



## Fact Sheet: Settings Rule and Curfew

### Description

Under the new Medicaid rules concerning Home and Community Based Services (HCBS) and Settings, participants have the right to full access to the broader community at any time.

### Basic Requirements

Participants living in a provider-owned, controlled, or operated residential setting, have the opportunity to access the community, day or night, without restriction of curfew. A participant should not have to be absent from or required to stay in the setting during specific times of the day.

### Limitations and Restrictions

In some residential settings, curfews can be part of the admission agreement. If curfew hours are in effect, a participant must:

- Be made aware of the limitations before accepting residency
- Give informed consent to the limitations surrounding curfew
- Be made aware of the process to follow that allows for exceptions outside of restricted hours when/if the need arises.

A limitation or restriction can only be placed if:

1. There is a documented evidence-based need to protect 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; and
4. Documentation in the Plan of Care verifies the need, attempted less restrictive interventions and scheduled reviews to support continuation.

### Contact/Resources

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