



Fact Sheet: Settings Final Rule and Site-based Day Habilitation Services

Day Habilitation Overview

Day habilitation services may be provided to assist recipients to acquire, retain, and improve the self-help, socialization, and adaptive skills necessary to live successfully in home and community-based settings. These services must provide supervision and a secure environment for recipients, may be planned to reinforce skills or lessons taught in other settings, and may include both individual and group activities. In addition, day habilitation services may be provided to assist recipients to participate in meaningful retirement activities, including hobbies, clubs, and other senior-related activities available in the community.

While day habilitation services may be offered in a variety of settings in the community and are not limited to fixed-site facilities, the environment in which they are provided must be appropriate for delivery of the services in a manner that will contribute to the recipient's accomplishing the outcomes and goals specified in the recipient's plan of care, and increasing participation in and access to community settings and resources. These services must be provided in non-residential settings separate from the recipient's private residence or another residential living arrangement, unless the provider is granted a waiver under 7 AAC 130.260 (d) regarding the setting.

The provider who chooses to offer day habilitation services must be certified as a provider of day habilitation services under 7 AAC 130.220 (a)(1)(D), meet with the requirements of 7 AAC 130.260, and operate in compliance with the Provider Conditions of Participation and the associated standards.

Site-based Day Habilitation and the Settings Final Rule

Site-Based Day Habilitation Services settings are subject to review and remediation as required to meet the Settings final rule.

Community-Based Day Habilitation Services are generally considered compliant with the Settings final rule because the focus is inclusion and integration into the greater community, based on personal preferences in a person-centered care planning approach.

Most Common Findings for Settings Rule and Site-based Day Habilitation

Settings Final Rule Requirement: Community Integration

Activities occurring in a site-based Day Habilitation setting are generally comprised of both site-based and community based activities. Understanding integration in this setting requires looking beyond simply taking a group on an outing or stating the setting interacts with the public when, in fact, said public is primarily or entirely comprised of staff or other caregivers or support providers. Further, reverse integration (stating that the facility or event is open to the public whether the public attends or not) will no longer suffice as integration with the greater community is not achieved if no community members external to the setting are present. Remember that the purpose of integration is to prevent intentional or inadvertent isolation.

Example: Agency XYZ has a group outing each week to go bowling, recipient choice to attend. Whether this is actually an integrated activity or not depends on the level of interaction and immersion with the greater community. If the group goes bowling alongside other community members enjoying the same activity, the activity is integrated. If the bowling alley is closed to the public during the time the activity is occurring and the agency has secured the space use at a reduced rate, it may cost less money and be fun but it is not considered integrated. While this activity may continue, it is not evidence of integration.

Example: Agency XYZ has recipients who have collectively voted to go to the state fair as an agency outing. The recipients are assisted with access, controlling personal resources, and understanding options. Recipients enjoy rides, experiential viewing, and food in the same manner as all other fair goers. Any limitations or restrictions for recipient participation is clearly documented in the service agreement based on the Plan of Care. This is an integrated activity.

Settings Final Rule Requirement: Control of Personal Resources

Some settings have a clear process in place to assist recipients with holding or spending their personal resources while engaging in activities. Some settings have a clear policy that precludes involvement with a recipient and their resources and define the process used by recipients to manage their resources during activities as required. Settings must provide evidence of an established process or policy regarding the recipients' control of personal resources while participating in activities and services. This protects all involved.

Settings Final Rule Requirement: Individual Choice in Participation in Activities/Events (sufficient staffing)

An individual receiving services must have the ability to choose to participate or not in a scheduled activity or event. A recipient cannot be compelled to be absent or to remain in the setting. Some settings report that they do not have sufficient staff to allow for simultaneous coverage for both community outings and site-based activities. Insufficient staffing is an issue that requires remediation.

Contact/Resources

For more information about settings and the Final Rule, see the [Alaska HCBS Settings website](#).