

Non-Residential Services Fact Sheet for Home and Community-Based Services (HCBS) and Settings

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Authority: [42 CFR 441.530\(a\)\(1\)\(i\)](#) and [42 CFR 441.301\(c\)\(4\)\(i\)](#)

In a non-residential setting:

There are new Federal Medicaid rules. These rules are about Home and Community-Based Services (HCBS) and settings. Under these rules, HCBS provided outside of your home are called non-residential services and include employment services. They might also include day services.

The providers of these services must support you in being part of your community so you can enjoy all the benefits of living and working in your community. This is also so your community can benefit from your contribution, skills, and experience. Services cannot be provided apart from your community.

In Oregon this means:

All non-residential services must:

Be integrated in and support the same degree of access to the greater community as individuals not receiving HCBS, including opportunities to:

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- Seek employment and work in competitive integrated employment settings,
- Engage in community life,
- Control personal resources; and
- Receive services in the community.

Employment services must:

Support you to seek and get jobs in the community like everyone else.

Community jobs include working:

- For minimum wage or better.
- For the same pay as your coworkers doing the same type of work.
- In typical integrated community settings (This means working with people with and without disabilities, not including paid staff).

Pre-vocational services offered at a provider facility or site must:

Provide work experience with the general public (not including paid support staff) equal to those not using HCBS.

Day services must:

- Support you to achieve your personal goals and do the things you would like to do throughout the day.
- Day services offered at a provider facility or site must be used to plan and coordinate going out into the broader community.

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For those on Medicaid, Case Managers must:

- Present you options for non-residential services that include non-disability specific settings.
- Document the setting options you explored in your person-centered service plan.
- Offer setting options based on your needs and preferences.

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 [HCBS Transition Plan webpage](#).

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