

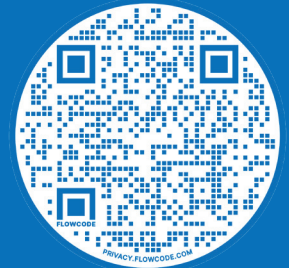
# DOES YOUR FACILITY MEET THE REGULATORY REQUIREMENTS FOR HOME AND COMMUNITY-BASED SETTINGS?

## THE FOLLOWING CHARACTERISTICS ARE EXPECTED TO BE PRESENT IN ALL HOME AND COMMUNITY-BASED SETTINGS:

For 1915(c) home and community-based waivers and, for 1915(i) State plan home and community-based services, HCBS must have all the following qualities defined at §441.301(c)(4) and §441.710 respectively.

Individuals should...

- Select the setting
- Participate in unscheduled and scheduled community activities
- Be employed or active in the community outside of the setting
- Have their own bedroom or shares a room with a roommate of choice
- Choose and control their schedule in accordance with a person-centered plan
- Control their personal resources
- Choose when and what to eat
- Choose who they eat with or to eat alone
- Have choices incorporated into the services and supports received
- Choose from whom they receive services and supports
- Have access to make private calls/texts/emails at their preference and convenience
- Be free from coercion and restraint
- Have an active role in their person-centered plan (or a person chosen by them)
- Not be isolated from the broader community
- Not be limited in choices due to state laws, regulations, licensing requirements, or facility protocols
- Have unrestricted access in the setting
- Have a physical environment that meets their needs
- Have full access to the community
- Have the right to dignity and their privacy respected
- Dressed in their preference of clothes appropriate to the time of day and weather
- Be communicated to by staff in a dignified manner



Scan the code to see a full list of regulatory requirements or visit: [ar.gov/hcbs-reg-requirements](https://ar.gov/hcbs-reg-requirements)

Characteristics that are expected to be present in all provider owned or controlled home and community-based settings:

- Modifications of the setting requirements for an individual are supported by an assessed need and justified in the person-centered plan
- Individuals have privacy in their sleeping space and toileting facility
- The individual has privacy in their living space
- The individual has comfortable places for private visits with family and friends
- Individuals furnish and decorate their sleeping and/or living units in the way that suits them
- There is a legally enforceable agreement for the unit or dwelling where the individual resides
- Individuals are protected from eviction and afforded appeal rights in the same manner as all persons in the State who are not receiving Medicaid HCBS

## SETTINGS THAT ARE PRESUMED TO HAVE THE QUALITIES OF AN INSTITUTION:

For 1915(c) home and community-based waivers, section 441.301(c)(5)(v) specifies that the following settings are presumed to have the qualities of an institution:

- Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment
- Any setting located in a building on the grounds of, or immediately adjacent to, a public institution
- Any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS

For 1915(i) State plan home and community-based services, section 441.710(a)(2)(v) specifies that the following settings are presumed to have the qualities of an institution:

- Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment
- Any setting located in a building on the grounds of, or immediately adjacent to, a public institution
- Any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS