

## Justification of Non-substantive Change

The 1915(c) waiver application is revised to remove an outdated section of the waiver, Appendix C-2-c. CMS is removing this section of the waiver because it has not been in use since it was replaced with another section to the waiver, Appendix C-5, in 2014.

No new data collection is requested or required with this non-substantive change.

This change is non-substantive because it does not add, delete, or revise any requirement.

This change does not have any burden implications. All of our time and cost estimates remain as is.

For the waiver application's Instructions, Technical Guide, and Review Criteria document, CMS is only removing language, as noted in strike-out below. The only changes to this document are what is in strike-out. The version that was included in the package that was previously approved by OMB already contains language indicating that Appendix C-2-c of the waiver application is no longer needed and was replaced by Appendix C-5. The purpose of this change is to update the language so that it reflects that CMS has proceeded with removing Appendix C-2-c from the waiver.

### **Item C-2-c: Facilities Subject to §1616(e) of the Social Security Act**

#### **Instructions**

~~With publication of final regulations and the addition of the new section Appendix C-5 regarding home and community-based setting requirements, this section of the waiver application is no longer needed. Therefore, states should not complete this section C-2-c, and all instructions and technical guidance for this section of the application have been removed from this version of the Technical Guide that includes changes implemented in 2014. States with existing approved 1915(c) waivers will need to complete the new section C-5 upon renewal or amendment. Eventually, once all existing waivers have the new section C-5 incorporated into their approved existing waivers, CMS will delete this section from the waiver application. In the interim, if a waiver provides services in residential facilities serving four or more unrelated individuals, states should only enter in the text box following Appendix C-2-c-ii: "Required information is contained in response to C-5" and complete Appendix C-5 for all settings that meet the HCB settings requirements.~~