



Jan. 24, 2023

To: New Mexico Home and Community Based Service (HCBS) Provider

From: New Mexico Centennial Care Managed Care Organizations

Re: HCBS Final Setting Rule

On January 16, 2014, the Centers for Medicare & Medicaid Services (CMS) published a Final Rule which addresses several sections of the Social Security Act and makes changes to the 1915(c) Home and Community-Based Services (HCBS) waiver program. The Final Rule was designed to improve available HCBS programs by ensuring the quality of HCBS, providing protections to participants, enabling participants to have the same opportunity to receive services in the most integrated setting appropriate and have full access to community living opportunities.

The main focus of the HCBS Final Rule is to ensure that all Home and Community-Based (HCB) settings meet certain qualifications, including:

- Integration in, and supports access 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 individuals not receiving Medicaid HCBS;
- Selection by the individual from among all settings options that are identified and documented in the person-centered service plan and are based on the individual's needs and preferences;
- Ensure individual rights of privacy, dignity and respect, and freedom from coercion and restraint;
- Optimize autonomy and independence in making life choices; and
- Facilitate choice regarding services and who provides them.

The MCOs will work jointly with HSD to monitor compliance with the HCBS Final Setting Rule on a regular basis and some of the monitoring activities will include the following:

- Care Coordination assessment process;
- Contracting compliance;
- Annual provider training; and
- Annual Attestation and Screening

Need more information or have questions? Please reach out to your representatives listed below from any of the MCOs with whom you are contracted.

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Such services are funded in part with the State of New Mexico

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