

HOME AND COMMUNITY-BASED SERVICES (HCBS) SETTINGS RULE BENCHMARKS: GROUP SUPPORTED EMPLOYMENT

The HCBS settings rule was published in 2014 by the Centers for Medicare & Medicaid Services (CMS). The federal requirements define the qualities of settings eligible for reimbursement for Medicaid home and community-based services.

HCBS requirements from the Code of Federal Regulations (C.F.R.) are cited below:

- **42 C.F.R. § 441.301(c)(4):** Home and community-based settings must have all of the following qualities and such other qualities as the Secretary determines to be appropriate, based on the needs of the individual as indicated in their person-centered service plan:
 - **42 C.F.R. § 441.301(c)(4)(i):** The setting is integrated in and supports full access of people receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as people not receiving Medicaid HCBS.
 - **42 C.F.R. § 441.301(c)(4)(ii):** The setting is selected by the individual from among setting options including non-disability specific settings. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs and preferences.
 - **42 C.F.R. § 441.301(c)(4)(iii):** Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.
 - **42 C.F.R. § 441.301(c)(4)(iv):** Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.
 - **42 C.F.R. § 441.301(c)(4)(v):** Facilitates individual choice regarding services and supports, and who provides them.
- **42 C.F.R. § 441.301(c)(5)(v):** Any other locations that have qualities of an institutional setting, as determined by the Secretary. Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public institution, or any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS will be presumed to be a setting that has the qualities of an institution unless the Secretary determines through heightened scrutiny, based on information presented by the State or other parties, that the setting does not have the qualities of an institution and that the setting does have the qualities of home and community-based settings.



1	Group Supported Employment (GSE) sites are in a location where it is convenient for the individual to access the broader community.
2	All aspects of the GSE experience are provided in areas of the community-based employment sites that are fully integrated with people not receiving HCBS to allow the individual to interact with others not paid to provide support.
3	Each community-based GSE site provides work activities that individuals are interested in performing and will assist in skill development.
4	Community-based GSE sites accommodate individual schedules that focus on the needs and desires of individuals and provide opportunities for growth.
5	Community-based GSE sites allow individuals to request time off and call in sick the same as people not receiving HCBS.
6	Community-based GSE sites allow the individuals receiving HCBS the same freedom of movement inside and outside the GSE site as people not receiving HCBS.
7	The community-based GSE provider (not the community-based GSE site) provides transportation to and from employment sites or provides information about additional transportation options.
8	The GSE provider and the community-based GSE sites allow individuals to keep their monetary resources the same as those not receiving HCBS.
9	Each community-based GSE site offers a secure place for the person to store personal belongings.
10	The GSE provider and all staff at the community-based GSE sites interact and communicate with people respectfully and address them in a manner in which they would like to be addressed at all times.
11	The GSE provider and each community-based GSE site has practices, procedures, and policies to ensure all the information about people is kept private and confidential.
12	Each community-based GSE site allows access to food or snacks consistent with access for other people in the same area.
13	Each GSE community-based site is physically accessible to the individual.
14	Each community-based GSE site provides and posts information about individual rights including reasonable accommodations.

15	GSE providers allow individuals to choose if they want to participate in GSE at a specified community-based GSE site.
16	The GSE provider and each community-based GSE site allows perspective individuals receiving HCBS the opportunity to tour the GSE sites prior to making a decision about participation.
17	The GSE provider and each community-based GSE site supports independent decision making.
18	The GSE provider maintains an active role in the training and supervision of individuals receiving HCBS.

Additional Resources for Medicaid Home and Community-Based Services (HCBS)

HCBS Rule and Requirements:

<https://www.dhs.wisconsin.gov/hcbs/nonresidential.htm>

Please contact the HCBS review staff with questions at 608-261-6393 or by email at dhshcbsreview@dhs.wisconsin.gov