

OASIS · AT A GLANCE

HCBS Settings Rule Compliance in 2026: What Actually Changes for Families

After years of statewide transition plans, provider audits, and compliance deadlines, the federal HCBS Settings Rule is finally reaching full enforcement. Here's what that actually means for a Michigan family, in plain terms.

BY JIM PALASTY · 12 MIN READ · YEARS OF COMPLIANCE WORK, ARRIVING AT ONCE

7

CORE RIGHTS THE SETTINGS RULE GUARANTEES IN EVERY QUALIFYING SETTING

Visitors at any time, unlocked doors, meal choice, a real lease or residency agreement, privacy, control of personal resources, and choice of daily schedule.

How it works

THREE STEPS

STEP 1

A federal rule, years in the making, reaches enforcement

The HCBS Settings Rule, finalized in 2014, has moved through a long, multi-year state compliance process now converging on full enforcement.

→

STEP 2

Michigan's own transition plan has its own specific timeline

Michigan's Statewide Transition Plan received final CMS approval in March 2023, setting the state's specific compliance path.

→

STEP 3

A related state rule change lands on a specific date

Michigan's consolidated Adult Foster Care ruleset takes effect November 3, 2025, directly affecting many HCBS-qualifying residential settings.

The seven Settings Rule rights, in practice

Visitors welcome anytime	No restricted visiting hours or advance approval requirements
Unlocked doors	Freedom to enter and exit unless individually clinically necessary
Real meal choice	Choice in food and meal timing, not a fixed institutional schedule
A lease or residency agreement	The same legal protections a renter anywhere else would have
Privacy	A lockable door to one's own room, as a baseline expectation
Control of personal resources	Access to and control over one's own money and belongings
Choice of schedule	Control over one's own daily routine, not an imposed institutional one

THE LOCK THAT CAME OFF THE DOOR

“

Marisol had never questioned why her adult son's group home locked its front door from the inside after 8pm, assuming it was a safety feature. A Settings Rule compliance review, conducted as part of the home's federally required reassessment, flagged the practice directly as noncompliant, since it restricted residents' right to come and go. The provider removed the internal lock within a month, replacing it with a standard exterior lock any renter would recognize.

A RESTRICTION MARISOL HAD ACCEPTED FOR YEARS AS ORDINARY SAFETY TURNED OUT TO BE EXACTLY WHAT A FEDERAL RULE EXISTED TO CATCH.

”

OASISFORAUTISM.COM · BUILT FROM POST B124 · 2026-08-16 · PAGE 1 OF 2

What matters, at a glance

What the Settings Rule actually requires

Home and community-based settings must offer the qualities of a real home and community, not an institution in a different location: choice, privacy, autonomy, and integration.

Michigan's Statewide Transition Plan timeline

Michigan's plan received final approval from CMS in March 2023, after years of assessment, remediation, and provider engagement across the state.

A new state AFC ruleset takes effect November 3, 2025

Michigan's consolidated Adult Foster Care rules, directly relevant to many HCBS residential settings, take effect on this specific date.

The seven core rights, concretely

Visitors welcome at any time, unlocked doors, real meal choice, a lease or residency agreement, privacy, control of personal resources, and a real choice of daily schedule.

Other states show what real change looks like

Texas replaced its day habilitation service with Individualized Skills and Socialization, effective March 2023, reflecting a broader national shift toward community-integrated models.

Families have a real role in this compliance process

Provider settings undergo review specifically for these qualities, and family and participant input is an explicit, intended part of that process.

BRING THESE · CHECK AS YOU GO

☐ Your provider's current Settings Rule compliance status, requested in writing

☐ A comparison of the seven core rights against actual daily practice

☐ A written record of any identified discrepancy

☐ Contact information for Disability Rights Michigan (drmich.org)

☐ Awareness of Michigan's November 3, 2025 AFC ruleset changes

YOUR MOVE

When your family wants to understand your setting's compliance, here is where to start

1

Ask your provider directly for their current Settings Rule compliance status.

2

Review the seven core rights against your loved one's actual daily experience.

3

Note any restriction that doesn't match the seven rights specifically.

4

Raise concerns in writing, referencing the Settings Rule by name.

5

Contact Disability Rights Michigan if a provider is unresponsive to a documented concern.

6

Watch for how the November 3, 2025 AFC rule changes affect your specific setting.

A years-long federal compliance process is converging now. Families who understand the seven core rights are positioned to notice when a setting genuinely falls short of them.

HCBS SETTINGS RULE COMPLIANCE RESOURCES

Michigan's Licensing and Regulatory Affairs department (michigan.gov/lara) publishes the state's Adult Foster Care ruleset, including the consolidated rules effective November 3, 2025.

The National Health Law Program (healthlaw.org) publishes plain-language guidance on HCBS Settings Rule rights and compliance nationally.

Informational only. Not legal or medical advice. Verify current program rules before acting.

ABOUT THE AUTHOR

JP

Jim Palasty

Jim Palasty is the founder of OASIS for Autism and a single father of an adult autistic daughter in Michigan.