



Steve Bullock, Governor

**Richard H. Opper,
Director**

October 22, 2015

Dear :

We are pleased to invite comment from all the Tribal Chairs, Tribal Presidents, Urban Indian Center Directors and Indian Health Service regarding how Montana intends to comply with the U.S. Department of Public Health and Human Services' Centers for Medicare and Medicaid Services (CMS) published regulations in the Federal Register (42.CFR 441.301(c)(4)-(6)). These regulations were published on January 16, 2014, effective March 17, 2014, and changed the definition of Home and Community Based Services (HCBS) settings for section 1915(c) Medicaid Waivers and approved state plans providing HCBS under section 1915(i).

These rules require a transition plan, allowing up to five years from the regulations' effective date for states to come into full compliance. The new rules also require states to develop and submit a transition plan identifying how their Home and Community Based Services (HCBS) waivers and 1915(i) state plans providing HCBS services will be brought into compliance with the new outcome-oriented definition of HCBS settings. The transition plan is required in conjunction with any waiver amendment or renewal submitted following the implementation of the new regulation. The Montana Department of Public Health and Human Services (DPHHS) previously provided an opportunity for public comment on Montana's HCBS Transition Plan and the Provider Self-Assessment Tool.

The next crucial next step in Montana's transition plan is to validate the provider self-assessments that occurred between July 15 and August 21, 2015, with the new regulations. DPHHS is now seeking your input on the Validation Tool and the revised state transition plan through the consultation process. Native American people both on and off the reservation may receive these waiver and state plan services, and these setting requirements will apply to them.

This public notice, Validation Tool, revised statewide transition plan, and other related information for participating in and submitting comments are posted on the DPHHS website at: <http://dphhs.mt.gov/hcbs>. The state, upon request, will make available hard copies of the Validation Tool and revised statewide transition plan.

As an additional opportunity for public comment, DPHHS will hold a public meeting on **November 20, 2015, from 10:00 A.M. to 11:30 A.M.**, at the Department of Environmental Quality (Lee Metcalf Building), 1520 East 6th Avenue, Helena, Montana.

Individuals who need assistance to participate during this meeting should call (406) 444-2584.

The public meeting can also be accessed via webinar by going to <http://dphhs.mt.gov/hcbs> and clicking on the webinar link.

The call in number and access code are:

Toll free#: 1-877-668-4490

Access code: 803 428 189

Comments and other input on this proposed Validation Tool and revised statewide transition plan should be submitted by **November 25, 2015**, by phone at (406) 444-2584; email at MKulawik@mt.gov with Validation Tool in the subject line; or via mail to: Mary Eve Kulawik, DPHHS, 111 N. Sanders St., Room 301, PO Box 4210, Helena, MT 59604.

The Department of Public Health and Human Services is committed to a rigorous and transparent public process. We want you to have an opportunity to review the proposed Validation Tool and statewide transition plan, understand the concepts, and offer your comments. I hope you can join us on November 20 to share your questions and comments.

Sincerely,

Mary E. Dalton
State Medicaid Director

Cc: Jason Smith, Director, Governor's Office of Indian Affairs
Lesa Evers, Tribal Relations Manager, DPHHS