

## Background

The Centers for Medicare and Medicaid Services requires Home and Community-Based Services follow certain rules. States must follow and enforce these rules to maintain federal funding. These rules are known as the HCBS Setting rules.

You can read more about these rules:

- [HCBS Settings Rules](#)
- [Home and Community Based-Settings - Washington Administrative Code](#)



## For more information about Home and Community-Based Services

Visit our website:

<https://www.dshs.wa.gov/dda/developmental-disabilities-administration-services-programs>



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# Home and Community-Based Services Settings Rules

## *Rules Your Provider Must Follow*



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# If you receive Home and Community-Based Services, your service providers must follow these rules.

## Your service providers must provide you with...

- Privacy.
- Dignity and respect.
- Freedom from being bullied or threatened into doing something you don't want to do.
- Freedom from being restrained by physical force or with medication.

## DDA and your service providers must ask for input from you about...

- When and where to have your planning meetings.
- Your personal goals.
- Your services and who provides them.

## Your service provider needs to understand that you make all decisions about your life, including...

- How you schedule your day.
- How you decorate your space.
- What activities you choose to participate in.
- How you spend your money.
- If you want to work.
- How you spend your time, and the people you share it with.

## If you receive services from a residential provider:

### You also have a right to...

- Live in a home you choose and can afford, from available options.
- A signed lease, rental agreement, admission agreement or similar contract compliant with Washington state and local landlord tenant laws and requirements.
- A physically accessible home.
- A key to your home.
- Privacy in your bedroom and bathroom, including having locking doors.
- Decorate your space as you would like and to display your personal items.
- A place to have visitors and friends in your home.
- Have visitors when you want.
- Have a say in choosing the staff who work with you.
- Have a say in who you live with.
- Plan your daily schedule, including when you wake up and go to bed.
- Choose what and when you eat.
- Choose where you go in the community and how long you are there.
- Get information and support to access recreation, education, and employment opportunities in your community.

## If your service provider or anyone else wants to restrict/modify any of these rights due to concerns about your health or safety, they can only do that as a last resort, IF it's included in your person-centered service plan, AND you agree.

If you agree to restrictions, your person-centered service plan must include:

- A description of the specific assessed need.
- A description of what has been tried before.
- Attempts to meet your need that did not work out.
- Ways to measure if the restriction has reduced the health and safety concern.
- How often the plan will be reviewed to see if the restrictions are still needed.
- A monitoring plan to ensure that interventions and supports are not causing you harm.
- Your written consent.

## You have the right to refuse a restriction/plan modification. Your provider must not begin or continue a restriction if you do not agree. To ensure your voice is heard, you can take certain steps.

- 1) Let your case resource manager know. You can visit their office, make a phone call or send an email. Your case manager must respond to you within two business days to help address the concern. If you don't know who your case resource manager is, you can look online at [www.dshs.wa.gov/dda/find-dda-office](http://www.dshs.wa.gov/dda/find-dda-office).
- 2) You can ask a question or file a complaint online at [www.dshs.wa.gov/dda/how-file-complaint-dda](http://www.dshs.wa.gov/dda/how-file-complaint-dda)

If you have a concern about abandonment, abuse, neglect, exploitation, or financial exploitation, you can call 1-866-END-HARM or 1-866-363-4276

