



Mississippi Department of Mental Health
Provider Bulletin
Number IO0032

Subject: CMS Final Rule on Home and Community Based Services

Issue Date: March 10, 2014

Effective Date: March 10, 2014

Scope

All DMH Certified Providers

Purpose

To share information on the final rule on Home and Community Based Services (HCBS) from the Center for Medicare and Medicaid Services' (CMS). This rule becomes effective March 17, 2014.

Subject

In January of this year, CMS released its final rule that addresses several sections of Medicaid law under which states utilize federal Medicaid funds to pay for HCBS. The defining of community settings and person-centered planning requirements in the rule are two of the major areas that will directly impact service provision.

One of the major outcomes of this new rule is that providers must first qualify as a community-based setting (as defined by the rule) in order to receive Medicaid reimbursement for HCBS. As a result of these new rules, states will now be required to assess their HCBS programs to ensure HCBS service sites meet the new criteria.

The new rule requires that HCBS settings:

- a) Be integrated in the greater community and support an individual's full access to the greater community;
- b) Be selected by the individual from service setting options identified through the person centered planning process and subsequent plan;
- c) Ensure an individual's right to privacy, dignity and respect, and freedom from coercion and restraint
- d) Optimize an individual's independence in making life choices and autonomy; and
- e) Facilitates choice regarding services and who provides those services.

Additionally, the final rule includes requirements for provider-owned or controlled HCBS residential settings. Those requirements include:

- a) The individual has a lease or legally enforceable agreement providing protections;
- b) The individual has privacy in his/her residential unit including lockable doors, choice of roommates and freedom to furnish or decorate the unit;
- c) The individual controls his/her own schedule (including access to food at any time);
- d) The individual can have visitors at any time; and
- e) The setting must be physically accessible.

For more information, CMS has placed links to important documents regarding the new rule. To assist you in furthering your understanding of the new rule and its impact, the following documents can be found at <http://www.medicaid.gov/hcbs>

- The complete text of the final rule
- An Informational Bulletin on the final rule
- A press release announcing the final rule
- Four factsheets:
 - An overview of the regulation
 - Changes to 1915(c) – For example, the ID/DD Waiver.
 - Changes to 1915 (i)
 - Summary of Key Provisions of the HCBS Settings Final Rule
- CMS Webinar Presentation on the final rule

End of Provider Bulletin