

Why is the setting presumed not to be home and community based?  
  
(Institutional)

The setting is located: In the same building as a publicly or privately owned facility that provides treatment –OR  
On the grounds of or immediately adjacent to a public institution

What the evidence must demonstrate:  
  
There is a meaningful distinction between the facility or institution and the HCBS setting such that the setting is integrated in the community and supports full access for individuals receiving HCBS

How the evidence can demonstrate this:

Interconnectedness between the facility and the HCBS setting, including staff and finances does not exist or is minimal. **Residential license status- zoning requirements. Documentation that supports the existence of separation between the institution and home; financial and administrative**

Any facility /institution staff that are occasionally assigned to support HCBS staff have the same training and qualifications. **Staff qualifications that indicate training in HCB services and support. Evidence of different staff for each location or cross trained.**

Participants in the setting do not have to rely primarily on transportation or other services provided by the facility or institution, to the exclusion of other options. **Evidence that residents do not rely primarily upon institution staff for transportation**

The HCBS setting and facility have separate entrances and signs (if setting is located within a facility) **Photographs of residence- evidence of separate entrances and signage**

The setting is integrated in the community to the extent that a person or persons without disabilities in the community would not associate the setting with the provision of services to people with disabilities. **Photographs of residence. Evidence that the setting is in the community among other private residences.**

The individual participates regularly in typical community activities outside the setting to the extent that the individual desires. Such activities do not include only those organized by the provider agency specifically for a group of individuals with disabilities and /or involving only paid staff. **Evidence that residents are encouraged and supported to engage in activities in the larger community; individual schedules, progress notes etc.**

Services to the individual, and activities in which the individual participates, are engaged with the broader community. **Evidence that residents are encouraged and supported to engage in activities in the larger community; individual schedules, progress notes etc. from most recent 30 day period**

**Evidence Table Heightened Scrutiny**  
**Table 1 Institutional**