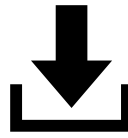


# The Download



Guidance on the HCBS Settings Rule



## HCBS Settings Rule Review

Back in 2014, the Centers for Medicare and Medicaid Services (CMS) released the Home and Community Based Services (HCBS) Settings Rule. It created standards and requirements regarding topics such as community living, rights, choices, privacy, self-determination, autonomy, and more. In Virginia, the HCBS Settings Rule impacts all individuals who receive services from the Community Living (CL), Family and Individual Supports (FIS), Building Independence (BI), and CCC+ Waivers.

**The following is a brief overview of the HCBS Requirements:**

The setting:

- Is integrated in and supports full access to the community
- Ensures individual right of privacy, dignity and freedom from coercion and restraint
- Optimizes autonomy and independence in making life choices
- Facilitates choice regarding services and supports and who provides them
- ISP requirements reflect individuality, strengths and preferences
- Reflects the following additional requirements for residential settings:
  - A lease providing eviction protections
  - A key to their bedroom and home
  - Control of own schedule
  - Access to food at any time
  - Visitors at any time
  - All common areas physically accessible

### WHY DID WE CREATE THIS NEWSLETTER?

#### COMMUNICATION

Tool for you to share HCBS settings updates with your staff

#### GUIDANCE

Receive guidance and best practices information

#### KNOWLEDGE

Stay up to date on HCBS Settings Rule reviews and remediation areas

#### QUESTIONS?

#### HOW OFTEN?

The Download will be published bi-monthly.

#### WHERE CAN I FIND THE DOWNLOAD?

The HCBS Settings Rule Download Newsletter will be sent through the DBHDS Provider Listserv, as well as posted on the DBHDS website.

# What is True Community Engagement?

As providers, it is your responsibility to make sure that individuals in services are connected. True community engagement means that individuals who receive waiver services should have the same access to their communities as individuals not receiving waiver services. Think about your own life:

- Who are the people important to you?
- What are the things you do every day?
- What do you want to do but have not yet done?

Community Engagement is how we connect and become a part of our communities. It's also what makes us unique. True community engagement is not just a van ride, going through the drive-thru, or picking up groceries through "click-n-pull." True community engagement leads to community belonging, community exploration, autonomy, and building meaningful relationships and a support system. Examples of community engagement are belonging to a gym and taking a yoga class twice a week, going to a concert with friends, being a member of the homeowner's association, volunteering at the SPCA, and going on a date with your significant other.

As providers of HCBS services, true community engagement should be a priority. Ask individuals what they like and want to do. Encourage them to explore new interests and provide opportunities to pursue individualized activities. Support individuals to do things they enjoy whether it happens during the day or night. Be creative. True community engagement increases health, self-worth, increases independence, increases social connections, and leads to a greater quality of life.

Example – "John" wants to be a professional golfer. His staff took him to golf events and he made friends with several of the golfers. He now travels on the weekends being a caddy in several golf events.



## HCBS Trainings

### HCBS Settings Modifications Training

During a recent training, Support Coordinators learned how to implement HCBS Settings Modifications in settings where an individual is receiving DD Waiver services. The training covered when a modification is justified, what steps need to be completed, and how to document the modification. Stay tuned for additional trainings and upcoming links to materials from trainings.

### HCBS Settings: Provider Review Update

DMAS and DBHDS have started the ongoing monitoring phase of HCBS settings compliance. We are re-reviewing settings that previously received a non-compliant determination by HSAG QSR, as well as conducting random reviews of the following services: Individual and Group Supported Employment, Group Day Services, Community Engagement, Group Day Services, Personal Assistance Services, Support Living, In-home Support Services, Sponsored Residential, and Group Home Services.

It is important that providers understand that **HCBS settings compliance must be maintained at all times**. Just because a setting location has received a compliance letter in the past, does not mean that it will not receive another review. HCBS settings reviews are ongoing.

### What do I do if I see a HCBS Settings Rule Violation?

Report it! To file a complaint, contact your local Human Rights Advocate at the link below. [OHR Contact Information - Virginia Department of Behavioral Health and Developmental Services \(DBHDS\)](#)  
When in doubt, report it.

