

Fact Sheet: “On the Grounds of” or “Adjacent to”

Authority: [42 CFR 441.530\(a\)\(2\)\(v\)](#), [42 CFR 441.710\(a\)\(2\)\(v\)](#) & [42 CFR 441.301\(c\)\(5\)\(v\)](#)

In a Community-Based Setting:

There are new Federal Medicaid rules. These rules are about Home and Community-Based Services (HCBS) and settings. Under the new rules, a setting that is located in the same building as, on the grounds of, or next to a public institution is presumed to be institution-like. Settings that are determined to be institution-like are not HCBS settings.

The Federal language uses “adjacent to.” “Adjacent to” means next to or across the street from.

In Oregon This Means:

Settings that are in the same building as, on the same grounds as, or next to a public institution, such as the Oregon State Hospital:

- May have qualities of an institution.
- May isolate you from the community.
- Will be looked at closely in a process called heightened scrutiny.

Heightened scrutiny is a review of a setting to decide whether the setting is home and community-based.

Examples of places not considered public institutions in these regulations are:

- Libraries
- Schools
- Hospitals (other than the Oregon State Hospital)

The federal rules allow for a transition period for states to fully comply with the new rules. For additional fact sheets or more information regarding the Oregon HCBS Transition plan, please visit the link below.

<http://www.oregon.gov/dhs/seniors-disabilities/HCBS/Pages/Transition-Plan.aspx>