

 DEPARTMENT OF PUBLIC HEALTH & HUMAN SERVICES	Behavioral Health and Developmental Disabilities Division Medicaid Services Provider Manual for Substance Use Disorder and Adult Mental Health
Policy Number: <u>607-NEW</u>	Date effective: <u>October 1, 2025</u> Subject: <u>Settings Requirements for Tenancy Support Services Providers</u>

- (1) A provider of tenancy support services must ensure that the setting where services are delivered adheres to the requirements of 42 CFR 441.301(c)(4), which permits reimbursement with Medicaid monies only for services within settings that meet certain qualities set forth under the regulation. These qualities include that the setting:
- (a) is integrated in and facilitates full access of the individual to the greater community;
 - (b) ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid Home and Community-Based Services;
 - (c) is selected by the individual from among setting options, including non-disability specific settings and an option for a private unit in a residential setting;
 - (d) ensures the individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint;
 - (e) supports health and safety based upon the individual's needs, decisions, or desires;
 - (f) optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including, but not limited to daily activities, physical environment, and with whom to interact;
 - (g) provides an opportunity to seek employment and work in competitive integrated settings; and
 - (h) facilitates individual choice of services and supports, and who provides them.
 - (i) For applicable provider-owned and operated settings, pre-tenancy support services may be retroactively billed for up to 180 days following the member's transition out of the owner-operated environment.

- (2) The department adopts and incorporates by reference 42 CFR 441.301(c)(4), as amended January 16, 2014. A copy of this regulation may be obtained at <https://www.ecfr.gov/> or by contacting the Department of Public Health and Human Services, Behavioral Health and Developmental Disabilities Division, 301 S Park, Ste. 320, P.O. Box 202905, Helena, MT 59620-290

DRAFT