

**Impact of Federal Home and Community Based Services
(HCBS) Rules on STAR+PLUS Waiver Services**

| Instructions: Review all relevant policies and procedures (e.g., credentialing policies, provider manuals, LTSS benefits policies, provider contracts, etc.) and determine the level of compliance with the HCBS settings requirements found in 42 CFR §441.301. | | | |
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| HCBS Rule Sections by Topic | Compliance (Y or N) | Remediation Needed (e.g., which policy will be changed, plan to implement, etc.) | Supporting Documentation (i.e., to justify compliance) |
| <p>1. The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community.</p> <p>Includes opportunities to:</p> <ul style="list-style-type: none"> - Seek employment and work in competitive integrated settings - Engage in community life - Control personal resources - Receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS <p>References: 42 CFR §441.301(c)(4)(i) 42 CFR §441.710(a)(1)(i) 42 CFR §441.530(a)(1)(i)</p> | | | |

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| <p>2. The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting.</p> <p>The setting options must be:</p> <ul style="list-style-type: none"> - Identified and documented in the person-centered plan - Based on the individual’s needs, preferences, and, for residential settings, resources available for room and board. <p>References: 42 CFR §441.301(c)(4)(ii) 42 CFR §441.710(a)(1)(ii) 42 CFR §441.530(a)(1)(ii)</p> | | | |

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| <p>3. The setting ensures an individual’s rights of privacy, dignity, and respect, and freedom from coercion and restraint.</p> <p>References: 42 CFR §441.301(c)(4)(iii) 42 CFR §441.710(a)(1)(iii) 42 CFR §441.530(a)(1)(iii)</p> | | | |

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| <p>4. The setting optimizes, but does not regiment individual initiative, autonomy, and independence in making life choices including but not limited to daily activities, physical environment, and with whom to interact.</p> <p>References: 42 CFR §441.301(c)(4)(iv) 42 CFR §441.710(a)(1)(iv) 42 CFR §441.530(a)(1)(iv)</p> | | | |

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| <p>5. The setting facilitates individual choice regarding services and supports, and who provides them.</p> <p>References: 42 CFR §441.301(c)(4)(v) 42 CFR §441.710(a)(1)(v) 42 CFR §441.530(a)(1)(v)</p> | | | |

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| <p>6. In a provider-owned or controlled settings, in addition to the qualities above, the following additional conditions must be met:</p> <ul style="list-style-type: none"> - Give individuals the same responsibilities and protections from eviction that tenants have under state and local law - Give individuals privacy in their sleeping or living unit, including locking doors, choice of roommates, and freedom to furnish and decorate sleeping and living areas - Give individuals the freedom and support to control their own schedules and activities including access to food at any time and having visitors at any time <p>References: 42 CFR §441.301(c)(4)(vi)</p> | | | |

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| <p>7. Settings for HCBS do NOT include the following:</p> <ul style="list-style-type: none"> - a nursing facility - an institution for mental diseases - an intermediate care facility for individuals with intellectual disabilities - a hospital - any other locations that have qualities of an institutional setting <p>References: 42 CFR §441.301(c)(5)</p> | | | |