



# HCBS Settings Rule: For Families of Individuals Attending Adult Day Services



# Purpose: Inform families of the Federal Settings Rule

- Centers for Medicare and Medicaid Services (CMS)
- Home and Community Based Services (HCBS)
- Medicaid Waivers
- What is the Settings Rule
- How will the Settings Rule affect your loved one.
- Person-Centered Service Plans
- Ongoing Monitoring
- Resources to Learn more
- Q&A



# Centers for Medicare and Medicaid Services (CMS)

- Created under the Department of Health and Human Services
- Provides oversight to Medicaid Home and Community based Waiver Programs



# Home and Community Based Services (HCBS)

- Provides option to waive certain Medicaid rules giving individuals and their families choice in their care.
- Individuals could receive services in their home or community rather than institutions.
- Game-changer for families, like yours.



# Aged and Disabled Waiver (A&D waiver)

- Targets specific groups for individuals to live, work and play in their communities.
  - Individuals with physical disabilities
  - Older adults



# CMS and the Settings Rule

- 2014 CMS issues Federal Settings Rule
- Clarifies expectations about person centered planning and activities that need to happen when HCBS waivers are administered.
- Indiana must follow the to continue to provide HCBS waivers.



# What is the Settings Rule?

- The goal of the rule is to ensure people receiving services through HCBS (Home Community Based Services) programs have the chance to work and spend time with other individuals in the community that do not receive HCBS services, and to increase the quality of services.
- The Settings Rule will be fully implemented March 17, 2023, by your site



# Purpose of the Settings Rule

- To maximize the opportunities for participants in HCBS programs to have access to the benefits of community living and to receive services in the most integrated settings.
- Includes opportunities to:
  - Seek employment and work in the community
  - Engage in the community
  - Control personal resources
  - Receive services in the community to the same degree as individuals who do not receive HCBS





# What is the Focus?

- Your Loved One's Daily life
- Your Loved One's Rights
- The Importance of Person-Centered Planning



# HCBS Settings: Impacting Daily Life

- Services selected by you and your loved one from among settings options that include non-disability specific settings.
- Settings that are fully integrated and supports full access to the greater community
- Ensures your loved one's right to privacy, dignity, and respect and freedom from coercion and restraint.
- Increases initiative, autonomy, and independence in making choices about your loved one's life.
- Ensuring your loved one have a choice regarding their services and supports, and who provides them.



# Your Loved Ones Rights

- Choosing their own schedule.
- Choosing how and when to go into the community.
- Choosing how they have their meals and with whom.
- Choosing when to have visitors.
- Having privacy.
- Knowing how to file an anonymous complaint.
- Attending sites that are physically accessible.



# Person-Centered Service Plan (PCSP)

- Person Centered Service Plan is the document that is developed with you and your loved one to assist them in leading their own care, it should include:
  - Their goals and strengths.
  - Services and supports they need,
  - Risk factors along with measures in place to minimize risk,
  - The person and/or entity responsible for monitoring their plan
- Service Plans should be reviewed and updated quarterly or as needed.
- Service Plans are important in ensuring your loved one's choices and needs are recognized.



# PCSPs and the HCBS Settings Rule

- The Settings Rule may sometimes conflict with your loved one's wants and needs
- Try alternative strategies based on your loved one's strengths
- Clear documentation of any changes, including alternative strategies tried
- Modifications must be described clearly and must be specific to the assessed need.
- Modifications must only be made with informed consent.



# Ongoing Monitoring

- Daily practices
  - Treat people with dignity and respect, ensure right to privacy
- Ongoing evaluation
  - Person-Centered Monitoring Tool to monitor individual issues that may arise
  - The sites are subjected to re-evaluation every three years after the initial certification
  - If you believe your loved one's adult day service is not following the settings rule:
    - Local Area Agency on Aging case manager.
    - Division of Aging



# Re-Cap

- Today We Learned:
  - CMS and their role with Home and Community Based Services
  - The Settings Rule: What is it and Why was it Implemented
  - How the Settings Rule Impacts Your Loved One
  - How the Settings Rule Seeks to Ensure Your Loved Ones Rights
  - Person-Centered Planning and the Settings Rule
  - Ongoing Monitoring



# Resources

- [Indiana HCBS Aged and Disabled Waiver](#)
- [Indiana's Area Agencies on Aging Map and Contact List](#)
- [FAQ on Settings Rule Impact on Non-Residential Services](#)
- [FAQs concerning loved ones who exhibit unsafe wandering or seek to exit.](#)
- [Indiana Division of Aging Website: www.in.gov/fssa/da/](http://www.in.gov/fssa/da/)





# Questions and Answers