



An Overview of the Home and Community-Based Settings Regulation

The Centers for Medicare and Medicaid Services (CMS) identified five primary characteristics required for settings where home and community-based services (HCBS) are provided.

The rule applies to residential and non-residential settings, including workshops and day programs, funded through HCBS waivers.

1. The setting is integrated in and supports individual's full access to the greater community. This includes opportunities to
 - a. Work in integrated settings
 - b. Engage in community life
 - c. Receive services in the community to the same degree of access as people not enrolled in waivers
2. The setting is selected by the person from among non-disability specific settings
3. The setting ensures individual's rights of privacy, dignity and respect, and freedom from coercion
4. The setting optimizes, but does not regiment, individual initiative, autonomy and independence in making life choices
5. The setting facilitates individual choice regarding services/supports and who provides them.

The definition is designed to be outcome-oriented and experiential. This means a determination about whether or not a setting meets these characteristics is based upon the needs of the people receiving services there, as reflected in their person-centered plans. It is not based upon the physical location of the setting, the size of the setting, or a prescribed duration or number of community-based activities.

See the following tables for more information.

What the rule requires of waiver providers
Providers are required to offer opportunities for all individuals served to get involved in their communities. This could include community employment and/or participating in community-based events/activities.
Providers must offer opportunities that are meaningful to individuals and support their personal interests/outcomes.
Providers must provide necessary services/supervision to maintain health and welfare, as identified in person-centered plans, while individuals are involved in community-based events/activities.

What the rule DOES NOT require
All workshops and day programs will close.
100% of all day program supports must be provided in fully integrated, community-based settings.
All providers must provide community employment services.

What the rule means for people receiving waiver services
People have greater opportunities to try new things.
People are able to make informed choices, based on experiences, about community employment and what community-based activities/involvement they may enjoy.
People may get involved in community employment and/or other community-based activities based on their interests and desired level of involvement.
People who do not want to receive waiver services in disability-specific settings, such as workshops, day programs, group homes, etc. cannot be made to do so.

What it DOES NOT mean for people receiving waiver services
Everybody is required to work in community-based settings.
Individuals cannot spend time during the day with other people with developmental disabilities.
When not working in the community, no other day program options will be available.
People are required to spend a specific amount of time in or participate in a certain number of community-based activities each day/week/month.