



Medicaid 202

Home and Community-Based Services Settings Rule:

Other Requirements for Provider Owned and Controlled Settings

APRIL 2019

Objectives

Understand the intent of the Final Rule

Understand specific setting requirements and how it will affect your home

Know resources for the Final Rule





Intent of the Final Rule



Ensure full access to community living

Opportunity to receive services in the most integrated settings

Enhance the quality of home and community based services

Provide protections to individual rights, dignity, respect, and freedom from coercion and restraint

Support individual initiative, autonomy, and independence

Intent of the Final Rule



Participants are not isolated

Have opportunities to interact with people with and without disabilities beyond foster home staff

42 CFR 441.301 (c)(4)(vi)(A) Legal Agreement

- *Participant has the same landlord/tenant protections, is protected from eviction and afforded appeal rights as persons not receiving Medicaid HCBS services.*
- Providers are responsible for the legal agreement.
- DHS-MQD and DOH-OHCA will create a template.



235 S. Beretania Street
Suite 801
Honolulu, Hawaii 96813

Landlord-Tenant Center:
(808) 586-2634

Neighbor Islands:

Kauai
274-3141 ext. 62634#

Maui
984-2400 ext. 62634#

HANDBOOK FOR THE HAWAII RESIDENTIAL LANDLORD-TENANT CODE

**BASED UPON
THE HAWAII REVISED STATUTES
CHAPTER 521**

42 CFR 441.301 (c)(4)(vi)(B)(2)

Right to Privacy- Roommate

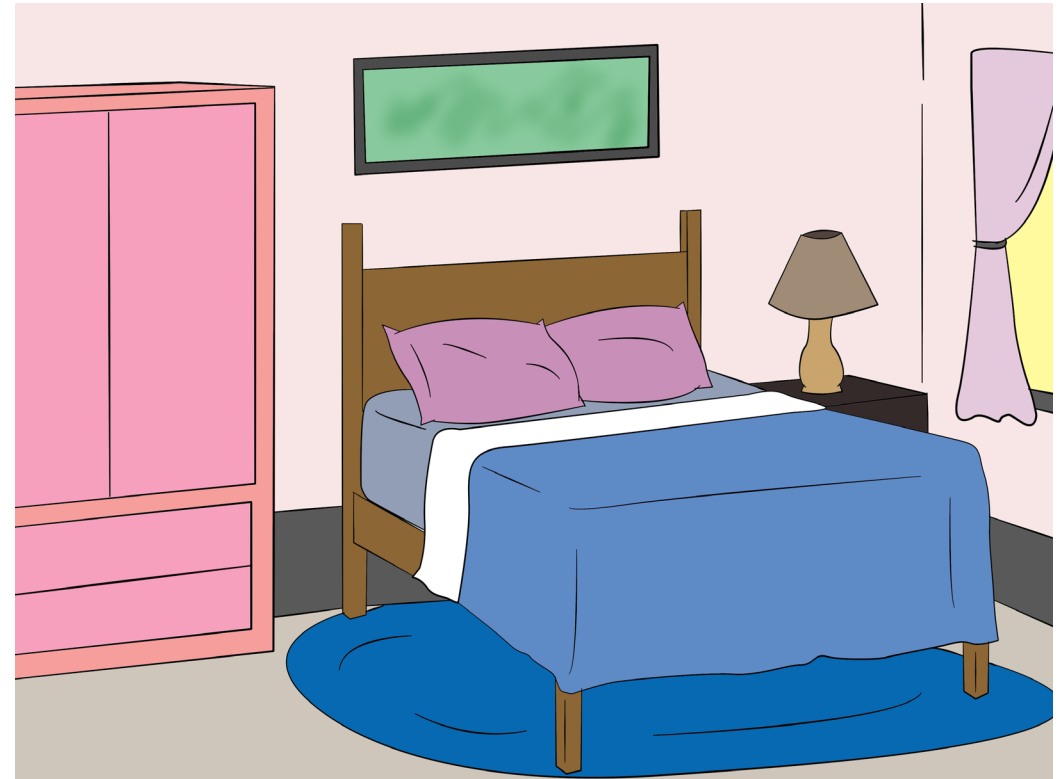


- *Participants have the right to choose to change rooms and/or change roommate.*
- *Providers must disclose available living arrangements and options.*
- *Participants need to be informed of choice before entering an agreement.*

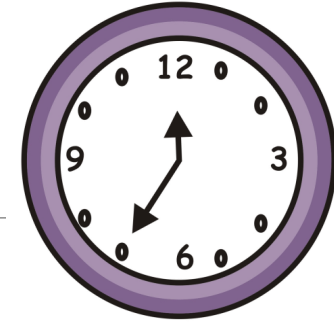
42 CFR 441.301 (c)(4)(vi)(B)(3)

Right to Privacy- Decorate

- *Participants have the ability furnish or decorate unit to maintain personal space according to preferences within the legal agreement.*
- *Participants need to be informed of choice before entering an agreement.*



42 CFR 441.301 (c)(4)(vi)(C) Self-Empowerment



Eating



Bathing



Dressing



Transferring



Toileting



Walking or
moving around

- *Participants have the freedom and support to control their schedules and activities.*
- *Participants are allowed to choose and vary their schedule including how to spend their day, sleeping schedule, and when to eat.*
- *Providers may develop a schedule with the involvement and agreement of the participant.*

42 CFR 441.301 (c)(4)(vi)(E) Accessibility

- *Participants are able to maneuver through the hallways, doorways, and common areas with or without assistive devices.*
- *Supports are available to participants that require them and document in the person-centered plan.*
- *Setting is physically accessible to the participant.*





Think about it!

Does the guidance fit with how I operate my home?

If the guidance differs from my home operation, what must I change to meet the new requirements?



For More Information

Hawai'i Department of Human Services

Med-QUEST Division

My Choice My Way, HCBS Transition Plan

NEW Med-QUEST Website: <https://medquest.hawaii.gov/> Search: My Choice My Way

MCMW Specific Website:

<https://medquest.hawaii.gov/en/members-applicants/already-covered/my-choice-my-way.html>

Email: mychoicemyway@dhs.hawaii.gov

For More Information

More information about the final regulation is available:

<https://www.medicaid.gov/medicaid/hcbs/>

All Providers need to know their requirements regarding compliance with the HCBS Final Rule. More information about the final regulation is available:

<https://www.medicaid.gov/medicaid/hcbs/guidance/index.html>

Questions?



