

Resources and Contact Information

Heather Mossinger
Quality Assurance Specialist
hmosinger@utah.gov
801-538-6613

Jordyn Peterson
Waiver Administration Manager
jordanpeterson@utah.gov
801-538-6586

HCBS Settings Website:
health.utah.gov/ltc/hcbstransition



Feedback, general questions, or any other inquiries
can be submitted at:
hcbsettings@utah.gov

To keep up to date on the HCBS Settings Rule and
the State of Utah's progress, you can sign up for the
HCBS Settings ListServ here:
<https://medicaid.utah.gov/medicaid-long-term-care-and-waiver-programs>

Mailing Address:

Utah Department of Health
Division of Medicaid Health Financing
Bureau of Authorization and
Community Based Services
PO box 143112
Salt Lake City, Utah
84114-3112

Settings Rule for Home and Community Based Services

for providers



What is the Settings Rule?

The final rule establishes an outcome-oriented definition of HCBS (Home and Community Based Services) settings that focuses on the nature and quality of individuals' experiences. The rule reflects CMS' intent to ensure that individuals receiving services and supports through Medicaid HCBS programs have full access to the benefits of community living and receive services in the most integrated setting possible.

Settings That Are Not HCBS

- Nursing facility
- An institution for mental diseases
- An intermediate care facility (ICF) for individuals with intellectual disabilities
- A hospital
- Any other locations that have qualities of an institutional setting

Note: Settings provided in a building or facility alone does not indicate qualities of an institution. If individuals in a building or facility are mostly people with disabilities, the setting needs to help people go into the community.

Examples of Settings That May Isolate

- Gated or secured communities for people with disabilities
- Clustered settings that are related
- Farmsteads in rural communities
- Residential schools

HCBS Settings Requirements

- a. HCBS Setting is integrated in and supports access to the greater community.
- b. Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources.
- c. Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS.
- d. Ensures an individual rights of privacy, dignity, respect, and freedom from coercion and restraint.
- e. Optimizes individual initiative, autonomy, and independence in making life choices.
- f. Facilitates individual choice regarding services and supports, and who provides them.

Settings That Are Presumed to Have the Qualities of an Institution

- Any setting that is located in a building that is also publicly or privately operated facility that provides inpatient institutional treatment.
- Any setting that is located in a building on the grounds of, or immediately adjacent to, a public institution.
- Any other setting that has the effect of isolating individuals receiving Medicaid Waiver HCBS from the broader community of individuals not receiving Medicaid HCBS.

Additional Requirements for Provider-Owned/Controlled Residential Settings

- g. Each individual has privacy in their sleeping or living unit.
- h. Units have lockable doors, with the individual and appropriate staff having keys to doors as needed.
- i. Individuals sharing units have a choice of roommates.
- j. Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.
- k. Individuals have freedom and support to control their schedules and activities and have access to food any time.
- l. Individuals may have visitors at any time.
- m. Setting is physically accessible to the individual.

Required for Medicaid HCBS Waiver Funding

All HCBS Medicaid Waiver providers must be compliant with the Settings Rule by March 2022 to continue receiving Medicaid HCBS Waiver funding.