

HCBS Settings Rule: The Separation of Housing from the Provider of Home & Community Based Services

When an individual chooses to receive home and community based services (HCBS) in a provider owned or controlled setting where the provider is paid a single rate to provide a bundle of services, the individual is choosing that provider to deliver all services that are included in the bundled rate. *Refer to Provider Owned and/or Controlled Settings flyer to determine what settings fall under this category.*

For any services that are not included in the bundled rate, the individual may choose any qualified provider, including the provider who controls or owns the setting if the provider offers the service separate from the bundle.

Individuals must be given information and experiences so they are able to make an informed choice among setting options. In the event the individual has made an informed choice to reside in a setting that provides both housing and services, the individual must acknowledge that they have also chosen that provider to be the service provider.

For example,

- 1. If a residential program (such as an assisted living or licensed or certified residential through DSPD) provides HCBS connected with daily living and on-site supervision that is attached to the residential location under a bundled rate, an individual is choosing the residential provider for those bundled services when they choose the residence.**

The individual has free choice of providers for any other services in his or her service plan, such as employment services and other community supports.

- 2. If an individual is receiving supported living services, the service is not attached to a location; therefore, the individual has free choice of providers.**

If an individual chooses to live in a provider owned and/or controlled setting and receives supported living services, they can choose who provides those services, including the provider who controls and/or owns the setting.

You can access the CMS "Summary of Key Provisions of the Home and Community-Based Services Settings Final Rule" fact sheet here: <http://www.aucd.org/docs/policy/HCBS/references/hcbs-setting-fact-sheet.pdf>

Submit any questions to HCBSSettings@utah.gov