# **HCBS Rulings YouTube Video Transcript with Time Stamps**

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Hi! I'm here to tell you about a rule called the Home and Community Based Services (HCBS) Settings Rule that supports inclusion and integration of people with disabilities in the community.

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People with disabilities deserve the same rights to make informed choices and have access

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to the broader community and integrated employment just as anyone else.

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We know that when people are part of their community, they are more likely to make decisions

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for themselves, have more friends, and have better lives.

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There is a new rule -- called the Home and Community Based Settings (HCBS) Settings Rule

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-- that helps support these important outcomes.

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The HCBS Final Settings Rule (or “the Settings Rule”) is a federal policy change announced

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by the Centers for Medicare and Medicaid Services (CMS) to make sure that people with disabilities

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have the kind of services they want in their communities.

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The Settings Rule requires that the places where people receive Medicaid HCBS services

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offer full access to the benefits of community life.

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In case you are wondering - if you are receiving supports to live in the community, they are

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most likely funded by a federal program called Medicaid HCBS – or a “waiver,” – and

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these clips will help you learn about how this new rule applies to you.

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One of the reasons that the government came up with the Settings Rule was because of input

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from self-advocates who said they wanted more -- more choice, more respect, more access,

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and more options.

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Under the Settings Rule you get to control where you live and whether you live with someone.

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You get to control how you earn money and where you work.

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You get to control what you do during the day, and who you spend time with.

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You can learn more about what the rule guarantees in the clip “What Does the Rule Guarantee?”

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What are Home and Community Based Services?

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Home and Community Based Services help people with disabilities live their everyday lives.

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They can include things like personal care, respite, residential supports, transportation,

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employment supports, and other things.

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These services are provided in the community instead of in nursing homes, institutions,

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or other settings that may isolate people from other members of the general community.

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One important point of the Settings Rule is that there is a difference between institutional

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services and community services.

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If people are getting money through Medicaid HCBS, they must be getting community services.

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States get to decide how they run their Medicaid programs.

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Keep in mind that HCBS services, sometimes called waiver services, might have different

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names in different states – but the point of the services is to help you live your everyday

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life.

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To be on the waiver, people must show that they need support to live in the community.

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Without the services provided through the waiver, they might have to live in an institution.

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Although HCBS waiver services have been available since the 1980’s, many people with disabilities

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still do not have the opportunities they would like to be active and included members of

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their neighborhoods and local communities alongside people without disabilities.

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They may live in the community but might not be a part of the community.

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The Settings Rule was passed to help to address this.

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There are some important dates for you to know about.

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Let’s talk about 3 in particular.

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The Settings Rule came out in 2014.

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But it takes time for states to evaluate all of their services and for providers to make

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changes.

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States were originally told by the federal government that they had until 2019 to follow

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the rule.

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But now the federal government has given states a little more time and now they have until

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2022 to fully comply.

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As part of the Settings Rule, every state was required to submit a Statewide Transition

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Plan (sometimes called an STP) to CMS.

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CMS stands for the Center on Medicare and Medicaid Services.

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They are the federal agency that oversees the HCBS program (and helps pay for it).

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In each state’s transition plan, they must describe how they will make sure that the

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settings where people live, work, spend their day, and receive HCBS services are truly community-based.

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You can visit www.hcbsadvocacy.org to find out about your state’s STP and learn about

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opportunities to provide input into the plan and the way it is carried out.

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Throughout the transition process, states should ask you for your input about the HCBS

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services you receive, the places where your services are provided, and changes that could

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be made to help you get the community life you want.

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This is your chance to share what community life means to you!

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You can learn more about what you can do to make sure your voice is heard in the clip

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entitled “A Call to Action.”

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Even though the Final Rule was put in place for states, providers, and agencies to follow,

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the reason the government made the Settings Rule was for you - for people receiving services.

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You can learn more about the Settings Rule and what it guarantees you as a person receiving

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Medicaid HCBS services in the clip “What Does the Rule Guarantee?”

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You can learn more about the choices you should be making in the clip called “Your Life

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– Your Choice.”

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An additional clip called “Rights Restrictions and Modifications” outlines the assurances

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that must be in place if any of your rights are restricted or modified.

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The Settings Rule also lists additional requirements that must be met in settings that are owned

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or controlled by a provider, both in residential and in day and work settings.

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These are covered in two clips…

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“HCBS Provider Requirements for Residential Settings” and HCBS Provider Requirements

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for Non-Residential Settings.”

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The Settings Rule also provides conditions for person-centered planning.

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You can learn more about person centered planning in the clip “HCBS and Person-Centered Planning.”

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It’s important to remember that the Settings Rule covers all types of HCBS settings.

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If you live in a group home, for example, or go to a day program, and receive HCBS services,

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the Settings Rule applies to you!

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We invite you to watch the following clips to learn more about the HCBS Final Settings

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Rule and learn how it can help ensure you have access to the community, choice, individual

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rights, and independence.

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If your HCBS services don’t provide you with these opportunities, the clips will assist

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you to find ways to speak up and make a change!