

**Public Notice for HCBS Final Rule – Heightened Scrutiny Setting Evidentiary Packet
Posted April 10, 2025**

On or before May 16, 2025, Montana’s Department of Public Health and Human Services (DPHHS) will submit a Home and Community-Based Services (HCBS) Heightened Scrutiny (HS) Evidentiary Packet to the Centers for Medicare and Medicaid Services (CMS). As part of the HCBS Final Rule, CMS has defined settings presumed not to be home and community-based that will need to undergo HS. These settings include: 1) settings that are located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, 2) settings that are in a building located on the grounds of, or immediately adjacent to, a public institution, 3) any other settings that have the effect of isolating individuals receiving Medicaid HCBS from the broader community.

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 begin providing waiver services to individuals receiving Medicaid HCBS. Public comment on each setting is an important part of the home and community-based evidence package.

A summary of HS-8 (Montana’s eighth HS setting), a description of their home and community-based characteristics, and the reason the setting requires HS can be found at <https://dphhs.mt.gov/SLTC> and <https://dphhs.mt.gov/hcbs>.

We invite your comments and questions postmarked **through May 10, 2025**. You may direct comments to Carla Rime, Medicaid State Plan Amendment and Waiver Coordinator, at (406) 444-2584 or CRime2@mt.gov; or Director’s Office, PO Box 4210, Helena, MT 59604-4210.