

Action Alert: Send Comments to CMS on Changes to HCBS Waiver

Comments to CMS Due Friday, August 21, 2009

CMS issued an Advance Notice of Proposed Rulemaking (ANPRM) in the [June 22nd Federal Register](#) announcing the **intention of the agency to publish proposed amendments to Medicaid's 1915(c) home and community-based services waivers regulations**. See article from ANCOR's [July/August LINKS](#) for more details.

Keep in mind, that using the public comments received, CMS will publish a set of proposed rules at a later time that will also include a comment period prior to issuing a final rule.

The agency's announcement solicited comments by **August 21, 2009** on its intention to propose rules to change the 1915(c) HCBS waiver regulations in two areas:

1. Intention to allow states the flexibility to combine-at the state's option-any of the three target groups (*aged or disabled*, or both; *mentally retarded or developmentally disabled*, or both; and *mentally ill*). This change would not mandate any change in state criteria for targeting HCBS waivers; would still require institutional level of care; and not affect the cost-neutrality requirements under the 1915(c) waivers. Service plans must be (1) based upon the needs of each individual, not on condition or diagnosis and (2) must be person-centered. In general, ANCOR supports this change.
2. Intention to propose regulations describing the expectations with regard to waiver participants being served in the "home and community." It is CMS' intention to propose regulations that will trigger application of additional state-defined criteria and CMS approved standards for home and community when an individual resides in a home or apartment owned, leased or controlled by a provider or support services. ANCOR has significant issues with CMS' intention to propose regulations regarding home and community-based characteristics.

ANCOR is providing [comments](#) developed in conjunction with an ANCOR Medicaid work group, this week on the two issues and has prepared a copy for your use as a template for you to **send electronically (no faxes are permitted) to CMS by Friday, August 21, 2009**.

We are urging ANCOR members and their constituencies to weigh in with comments. It is helpful to have as many comments as possible.

Instructions for Sending Electronically: Submit your comments (which must refer to file code CMS-2296-ANPRM) through the

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government [regulation web site](#) on this page: [Medicaid Program: Home and Community-Based Services \(HCBS\) Waivers \(Document ID CMS-2009-0071-0001\)](#). In the first step, under "Enter Information," identify yourself and select your choice for each category. In the second step, under "Type Comment & Upload File," type "ATTENTION: CMS-2296-ANPRM." You can paste your comments in that area, if you wish, but it is limited to 2000 characters. Or, click on "browse" to attach a saved file, click on "open," then "attach," and finally, complete sending your comments by clicking on "submit."

- Feel free to submit your comments using your own organization/name using ANCOR's [comments](#) as a template. Feel free to modify as you like.
- Submit your comments stating that you concur with the comments submitted by the American Network of Community Options and Resources (ANCOR) and identify the four general comments on HCBS characteristics from ANCOR's submission.