**Section 677.40 Freedom of Choice**

Under the HSP, a Customer has the following rights; however, the choices made by the Customer may affect the services available through HSP for which the Customer is eligible or which might otherwise be available.

a) A Customer shall have the right to apply for and, if eligible, receive services under the program of the Customer's choice. Therefore, a Customer eligible for both institutional care and HSP services has the right to choose one or the other but may not receive both at the same time. Institutional care is not available through HSP and, if the Customer chooses HSP services, DHS-ORS shall have the right to determine the waiver under which the Customer will be served and the level of the provider of services.

b) At any time, a Customer has the right not to accept those HSP services that the Customer has been determined eligible to receive. However, if the Customer chooses to terminate services, the Customer may have to reapply for services and undergo another determination of eligibility if the Customer later desires services through HSP.

c) A Customer has the right to choose their living arrangement, including the physical dwelling and persons residing in the dwelling. However, such choices may impact the amount or scope of the services received by the Customer. HSP will not impose a living arrangement on any Customer.

d) A Customer applying for, or receiving, services through HSP shall have the right to choose medical and non-medical service providers. However, payment may only be made to those service providers which meet the standards established by DHS as found at 89 Ill. Adm. Code 686 and who will accept DHS' fees for a specific service approved by DHS, if DHS is to issue payment for the service.

e) A Customer has the right to participate in the service planning process during initial determination of eligibility, subsequent redetermination of eligibility, and when updates to the service plan are requested by the Customer.

f) A Customer has the right to select their setting from among setting options, including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual’s needs, preferences, and, for residential settings, resources available for room and board.

(Source: Amended at 46 Ill. Reg. 20850, effective December 19, 2022)