



CONSUMER RIGHTS FOR ADULTS IN INDIANA'S HOME- AND COMMUNITY-BASED SERVICES PROGRAMS



Clients of 1915(i) programs in Indiana, which include Adult Mental Health Habilitation and Behavioral Primary and Healthcare Coordination, have rights that are designed to help them thrive in their community. Those are:

1 Where a person lives allows them full access to the community.



2 Where a person lives is their choice.

Where a person lives ensures an individual's rights of privacy, dignity and respect and freedom from coercion and restraint.



Where and how a person lives is based on individual initiative, autonomy and independence in making life choices, including, but not limited to, daily activities, physical environment and with whom to interact.



3 A person can choose what supports they use and who provides them.



4 A person has a right to have a legally enforceable living/rental agreement that allows them safety/ protections from eviction as any other tenant/resident.



5 A person has a right to privacy, which includes a lock on their door, locks on bathrooms, the right to make roommate changes and the right to make changes in their living environment as they desire.



6 A person has the right to schedule their activities as they desire and have access to food at any time.



7 A person has the right to have visitors without restrictions.



8 A place a person lives must meet their physical requirement needs.



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COMMUNITY-BASED RESIDENTIAL



There are five setting types in which an individual receiving home- and community-based services may reside:

✓ **Private/Independent**

No financial relationship between provider agency and property owner.

✓ **Provider-Owned, Controlled or Operated Residential (also known as “POCO”)**

Owned, co-owned/operated or operated by a provider of HCBS.

✓ **Non-POCO Residential**

Owned, controlled or operated by a provider of services that does not provide HCBS.

✓ **Non-CMHC POCO Residential**

Settings under the oversight of an HCBS provider that is not a CMHC; typically either the Division of Aging or the Division of Disability and Rehabilitative Services.

✓ **Potential Presumed Institutional**

A residential setting that, by its nature (such as geography or co-location), is potentially isolating or provides inpatient care.

There are six setting types which are considered to be institutional and may NOT be occupied by HCBS clients:

✗ **Nursing Home**

✗ **ICF/IID**

✗ **Hospital**

✗ **Jail/Correctional Facility**

✗ **Institution for Mental Disease**

✗ **Substance Use Disorder Treatment**

Pursuant with home- and community-based goals of ensuring clients access care in the least restrictive settings possible, as similar as possible to those not receiving HCB services, individuals living in POCO settings (and others in which HCB services are delivered) are guaranteed certain resident rights.



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