

HCBS Settings Rule: Provider-Owned or Controlled Residential Settings

What is Provider-Owned or Controlled Residential Settings?

Provider-owned or controlled residential settings are living environments where the provider owns, leases, or has direct or indirect control over the living arrangement. Under the Home and Community-Based Services (HCBS) Settings Rule, these settings must meet specific criteria to ensure individuals have autonomy, privacy, and meaningful control over their living arrangements.



Key Requirements for Provider-Owned or Controlled Residential Settings:

1. Roommate Choice:

- Individuals must have the option to choose their roommates in shared living arrangements.
- Providers must document and respect individuals' preferences.

2. Privacy Standards:

- Bedrooms and bathrooms must have lockable doors, with keys available only to the individual and authorized staff.
- Individuals must have the ability to furnish and decorate their living spaces as they choose.

3. Access to Personal Resources:

- Individuals must have unrestricted access to food at any time.
- Personal resources, such as storage for belongings, must be accessible without staff intervention.

4. Control Over Daily Activities:

- Individuals must have the freedom to control their daily schedules, including when they eat, sleep, and participate in activities.
- Providers must avoid regimentation or practices that limit personal choice.

5. Support for Independence:

- Settings must encourage independence and provide support that enhances the individual's ability to manage their own lives.
- Facilitate opportunities to participate in community activities, build social connections, and access community resources.
- Offer training and opportunities for individuals to develop daily living skills, such as cooking, budgeting, and personal care.

Provider Responsibilities:

1. Policy Development:

- Create and implement policies that align with HCBS requirements for residential settings.
- Ensure policies promote individual choice, privacy, and independence.

2. Staff Training:

- Train staff on respecting individual autonomy, privacy, and preferences in residential settings.
- Provide ongoing training to reinforce best practices and address compliance issues.

3. Documentation and Monitoring:

- Document individual preferences in person-centered service plans.
- Conduct regular monitoring to ensure compliance with HCBS Settings Rule requirements.

4. Remediation:

- Address any deficiencies in residential settings through corrective action plans (CAPs).
- Engage with individuals and families to identify and resolve issues promptly.



Examples of compliant practices:

- Allowing individuals to choose their roommates and facilitating roommate changes if conflicts arise.
- Installing locks on bedroom and bathroom doors, with keys provided to individuals and trusted staff.
- Ensuring individuals have access to a kitchen or pantry to prepare meals at any time.
- Supporting individuals in setting their own schedules and choosing activities that align with their interests.

Benefits of compliant residential settings:

- Promotes independence and self-determination.
- Enhances quality of life by fostering a sense of control and personal space.
- Builds trust between individuals and providers through respect for privacy and preferences.

Monitoring and Compliance:

1. Site Visits and Audits:

- DCH conducts regular site visits to assess compliance with HCBS residential requirements.

2. Documentation Reviews:

- Service plans and policies are reviewed to ensure they reflect individual preferences and comply with federal standards.

3. Corrective Actions:

- 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 offers training on HCBS residential requirements, including roommate selection, privacy standards, and daily activity control.
- Templates and tools are available to assist providers in meeting compliance requirements.

2. Technical Assistance:

- One-on-one support is available to providers facing challenges in implementing residential standards.

3. Stakeholder Collaboration:

- DCH engages with individuals, families, and advocacy groups to ensure residential settings meet the individual's expectations and needs.

Resources for Providers:

- **CMS Guidelines on Provider-Owned Residential Settings:** <https://www.medicare.gov/medicare/home-community-based-services/home-community-based-services-guidance/index.html>
- **DCH Compliance and Support:** www.dch.georgia.gov
- **Provider Training Materials:** [HCBS State Transition Plan Provider Guidance manual](#)
- **Contact Information:**
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