

The Home and Community-Based Services (HCBS) Settings Regulations (previously known as the “Final Rule”) establish requirements for the qualities of settings where individuals live and/or receive Medicaid-reimbursable HCBS services. DBHDS and DMAS are working together to ensure full compliance in Virginia by March 17, 2022. All Providers must be compliant with HCBS settings regulations by this date to continue billing for services.

What are the HCBS settings requirements?

Per federal regulations (42 CFR 441.301), individuals enrolled in HCBS waivers are permitted specific rights. For individuals receiving Medicaid DD waiver services in group home, sponsored residential, supported living and/or group day settings, the setting must:

- Be integrated in and support full access to the greater community
- Ensure an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint
- Optimize, 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
- Facilitate individual choice regarding services and supports, and who provides them

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