.
- Ensure you have the same access to the community as people who do not have disabilities.
- Ensure you have a Person-Centered Plan that clearly identifies your individual support needs and desires for living your good life.
- Ensure you have CHOICE of where and how you spend your day.
- Ensure you have CHOICE of providers to support you.
- Ensure you are offered supports that allow you to be successful in regular paid jobs where people without disabilities work.
- Protect your individual rights.

When will the changes take place?

The State of Alabama is working with service providers, the Alabama Medicaid Agency and the Centers for Medicare and Medicaid Service (CMS) to prepare for the new rule. The deadline for community providers to be in full compliance in Alabama with the HCBS Settings Rule is September 30, 2021. This date allows for a transition period for people to choose other providers, in the event a provider is not deemed compliant by the CMS deadline of March 2022. This transition also allows time to review services and explore the possibility of more appropriate services.

What does this mean for you?

As a Medicaid HCBS service recipient:

- You should start thinking about what a Good Life means to you and what supports you need to have that life!
- You are the expert when it comes to your Good Life! This is why your involvement is important.

The HCBS Settings Rule protects your right to:

PRIVACY:

- You control when and with whom you want to share their personal spaces, conversations, and information.
- You receive support (if you need it) in a space away from others.
- In a provider owned setting, you can have a key to lock a bedroom door and be in a private space away from others, without video cameras or audio monitors.

DIGNITY:

You are born valuable and worthy and should be treated as such.

DIGNITY OF RISK:

As all people learn by making mistakes, you should also have the right to learn from your own experiences.

RESPECT:

You are important and have control and decision-making power over your life.

FREEDOM:

You control your life. The way you spend your day should be your CHOICE; when to eat, bathe, go shopping or out with friends. That is your RIGHT.

What does it mean to have full participation in community life?

- You are able search for a job and be hired as an employee.
- You work with individuals who do not have disabilities.
- You can volunteer in places that match your interests.
- You can live at home with your family or in your own home. You can live with others you choose.
- You can take part in your community just like your friends, neighbors, and family members.

What does it mean to have independence in making life decisions?

- You make your own decisions about your life.
- You control and pick:
 - Where you live
 - Your career and where you work
 - Who you live with
 - Who provides your services
 - Who you spend time with
 - How you want to spend your day
 - How you spend your money
 - What you eat

What is Person-Centered Planning?

Person-Centered Planning is a discussion you lead to determine a plan to achieve the things that you think make a good life for you.

What is Informed Choice?

Informed Choice is when you can show that you have an understanding of all the choices available. This usually means you have a chance to actually "try-out" or experience an activity in the same space that activity will occur. This means you have a better understanding before you make a choice that leads to your good life.

Does the new HCBS Settings Rule prevent parents or guardians from taking part in decisions?

Not at all. The rule focuses on increasing a person's independence. A priority is to keep families together. The person receiving supports should be the primary decision maker. Some people may have or need guardians to help make successful choices. Family members and friends of the person receiving supports have valued input for decision making and planning to achieve the person's good life.

What is the main goal?

The main goal of the HCBS Settings Rule is to make sure that you have CHOICE in supports and a variety of service options, in a variety of settings/spaces (community, your home, on the job, etc.) to fully participate in community life and to ensure that your individual rights are respected.

Where can I get more information?

Call the Developmental Disabilities Call Center at 1-800-361-4491.

Learn more about how the Home and Community Based Services Settings Rule can improve your community at www.HCBSAlabama.org.

RESOURCES

- Centers for Medicare & Medicaid Services: <https://www.medicare.gov/medicaid/hcbs/index.html>
- Michigan Department of Health and Human Services Home and Community-Based Services Program Transition https://www.michigan.gov/mdhhs/0,5885,7-339-71547_2943-334724--,00.html
- Michigan Department of Health and Human Services How Person-Centered Planning Works for You: https://www.michigan.gov/documents/mdch/How_Person-Centered_Planning_Works_for_You_367101_7.pdf
- HCBS Advocacy Coalition: <http://hcbsadvocacy.org>
- Self Advocates Becoming Empowered (SABE): <http://www.sabeusa.org/>

