

HCBS SETTINGS FINAL RULE FACT SHEET

WHAT IS THE HCBS SETTINGS FINAL RULE?

On January 16, 2014, the Centers for Medicare and Medicaid Services (CMS) published new rules to give more protections to persons who receive home and community-based services (HCBS).

WHAT DOES THE HCBS SETTINGS FINAL RULE MEAN FOR ME?

When you receive HCBS, you should be living in your own home or a place like your own home without the feeling of being in an institution. You have the choice to live and work where you choose. You also have the right to live with whomever you choose. If you want to work, you can choose to work with others in the community and in places where you can make more money.

If you receive HCBS, it means your day services, employment services and/or residential services provider must follow these new rules after the federal deadline of March 17, 2023. If they do not follow the new rules, Medicaid HCBS will not be able to pay for your services. You will need to find a new service location that is compliant with Final Rule or pay for existing services using other funds.

WHAT DOES THE HCBS SETTINGS FINAL RULE MEAN FOR MY SERVICE PROVIDER?

Your service provider must follow the new rules to help you make life choices such as go where you want, visit with whom you want, live where you want, work where you want and eat what you want and with who you want. Your residential provider cannot tell you to move without following the law.

They must help you have and respect your privacy. They cannot make you do things you do not want or keep you from the things you want without an approved person-centered support plan signed by you.

WHAT CAN I DO TO HELP?

Ask your chosen residential and/or non-residential provider if they follow the HCBS Settings Final Rule and are certified compliant. You can keep yourself aware of the HCBS Settings Final Rule by knowing your rights and choices. If you are not able to go where you want, visit who you want, work where you want, live where you want and more; make sure talk with your service provider, staff, guardian, family, friends, case manager, care coordinator, others, or the State of Kansas. Visit <https://kdads.ks.gov/> to learn more about the HCBS Settings Final Rule.

WHERE DO I GET MORE INFORMATION OR ASK QUESTIONS?

Contact: Kansas Department for Aging and Disability Services - HCBS Compliance Team
Phone: 1-800-432-3535 or 1-785-296-4983 (TTY: 1-711)
Email: kdads.finalrule@ks.gov
Mail: Kansas Department for Aging and Disability Services
Attn: HCBS Programs – HCBS Compliance Team
503 S. Kansas Avenue
Topeka, KS 66603

