
OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

**Public Notice Regarding Division of Mental Health and
Addiction Residential Settings that Require Heightened Scrutiny**

In accordance with public notice requirements established at 42 CFR §431.408, the Indiana Family and Social Services Administration (FSSA) Office of Medicaid Policy and Planning (OMPP) is seeking public input for its Division of Mental Health and Addiction's (DMHA) submission of packets that include Home and Community-Based Services (HCBS) waiver settings that require heightened scrutiny. The Centers for Medicare and Medicaid Services (CMS) adopted new federal regulations, known as HCBS Final Rules, which address home and community-based setting requirements for Medicaid HCBS waivers. CMS has defined settings presumed not to be home and community-based and will need to undergo heightened scrutiny as part of the HCBS Final Rules.

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.

The DMHA settings packets will be open for public comment for 30 days, from January 15, 2020, to February 14, 2020. Visit the HCBS Final Rule web page at <https://www.in.gov/fssa/da/4917.htm> for more details.

This comment period will allow all HCBS members, providers, and stakeholders an opportunity to provide input to the settings and heightened scrutiny processes.

Comments and input may be submitted in the following ways:

Email: hcbsrulecomments@fssa.in.gov

Written comments should be sent to:

State of Indiana FSSA/OMPP
Attn: HCBS Final Rule – BreAnn Teague, Manager Program Administration
State Plan and Waivers
402 W. Washington St., Rm. W374 MS-07
Indianapolis, IN 46204-2739

All comments will be tracked and summarized. The summary of comments as well as a summary of changes made in response to public comments will be added to the HCBS Final Rule web page at <https://www.in.gov/fssa/da/4917.htm> for more details.

A posted copy will be available at your local Division of Family Resources (DFR) office. For additional information available online regarding Division of Family Resources office locations, visit the DFR Benefits web page located at www.in.gov/fssa/dfr/2999.htm. Paper copies are available upon request.

Jennifer Sullivan, MD MPH
Secretary
Family and Social Services Administration

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