APRIL-NASILC Peer to Peer Interactive Workshop for CILs & SILCs

How Does the HCBS Final Settings Rule Apply to Your State IL Network?

Tuesday – January 31, 2023
WELCOME & PRESENTER INTRODUCTIONS
Review: The HCBS Settings Rule

• What is the HCBS Settings Rule?
  • Federal Rule (42 CFR Parts 430, 431, 435, 436, 440, 441 and 447) issued January 2014
    
    **PURPOSE** - A Tool for Promoting & Accessing A Life Fully Integrated in the Community
  • Applicable to ALL People with Disabilities of ALL Kinds
  • Applicable to ALL Settings that receive HCBS funding in a state
  • States MUST ensure ALL settings that receive HCBS funding are compliant with the Rule, per their HCBS State Transition Plans by: **March 17, 2023**

• Why is the Rule Needed & Important?
  • States and HCBS funded providers are *still* providing HCBS in settings mimicking institutions violating the autonomy of our peers with disabilities
  • The Rule codifies PROTECTIONS & RIGHTS for our peers with disabilities in HCBS funded settings to expand choice and control over their lives in their homes and communities
The HCBS Settings Rule: Protections & Rights

The Rule requires that individuals who receive services in "residential" and "non-residential" HCBS funded settings have the right to:

- Be integrated in and have full access to life in the greater community
- A choice of services (including self-direction) and providers
- Choose their residential setting and have a lease or legally enforceable agreement in line with federal and state fair housing and landlord/tenant laws (including eviction protections)
- Choose the services they receive during the day and where they receive these services, including settings that are not only for people with disabilities
- Privacy, respect and dignity – particularly in their home / dwelling – including locks on entrance, bedroom and bathroom doors and having guests (of their choosing) at any time day or night
- Freedom from undue influence, coercion or restraint of any kind
The HCBS Settings Rule: Protections & Rights Ctd.

The Rule requires that individuals who receive services in "residential" and "non-residential" HCBS funded settings have the right to:

- Live alone or have roommates (if wanted) and to select these roommates
- Decorate and fill home / dwelling with furnishings and items how they choose
- Control their daily schedule and choice of their daily activities
- Access and prepare food and snacks at any time
- Work in competitive, integrated employment
- Physical accessibility and reasonable accommodations in any of the HCBS settings where they receive services
- Control and manage their personal assets and resources
The HCBS Settings Rule & IL

• How is the HCBS Settings Rule Relevant to IL?
  • Supports IL Philosophy
  • Supports True Choice, Control & Autonomy
  • Supports Authentic Community Living
  • Supports the Work the SILCs / CILs have done for decades

• What the HCBS Settings Rule is NOT?
  • NOT a service
  • NOT applicable to Nursing Homes / Skilled Care Facilities, Intermediate Care Facilities for Folks with I/DD and Mental Health Institutions
Q & A
Advocacy & Services: The HCBS Settings Rule

SILCs
• Systems Advocacy
• Collaboration & Partnership Development

CILs
• Individual Advocacy
• Systems Advocacy
• Diversion Services
• Transition Services
• Other CIL Services (As relevant)
In The Know: The HCBS Settings Rule Resources


3. HCBS Settings Rule State Task Force & Other Groups / Coalitions in Your State

4. Grievances (to Report Violations of the Rule)
   a. Where to find / locate the grievance procedure
   b. Understanding the process to file a grievance
   c. Who to contact in your state to file a grievance
Future Advocacy & Services: The HCBS Settings Rule

*After March 17, 2023 – Now What?*

- **SILCs**
  - SPIL 2025 – 2027
  - Continued Cultivation of State Partnerships & Collaborations
  - Build Strong Relationships / Connections to Relevant State Agency Leadership
  - Attend / Engage in Opportunities for Public Comment on the Rule (Federal & State)
  - Statewide Awareness, Education & Training Events (Virtual or In-Person)

- **CILs**
  - Consumer Engagement & Ongoing Individual / Systems Advocacy
  - Continued Cultivation of Community Partnerships & Collaborations
  - Attend / Engage in Opportunities for Public Comment on the Rule (Federal, State & Local)
  - Community-wide Awareness, Education & Training Events (Virtual or In-Person)
FINAL Q & A