**Implementing HCBS**

**Settings Regulations**

The Centers for Medicare & Medicaid Services (CMS) and the Administration for Community Living (ACL) recently issued a statement regarding the implementation of the home- and community-based services (HCBS) settings regulation.

They called it an important milestone in national efforts to enable people with disabilities and older adults to live and fully participate in their communities.

All states now must be fully compliant with the regulation’s requirements to uphold specified basic rights and may, through time-limited corrective action plans, have additional time to fully comply with the remaining criteria impacted by the COVID-19 public health emergency.

The HCBS Settings Rule was created to ensure that every person receiving Medicaid-funded HCBS has full access to the benefits of community living.

It protects individuals’ autonomy to make choices and to control the decisions in their lives, a right most people take for granted. This includes controlling personal resources; being treated with privacy, dignity, respect, and freedom from coercion and restraint; deciding what and when to eat; having visitors; being able to lock doors; and having the protections of a lease or other legally enforceable agreement.

The rule requires a person-centered process for planning HCBS, which means that the individuals receiving services direct the planning process and the plan reflects their own preferences and goals they have set for themselves.

HCBS providers have been changing service models, expanding their capacity to support community engagement and employment. Many states have prioritized wage increases and training for direct care workers.

People with disabilities, older adults, families, and advocates have been working with states and providers throughout the implementation process. They have provided input to Statewide Transition Plans that described how states would comply with the settings rule by March 17, 2023, waiver applications, and proposed regulations, participated in task forces and work groups, and more.

The COVID-19 pandemic created significant challenges to implementing some provisions of the rule. Therefore, CMS is allowing states more time to demonstrate full compliance.

At the same time, all states must now be fully compliant with the rule’s requirements regarding participant rights and self-determination.

There is still more work ahead to fully implement this regulation. Corrective action plans will continue to be approved as soon as possible and will be posted online at www.Medicaid.gov. By visiting the website regularly, one will have access to updates.