



Developmental Disabilities Division (DD)

Fact Sheet: Home and Community Based Settings Rule

A new rule issued by the Centers for Medicare & Medicaid Services (CMS) affecting Home and Community Based Services (HCBS) became effective on March 17, 2014. In North Dakota, this affects all programs where HCBS services are delivered within the Traditional IDD/DD Waiver.

What is the HCBS Rule about?

The rule says that individuals receiving services and supports must have full access to the benefits of community living and receive supports in the most integrated setting. It means that settings are more about the nature and quality of individuals' experiences, not only about buildings where the services are delivered. Individuals have an active role in the development of their plan, the planning process is person-centered, and the plan reflects the individual's service and supports and what is important to them.

What does that mean to me?

If you **receive DD waiver services**, it means that you have the right to be supported with respect and in a very person-centered way so that you make decisions about how, when and where you get your services. It also means that you should have the opportunity to be involved in your community, coming and going where and when you want.

If you are a **provider of DD waiver services**, it means that you will be subject to new and enhanced policies that require providers to comply with the rule. It may mean that you will need to modify and adopt your own policies and provide training to assure your staff understands the expectations of the rule.

What Is the Transition Plan?

This is the first time CMS has put in regulation a description of HCBS in this way. Because it is new, states are allowed some time to come into compliance. States had to assess and then develop a Transition Plan to describe how its programs meet these new rules and how it will fix the areas that don't comply. The Transition Plan is intended to describe how the state will move toward and ultimately achieve compliance with the new HCBS Settings Rule.

What should I do about this?

You should learn more!

How do I do that?

- You can attend one of North Dakota's Statewide Training opportunities.
- Visit the state website for North Dakota's Transition Plan and other state specific information:
<http://www.nd.gov/dhs/services/disabilities/dd.html>
- Visit the CMS website for information on The HCBS Rule, along with additional guidance and fact sheets:
<http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>

For more information: contact the Developmental Disabilities Division at 1237 W. Divide Ave., Suite 1A, Bismarck ND 58501, 701-328-8930, toll-free 800-755-8529, kkalanek@nd.gov.

June 2015