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Public Notice
Upcoming Public Comment Period for Renewal of Kentucky Medicaid's
Acquired Brain Injury Long Term Care Waiver
August 26, 2022

The Department for Medicaid Services (DMS) is notifying stakeholders of an upcoming formal public comment period for Kentucky's Acquired Brain Injury Long Term Care (ABI LTC) waiver. The ABI LTC waiver is one of Kentucky's six (6) 1915(c) Home and Community Based Services (HCBS) waivers. 1915(c) HCBS waivers expire every five years. The current version of the ABI LTC waiver approved by the Centers for Medicare and Medicaid Services (CMS) expires in 2022. To continue providing ABI LTC services, DMS must renew this waiver with CMS.

The formal public comment period for ABI LTC begins **Friday, September 2, 2022**. DMS will **receive comments until 11:59 p.m. Eastern on Sunday, October 2, 2022**. The formal public comment period is being held per 42 CFR 441.304(f), in which CMS requires states to engage their stakeholders before submitting substantive waiver changes for approval.

Proposed Waiver Updates

Please note this is a **renewal of the current ABI LTC waiver only**. DMS evaluated the current ABI LTC waiver application and made updates to areas where clarity on policy is needed, to align the waiver application with the current ABI LTC Kentucky Administrative Regulation (KAR), and to assure the waiver application accurately describes current waiver processes.

Due to the size of the waiver application, DMS will list specific updates in a one-page summary document to help stakeholders more easily identify areas of review. The one-page summary and the ABI LTC application will be available on the DMS Division of Community Alternatives website at <https://bit.ly/kyhcbswaiverinfo> **no later than the close of business on Friday, September 2, 2022**.

DMS recognizes additional updates to the waiver are needed based on provider and participant feedback collected during the past few years. Many of these updates require changes to the ABI LTC waiver Kentucky Administrative Regulation (KAR). Because of the length of time KAR amendments can take, DMS is not making major changes to the waiver application with this renewal. DMS anticipates making additional updates to the waiver and the waiver-related KAR after the 1915(c) HCBS Waiver Rate Study concludes. DMS will hold additional formal public comment for any future KAR and waiver amendments.

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How to Make a Public Comment

To submit an official public comment during the formal public comment period, please use one of the following methods of submission:

1. **Email:** Please submit comments by email to MedicaidPublicComment@ky.gov
2. **Phone:** Please contact the 1915(c) Waiver Help Desk at (844) 784-5614. A DMS staff member will record your comments for review.
3. **Mail:** Department for Medicaid Services
Division of Community Alternatives
Attn: ABI LTC Public Comment
275 E. Main St., 6W-B
Frankfort, KY 40621

For the formal public comment period, please provide the following information with your submission.

1. Contact Information
 - If you are **commenting as an individual**, please submit contact information.
 - If you are **commenting on behalf of a provider**, please include the provider name and your contact information.
 - If you are **commenting on behalf of an organization or association**, include the organization's name and your contact information.
2. Comment
 - You may submit comments on the waiver as a whole or on specific parts of the waiver. When providing specific comments, please be clear on which areas you are commenting on. **Please, do not include personal health information in your comments. Your comments may be shared publicly.**

What Happens After I Make a Public Comment?

DMS will review and publicly respond to comments received between September 2, 2022, and October 2, 2022, as part of the process of having the ABI LTC application renewed by CMS.

DMS is dedicated to recognizing and considering stakeholder input at any time. It is important to note that DMS is continuously accepting comments about the waiver programs. Comments submitted before September 2, 2022, and after October 2, 2022, are addressed through DMS staff interaction.

You can request this document or the amended ABI LTC waiver application in paper form by contacting the 1915(c) Waiver Help Desk at 1915cWaiverHelpDesk@ky.gov or by calling (844) 784-5614.