



HCBS Home Community-Based Services Provider Compliance

Home and Community-Based Services (HCBS) Compliance is crucial for providers to receive funding from My Choice Wisconsin by Molina Healthcare (MCW). Please read the following information in its entirety to ensure your facilities are up-to-date and compliant.

HCBS Compliance Assessments

Effective April 1, 2025, MCW Care Teams have begun assessing for HCBS compliance during their visits to members.

As part of these assessments, Care Teams are verifying that members' rights to HCBS are being respected and ensuring there are no limitations to these rights (commonly referred to as "modifications"). Specifically, they will be assessing modifications that are already in use or are needed, related to the following rights:

- (1) Privacy in the member's sleeping or living unit.
- (2) The facility entrance door and the member's living or sleeping unit door must lock, with only appropriate staff having a key.
- (3) Choice of roommate if the member shares a bedroom.
- (4) Freedom to furnish and decorate the member's sleeping or living unit how they choose.
- (5) The member has control over their own schedule and activities, including always having access to food.
- (6) The member can have visitors of their choosing at any time.

What are the requirements for HCBS modifications?

- *"Modifications to HCBS requirements"* might be a newer phrase and expectation to some.
- Modifications must be documented in the provider's plan of care/services, as well as the Wisconsin managed care organization (MCO) Member Centered Plan (MCP).
- If a modification is currently in use or identified as being needed, providers are required to notify the member's Care Team promptly of the need for the modification. The Care Team will then complete their assessment, complete the necessary documentation, and obtain informed consent from the member or the legal decision maker, as appropriate.
- **The modification can only be used after the Care Team has approved the modification and the member or their legal decision maker (as appropriate) has provided informed consent.**

Who does HCBS Compliance apply to?

HCBS Compliance applies to:

Residential Service Providers

- 1-2 Bed Adult Family Homes (AFH)
- Community-Based Residential Facilities (CBRF)
- 3-4 Bed AFHs
- Residential Care Apartment Complex (RCAC)
- Children's Level 5 Foster Homes

Nonresidential Service Providers

- Adult Day Services
- Adult Day Care Centers
- Prevocational Settings
- Group Supported Employment Settings
- Children's Day Service Settings

What are resident rights to ensure HCBS compliance?

All residential settings must ensure the specific rights of residents are being met in these settings. Residential settings must meet the following rules to be considered compliant. Only then can they provide services under the following Medicaid waiver programs:

- Family Care
- Family Care Partnership
- IRIS (Include, Respect, I Self-Direct)
- Children's Long Term Support Waiver

An HCBS setting rule compliance determination does not guarantee a contract to provide long-term care services.

Residents have the right to but not limited to:

- **Experience full access to the community.** This includes chances to seek employment and work in integrated settings, take part in community life, control personal resources, and get services in the community. They get access to the community to the same degree as people not getting Medicaid HCBS.



- **Decide where they live.** Options include non-disability-specific locations. Their long-term care person-centered service and support plan provides options based on their needs, preferences, and resources.
- **Be treated with dignity and respect.** They also have the right to privacy and freedom from coercion and restraint.
- **Live with independence.** They are encouraged to make their own choices about life, daily activities, friendships, and the places they visit.
- **Choose services and supports.** They also choose who provides them.
- **Enter into legal agreements** with the provider to own, rent, or occupy a residence. This also protects them from eviction.
- **Have a physically accessible residence.**
- **Privacy of living space.** They have doors that lock and can choose their roommates. They can also choose their furniture and decorate if it doesn't break the rules of the lease or agreement.
- **Control their schedules.** They also have access to food at any time.
- **Visitors of their choice,** at any time.

Learn more about HCBS

For more information regarding HCBS Settings Rules, please reference the following resources:

- DHS Resource: [Home and Community-Based Services \(HCBS\) Settings Rule | Wisconsin Department of Health Services](#)
- Medicaid.gov Resource: [Home & Community Based Services Final Regulation | Medicaid](#)
- Certified Direct Care Professional (CDCP) through DHS/UW Breen Bay has free training with contains a module on HCBS as well. [Certified Direct Care Professional \(CDCP\) | Wisconsin Department of Health Services](#) and [WisCaregivers CDCP | Direct Care Professional Certifications](#)

Thank you for your partnership and continued dedication in providing high quality healthcare to our members. If you have any questions about HCBS, please contact us at ProviderQuality@mychoicefamilycare.org.