

CMS 2016-0187 (CMS 8003) 1915(c) Home and Community-Based Services Waiver
Application: CMS Response to Public Comments

During the public comment period for renewal of the application utilized by states to apply for a 1915(c) Home and Community Based Services (HCBS) Waiver, CMS received two comments, one from a parent of an adult son with disabilities, and one from a community organization that serves children with disabilities.

Comment:

One of the commenters is concerned that their state has enacted a standard that is more restrictive than CMS requirements and that this has resulted in the elimination of funding for a farm-based program because it does not fully integrate adults with disabilities into the community. The commenter indicates that farming is a way of life for many in their state and is not akin to an institution, and further states that those who attend this farm-based program need to have their choice respected and funded. The commenter states that the state “requires an individual to work with only non-disabled individuals” which eliminates opportunity and choice.

This commenter also expresses concern that the support staff hired to work with her son are not paid a professional wage that compensates them for the difficult job they are doing and that for this reason, there is an ongoing crisis with staff turnover.

This commenter also states that privatization would be the worst possible choice for the mental health system and that the goal of this system is to spend every dollar on services for the individual and not to generate a profit. The commenter indicates that this system in their state has suffered funding cuts that have resulted in service reductions.

CMS Response:

After review and consideration of these comments, CMS has determined that the 1915(c) waiver application does not need any revision as a result of these comments. CMS has also not revised any burden estimates as a result of these comments.

This application provides a format for states to use in their request of new, renewal, and amendments of 1915(c) home and community-based services. The Federal requirements for this program are promulgated and published under section 42 of the Code of Federal Regulations parts 430 and 431.

Comment:

Another commenter requested for a system to be planned and developed that would address the social and emotional impact of long-term caregiving, with interventions and services (behavioral health, emergency respite, peer support services provider network) to prevent emergency residential placements of individuals with developmental disabilities (DD). This commenter also stated the need to ensure a broad range of residential options that provide a continuum of

services and long-term supports. The commenter noted that many adults need residential services at some point and stressed the importance of reliable forecasts of future residential needs and trends for the DD population.

CMS Response:

After review and consideration of these comments, CMS has determined that the 1915(c) waiver application does not need any revision as a result of these comments. CMS has also not revised any burden estimates as a result of these comments.

This application provides a format for states to use in their request of new, renewal, and amendments of 1915(c) home and community-based services. The Federal requirements for this program are promulgated and published under section 42 of the Code of Federal Regulations parts 430 and 431.