



Public Notice for HCBS Final Rules – Heightened Scrutiny Posted August 16, 2019

at <https://dphhs.mt.gov/SLTC> and <https://dphhs.mt.gov/hcbs>

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 two Home and Community-Based Services (HCBS) waiver settings requiring Heightened Scrutiny (HS) on or before September 30, 2019. 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 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 of individuals 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 begin providing waiver services to individuals receiving Medicaid HCBS. Montana intends to submit two settings in its second HS 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 HS-2 and HS-3, 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 September 17 2019**. 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, 1100 North Last Chance Gulch, Helena, MT 59601.