
SOUTHWEST MICHIGAN BEHAVIORAL HEALTH

TO: Community Mental Health Service Providers and their Provider Networks

FROM: Rhea Freitag, MA, LPC

SUBJECT: Home and Community Based Services Compliance

DATE: 2/17/2020

This memo is being distributed to highlight some of the requirements of the Home and Community Based Services (HCBS) Final Rule. **It is imperative that HCBS compliance is achieved for contractual compliance.** Individuals impacted by this rule include the following: individuals on the Habilitation Supports Waiver and individuals receiving Community Living Supports, Supported Employment and/or Skill Building. The full scope of HCBS requirements are outlined within the Medicaid Provider Manual, Section 3 as well as the Medicaid Managed Specialty Supports and Services Program contract in the Person-Centered Planning Practice Guideline (P4.4.1.1.) Key portions of the Medicaid Provider Manual and the Person-Centered Planning Practice Guideline which address HCBS are attached to this memo.

Highlights of Home and Community Based Services Requirements:

- House Rules are not allowed
- Bedrooms must have keyed locks
- Bathrooms must have locks (pop locks are allowable). A bathroom does not need a lock if it is within a single occupancy bedroom
- Each individual who resides in a provider owned/operated setting must have a lease or a Resident Care Agreement AND a Summary of Resident Rights
- Individuals are able to have visitors of their choosing at any time
- Individuals have the freedom to furnish and decorate their room
- Individuals must have access to food at anytime
- Individuals have the freedom to control their schedules, activities and resources
- If there is a documented health and safety concern, this must be individually addressed in the person-centered plan.
- In the event that another person in the home has a restriction that impacts an individual's rights or freedoms, documentation must be present for how their rights or freedoms are impacted and restored.

All programs and settings impacted by the HCBS must be in full compliance by **March 17, 2022** in order to continue to receive Medicaid funding.

