



# Fact Sheet: Settings Rule and Access to Food

## Description

Under the new Medicaid rules about Home and Community Based Services (HCBS) and setting, participants have the right to access food at all times.

## Basic Requirements

In a provider-owned, controlled or operated residential setting, a participant must have access to food at all times:

1. If participant misses a regularly scheduled meal the nutritionally equivalent must be made available to them at a time that works for them.
2. Participants have access to safe storage and heating of food e.g., microwave and refrigerator either in their sleeping or common area accessible by them.
3. Participants have personal storage for food and other belongings.
4. Participants can have a meal at the time and place of their choosing including in private and without staff help.
5. Participants can request an alternative meal if desired.
6. The provider has to consider religious preferences, dietary needs and restrictions or limitations outlined in participant's Plan of Care.

## Limits and Restrictions

There may be times when care needs require limitations or restrictions to ensure health, safety and welfare. Limitations or restrictions will not be used without the informed consent of the participant or their legal representative. It's important for the participant to understand why limits or restrictions are imposed, when they will be reviewed for continued relevancy, and how those limits or restrictions reduce the risk of harm.

A limitation or restriction can only be placed on recipient if:

1. There is a documented evidence-based need to protect them from potential harm;
2. All less restrictive interventions have been tried;
3. A process of review has been established to determine a continued need for the limitation or restriction;
4. Documentation in the Plan of Care verifies the need, attempted less restrictive interventions and scheduled reviews to support continuation.

## Contact/Resources

Email [dstdscompliance@alaska.gov](mailto:dstdscompliance@alaska.gov) or go to the [Alaska HCBS Settings website](#).