



April 10, 2025

Name  
Title  
Address

**Re: Montana Home and Community-Based Services Heightened Scrutiny Package Submittal-  
Comments accepted through May 10, 2025**

Dear Title Name:

The Montana Department of Public Health and Human Services (DPHHS) is pleased to invite comment from all Tribal Governments, Urban Indian Organizations, and Indian Health Service (IHS) entities. DPHHS intends to submit a package for a Home and Community-Based Services (HCBS) waiver setting requiring Heightened Scrutiny (HS) to the Centers for Medicare and Medicaid Services (CMS) on or before May 16, 2025.

Under our Montana Medicaid Tribal Consultation State Plan agreement, DPHHS provides you notice of all Medicaid, Children's Health Insurance Program (CHIP) State Plan, and Waiver changes. To aid your review, we have indicated whether there will be a direct impact on reimbursement or coverage for American Indians/Alaska Natives.

DPHHS will submit an HCBS Heightened Scrutiny (HS) Evidentiary Packet to CMS. As part of the HCBS Final Rule, CMS has defined settings presumed not to be home and community-based that will need to undergo HS. These settings include: 1) settings that are located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment, 2) settings that are in a building located on the grounds of, or immediately adjacent to, a public institution, 3) any other settings that have the effect of isolating individuals receiving Medicaid HCBS from the broader community.

For settings presumed not to be home and community-based, states must present evidence of their home and community-based characteristics to CMS to determine if the setting has the qualities of a home and community-based setting and does not have the qualities of an institution and, therefore, can begin providing waiver services to individuals receiving Medicaid HCBS. Public comment on each setting is an important part of the home and community-based evidence package.

A summary of HS-8 (Montana's eighth HS setting), a description of their home and community-based characteristics, and the reason the setting requires HS can be found at <https://dphhs.mt.gov/SLTC> and <https://dphhs.mt.gov/hcbs>.

This HS Evidentiary Packet submittal **does not impact** American Indian/Alaska Native Medicaid members who receive services from Tribes, Urban Indian Health Organizations, and IHS.

DPHHS is committed to an extensive public process. We want to provide you the opportunity to review the proposed actions, understand the concepts, and offer comments. We invite your comments and questions through **May 10, 2025**. You may direct comments to Carla Rime, Medicaid State Plan Amendment and Waiver Coordinator, at (406) 444-2584 or CRime2@mt.gov, or the Director's Office, PO Box 4210, Helena, MT 59604-4210.

Sincerely,

Rebecca de Camara  
Medicaid and Health Services Executive Director/State Medicaid Director

cc: Misty Kuhl, Director of Indian Affairs, Governor's Office  
Stephanie Iron Shooter, American Indian Health Director, DPHHS