



Home and Community Based Services Advocacy Coalition

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HCBS Advocacy Coalition Statement Regarding Further Delay of the Home and Community Based Settings Rule

Today, the Center for Medicare and Medicaid Services (CMS) issued a [State Medicaid Director letter](#) announcing another delay in the timeline for states to fully implement the Home and Community Based Services (HCBS) Settings Rule, extending the deadline by one year to March 2023. This comes after CMS had previously extended the original March 2019 deadline by three years to March 2022. The Settings Rule is critical to providing basic protections for people with disabilities and aging adults who receive Medicaid-funded HCBS and ensuring that everyone receiving HCBS can experience the full benefits of community living. The HCBS Advocacy Coalition opposes delaying the March 2022 deadline – still over 20 months away – by another year at this time.

While CMS invokes the COVID-19 pandemic as justification for extending the Settings Rule, we disagree. In fact, the current crisis makes the need for strong implementation of the Rule, and the provision of home and community-based services, even more clear. The COVID-19 pandemic has laid bare the risks of large congregate settings and made the Rule's focus on more individualized supports in smaller and non-disability specific settings more important than ever. It sends the wrong message to delay the Rule, suggesting that implementing the Settings Rule is something that should be set aside while states separately address the pandemic. Instead, states should see the Settings Rule as a critical part of their COVID-19 safety strategy and at the forefront of their reopening efforts. Strengthening HCBS is the best way to keep people with disabilities and older adults safe and out of institutional and other large congregate settings where COVID-19 outbreaks are rampant.

After CMS announced a three-year delay of the HCBS Settings Rule in 2017, the vast majority of states dramatically slowed down or even completely stopped working on implementation. With today's announcement, we urge CMS to take steps to ensure that states continue making progress towards full implementation of the Settings Rule. CMS should work with states on interim deadlines and plans for how they will use the additional time, and states should be required to share this information publicly with people with disabilities, families, and other key stakeholders. CMS also must prioritize providing resources and intensifying technical assistance to states about how they can simultaneously work to protect the safety of HCBS participants during the COVID-19 crisis and move forward on implementing the Rule. Many HCBS providers have changed their service models to adapt to the COVID-19 crisis, with many transitioning from large congregate programs to more individualized supports. CMS' guidance itself recognizes the particular importance of expanding non-disability specific settings in light of the risks associated with congregate settings and COVID-19. CMS and states should support and highlight strategies like these that further both safety and compliance with the Rule.

The HCBS Advocacy Coalition is committed to continuing our work with CMS, the Administration on Community Living, and state disability and aging advocates across the country to ensure that the promise of the HCBS Settings Rule – that people receiving HCBS have full access to the benefits of community living – becomes a reality. We will be closely reviewing the new guidance and issuing further information for stakeholders. CMS' new guidance is available at

<https://www.medicaid.gov/Federal-Policy-Guidance/Downloads/smd20003.pdf>. For more information about the HCBS Settings Rule and to keep updated on implementation across the country, visit our website www.hcbsadvocacy.org.

The HCBS Advocacy Coalition is a partnership of over 20 national disability and aging organizations that support the full inclusion of people with disabilities and older adults into society, including a cross-disability and aging organizations representing families, people with disabilities and older adults who use Medicaid services, Medicaid-funded providers, and disability and aging advocates. We work collaboratively with a range of federal and state policy makers, state and federal agencies, and disability stakeholders to support federal and state policies that provide people with disabilities of all ages opportunities to live, work and fully participate in the broader community. The HCBS Advocacy Coalition is focused on implementation of the of the Medicaid rule governing HCBS settings to ensure its successful implementation consistent with the spirit and intent of these requirements. We also assist stakeholders in every state in understanding the Rule, and achieving systems change that results in truly integrated settings and services that promote a life in the community. For more information about the coalition, our members and resources we provide to stakeholders about the Rule, see www.hcbsadvocacy.org or contact hcbsadvocacy@gmail.com. For more information about today's statement, contact Alison Barkoff at abarkoff@cpr-us.org.