



## Department of Medicaid

John R. Kasich, Governor

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### Background

In January 2014, the Centers for Medicaid and Medicare Services (CMS) released Federal regulations that announced a requirement for states to review and evaluate current home and community based service (HCBS) settings, including residential and nonresidential settings, and to demonstrate how its waivers comply with these new requirements. The Federal regulations, which are 42 CFR 441.301(c)(4)-(5), went into effect March 17, 2014. More information on these regulations can be found on the CMS website at [www.medicaid.gov/hcbs](http://www.medicaid.gov/hcbs).

### Overview

The Ohio Medicaid 1915c waivers being reviewed for compliance include: the Assisted Living Waiver, Individual Options waiver, Level One waiver, My Care Ohio waiver, Ohio Home Care Waiver, PASSPORT waiver, SELF waiver, Transitions II Carve-Out waiver, and Transitions DD waiver. Per the new regulation, the state must submit a transition plan to CMS by March 17, 2015, and it must include:

- An inventory and description of all HCBS settings by size, type, location, and service delivery characteristics;
- A summary of how settings meet or do not meet the federal home and community-based settings requirements;
- A list of any areas of non-compliance that need to be addressed;
- A 30-day public comment period;
- A response summary of public comment received;
- A transition plan and process for bringing all home and community based settings into compliance; and
- A plan for ensuring the health and safety of participants who reside in locations that may need to come into compliance during the state's specified transition timeline.
- Upon review of a state's Transition Plan, CMS may approve a period of up to 5 years for the Transition Plan to be fully implemented, depending upon each individual state's circumstances. States will be required to demonstrate substantial progress during the transition period.

### Ohio Timeline

The following chart offers a general overview of the activities and proposed timeline the state is using to develop and implement an HCBS Settings Transition Plan:

Assessment Activity	Start Date	End Date
Evaluate state services, policies, procedures, provider training, certification and licensing requirements to ensure compliance with the HCBS settings.	7-1-2014	10-31-2014
Conduct initial assessment of settings to evaluate locations, characteristics, and other required institutional or isolating qualities.	8 15-14	10-31-14
Post the draft transition plan on the OHT website for the 30 day public comment period	12-1-14	1-8-2015
Host 2 public hearings	12-1-2014	1-8-2015
Revise draft Transition Plan, as needed, based upon public input	1-9-2015	2-28-2015
Submit to CMS for approval	3-1-2015	3-17-2015

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