

Information about new federal Home and Community Based Services (HCBS) rule

Disability Services in Minnesota today: Control, dreams, choice, opportunities and support

For many years, it was common for people with disabilities to live their lives separate from their families and friends. The few services that were available were mostly provided in institutions. In the 1980s, Minnesota created services to help people leave those institutions. In 2001, the last Minnesotans with disabilities living in state-run institutions moved out.

Today, most people with disabilities grow up in their family homes, go to school in their own neighborhoods and have many of the same hopes and dreams as their friends who don't have disabilities. Yet, the service system hasn't always offered the individualized options or flexibility that would allow those dreams to be realized.

Today, the focus of Minnesota's disability service system is on **one person at a time**. People want to make informed choices that add to their quality of life and meet their needs to stay healthy, safe and well. The supports and services a person gets should reflect this balance.

What is the Home and Community Based Services rule?

The Home and Community Based Services (HCBS) rule is a federal rule that further supports people's rights to make informed choices and decide what is important both *to* them and *for* them. It supports the same values as other recent initiatives in Minnesota, including:

Minnesota's Olmstead Plan, which promotes:

- *Employment First*
- *Planning protocols for the person to make decisions about supports for community living*
- *Opportunities for community-engagement and self-determination*

Positive Supports Rule, which focuses on the use of positive behavior supports and prohibits use of restraints and seclusions

MnCHOICES, which is a way to learn from and plan with a person through an assessment and support-planning process.

Disability Waiver Rate System and Minnesota Statutes, chapter 245D, licensure, which ensure a consistent statewide disability waiver rate system and centralized provider oversight.

Minnesota has developed a **statewide transition plan** to make changes that are needed to meet the requirements of the federal HCBS rule. The statewide transition plan is the way Minnesota proposes to put the HCBS rule into effect and improve the quality of people's lives and services.

Why am I receiving this information?

You are receiving this information because the Department of Human Services (DHS) wants all stakeholders, including people receiving services, lead agencies, case managers and advocates to:

- **Know** that the HCBS rule applies to people receiving all waiver services, including Brain Injury (BI), Community Alternative Care (CAC), Community Access for Disability Inclusion (CADI), Developmental Disabilities (DD) and Elderly Waiver (EW)/Alternative Care (AC)
- **Share** information about the Home and Community Based Services (HCBS) rule with people you know who might be affected by the new rule
- **Tell** people who receive services that there is a comment period for the HCBS statewide transition plan. We want to hear from people who receive services. The comment period is open until Nov. 3, 2016.

The principles of person-centeredness are the foundation of the HCBS rule

The rule promotes people having:

- Control over choices that affect their lives
- Dreams
- Choices and the ability to explore options
- Opportunities to participate in and access to the community through work and activities of interest
- Support to ensure these rights.

The rule means people with disabilities can and should:

- Decide what is important to them
- Decide what services to receive
- Choose their providers and where to receive services
- Choose their dreams and be able to tell people on their team about their dreams
- Be in charge of their own meetings, choices and their life
- Know that their ideas are important and that there is value in talking about their likes and wants
- Choose how to live, learn, work and play, and seek competitive employment and work in integrated settings
- Increase their independence
- Thrive in the community
- Receive desired support to ensure their rights

We want to hear from the people using HCBS services about how their services could better encourage community participation, increased choice about how to spend time, increased independence and recognition of individual rights.

How can you provide input on the HCBS rule?

DHS would like people receiving services and their family members to provide input on the statewide transition plan. To comment on the plan, email hcbs.settings@state.mn.us.

The statewide transition plan is available for public comment through Nov. 3, 2016. You may read the [transition plan \(PDF\)](#) online, or request a copy by phone at (651) 431-4300 or (866) 267-7655. To request a copy in writing, send your request to:

ATTN: HCBS Statewide Transition Plan
Minnesota Department of Human Services

Disability Services Division
P.O. Box 64967
St. Paul, MN 55164-0967

What if the people have questions about the rule or comments about their services?

People receiving services can:

- Email DHS at hcbs.settings@state.mn.us.
- Call the Disability Linkage Line at (866) 333-2466
- Bring their questions or comments about services to a trusted person, such as their case manager, an advocacy organization or provider for assistance in getting it to the Department of Human Services

How can I learn more?

To learn more about the HCBS Rule please visit <http://mn.gov/dhs/hcbs> and see the [Revised HCBS Final Rule Statewide Transition Plan](#)

What will I find in the Revised Transition Plan?

A statewide transition plan is a document that outlines how Minnesota proposes to meet federal requirements and improve the quality of services through implementation of the the HCBS settings rule. CMS requires the transition plan to include three main components:

- **Background**
 - Home and Community-Based Services Rule (pages 4-6)
 - Minnesota's approach moving forward (page 7)
- **Public Engagement:** Communication Strategies (pages 7-9)
- **Site Specific Assessment and Remediation**
 - Initial assessment of setting compliance (pages 21- 24)
 - Tiered standards for disability waivers: Higher standards for new service settings (pages 24-33)
- **Presumed not to be HCBS**
 - Prong 3: Identifying settings that may of the effect of isolating (pages 34-36)
 - Assessing settings that are presumed not to be HCBS (page 36)
- **Relocation Protocol** (pages 36-37)

See the table of contents in the [Revised HCBS Final Rule Statewide Transition Plan](#) for specific content and proposals.