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Subject: New Year, New Medicaid HCBS Settings Rule--deadline and toolkit info

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New Year Brings New HCBS Settings Rules ... but NOT immediate changes in services!

As states and stakeholders across the country assess their Medicaid-funded home and community-based settings for compliance with the 2014 regulations, many people with disabilities and their families have asked whether their current services will change immediately, due to the regulation.

In other words, they want to know:

If a state determines that a current HCB setting is not compliant with the new regulation, does it have to stop providing services in that setting immediately?

The answer is NO.

If a state determines that HCBS are currently being provided in settings that do not provide opportunities for participants to seek employment and work in competitive settings, engage in community life, control personal resources, and access the community to the same degree of access as individuals not receiving Medicaid HCBS, or if individuals receiving HCBS are not residing in settings that meet the HCB settings requirements, **the state has until March 2019 to bring its HCBS programs into compliance** with the rule, consistent with its State Transition Plan. States can claim for federal matching funds for these services during the transition period.

For more information about the Medicaid HCBS regulation, including a settings requirements toolkit, please visit: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>

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