



Life with the Power of Choice and Possibilities

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Dear Prospective Vendor,

The Home and Community Based Services Final Settings Rule was formally implemented on March 17th, 2023. These rules set a standard for the quality of services for individuals served by the regional center system and set requirements for their rights to be respected and their choices given the highest priority. You can review information about the regulations at <https://www.dds.ca.gov/initiatives/cms-hcbs-regulations/>. There are many helpful trainings regarding the regulations and their implementation that you can watch at <https://www.dds.ca.gov/initiatives/cms-hcbs-regulations/training-information/>.

Additional documentation is now required for program designs to comply with these regulations. Those requirements have not been updated to the current draft of the program design template that you are working with. Please add the following documents to the sections listed below.

1. Change Throughout PD

Please change the term “consumer” to **resident** or **individual served**. During the period in recent history where “consumer” became the preferred term, it was suggested to indicate to the general public that individuals with developmental disabilities were a part of the economy too. With further advocacy efforts it has become understood that the term consumer sets the individuals we serve apart from others, as those without developmental disabilities are rarely referred to in that context outside of Economics articles. In the context of the services you are providing, “resident” would be most appropriate as that term would apply to anyone that happens to be renting or owns a home. Please replace “consumer” throughout your Program Design. Most word processing programs have a “find and replace” function that should make this a quicker process.

2. Tab VI

Consumer’s Rights training, include the regulation number for HCBS Final Settings Rule:
42CFR 441.301(C)(4)(5)

3. Tab 5 Documents

House Rules:

- Think of house rules as a living document, one that is reviewed with residents regularly and adjusted based on their feedback.
- What rules do the residents want that will help them live together as roommates?
- It could also be a “House Values” document instead, there’s no rule to have House Rules.
- Turn rules into a rights-based document for staff and residents that ensures everyone respects each other’s rights and that staff protect the HCBS rights of residents.
- Be wary of authoritarian language, it usually isn’t person-centered or HCBS compliant.
- Don’t restrict access to common areas of the home.
- Don’t restrict where or when or what someone can eat.
- Don’t limit visiting hours, who can visit, or areas of the home where individuals can visit privately with their guests.

- You can request a couple of days' notice for overnight guests to ensure adequate staffing.
- You can also require that guests follow house rules and not infringe on the rights of other residents.

Menu's

- Find out from your residents' feedback what things they would like on the menu. Your resident council meetings are a great time to do this. It also may come up in casual conversation. Be sure to document how you know what will go on the menu. This may in part be observations, especially when working with non-verbal clients, be sure to document those observations in consumer daily progress notes.
- While you are required to have posted mealtimes and should have meals ready then, HCBS requires you to build in flexibility. Be willing to save meals for later or have them ready at a different time. Make sure substitutions people like are available.
- The kitchen and food should be accessible 24 hours a day. People may need assistance or supervision to access the kitchen safely. Short waits to ensure staffing are acceptable.
- Be sure to note on your menu's and in your **nutrition section** of your PD that access to food is at all times, mealtimes are flexible and substitutions available.

4. Tab H – Supervision

Visitor's Policy – VMRC is now requiring as part of HCBS compliance a formal visitors policy that will be included as a stand-alone document under the Supervision tab. This policy should be provided to residents at move in and discussed during resident council meetings at least annually, ideally when you are conducting rights-based training. The following guidelines should be used when drafting the visitor's policy:

- Must be in alignment with most recent PIN from CCL
- Cannot restrict visiting hours including overnight guests
- Cannot restrict where in the home residents chose to visit with their guests
- Cannot restrict who the resident wants to visit with
- May request reasonable amount notice (couple days) for overnight guests to ensure adequate staffing and rights of all residents in the home
- May include a stipulation that guests must follow house rules and not infringe upon the rights of residents

5. Tab M – Clients Rights

Privacy Policy – VMRC is now requiring a formal Privacy Policy as part of HCBS compliance. Please use the guidelines below to draft your formal Privacy Policy and include it with your Tab M documents. This document should be provided to residents at move in, discussed annually during resident council meetings, and your staff should be trained on it.

Privacy Policy

- The policy should cover locks on bedroom/bathroom doors and circumstances where staff are allowed to enter without permission of the resident, typically this would be related to health and safety.
- It should also cover privacy while entertaining guests, residents can visit privately unless a court order stipulates otherwise. They can visit in their rooms or common areas of the home.
- If there are shared rooms the privacy policy should stipulate the assistance of staff to mediate between roommates who want to use the room privately to visit or have overnight guests.
- The policy should also cover communications, phone, mail and email.
- Privacy while distributing medication and discussing private information should be covered.

Thank you so much for all of your hard work towards the completion of your residential project.
I look forward to reviewing your program design.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Sims', with a stylized flourish at the end.

Anna Sims
HCBS Program Evaluator
Valley Mountain Regional Center