

Public Notice for HCBS Final Rules – Heightened Scrutiny
Publication in newspapers on Friday, August 10, 2018

Montana's Department of Public Health and Human Services, in accordance with 42 CFR 441.301, hereby provides a 30-day public notice and comment period for its submission of a Home and Community-Based Services (HCBS) waiver setting requiring heightened scrutiny. The Centers for Medicare and Medicaid Services (CMS) adopted new federal regulations which address home and community-based setting requirements for Medicaid HCBS waivers, known as the HCBS Final Rules. As part of the HCBS Final Rules, CMS defined settings presumed not to be home and community-based and will need to undergo heightened scrutiny. These settings include: 1) settings in a publicly or privately-operated facility that provides inpatient institutional treatment, 2) settings in a building on the grounds of or adjacent to a public institution, and 3) settings with the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS.

For settings presumed not to be home and community-based, states must present evidence of their home and community-based characteristics to CMS to determine if the setting has the qualities of a home and community-based setting and does not have the qualities of an institution, and therefore, can continue providing waiver services to individuals receiving Medicaid HCBS. Montana intends to submit one (1) setting in its first heightened scrutiny submission to CMS, and public comment on each setting is an important part of the home and community-based evidence package.

A summary of the Boulder Meadows Assisted Living Facility, a description of their home and community-based characteristics, the reason the setting requires heightened scrutiny and the provider that operates the setting can be found at <https://dphhs.mt.gov/SLTC>.

We invite your comments and questions **postmarked by 9/8/18**. You may direct comments or request a hard copy from Jean Perrotta at jperrotta@mt.gov or mail to Department of Public Health and Human Services, SLTC-Community Services Bureau, Attn: Jean Perrotta, Big Sky Waiver Program Manager, 700 Casey Street, East Entrance, Butte, Montana 59701.