



WISCONSIN DEPARTMENT
of HEALTH SERVICES

Home and Community-Based Services (HCBS) Settings Rule DQA Provider Forum

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Agenda

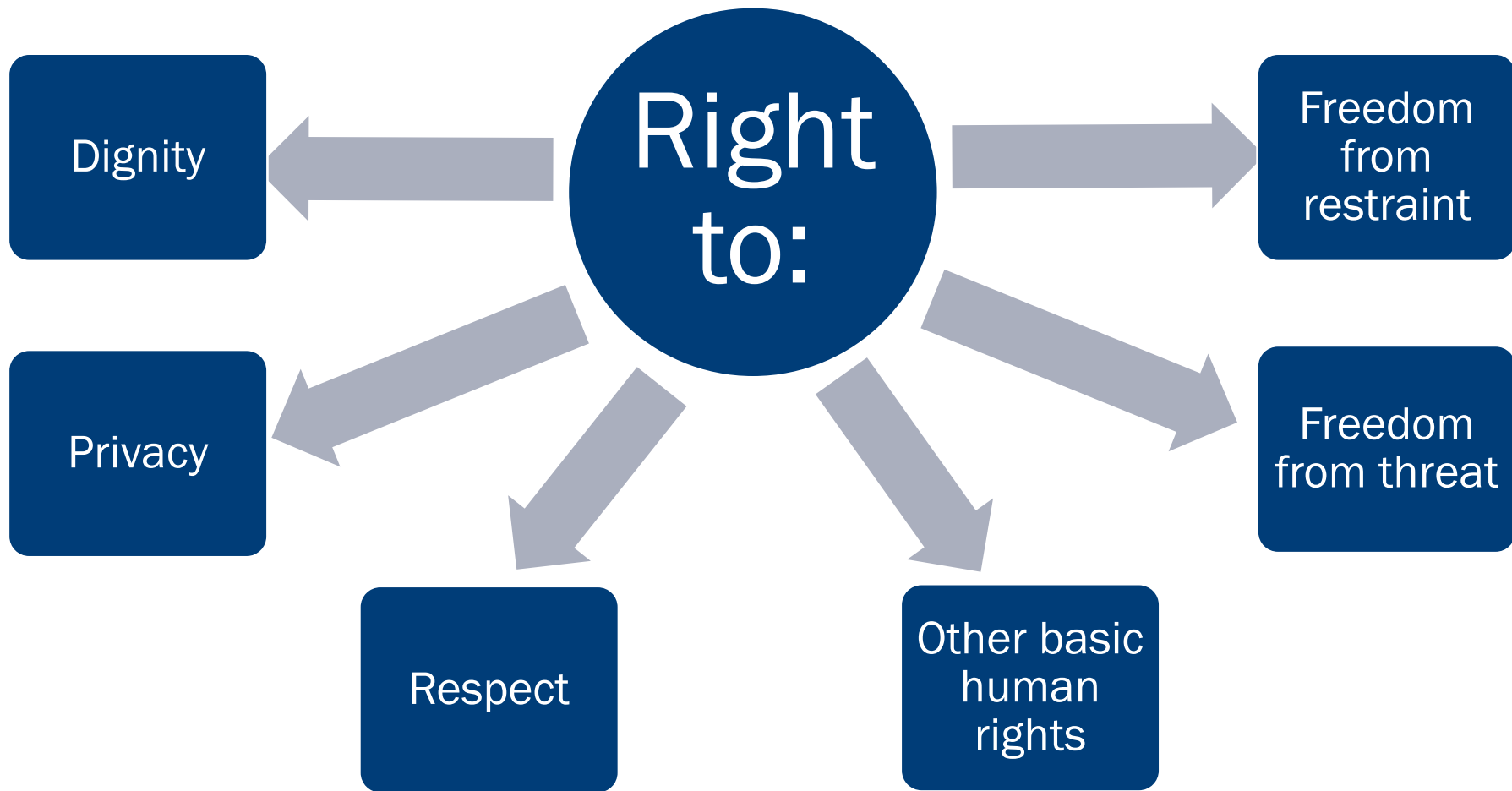
- HCBS Settings Rule Overview
- HCBS Settings Rule Modifications
- Training and Resources



What is the HCBS Settings Rule?

