What is the New Federal Home and Community-Based Service Rule?

Medicaid-funded home and community based services (HCBS) provide necessary supports to individuals with disabilities and older adults who need help to live in the community. HCBS provide services such as financial management, residential supports, transportation, and supported employment. These important services are an alternative to institutional care, and help individuals to maintain their independence. However, some of these services have been provided in restrictive settings, instead of people’s homes and communities. To address this problem, the Centers for Medicare and Medicaid Services announced a new rule to help people get services in integrated settings. The new rule requires states to ensure that individuals receiving services through HCBS programs have full access to the benefits of community living and are able to receive services in truly integrated settings.

What is HCBS Transition Planning?

To comply with the new rule the Utah Department of Health must write a plan that describes how people with disabilities will get the supports they need to stay healthy, live where they want, do work they like, and make decisions about their lives. Because states will not be allowed to use federal money for services that isolate people from the community, the Department of Health must tell us how people are receiving supports now. More importantly, the state must tell us what needs to change so Utahns with disabilities and those who are aging have a real opportunity to be active, productive, and contributing members of their community. The plan must describe in detail how the change will happen so that people don't lose the supports they depend on.

The Department of Health has already published a plan that has been made publically available. The final plan was modified based on public comments and submitted to the Centers to Medicare and Medicaid Services for final approval on March 17, 2015. Even after approval, the State must hold additional comment periods each time there are substantive modification to the plan. We anticipate the state will hold future public comment periods that will allow individuals to provide further input on the state’s plan throughout the coming months. For updates about the state’s planning process you can join the Department of Health’s mailing list for up to date information about the status of the plan. If you would like more information, read our take on the state’s plan and what we think needs to change to make the plan better.

Why is the Disability Law Center involved in the transition process?

The new rule requires states to gather public input throughout the transition process. Specifically, the Centers for Medicare and Medicaid Services has encouraged states to seek input from a variety of stakeholder groups including protection and advocacy systems. As the Protection and Advocacy Agency for the State of Utah, the Disability Law Center is uniquely suited to provide assistance and input into the
transition process. We work to protect the legal rights of people with disabilities. Many of the clients we represent receive services in home and community based settings. As part of this work, our agency has developed a comprehensive understanding of the legal and statutory requirements that apply to home and community services. We believe the transition process is an exciting opportunity to improve the quality of the HCBS service system and promote community integration.

If I am receiving HCBS services how can I be involved?

Because the state can’t write a good plan without your help, we encourage everyone to become actively involved in the planning process. The state needs your input about where you live and work and how things could be better. You can submit your feedback online, by fax or mail by visiting the state’s HCBS transition at health.utah.gov/ltc/hcbstransition/

Where can I learn more?

To read the final rule, fact sheets, webinars, informational bulletins, and toolkits from the Centers for Medicare and Medicaid Services visit Medicaid.gov/hcbs

To view other state transition plans, access national resources, and learn more about the new rules visit hcbsadvocacy.org

Visit our webpage for local resources, fact sheets, and more at http://disabilitylawcenter.org/community-living/