

## **REQUIREMENTS OF THE NEW HCBS RULE**

The rules require that all HCBS settings must:

- Be integrated in and facilitate full access to the greater community;
- Optimize autonomy and independence in making life choices;
- Be chosen by the individual from among residential and day options, including non-disability specific settings;
- Ensure the right to privacy, dignity, respect and freedom from coercion and restraint;
- Provide an opportunity to seek competitive employment;
- Provide individuals an option to choose a private unit in a residential setting; and
- Facilitate choice of services and who provides them.

Provider-owned residential settings must also provide the HCBS recipient:

- A lease or other legally enforceable agreement to protect from eviction;
- Privacy in the their unit including entrances lockable by the individual (necessary staff may have keys as needed);
- Choice of roommates;
- Freedom to furnish and decorate their unit;
- Control of their schedule and activities;
- Access to food at any time;
- Visitors of their choosing at any time; and
- Physical accessibility for the individual.

If any of these requirements are limited, the reason must be documented in the individual's person-centered plan, and

- be based on a specific and individualized need,
- include a clear description of that condition that is directly proportionate to the specific assessed need,
- include the informed consent of the individual, and
- have an established time limit for the modification, including periodic review.

There must also be documentation in the person-centered plan that identifies previously tried less restrictive interventions, lists the positive interventions and supports used prior to any modification, assures that no harm will come to the individual from the modifications, and includes regular collection and review of data to determine the effectiveness of the modification.