- Established by the Centers for Medicare & Medicaid Services (CMS) in 2014.
- “Ensures that people who receive services and supports through Medicaid’s HCBS programs have full access to the benefits of community living and are able to receive services in the most integrated setting.”
- “It protects individuals’ autonomy to make choices and to control the decisions in their lives...”





Programs the HCBS Settings Rule Applies To

Wisconsin Long-Term Care Programs

- IRIS (Include, Respect, I Self-Direct)
- Family Care
- Family Care Partnership
- Children's Long-Term Support



Locations the HCBS Settings Rule Applies To

Settings That Need Reviews

Nonresidential:

- Adult day care centers
- Prevocational services
- Group supported employment
- Day habilitation services

Residential:

- Adult family homes (AFH) (1–2 and 3–4 bed)
- Community-based residential facilities (CBRF)
- Certified residential care apartment complexes (RCAC)

Locations Where the HCBS Settings Rule Does NOT Apply

Settings NOT Considered Home and Community-Based

- Skilled nursing facilities (SNF)
- Institutions for mental disease (IMD)
- Intermediate-care facilities for individuals with intellectual disabilities
- Hospitals



What is a Modification?

An HCBS modification is an agreed upon restriction, that is implemented by the provider (setting), to limit one or more of an individual's rights to address an identified need or risk to health and safety.

HCBS modifications must follow the HCBS Settings Rule Modification process.



What HCBS Setting Rules can be modified?

In residential care, **only** the following rules are allowed to be modified:

- Privacy in sleeping and living units
 - Entrance doors are lockable with only appropriate staff having keys.
 - If rooms are shared, the individual has choice of roommates.
 - Freedom to furnish and decorate within lease or agreement guidelines.



What HCBS Setting Rules can be modified? (continued)

- Freedom and support to control their own schedule and activities.
- Access to food at any time.
- Can have visitors of their choosing, at any time, including overnight and in a private, unsupervised space.



HCBS Settings Rule Modification Requirements

When discussing restricting an individual's rights, the situation must be:

- A health and safety, behavioral, or other risk to the individual.
- In relation to one or more of the HCBS settings rule rights.
- Justified AND documented in the individual's plan.

[Modification: Residential Provider Support Tool \(P-03794\)](#)



Application to DQA-Regulated Residential Providers

The Division of Quality Assurance (DQA) survey process for HCBS waiver providers uses the [HCBS Settings Rule Benchmarks](#).



Extra Benchmarks for Heightened Scrutiny Providers

Additional Benchmarks for Heightened Scrutiny Providers

Physical distinction: The HCBS provider demonstrates a meaningful physical distinction between the HCBS facility and the institutional facility, including separate entrances and signage.



Extra Benchmarks for Heightened Scrutiny Providers (continued)

Additional Benchmarks for Heightened Scrutiny Providers

Staff training: All staff working in the AFH, CBRF, and/or RCAC receive initial and annual training on the HCBS settings rule's requirements and on person-centered planning:

- Initial training must occur prior to assuming responsibilities with residents.
- Annual training must occur each calendar year beginning with the first full calendar year of employment.



Training

- DHS worked with the University of Wisconsin Green Bay to create curriculum that meets the HCBS settings rule requirements.
- All heightened scrutiny facilities are required to have all staff complete the HCBS settings rule training at hire **and** annually.
- Facilities may create their own in-house initial or annual training.



Free Training Opportunity

- Providers that are contracted with a managed care organization (MCO) may receive a vendor code from the MCO to take the training at no cost.
- Facilities that are not heightened scrutiny are encouraged (not required) to complete the training to learn the HCBS settings rule requirements.
- The free training codes will expire when all the vouchers have been used or on December 31, 2026.



HCBS Settings Rule Resources

- HCBS settings rule requirements: [§42 CFR 441.301](#)
- [DHS's HCBS Settings Rule webpage](#)
- [Compliance for Residential Service Providers webpage](#)
- [Modifications webpage](#)
- [Modification tool for residential providers](#)
- [Heightened Scrutiny webpage](#)
- [Wisconsin Benchmarks \(3-4 bed AFH, CBRF, and RCAC\)](#)
- HCBS Compliance Review Request form ([F-02138](#))





Questions and Answers



Contact Us

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