



Schedules & Activities

HCBS Settings Requirement

Individuals have the freedom and support to control their own schedules and activities, and have access to food at any time.

Intent

Individuals control their day-to-day lives the same way other community members do. This includes control over planning their own daily schedules and activities and choosing when and what they eat.

What is your typical day?

A person in home and community based waiver services needs to design and choose what their typical day looks like. And it should resemble days that people without disabilities get to live. They should not be limited by unfair barriers or challenges that are not typical barriers for those NOT receiving HCBS services.



Schedules & Activities

Best Practice Suggestions

- ✓ Individuals are supported in planning their daily activities and schedules.
- ✓ Support activities are flexible and work around the individual's preferred schedule.
- ✓ Individuals have the right to refuse to participate in scheduled activities.
- ✓ Individuals can ask for assistance if they would like to schedule appointments for services in the community or arrange for transportation.
- ✓ Staffing patterns during peak hours during the day or evenings support greater flexibility in opportunities for participating in community events.
- ✓ Provider has a systematic process for gathering input from individuals on daily schedules and planning activities.
- ✓ Individuals can choose when to wake up and when to go to bed.
- ✓ The participant handbook and policies and procedures reflect individuals having the freedom and support to control activities and schedules.
- ✓ Individuals have access to food (meals or snacks) and a place to store snacks (e.g., bedroom, kitchen), if desired.
- ✓ Individuals can purchase their own snacks or food with their money and store them in their bedroom.
- ✓ Individuals can participate in creating the weekly grocery list and share their personal preferences.
- ✓ Individuals can have a meal at the time and place of their choosing including in private and without staff assistance.
- ✓ Individuals can request alternate meals, if desired.
- ✓ Kitchen utensils and appliances are accessible to individuals; kitchen cabinets are not locked.
- ✓ Individuals have the option to cook their own meals and receive support with this task.

Additional Guidance

Does this requirement mean I have to leave the kitchen open 24-hours a day?

You may leave the kitchen accessible to individuals who live in the home who would like to prepare a snack or small meal in between regular meal times. Perhaps individuals keep their own food items in their living quarters or in designated cupboards or spaces in the pantry that they can access whenever they desire.

If an individual makes poor food choices, do I have to still ensure 24-hour access to food?

You may not limit an individual's access to food unless there is an identified and documented risk to the individual's health or safety that requires rights modification. For example, a provider may not limit an individual's access to food items based on the provider's personal beliefs about the individual's weight or because the provider has deemed the food as "junk food." The provider should focus instead on helping the individual learn to make better food choices if that is an agreed upon goal in the individual's service plan.

There may be instances in which 24-hour access to food poses a health or safety risk to an individual. In that case, the provider may need to limit access to food intake. This should be documented in the service plan as a modification to an HCBS right.



Schedules & Activities

Red Flags 🚩 -- Practices to Avoid

- 🚩 Provider creates one “set schedule” for all individuals.
- 🚩 Provider plans activities and schedules without input from individuals.
- 🚩 Provider requires individuals to participate in activities.
- 🚩 Requiring all individuals to attend planned community outings.
- 🚩 Requiring individuals to be awake and dressed by a certain time every morning.
- 🚩 Policies, procedures and participant handbooks do not reflect individuals having the freedom and support to control activities and schedules.
- 🚩 A house rule that all food must be stored in one area of the house (e.g., kitchen or pantry).
- 🚩 A house rule that states “*No eating food in bedrooms.*” If food is kept/eaten in a bedroom the individual does have the responsibility to clean up dishes and food.
- 🚩 Meals are served at set times with no flexibility to accommodate variations in schedules.
- 🚩 Restricting an individual’s access to food because the provider believes the individual is overweight.
- 🚩 Restricting whether an individual eats dessert or not based on if he/she finished his/her dinner.
- 🚩 Limiting an individual’s access to desired activities due to scheduling/shift changes (leaving the basketball game early because the staff is off the clock or not being able to go at all.)

Acknowledgements:

Idaho- Welcome to HCBS Rules Guidance Section of the Provider Toolkit

Minnesota- A Provider’s Guide To Putting the HCBS Rule Into Practice

Wyoming-HCB Setting-Improvement Strategies Guidance for Case Managers, Providers, Participants, & Guardians

South Dakota –Guide to Expectations and Compliance