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**OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES**

**Notice of Public Comment Period for Statewide Transition Plan for  
Compliance with Home and Community-Based Settings Rule  
January 17, 2020**

Notice is hereby given that the Indiana Family and Social Services Administration (FSSA) will submit to the Centers for Medicare and Medicaid Services (CMS) a revision to Indiana's Statewide Transition Plan for compliance with the Home and Community-Based Services (HCBS) regulations of 42 CFR 441.301(c)(4)-(5) and Section 441.710(a)(1)-(2).

**PURPOSE**

Effective March 17, 2014, CMS has issued regulations that define the settings in which it is permissible for states to pay for Medicaid HCBS. The purpose of these regulations is to ensure that individuals receive Medicaid HCBS in settings that are integrated and that support full access to the greater community. This includes opportunities to seek employment and work in competitive and integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree as individuals who do not receive HCBS. These changes will maximize the opportunities for participants in HCBS programs to have access to the benefits of community living and to receive services in the most integrated setting.

States must ensure all HCBS settings comply with the federal requirements by completing an assessment of existing state standards including rules, regulations, standards, policies, licensing requirements, and other provider requirements.

FSSA has created a Statewide Transition Plan (STP) to assess compliance with the federal regulations and identify strategies and timelines for coming into compliance with the regulations as they relate to all FSSA HCBS programs. States must be in full compliance with the federal requirements by March 17, 2022.

**FSSA PROGRAMMATIC IMPACT**

The programs currently under review include 1915(c) HCBS Waivers and 1915(i) State Plan benefits administered by the following divisions within FSSA:

Division of Aging

- Aged & Disabled (A&D) Waiver – IN.210
- Traumatic Brain Injury (TBI) Waiver – IN.4197

Division of Disability and Rehabilitative Services

- Community Integration and Habilitation (CIH) Waiver – IN.378
- Family Supports Waiver (FSW) – IN.387

Division of Mental Health and Addiction

Youth Services:

- Child Mental Health Wraparound Services (CMHW) – TN 12-013

Adult Services:

- Behavioral and Primary Healthcare Coordination (BPHC) – TN 13-013
- Adult Mental Health Habilitation (AMHH) – TN 12-003

**SUBMISSION OF COMMENTS**

Additional information on the STP for compliance with the federal regulations of 42 CFR 441.301(c)(4)-(5) and Section 441.710(a)(1)-(2) can also be found at <https://www.in.gov/fssa/da/4917.htm>. Copies of the updated STP will also be made available at local DFR offices and at the address contained herein.

The public comment period for the revised version 9 of the STP will run from January 29, 2020, to February 28, 2020. All comments must be received during the comment period.

Written comments may be sent via email to:  
HCBSrulecomments@fssa.in.gov or by mail to:

Family and Social Services Administration  
Office of Medicaid Policy and Planning  
Attn: HCBS Final Rule – BreAnn Gross Teague, HCBS Program Officer  
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 revised STP version 9.

In cases where the state's determination differs from public comment, the additional evidence and rationale the state used in the final decision will be added to the STP. The final STP will be posted on the Final Rule site after it is submitted to CMS. A posted copy will be available at your local Division of Family Resources office. Paper copies are available upon request.

Jennifer Sullivan, MD, MPH  
Secretary  
Family and Social Services Administration

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