

## HCBS Settings Rule: Privacy and Dignity

### What is Privacy and Dignity?

Privacy and dignity are critical components of the Home and Community-Based Services (HCBS) Settings Rule. These principles ensure that individuals receiving Medicaid-funded HCBS are treated with respect and have control over their personal privacy, especially in residential settings. Protecting privacy and dignity is essential for fostering independence and promoting a high quality of life.



### Key Requirements for Privacy and Dignity:

#### 1. Private Living Spaces:

- Individuals must have the option to live in settings with lockable doors.
- Individuals have the right to furnish and decorate their living spaces as they choose.

#### 2. Personal Privacy:

- Individuals must have access to private areas for personal activities, such as making/ receiving private calls, text messages, emails or meeting with visitors.
- Privacy must be ensured in personal care activities, such as bathing and dressing.
- Personal information, including medical and financial records, must be kept confidential and only shared with consent.

#### 3. Freedom of Choice:

- Individuals must have the freedom to decide how they use their living spaces and with whom they share those spaces.
- Shared residential settings must allow individuals to choose their roommates.
- Individuals should have control over their daily schedules, including when they want to eat, sleep, or have visitors.

#### 4. Staff Conduct:

- Staff must respect the personal boundaries of individuals and provide care in a manner that upholds their dignity.
- Unauthorized access to personal spaces or belongings is strictly prohibited.

## Provider Responsibilities:

### 1. Policy Development:

- Develop and implement policies that protect the privacy and dignity of individuals in all service settings.

### 2. Quality Assurance and Performance Improvement:

- Set Quality measures, set specific goals, identify priorities.
- Develop Action Plans to address areas needing improvement, including specific steps and timelines.
- Conduct performance evaluations for maintaining high standards of care and ensuring continuous improvement

### 3. Staff Training:

- Train staff on respecting individuals' privacy and ensuring personal care is provided with dignity.
- Conduct regular refresher training to reinforce best practices.

### 4. Environmental Adjustments:

- Ensure residential settings are equipped with lockable doors and private spaces.
- Address any environmental deficiencies that may compromise privacy.

### 5. Monitoring and Feedback:

- Conduct regular assessments to identify and address privacy concerns.
- Establish a feedback mechanism for individuals to report violations of their privacy or dignity.



### Examples of compliant practices:

- Installing locks on bedroom and bathroom doors in residential settings, with keys available only to the individual and authorized personnel.
- Allowing individuals to furnish their rooms with personal items, such as photos, furniture, and decorations.
- Providing private spaces for individuals to meet with visitors or make personal phone calls.
- Ensuring staff knock and receive permission before entering an individual's personal space.

### Benefits of supporting privacy and dignity:

- Promotes trust and respect between individuals and service providers.
- Enhances individuals' sense of independence and control over their environment.
- Improves overall satisfaction with services and quality of life.
- Aligns service delivery with federal and state requirements.

## Monitoring and Compliance:

### 1. Site Visits and Audits:

- DCH will conduct regular site visits to ensure compliance with privacy and dignity requirements.

### 2. Documentation Reviews:

- Providers must document policies and procedures that uphold privacy and dignity and submit them for review during audits.
- Providers must keep records of provided trainings, Competency assessments, and copies of training certificates or proof of completion for each staff member.

### 3. Corrective Action Plans:

- DCH may require corrective action plans (CAPs) to be developed and implemented by providers to address any deficiencies.

## DCH Support for Providers:

### 1. Training and Resources:

- DCH provides training programs and materials focused on protecting privacy and upholding dignity in HCBS settings.
- Resources include templates for privacy policies and checklists for compliance monitoring.

### 2. Technical Assistance:

- Providers can access one-on-one support to address challenges in meeting privacy and dignity standards.

### 3. Stakeholder Collaboration:

- Engage with individuals, families, and advocacy groups to ensure services reflect individuals' privacy preferences.

## Resources for Providers:

- **CMS Privacy and Dignity Guidelines:** <https://www.medicaid.gov/medicaid/home-community-based-services/home-community-based-services-guidance/index.html>
- **DCH Provider Training and Support:** [www.dch.georgia.gov](http://www.dch.georgia.gov)
- **Provider Training Materials:** [HCBS State Transition Plan Provider Guidance manual](#)
- **Contact Information:**
  - Email: [hcbstransition@dch.ga.gov](mailto:hcbstransition@dch.ga.gov)