



Call for HCBS External Stakeholder Engagement in MaineCare's HCBS Statewide Transition Process

In January 2014, the Centers for Medicare & Medicaid Services (CMS) issued federal regulations governing Medicaid-funded Home and Community-Based Services (HCBS) authorized under §1915(c), §1915(i) and §1915(k) of the Social Security Act. The federal HCBS rule focuses on two significant systems-change goals:

- Ensuring that individuals receiving long-term services and supports through home and community-based service (HCBS) have full access to benefits of community living and the opportunity to receive services in the most integrated setting appropriate; and
- Enhancing the quality of HCBS and simultaneously assuring the provision of key protections and rights to participants.

The federal HCBS rule became effective on March 17, 2014 and requires states to demonstrate compliance in four key areas:

- Transparent person-centered practices in service planning and delivery, as well as ongoing case management, service coordination and long-term support provision;
- Conflict-free case management protocols across various Medicaid HCBS systems to assure that individuals are provided with numerous options in terms of available services and potential providers to deliver desired services without bias or undue influence in the case management and service planning processes;
- Alignment of state policies, regulations, statutes, and other standards to reflect with the requirements set forth in the federal HCBS rule; and
- Adherence to the settings criteria and rights afforded to participants across every setting receiving Medicaid funding to provide HCBS.

These goals collectively reflect the most significant changes to Medicaid home and community-based services since section 1915(c) of the Social Security Act was passed by Congress in 1983, giving states the option to receive a waiver of Medicaid rules governing institutional care. As such, the federal HCBS rule spurs a critical opportunity for states to focus intentionally on modernizing and strengthening systems-change efforts to assure that individuals are receiving the services they need and desire, by the staff and providers they choose, to support the life goals they have set forth for themselves to live, work, thrive and enjoy maximum independence and self-sufficiency in their own homes and in typical community settings.

The successful implementation of the federal HCBS requirements in the state of Maine is dependent upon the commitment of all stakeholders – state agencies with HCBS waiver oversight; participants in HCBS waiver programs, family members/caregivers, providers of HCBS, and direct support workforce professionals. There are two important and timely opportunities coming up where stakeholders are able to provide feedback critical to informing the state's approach to implementing the state and federal HCBS requirements across all five of the state's HCBS waiver programs.

Engaging in the Public Comment Process for the Draft HCBS Statewide Transition Plan

For the aspects of the rule that apply to HCBS settings, states have until March of 2022 to assure alignment of the state's policies, programs, and provider settings with the federal settings criteria. States must submit a statewide transition plan (STP) that describes the state's overall strategies, processes, and resources it will deploy to complete all implementation efforts of by the end of the transition period. The STP also is intended to serve as the state's roadmap for implementing the federal HCBS rule with fidelity and outlines a detailed work plan and timeline for ensuring that all settings in which HCBS services are provided comply with the new standards by March of 2022.

The state of Maine is deeply committed to not only implementing the federal HCBS requirements with fidelity, but to use the rule as a catalyst for implementing other improvements to policy, payment, and practice associated with MaineCare HCBS in an effort to improve access to and quality of HCBS services and options throughout the state. As such, the state has been working with stakeholders on several additional systems-change efforts that complement the vision of the federal HCBS rule.

It is very important for HCBS waiver participants, their families, self-advocates, direct support professionals and HCBS service providers to provide feedback on what they think about MaineCare's HCBS statewide transition plan. Even if you do not have time to read it, if you are engaged in one of MaineCare's waiver programs, then you likely have a strong opinion, suggestion, or idea to be made about how settings providing HCBS can become more embedded in the broader community and support the privacy, autonomy, individual choices and desire of HCBS waiver participants to participate in activities in the community. So it is very important that MaineCare's leadership hear from you based on your personal experiences and interactions with state's HCBS system. Even if it is just a brief statement – there is no public comment too small or large. All input and ideas for how we can strengthen our approach to implementing the new state and federal HCBS requirements is welcome!

Pursuant to the requirements of the Centers for Medicare and Medicaid Services' (CMS) Home- and Community-Based Services (HCBS) Rule at 42 CFR 441.301(c)(6), the Maine Department of Health and Human Services, recently gave notice that the revised Maine HCBS Statewide Transition Plan has been released for a 30-day public comment period. The full public notice and revised Maine HCBS Statewide Transition Plan are available online at <https://www.maine.gov/dhhs/oms/index.shtml>. **Thus, stakeholders have until March 31st to submit comments to MaineCare in one of the following ways:**

- In writing to Thomas Leet at the Office of MaineCare Services, located at 109 Capitol Street, 11 State House Station, Augusta Maine 04333 (or via email at Thomas.Lleet@maine.gov)
- OMS rulemaking mailbox; or
- HCBS.DHHS@maine.gov

Upcoming Public Hearing on the State & Federal HCBS Requirements on March 12th

In addition to submitting public comments, stakeholders may participate in a public hearing on March 12th, 2020 at 1:00 p.m. The meeting will be held at DHHS, located at 109 Capitol Street, Room A/B, in Augusta, Maine. The Department requests that any interested party requiring special arrangements to attend the hearing contact the agency person listed below before March 6, 2020.