

Home and Community Based Services Rule: Promoting supports in integrated settings

What is the federal HCBS Rule?

In January 2014, the federal government released the Home and Community Based Services (HCBS) Rule, which says that people receiving publicly paid long-term services and supports must receive those supports in the most integrated setting and have full access to the benefits of community living. The rule has requirements for person-centered planning, service settings and opportunities for involvement in the community.

What does the rule mean for people receiving public long-term services and supports?

Service planning must be led by the person and result in a plan that shows what is most important to him or her. The rule requires that you:

- Have enough information to make informed choices about the type of services you receive
- Are treated with respect and in a person-centered way so that you make decisions about how, when and where you get your services
- Have the opportunity to be involved in your community, including living and working in integrated settings and coming and going where and when you want.

The rule may mean your services will change to be more person-centered. Where you live and where you work may change to give you more opportunities to interact directly with your community.

Who is affected by the HCBS Rule?

This rule applies to people who receive services through the Brain Injury, Community Alternative Care, Community Access for Disability Inclusion, or Developmental Disabilities waivers or the Elderly Waiver, or through the upcoming Community First Services and Supports program.

What is the HCBS Rule Transition Plan?

The federal government is allowing states until March 17, 2022, to come into full compliance with new requirements for settings. All states, including Minnesota, submitted a transition plan to the federal government and are working to refine and agree to steps in the plan. The plan includes reviewing current settings as well as all related state regulations and policies to determine what changes need to be made to comply with the rule.

The current version of Minnesota's transition plan, as well as other information, can be found at <http://www.mn.gov/dhs/partners-and-providers/continuing-care/reform-initiatives/hcbs-transition/>.

How is the HCBS Rule related to the Olmstead Plan?

Although the HCBS Rule and Minnesota's Olmstead Plan have been developed separately, their goals and strategies are aligned. Minnesota's Olmstead Plan applies to everyone with disabilities, while the HCBS Rule applies only to people receiving HCBS services. Both the Olmstead Plan and the HCBS Rule focus on new opportunities for people with disabilities in addition to existing options. The HCBS Rule also focuses on making sure current services and settings meet rule requirements. Both the HCBS Rule and the Olmstead Plan are working toward making sure people with disabilities have the opportunity to:

- Make meaningful, informed choices
- Live more independently
- Engage in productive employment
- Participate in community life.

For accessible formats of this publication or assistance with additional equal access to human services, write to dhs.info@state.mn.us, call 800-657-3761, or use your preferred relay service.