
OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

**Public Notice Regarding Home and Community-Based 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 Aging (DA), Division of Mental Health and Addiction (DMHA), and Division of Disability and Rehabilitative Services (DDRS) submissions of 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 that do not possess the required HCBS characteristics, states should submit evidence to CMS requesting a heightened scrutiny review. The request must include sufficient evidence to demonstrate the setting as having the effect of isolating individuals receiving Medicaid HCBS from the broader community and evidence a public comment period has been held to obtain public input on the identified settings.

Indiana has published these settings for public review on the Statewide Transition Plan page to allow all HCBS members, providers, and stakeholders an opportunity to provide input on these settings. Hard copies are available upon request. The public comment period will run March 1, 2021, through March 31, 2021.

Comments and input regarding the settings may be submitted by email to: HCBSrulecomments@fssa.in.gov.

Written comments should be sent to:

State of Indiana FSSA/OMPP
Attn: HCBS Final Rule – BreAnn Teague, Director of Government Affairs
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.

Posted copies will be available at your local Division of Family Resources 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.

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Secretary
Family and Social Services Administration

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