

HCBS Settings Requirements: Your Rights

1. Full access to the community outside of your home or program, and the ability to control your own personal resources.
2. Choice of where you live or work or other place you spend your time that include people with and without disabilities.
3. Privacy, dignity, respect, and freedom from restraint and being/feeling forced to do something you don't want to do.
4. Support in making choices, like setting your own daily schedule.
5. Choice regarding services and supports, and which staff provide them.

Additional rights for people who live and receive services in a home owned/operated by a service provider:

6. There is a rental/residence agreement in place, and that agreement gives you the same protections as any other person who rents their home.
7. Privacy in your room, including the ability to lock your bedroom door.
8. Control of your own schedule and the ability to have food at any time.
9. The ability to have visitors at any time.
10. Your home is accessible to you.

Home and Community-Based Services (HCBS) Federal Requirements



Health & Safety

Your rights are very important, and so is your safety.

Any change to your rights is called a "modification."

A modification can't happen without you and your planning team agreeing to it, and it can only be done to help keep you or others safe.

Modifications can only be made to certain rights (#6, #7, #8, and #9) and be put in place because there is a specific, assessed need. A modification must be documented by your regional center service coordinator in your Individual Program Plan (IPP).

Remember, a modification can't happen unless you agree to it and a modification that would hurt you is not allowed. You can expect to discuss the modification with your planning team regularly to make sure that it is still helping you.

If you feel that something is not right, talk to your planning team, including your regional center service coordinator, about your concerns.

[Section 4731 of the Lanterman Act](#) provides more information on what to do if you feel that your rights are being violated.

For more information and resources about HCBS (Home and Community-Based Services) and the Final Rule, please visit the Department's HCBS Training & Information webpage at the following link: <https://www.dds.ca.gov/initiatives/cms-hcbs-regulations/training-information/>