

**HOME AND COMMUNITY-BASED SERVICES (HCBS) SETTINGS RULE
 BENCHMARKS: HEIGHTENED SCRUTINY FOR NONRESIDENTIAL PROVIDERS AND 1-2 BED ADULT FAMILY HOMES**

Providers requiring heightened scrutiny review must meet all benchmarks for their provider type in addition to the heightened scrutiny specific benchmarks listed below.

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.

<p>42 C.F.R. § 441.301(c)(5)(v): Any other locations that have qualities of an institutional setting, as determined by the Secretary. [Prong 1] Any setting that is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, or [Prong 2] in a building on the grounds of, or immediately adjacent to, a public institution, or [Prong 3] 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.</p>	
1.	The HCBS setting demonstrates a meaningful physical distinction between the HCBS setting and the institutional setting, including separate entrances and signage.
2.	The HCBS setting is selected by the individual from setting options including non-disability options. The setting options are documented in the long-term care service and support plan and are based on individual needs and preferences.
3.	All staff working in the HCBS setting receive initial and ongoing training on the HCBS Settings Rule’s requirements, practices, and principles.
4.	<p>If institution staff are assigned to support HCBS staff or provide services to people in the HCBS setting, they must meet the same qualifications and training requirements as HCBS staff.</p> <p>In Nonresidential settings, this includes training that matches setting-specific benchmark requirements found at: HCBS Settings Rule: Compliance for Nonresidential Services Providers Wisconsin Department of Health Services</p> <p>In a 1-2 Bed AFH, the training must comply with Article VI.A.8 of the Wisconsin Medicaid Standards for Certified 1-2 Bed Adult Family Homes</p>
5.	Setting has policies and practices in place to ensure that staff in HCBS setting are not pulled to work in the institution unless an equally qualified staff person is available to replace them, with no gap in coverage in the HCBS setting.

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

HCBS Rule and Requirements for Nonresidential Providers

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

HCBS Rule Benchmarks: Adult Day Service Settings

<https://www.dhs.wisconsin.gov/publications/p03481.pdf>

HCBS Rule Benchmarks: Children's Long Term Day Service Settings

<https://www.dhs.wisconsin.gov/publications/p03481a.pdf>

HCBS Rule Benchmarks: Prevocational Settings

<https://www.dhs.wisconsin.gov/publications/p03481b.pdf>

HCBS Rule and Requirements for Residential Providers:

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

HCBS Rule Benchmarks: 1-2 Bed Adult Family Homes

<https://www.dhs.wisconsin.gov/publications/p02060.pdf>