

59G-13.075 Home and Community Based Services Settings.

(1) This rule applies to all settings where Florida Medicaid waiver services are rendered to individuals enrolled in home and community-based service (HCBS) waiver programs authorized under Sections 1915(c), 1915(i), and 1915(k) of the Social Security Act.

(2) All settings must be in compliance with the provisions of the home and community-based settings requirements established in accordance with the Centers for Medicare and Medicaid Services' (CMS) Final Rule CMS-2296-F (HCB Settings Rule) March 17, 2014, incorporated by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10076> and <https://federalregister.gov/a/2014-00487>.

(3) The Agency for Health Care Administration, or its designee, will assess residential and non-residential settings for compliance with Title 42, Code of Federal Regulations (CFR), section 441.530, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10077> and <https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol4/xml/CFR-2017-title42-vol4-part441.xml#seqnum441.530>.

(4) Settings where HCBS services were rendered prior to March 17, 2014, and that are determined to be noncompliant with the HCB Settings Rule through site-specific assessment, must remediate deficiencies in accordance with a plan of remediation developed by the provider and agreed upon by the Agency or its designee.

(5) Settings that fail to comply with the HCB Settings Rule will be ineligible to participate in the provision of HCBS to Florida Medicaid recipients. The State must be in compliance with the HCB Settings Rule by March 17, 2022, in accordance with the Extension Period for Compliance with the home and Community-Based Settings Criteria informational bulletin, incorporated by reference available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10079> and available on CMS' Web site at <https://www.medicaid.gov/federal-policy-guidance/downloads/cib050917.pdf>.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 12-25-18.