

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, Mail Stop S2-14-26  
Baltimore, Maryland 21244-1850



## **Medicaid Benefits and Health Programs Group**

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August 29, 2025

Rebecca de Camera  
Medicaid Director  
Montana Department of Public Health and Human Services  
111 North Sanders, PO Box 4210  
Helena, MT 59604

Dear Director de Camera:

This letter is in reference to settings submitted to the Centers for Medicare & Medicaid Services (CMS) for a heightened scrutiny review, in accordance with the federal home and community-based services (HCBS) regulations found at 42 CFR Section 441.301(c)(4) and (5). Montana submitted five assisted living facility settings that are located in a building that also provides inpatient institutional treatment. The complete list of the settings is the following:

- Rivers Bend Assisted Living, 801 S. 3rd St. E, Malta, MT 59538 (Assisted Living Facility)
- Aspen Meadows Assisted Living, 3155 Avenue C, Billings, MT 59102 (Assisted Living Facility)
- The Villa at Northern Pines, 707 Third St. SE, Cut Bank, MT 59427 (Assisted Living Facility)
- Missoula Health & Rehabilitation Center a/k/a Missoula ALF Operations, LLC, 3018 Rattlesnake Dr., Missoula, MT 59802 (Assisted Living Facility)
- The Living Centre, 63 Main St., Stevensville, MT 59870 (Assisted Living Facility)


CMS provided the state its initial “Summary of Findings” for the settings, to which the state responded. CMS had several conversations with the state regarding additional information needed to make a determination of the settings’ adherence to the regulatory settings criteria. Based on the information contained in the initial submissions and the additional information the state provided, CMS agrees with the state’s determination that these settings have overcome any institutional presumption and meet all of the HCBS settings criteria.

It is important to note that CMS adjudication of the heightened scrutiny settings solely addresses the state’s compliance with the applicable Medicaid authorities. CMS approval does not address the state’s independent and separate obligations under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act or the Supreme Court’s *Olmstead v. LC* decision. Guidance from the Department of Justice concerning compliance with the Americans with Disabilities Act and the *Olmstead* decision is available at: [http://www.ada.gov/olmstead/q&a\\_olmstead.htm](http://www.ada.gov/olmstead/q&a_olmstead.htm).

Upon review of this feedback, please contact Michele MacKenzie at (410) 786-5929 or [Michele.Mackenzie@cms.hhs.gov](mailto:Michele.Mackenzie@cms.hhs.gov) if you would like to schedule a follow-up call with the CMS team to discuss next steps or request technical assistance. Thank you for your continued commitment to the state of Montana's successful delivery of Medicaid-funded home and community-based services.

Sincerely,

Curtis  
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Cunningham -S  
Date: 2025.08.29 09:39:50 -04'00'

Curtis J. Cunningham, Director  
Division of Long Term Services and Supports  
Medicaid Benefits and Health Programs Group