

Greg Gianforte, Governor

Charles T. Brereton, Director

November 18, 2022

[Address Block]

**Re: Montana Final Home and Community Based Services Statewide Transition Plan -
comments accepted through December 26, 2022**

Dear:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Organizations, and Indian Health Service (IHS) regarding the upcoming submittal of the state's final Home and Community Based Services (HCBS) Statewide Transition Plan. DPHHS will submit the final Statewide Transition Plan for Centers for Medicare and Medicaid Services approval on or before December 31, 2022.

Under our agreement, DPHHS provides you notice of all Medicaid State Plan and Waiver changes. To aid your review, we have indicated whether there will be a direct impact for American Indians/Alaska Natives.

Background

The HCBS Settings Rule went into effect in March 2014, and states originally had five years - until March 2019 - to ensure that their HCBS settings were compliant with the rule. In May 2017, CMS issued an [Informational Bulletin](https://www.medicaid.gov/federal-policy-guidance/downloads/cib050917.pdf) (<https://www.medicaid.gov/federal-policy-guidance/downloads/cib050917.pdf>) extending the transition period for statewide compliance with the HCBS Settings Final Rule by three years, to March 2022. In July 2020, CMS issued a [State Medicaid Director Letter](https://www.medicaid.gov/Federal-Policy-Guidance/Downloads/smd20003.pdf) (<https://www.medicaid.gov/Federal-Policy-Guidance/Downloads/smd20003.pdf>) extending the transition period by another year, to March 2023. Providers need to demonstrate compliance well before the end of the transition period to allow time for individuals at noncompliant settings to transition to other settings or funding sources.

Current Statewide Transition Plan

DPHHS is seeking public comment on the state's draft final HCBS Statewide Transition Plan as required by federal regulation at 42 Code of Federal Regulations 441.301(c)(6). The draft final Statewide Transition Plan can be found at: <https://dphhs.mt.gov/hcbs>. The state will make hard copies available upon request.

DPHHS also welcomes you to attend a **virtual public meeting** on the draft final Statewide Transition Plan on **Thursday, December 8, 2022, from 2:00 p.m. to 4:00 p.m.** Information on joining the virtual public meeting can be found at: <https://dphhs.mt.gov/hcbs>.

The final HCBS Statewide Transition Plan **positively impacts** American Indians/Alaska Natives because it ensures home and community based services are provided in non-institutional home and community settings that align with the settings rule.

DPHHS is committed to an extensive public process. We want to provide you the opportunity to review the proposed actions, understand the concepts, and offer comments. We invite your comments and questions on the draft final Statewide Transition Plan during the 30-day public comment period **through December 26, 2022**. You may direct comments to Mary Eve Kulawik, Medicaid State Plan Amendment and Waiver Coordinator, at (406) 444-2584 or mkulawik@mt.gov; or Director's Office, PO Box 4210, Helena, MT 59604-4210.

Sincerely,

Mike Randol
Medicaid and Health Services Executive Director/State Medicaid Director

c: Health Director
Misty Kuhl, Director, Governor's Office of Indian Affairs
Lesa Evers, Tribal Relations Manager, DPHHS