

APRIL-NASILC Peer to Peer Interactive Workshop for CILs & SILCs

How Does the HCBS Final Settings Rule
Apply to Your State IL Network?

Tuesday – January 31, 2023

WELCOME & PRESENTER INTRODUCTIONS

Review: The HCBS Settings Rule

- What is the HCBS Settings Rule?
 - Federal Rule ([42 CFR Parts 430, 431, 435, 436, 440, 441 and 447](#)) issued January 2014
PURPOSE - A Tool for Promoting & Accessing A Life Fully Integrated in the Community
 - Applicable to ALL People with Disabilities of ALL Kinds
 - Applicable to ALL Settings that receive HCBS funding in a state
 - States MUST ensure ALL settings that receive HCBS funding are compliant with the Rule, per their HCBS State Transition Plans by: **March 17, 2023**
- Why is the Rule Needed & Important?
 - States and HCBS funded providers are *still* providing HCBS in settings mimicking institutions violating the autonomy of our peers with disabilities
 - The Rule codifies PROTECTIONS & RIGHTS for our peers with disabilities in HCBS funded settings to expand choice and control over their lives in their homes and communities

The HCBS Settings Rule: Protections & Rights

The Rule requires that individuals who receive services in “residential” and “non-residential” HCBS funded settings have the right to:

- Be integrated in and have full access to life in the greater community
- A choice of services (including self-direction) and providers
- Choose their residential setting and have a lease or legally enforceable agreement in line with federal and state fair housing and landlord/tenant laws (including eviction protections)
- Choose the services they receive during the day and where they receive these services, including settings that are not only for people with disabilities
- Privacy, respect and dignity – particularly in their home / dwelling – including locks on entrance, bedroom and bathroom doors and having guests (of their choosing) at any time day or night
- Freedom from undue influence, coercion or restraint of any kind

The HCBS Settings Rule: Protections & Rights Ctd.

The Rule requires that individuals who receive services in “residential” and “non-residential” HCBS funded settings have the right to:

- Live alone or have roommates (if wanted) and to select these roommates
- Decorate and fill home / dwelling with furnishings and items how they choose
- Control their daily schedule and choice of their daily activities
- Access and prepare food and snacks at any time
- Work in competitive, integrated employment
- Physical accessibility and reasonable accommodations in any of the HCBS settings where they receive services
- Control and manage their personal assets and resources

The HCBS Settings Rule & IL

- How is the HCBS Settings Rule Relevant to IL?
 - Supports IL Philosophy
 - Supports True Choice, Control & Autonomy
 - Supports Authentic Community Living
 - Supports the Work the SILCs / CILs have done for decades
- What the HCBS Settings Rule is NOT?
 - NOT a service
 - NOT applicable to Nursing Homes / Skilled Care Facilities, Intermediate Care Facilities for Folks with I/DD and Mental Health Institutions

Q & A

Advocacy & Services: The HCBS Settings Rule

SILCs

- Systems Advocacy
- Collaboration & Partnership Development

CILs

- Individual Advocacy
- Systems Advocacy
- Diversion Services
- Transition Services
- Other CIL Services (As relevant)

Q & A

In The Know: The HCBS Settings Rule Resources

1. CMS Federal Guidance & Technical Assistance on the Rule:
<https://www.medicare.gov/medicaid/home-community-based-services/guidance/home-community-based-services-final-regulation/index.html>
2. HCBS State Transition Plans / Heightened Scrutiny Reports:
<https://www.medicare.gov/medicaid/home-community-based-services/statewide-transition-plans/index.html>
3. HCBS Settings Rule State Task Force & Other Groups / Coalitions in Your State
4. Grievances (to Report Violations of the Rule)
 - a. Where to find / locate the grievance procedure
 - b. Understanding the process to file a grievance
 - c. Who to contact in your state to file a grievance

Future Advocacy & Services: The HCBS Settings Rule

After March 17, 2023 – Now What?

- SILCs
 - SPIL 2025 – 2027
 - Continued Cultivation of State Partnerships & Collaborations
 - Build Strong Relationships / Connections to Relevant State Agency Leadership
 - Attend / Engage in Opportunities for Public Comment on the Rule (Federal & State)
 - Statewide Awareness, Education & Training Events (Virtual or In-Person)
- CILs
 - Consumer Engagement & Ongoing Individual / Systems Advocacy
 - Continued Cultivation of Community Partnerships & Collaborations
 - Attend / Engage in Opportunities for Public Comment on the Rule (Federal, State & Local)
 - Community-wide Awareness, Education & Training Events (Virtual or In-Person)

FINAL Q & A