

# Incorporation of Heightened Scrutiny in the Transition Plan Process



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



State determines setting has characteristics of an institution



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



State proposes the setting does not have the characteristics of institution



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



State incorporates into Transition Plan



State submits Transition Plan for public comment



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



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



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



CMS identifies settings presumed institutional not identified in Transition Plan



State must modify Transition Plan\*

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



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

\*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"