

Developmental Disabilities (DD) Section Fact Sheet: Home and Community Based Settings Rule

A 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. CMS is part of the federal government that oversees the federal funding used to pay for waiver services.

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 are subject to policies that require providers to comply with the rule. Your agency's policies must include the requirements and training must be provided to assure staff understands the expectations of the rule.

What Is the Transition Plan?

States were allowed some time to come into compliance. States had to assess and then develop a Transition Plan to describe how its programs meet the rules and how it will fix the areas that do not comply. The Transition Plan describes how the state achieved compliance with the HCBS Settings Rule. North Dakota's Transition Plan was approved February 2019. Click here to view the Transition Plan: <https://www.hhs.nd.gov/sites/www/files/documents/DHS%20Legacy/nd-approved-statewide-transition-plan-ada.pdf>

How do I learn more?

Visit the state website for training materials and other state specific information:

<https://www.hhs.nd.gov/human-services/hcbs>

Visit the Council on Quality and Leadership (CQL) HCBS rule resource website for additional training, resources, and videos: <https://www.c-q-l.org/resources/projects/the-hcbs-act-project/>

For more information contact the Developmental Disabilities Section at 701-328-8930, toll-free 800-755-8529, dhsddreq@nd.gov