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# 1915(i) HCBS Settings Rule Training

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# STOP!

Please proceed to the **ND Department of Human Services (DHS) HCBS Settings Training** located here: [HCBS: Settings \(nd.gov\)](https://www.nd.gov/human-services/hcbs/settings)

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YOU MUST REVIEW WHEN THE ABOVE TRAINING PRIOR TO PROCEEDING TO THE NEXT SLIDE.

# STOP! Did You...

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- Did you listen to the DHS HCBS Settings training?
- Did you take the quiz?
- Did you print off the completion certificate?
- Did you give the certificate to your human resources to place in your employee file?

If yes, please proceed to the remaining slides of this power point.

# Summary of the HCBS Settings Rule

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- ❑ Establishes requirements for the settings that are eligible for reimbursement for 1915(i) Medicaid Home and Community-Based Services.
- ❑ Requires states to ensure the 1915(i) HCBS benefit will be furnished to individuals in their homes and community, not in an institution.
- ❑ Ensures all individuals have personal choice and are integrated in and have full access to their communities including opportunities to engage in community life, work, attend school in integrated environments, and control their own personal resources.

# This Power Point Overview

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Will inform you of the:

- Resources used to verify settings compliance.
- Compliance Verification Process
- Categories of Settings & Compliance Measures Tiers

# Federal Regulation

YOU MAY VIEW THE HOME AND COMMUNITY-BASED  
SETTINGS REQUIREMENTS AT 42 CODE OF FEDERAL  
REGULATIONS (CFR) [441.710\(A\)\(1\)-\(2\)](#)

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# HCBS Settings Assessment Guide

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This guide contains a short and long version of characteristics which are expected to be present in a HCBS setting.

This guides provides suggested questions to use in determining the presence or absence of each requirement in a setting while completing the Initial HCBS Setting Review form or Heightened Scrutiny Visit form during the site visit.

HCBS Setings Assessment Guide is located on the [ND 1915\(i\) Provider Guidance and Policies webpage](#):

# 1915(i) HCBS Resources

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View the *1915(i) HCBS Settings Requirements*, *Initial 1915(i) HCBS Setting Review*, and *HCBS 1915(i) Heightened Scrutiny Visit Form* on the [1915\(i\) Provider Guidance and Policies](#) webpage.

# Additional Training Resources

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[The CMS Home & Community Based Settings Requirements Compliance Toolkit.](#)

[CMS Training Resources here: Home & Community Based Services Training Series](#)

[The Council on Quality and Leadership \(CQL\) Toolkit for States](#)

This toolkit provides detailed support using CQL tools and data elements to comply with CMS HCBS Settings Requirements.

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# Compliance Verification Process

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# Key Points

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- The Person-Centered Planning Process & Self-Assessment must be completed for all 1915(i) individuals regardless of where they reside or where they receive services. The Care Coordinator verifies initial HCBS Settings Rule Compliance prior to the submission of the Care Coordination Plan of Care.
- No further Compliance Measures are required unless the individual will be receiving 1915(i) funded services within the setting they reside.
- At any point it is known the individual will be receiving 1915(i) services within the setting they reside, then the completion of a site visit and Initial 1915(i) HCBS Settings Review form and if needed for remediation purposes the HCBS 1915(i) Heightened Scrutiny Visit Form and process.
- Correction is required at any point settings non-compliance is identified.

# Ongoing Verification of HCBS Settings Rule Compliance

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The Care Coordinator verifies ongoing HCBS Settings Compliance throughout the individual's participation in the 1915(i). This includes at least quarterly face-to-face meetings with the individual to:

- Assess and monitor the physical environment of the client's residence where 1915(i) settings are provided.
- Review if applicable settings modifications are still appropriate and necessary, and make necessary changes to POC
- Remediate non-compliance issues
- Complete a minimum of one annual Self-Assessment

# Heightened Scrutiny Process

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The care coordinator will:

- Utilize the 1915(i) Heightened Scrutiny form to evaluate all regulations and identify any institutional characteristics.
- Use provider policy review, observation and discussion with individuals, guardians, and provider staff as needed.
- Collaborate with the provider to identify any areas of noncompliance, remediation efforts, and timelines for completion.

See the 1915(i) HCBS Settings Requirements for additional information.

# HCBS Settings Rule Remediation

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If settings non-compliance is discovered, the care coordinator will initiate the appropriate settings verification process to determine if remediation is possible.

If remediation of the setting is a possibility, the care coordinator will initiate remediation using the person-centered plan of care process.

If the setting cannot be remedied, the care coordinator issues a 30-day advance written notice to the individual informing them they are not able to receive 1915(i) services in that setting and must relocate to a compliant setting within 30 days if they wish to continue to receive 1915(i) services in their place of residence. The care coordinator will provide assistance to the individual with finding other HCBS settings options that comply with the rule.

# HCBS Settings Compliance Impact on Provider Reimbursement

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Required HCBS settings compliance measures must be completed, and verification of compliance documented in the POC by the care coordinator.

Providers can't be reimbursed for 1915(i) services provided to an individual in a non-compliant HCBS Setting.

THIS CONCLUDES THE TRAINING

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