

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 individuals, families and caregivers



What is the Settings Rule?

A new federal rule that clearly states what community based qualities in a setting, or place where services are provided, should have. Examples of settings are day programs, group homes, or other places where services are paid for by the Home and Community Based Services (HCBS) 1915(c) Waivers.

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 community the individual lives and works in.
- b. Provides opportunities to find jobs and work at places in the community (with individuals who do not have disabilities), engage in community life, and control personal resources (such as spending money).
- c. Ensures the individual receiving services has the same opportunity to go into the community as people without disabilities in that same community.
- d. Ensures an individuals rights of privacy, dignity, respect, and freedom from coercion and restraint; such as:
 - No posted schedules of individuals in a general open area (medications, diet restrictions, personal care, etc.)
 - Personal assistance is provided in private
 - Supports and plans to address behaviors are specific to the individual and do not restrict rights of everyone in the setting
- e. Optimizes individual initiative, autonomy, and independence in making life choices (including daily activities, physical environment, and with whom to interact).
 - Setting allows individuals to engage in legal activities (voting, consuming alcohol, etc.)
 - Tasks and activities are matched to individual skills, abilities, and desires
- f. Facilitates individual choice regarding services and supports, and who provides them.

Additional Requirements for Provider-Owned/Controlled Residential Settings

- g. Each individual has privacy in their sleeping or living unit.
- h. Private space has lockable doors, with the individual and only appropriate staff having keys to doors as needed.
- i. Individual has a choice of roommates.
- j. Individual has the freedom to furnish and decorate their sleeping or living units.
- k. Individual has 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.