



Department of Public Health and Human Services

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Greg Gianforte, Governor

Charles T. Brereton, Director

Date: November 22, 2022

To: Montana Health Coalition

From: Mike Randol, Medicaid and Health Services Executive Director/State Medicaid Director

Subject: **Montana Final Home and Community Based Services Statewide Transition Plan**

We are sending this memo to invite comment from the Montana Health Coalition members and interested parties regarding the upcoming submittal of the state's final Home and Community Based Services (HCBS) Statewide Transition Plan (STP). The Montana Department of Public Health and Human Services (DPHHS) will submit the final STP for Centers for Medicare and Medicaid Services approval on or before December 31, 2022.

Background

The HCBS Settings Rule went into effect in March 2014, and states originally had five years - until March 2019 - to ensure that their HCBS settings were compliant with the rule. In May 2017, CMS issued an [Informational Bulletin \(https://www.medicaid.gov/federal-policy-guidance/downloads/cib050917.pdf\)](https://www.medicaid.gov/federal-policy-guidance/downloads/cib050917.pdf) extending the transition period for statewide compliance with the HCBS Settings Final Rule by three years, to March 2022. In July 2020, CMS issued a [State Medicaid Director Letter \(https://www.medicaid.gov/Federal-Policy-Guidance/Downloads/smd20003.pdf\)](https://www.medicaid.gov/Federal-Policy-Guidance/Downloads/smd20003.pdf) extending the transition period by another year, to March 2023. Providers need to demonstrate compliance well before the end of the transition period to allow time for individuals at noncompliant settings to transition to other settings or funding sources.

Current STP

DPHHS is seeking public comment on the state's draft final HCBS STP as required by federal regulation at 42 Code of Federal Regulations 441.301(c)(6). The draft final STP can be found at: <https://dphhs.mt.gov/hcbs>. The state, upon request to the contact person below, will make hard copies available.

DPHHS also welcomes you to attend a virtual public meeting on the draft final STP on Thursday, December 8, 2022, from 2:00 p.m. to 4:00 p.m. Information on joining the virtual public meeting can be found at: <https://dphhs.mt.gov/hcbs>.

Your oral or written comments can be submitted during the 30-day public comment period, **from Wednesday, November 23, 2022 through Monday, December 26, 2022**, addressed to: Mary Eve Kulawik, Medicaid State Plan Amendment and Waiver Coordinator, at (406) 444-2584 or dphhscomments@mt.gov; or Attention HCBS STP, Director's Office, PO Box 4210, Helena, MT 59604-4210.

Thank you for your continued commitment to the Medicaid program.