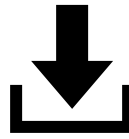


The Download



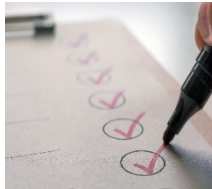
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Guidance on the HCBS Settings Rule

HCBS Compliance With Progress Notes

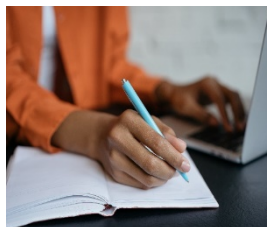
Compliance with the HCBS Settings Rule should be evident in the individual's progress notes indicating a clear "snapshot" of the individual's day. The documentation should answer the How, When, Where, What, and with Who questions related to daily activities. To meet HCBS Settings Rule regulations, documentation should also include:

- ✓ The options given and how the options were communicated
- ✓ The choices made by the individual
- ✓ Where did they go?
- ✓ Who did they interact with?
- ✓ Who did they go with?
- ✓ What did they do?
- ✓ What did they like and not like?
- ✓ The types of support provided and how the individual responded
- ✓ Any follow-up needed?



Common Remediation Areas Concerning Progress Notes:

- Notes do not indicate choice throughout the day
- Notes do not show true community engagement
 - Individuals do not interact with community members
 - A (restaurant) drive-thru is referred to as a community activity
 - All activities are group activities/not individualized for the person
- Notes contain non-person-centered language
 - words are controlling, disrespectful
 - Notes use disability labels - not accepted language.
- Notes include the same information each day or are copied from a previous day
- Notes do not support autonomy – individuals should determine how their day is scheduled, not staff



**** These are HCBS settings rule best practices.**
It is important to also be aware of DMAS and
Licensing regulations concerning documentation. **



DO'S & DON'TS OF PROGRESS NOTES



DO

- ✓ Use unique, individualized, person-centered notes
- ✓ Ensure notes are signed and dated by staff who delivered the service
- ✓ Include choices and preferences and honor those
- ✓ Use everyday language
- ✓ Use objective language – write what you see & hear
- ✓ Document true community engagement
- ✓ Track outcome achievement



DON'T

- ☒ Copy and paste notes
- ☒ Document personal opinions or assumptions
- ☒ Use outdated language & terminology
- ☒ Restrict autonomy, choice & control
- ☒ Write the same thing every day
- ☒ Only document staff's actions
- ☒ Include information on others



What's Next For HCBS Settings Reviews?

The Home and Community-Based Settings Rule became effective on 3/17/2014. Since 2020, DMAS and DBHDS HCBS Review teams have been working hard reviewing the following DD Waiver Settings: Group Homes, Sponsored Residential Homes, Supported Living, Group Day Programs, and Group Supported Employment settings. By 12/31/2025, over 5,000 locations will have been reviewed to ensure compliance with the HCBS Settings Rule and secure federal reimbursement. So, what's next?

After 12/31/2025, Virginia will enter the ongoing monitoring phase of HCBS Settings Rule compliance. Under ongoing monitoring, **ALL 1915 (C, I, & K) settings** where waiver services are provided must maintain compliance. Compliance will be monitored through existing review entities. A random sample of Office of Human Rights reviews (new providers), HSAG Quality Service Reviews (QSR) reviews (areas of HCBS concerns will be followed up by the DBHDS HCBS Review team), and DMAS Quality Management Reviews (QMR), will be conducted by DBHDS & DMAS HCBS Review teams. In addition to the previously mentioned services, review teams will now also assess In-home, Community Engagement, and Community Coaching Services for HCBS Settings Rule compliance.

The reviews will consist of virtual interviews with staff, individuals, and guardians and a virtual tour of the setting. At a minimum, documentation reviewed will include: HCBS policies, HCBS training materials, HCBS staff annual training logs, staff job descriptions, signed HCBS Rights disclosures, ISP reviews, person-centered reviews (PCR's), Behavior plans, progress notes, program rules, leases, key assignment, menu, community activities, and transportation options.

If a location is found to be non-compliant or partially compliant with the HCBS Settings Rule, then the provider will receive a CAP with those areas that need remediation. If the provider fails to meet full compliance, it could result in suspension of billing for services and removal of the provider participation agreement.

***Our goal is to support providers to maintain compliance and ensure individuals have the same rights and freedoms as everyone else.*

We Want to Hear from You!



What topics would you like to see addressed in this newsletter?

Please send topic ideas and any other comments to Amie.brittain@dbhds.virginia.gov.

HCBS RESOURCES



[Home & Community Based Services Guidance & Additional Resources | Medicaid](#)

[HCBS Settings Rule Resources - SARTAC](#)

[REQUIREMENT #1 - ACCESS TO THE COMMUNITY | FOR PEOPLE RECEIVING SERVICES](#)

[REQUIREMENT #2 - CHOICE OF SETTING | FOR PEOPLE RECEIVING SERVICES](#)

[REQUIREMENT #3 - RIGHT TO PRIVACY | FOR PEOPLE RECEIVING SERVICES](#)

[REQUIREMENT #4 - RIGHT TO BE INDEPENDENT | FOR PEOPLE RECEIVING SERVICES](#)

[REQUIREMENT #5 - CHOOSING SERVICES & SUPPORT | FOR PEOPLE RECEIVING SERVICES](#)

[REQUIREMENT #6 - ADMISSION AGREEMENT | FOR PEOPLE RECEIVING SERVICES](#)

HCBS Toolkit <https://www.dmas.virginia.gov/members/benefits-and-services/waivers/home-and-community-based-services-toolkit/>

What do I do if I see a HCBS Settings Rule Violation?

Report it to your local Human Rights Advocate at the link below:

[OHR Contact Information - Virginia Department of Behavioral Health and Developmental Services \(DBHDS\)](#) When in doubt, report it.