State assesses settings

Identification of settings presumed to have qualities or characteristics of an institution

State proposes the setting does not have the characteristics of institution

State determines setting has characteristics of an institution

\*Substantive changes to the Transition Plan will require a public comment period.

For additional guidance please reference “CMS Guidance on State’s Transition Plan to Align with HCBS Characteristics/Settings Requirements”

CMS accepts state’s determination of home and community-based settings and approves in Transition Plan

CMS reviews Transition Plan and applies heightened scrutiny to determine which settings meet the criteria for home and community-based settings

State develops a plan to bring setting into alignment or relocate individuals to compliant home and community-based settings options

State must modify Transition Plan\*

CMS denies state’s determination(s) under heightened scrutiny

CMS identifies settings presumed institutional not identified in Transition Plan

njj

State posts the final document for public transparency and submits to CMS

State incorporates input from public comment period and provides summary of disposition of that input into the Transition Plan

State submits Transition Plan for public comment

State incorporates into Transition Plan

State develops the justification the Secretary will use to determine if the setting does not have the qualities of an institution and does have the qualities of home and community-based settings