




# Home and Community Based Services (HCBS)

Direct Care Training Module  
for Lapeer CMH Staff



# ● INTRODUCTION:

THIS TRAINING WILL HELP YOU:

- DEFINE HCBS.
  - BE AN ADVOCATE FOR A PERSON WHO RECEIVES SERVICES OR SUPPORTS THROUGH HOME AND COMMUNITY BASED SERVICES.
  - UNDERSTAND THE IMPORTANCE OF FOLLOWING HCBS RULES.
  - LIST AT LEAST 3 WAYS THAT YOU CAN ENSURE THAT HCBS RULES ARE BEING FOLLOWED WITH GOOD DOCUMENTATION PRACTICES.
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# What is HCBS?


Home and Community Based Services is a set of requirements to be followed by residential (i.e. group home) and non-residential (i.e. skill building program) settings for persons with disabilities, to ensure that individuals have full access to:

1. The benefits of **community living**.
2. The opportunity to receive services in the most **integrated** setting appropriate.
3. The highest level of independent life **experiences** as possible.

# What is the HCBS rule?

In 2014 The Centers for Medicaid and Medicare Services (CMS) 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 CMS 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



# Why is the HCBS 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.
  - ▶ Give individuals the opportunity to pick and receive their services where **they** want them.

# Individual Rights

The HCBS 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.

# HCBS Rules: “Consumer Choice”

When this rule is met, consumers will be provided with the choice of:

- **HOW** to schedule their day
- **WHO** they wish to live with
- **WHERE** they wish to live



# STANDARDS FOR RESIDENTIAL SETTINGS (GROUP HOMES):

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 CONTINUED:

- 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 (SS, TW & GO):

- 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 and 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 break rooms.
    - Appliances and equipment are accessible and can be used by the individual.
  - Must meet all other requirements under the rule.

# Documentation

Providing good documentation, that shows evidence that HCBS Rules are being followed, is the **key** to the success!



## Supportive documentation may include:

- Evidence that the participant was **given choices** for their daily activities and community outings.
- Evidence that the participant had **access** to their money and **control** of how they wished to spend it.
- Evidence that the participant was provided **privacy** with personal care.
- Evidence that the participant is able to move around their home easily and safely (with or without physical support) and to areas of their **choice**.

# Can the HCBS Rules be Changed?

Health and safety needs are the only acceptable justifications for restricting individual rights and freedoms.

Any modifications to the HCBS rules must be outlined in the individual's Person-Centered –Plan (PCP) and can *only* be included after:

1. *There has been a specific and individualized assessed safety or health related need documented thoroughly by the caregiver team.*
2. *Positive interventions and supports have been consistently implemented by the caregivers and found to be ineffective for meeting the individual's health and safety needs.*
3. *Less intrusive methods have been tried and found to be ineffective for preserving the individual's health and safety needs.*
4. *Informed consent has been obtained by the participant and/or their guardian.*

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# SUMMARY

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The main goal of the HCBS Rule is to make sure that the services individuals with disabilities receive the opportunities 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/0,5885,7-339,715472943-334724,00.html>
- 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 at Wayne State University
- Home and Community Based Services Transition:  
<http://www.michigan.gov/mdhhs/0,5585,7-339-71547-2943-334724--,00.html>
- HCBS Advocacy Coalition: <http://hcbadvocacy.org>
- Shiawassee Health & Wellness

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