



**Steve Bullock, Governor**  
**Richard H. Opper, Director**

**Date:** July 31, 2015  
**To:** Montana Health Coalition  
**From:** Mary E. Dalton, State Medicaid Director *Mary*  
**Subject:** Proposed amendment of the 0208 Waiver for Individuals with Developmental Disabilities, and the intent to discontinue the 1037 Supports for Community Working and Living Waiver

We are sending this letter to invite comment from Montana Health Coalition members regarding the proposed amendment of the 0208 Waiver for Individuals with Developmental Disabilities and the intent to discontinue the 1037 Supports for Community Working and Living Waiver. The Montana Department of Public Health and Human Services will submit the 0208 Waiver amendment for approval along with the intent to discontinue the 1037 Waiver to the Centers for Medicare and Medicaid Services (CMS) on or before September 30, 2015, with an effective date of October 1, 2015.

The 0208 Waiver provides individuals with developmental disabilities a choice of receiving long term care services in a community setting as an alternative to receiving long term care services in the state operated institution, Montana Developmental Center. The member must meet institutional level of care and reside in Montana.

The 0208 Waiver currently has the capacity to service 2,750 individuals per year. The proposed amendment will:

- Increase the unduplicated number of waiver participants from 2750 to:
  - 2830 in 2016 (year 3 of the waiver). The change is due to the elimination of the 1037 waiver (which had the capacity to serve 30 persons) and the 2015 Montana Legislature's authority to increase the waiver capacity by 50 slots, for a total of 80 additional waiver slots for Fiscal Year (FY) 2016.
  - 2880 in 2017 (year 4 of the waiver). The change is due to the 2015 Montana Legislature's authority to increase the waiver capacity by an additional 50 slots in FY 2017.
  - 2880 in 2018 (year 5 of the waiver). This change is required to reflect the increased capacity requested for waiver years 3 and 4.
  
- Reserve capacity for the members currently in the 1037 Waiver who will transfer to the 0208 Waiver: this is to ensure members do not lose services, and that those on the waiting list of the 0208 Waiver are not adversely impacted by the discontinuation of the 1037 Waiver.

- Modify Appendix J, Cost Derivation: to reflect cost projections based on an approximate 2% provider rate increase appropriated by the 2015 Legislature for FY 2016 (year 3 of the waiver) and FY 2017 (year 4 of the waiver).
- Eliminate Live-In Caregiver as a service: this service has not been utilized in the waiver, and proposed Department of Labor rules will not allow the service to continue.
- Appendix I is being amended to reflect that the state will no longer reimburse for the rent and food expenses of an unrelated live-in personal caregiver who resides in the same household as the participant.

The total annual fiscal impact of increasing the number of individuals receiving services is \$2,750,000 for FY 2016; and \$4,900,000 for FY 2017.

The total annual fiscal impact of the approximate 2% provider rate increase is \$2,321,654 for FY 2016; and \$4,682,741 for FY 2017.

Elimination of the Live-In Caregiver service and the amendment to Appendix I will have no fiscal impact.

As part of the 0208 Waiver amendment submittal to CMS, the Department is submitting the waiver-specific Home and Community Based Services (HCBS) transition plan. The transition plan contains details of how the Department will bring its HCBS waivers into compliance with new CMS settings requirements by March 17, 2019. CMS has granted a five-year period during which states must come into compliance with these regulations. The transition plan for the 0208 Waiver can be reviewed at: <http://dphhs.mt.gov/dsd/dd>.

Effective October 1, 2015, the Department intends to discontinue the 1037 Supports for Community Working and Living Waiver, which has a capacity of 30 members. This waiver is currently serving 12 members. The individuals currently receiving services in the 1037 Waiver will be given the choice to transition into the 0208 Waiver should they desire to continue to receive waiver services. The services currently available to members in the 1037 Waiver are all available in the 0208 Waiver. The total annual fiscal savings to the 1037 Waiver due to discontinuation is \$600,000. This amount will be added to the 0208 Waiver and is reflected in the fiscal impact figures listed above for the 0208 Waiver.

A public meeting will be held to discuss the 0208 Waiver amendment and transition plan, and the 1037 Waiver discontinuation, on August 26, 2015, from 10:00 am to 12:00 pm, at the Montana Department of Environmental Quality, Room 111, 1520 E. 6<sup>th</sup> Avenue, Helena, Montana. Individuals who need assistance to participate during this meeting should call (406) 444-2695. The public meeting can also be accessed by via WebEx at the following link: <https://hhsmt.webex.com>.

**Webex Information:**

**Title:** 0208 waiver Amendment Public Meeting

**Date/Time:** Wednesday, August 26, 2015, 10:00 am to 12:00 pm

**Meeting number:** 576 609 943

**Meeting password:** 0208

**To Join by Phone:**

1-877-668-4490 Call-in toll-free number (US/Canada)

Access Code: 576 609 943

The 0208 Waiver amendment is available for review at the website:

<http://dphhs.mt.gov/dsd/ddp>. The state, upon request, will make available hard copies of the Waiver amendment and transition plan.

We want you to have the opportunity to review the proposed changes, understand the concepts, and offer your comments. We invite your comments and questions **by September 3, 2015**, addressed to Mary Eve Kulawik, Medicaid State Plan Amendment and Waiver Coordinator, at (406) 444-2584 or [mkulawik@mt.gov](mailto:mkulawik@mt.gov); or Director's Office, PO Box 4210, Helena, MT 59604.

Thank you for your continued commitment to the Medicaid program.