CMS HCBS Final Rule: Federal Requirements for HCBS Settings

Federal Requirement #1:
The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.

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Federal Requirement #2:
The setting is selected by the individual from among setting options including non-disability specific settings. The settings options are identified and documented in the person-centered plan and are based on the individual's needs, preferences, and resources.

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Federal Requirement #3:
The setting ensures an individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint.

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Federal Requirement #4:
The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices including but not limited to daily activities, physical environment, and with whom to interact.

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Federal Requirement #5:
The setting facilitates individual choice regarding services and supports, and who provides them.

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Federal Requirement #6:
The setting provides for a legally enforceable agreement between the provider and the consumer that allows the consumer to own, rent, or occupy, the residence and provides protection against eviction.

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Federal Requirement #7:
The setting provides for privacy in units including lockable doors, choice of roommates/housemates, and freedom to furnish and decorate the sleeping or living units within the lease or other agreement.

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Federal Requirement #8:
The setting provides options for individuals to control their own schedules including access to food at any time.

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Federal Requirement #9:
The setting provides individuals the freedom to have visitors at any time.

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Federal Requirement #10:
The setting is physically accessible.

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