



Developmental Disabilities Institute  
Wayne State University



## HCBS Final Rule Community Outreach – Family and Friends

# What Does the Home and Community Based Services Rule Mean for Your Son, Daughter, Sibling, or Friend?



# Introduction

As an advocate for a person who receives services or supports through home and community-based services:

- This presentation will help you understand the main ideas in the rule.
- Help you identify ways to support your daughter or son, sibling or friend who receives home and community-based services.



# What is the Home and Community Based Services Rule?

- In 2014 The Centers for Medicare and Medicaid Services published a set of rules for the delivery of Home and Community Based Services through Medicaid Waiver programs. These services are for people with disabilities to help them live in their own homes and communities.
- Through these rules, the Centers for Medicare and Medicaid Services aims to improve the experience of individuals in these programs by:
  - Enhancing access to the community;
  - Promoting the delivery of services in more integrated settings;
  - Requiring the use of person-centered planning.
- In Michigan, there are 5 waivers that must be in compliance with the Home and Community-Based Services Rule.



# Why is the Rule Important?

- The rule will:
  - Improve services for individuals by making their services the way they want.
  - Ensure that individuals are integrated in their communities.
  - Ensure that individuals have the same access to the community as individuals who do not have disabilities.
  - Protect individual rights.
  - Give individuals the opportunity to pick and receive their services where they want them.



# Qualities for ALL HCBS Settings

- Residential and non-residential settings that offer home and community-based services and supports must adhere to minimum standards. All settings must:

- Protect individual rights.



- Promote the individual's full participation in community



- Support the individual's independence in making life decisions.





# Individual Rights

The HBCS Rule protects individual rights to:

- **Privacy:**

- Individuals control when and with whom they want to share their personal spaces, conversations, and information.
- Individuals receive personal care support (if they need it) in a space away from others.
- Individuals can make space in their home away from others, for example a locked or closed door, be in a space without visual cameras or audio monitors.

- **Dignity:** Everyone is born valuable and worthy and should be treated as such.

- **Respect:** Individuals are important and should have control and decision-making power over their lives.

- **Freedom:** Individuals should have the ability to control their lives; individuals are free to go where they want and do what they want.



## Full Participation in Community Life

Full participation in community life means:

Individuals are able find jobs in competitive settings with fair wages.

Individuals with disabilities work with individuals who do not have disabilities.

Individuals with disabilities are able to participate in community activities and settings to the same degree of access as other individuals in their communities.

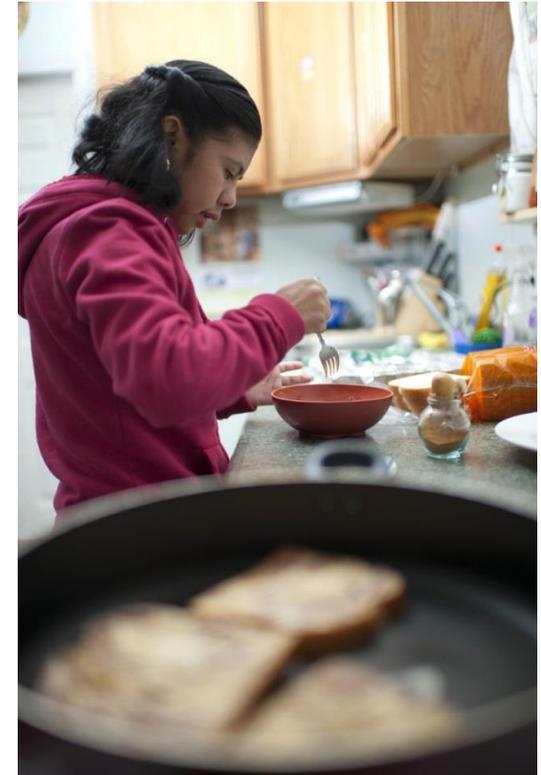
Individuals have access to and control over their personal resources.





# Independence in Making Life Decisions

- Individuals with disabilities can make their own decisions about their lives.
- Individuals control and pick:
  - Where to live
  - Who to live with
  - Who provides their services
  - How they want to spend their day
  - How to spend their money
  - What to eat



# Standards for Residential Settings:

- The HCBS Rule accounts for the unique characteristics of different settings by providing standards specific to provider owned residential settings.
- All provider owned residential settings must:
  - Provide protections for individuals comparable to the Michigan landlord tenant law.
  - Give individuals the freedom to furnish and decorate the spaces individuals live in.
  - Assist individuals to control personal schedules.
  - Allow individuals to access food at anytime.
  - Allow individuals to have visitors at anytime.



# Standards for Residential Settings:

- Providers can make modifications to the setting to address the specific needs of individuals.
- Modifications must meet the following requirements:
  - Should be based on the assessed need of the individual.
  - Should be documented in the service plan.
  - Cannot be based on the requirements of provider home rules.
- Must meet all other requirements under the rule.



# Standards for Non-Residential Settings:

- All Non-Residential settings must:
  - Provide individuals with the opportunity to negotiate work schedule, breaks, and employment benefits to the same extent as individuals not receiving HCBS funding.
  - Be located in and integrated with the greater community.
  - Assure that tasks and activities are the same as tasks and activities of co-workers or individuals not receiving HCBS funding.
  - Be physically accessible:
    - Individuals should be able to get around without barriers and have access to shared areas such as bathrooms and breakrooms.
    - Appliances and equipment are accessible and can be used by the individual.
  - Must meet all other requirements under the rule



# Guardianship

- The HCBS Rule is relevant even to individuals who have guardians.
- It is the responsibility of guardians to learn about services and supports that impact the individual's quality of life.
- An individual's choices and decisions should be deferred to even if the individual has a guardian.



# How to be Supportive:

- Now that you have learned about the HCBS Rule, you might be wondering how can you use this information.
- Here are some suggestions:
  - Share this information with your friend, sibling, son or daughter! Talk with them about each part of the rule.
  - Help the individual identify and articulate personal dreams and goals.
  - Attend the individual's **Person-Centered Planning (PCP)** meeting and create steps to meet the individual's needs and goals.
  - Identify settings that promote individual access to the community, independence, and individual rights.



# Person-Centered Planning

- The person-centered planning (PCP) process has been required by the Michigan Mental Health Code since 1996.
- Person-Centered Planning helps make sure individuals can direct the process of planning for their services and supports.
- PCPs have helped individuals get the life he or she wants in the community.
- Individuals have used the planning process to live, work, and be involved in the community with the support they want and need.



# Summary

The main goal of the HCBS Rule is to make sure that the services individuals with disabilities receive, give them the opportunity for independence in making life decisions,  gives individuals the opportunity to fully participate in community life  and to make sure that individuals' rights  are respected.



# Resources



## **Centers for Medicare & Medicaid Services:**

<https://www.medicare.gov/Medicare-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>



## **Michigan Department of Health and Human Services**

### **Home and Community-Based Services Program Transition:**

[http://www.michigan.gov/mdhhs/0,5885,7-339-71547\\_2943-334724--,00.html](http://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](https://www.michigan.gov/documents/mdch/How_Person-Centered_Planning_Works_for_You_367101_7.pdf)



Developmental Disabilities Institute

## **Developmental Disabilities Institute at Wayne State University**

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## **HCBS Advocacy Coalition:**

<http://hcsadvocacy.org>

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