



**CABINET FOR HEALTH AND FAMILY SERVICES  
DEPARTMENT FOR MEDICAID SERVICES**

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**Public Notice  
Public Comment Period for 1915(c) Home and Community Based Services (HCBS)  
Waivers  
March 15, 2019**

The Cabinet for Health and Family Services (CHFS) Department for Medicaid Services (DMS) is notifying the public that the formal public comment period for the amended 1915(c) HCBS waiver applications is **resuming today, March 15, 2019**. DMS revised the six (6) 1915(c) HCBS waivers, listed below:

- Acquired Brain Injury (ABI)
- Acquired Brain Injury Long Term Care (ABI LTC)
- Home and Community Based (HCB)
- Model II Waiver (MWII)
- Michelle P. Waiver (MPW)
- Supports for Community Living (SCL).

**DMS will receive comments for a full thirty (30) day period, beginning Friday, March 15, 2019, and ending at 11:59PM eastern standard time on Monday, April 15, 2019.** This formal public comment period is being held in accordance with 42 CFR 441.304(f), in which the Centers for Medicare and Medicaid Services (CMS) requires states to engage their stakeholders before submitting substantive waiver changes to CMS for approval. DMS started a formal public comment period from Monday, January 7, 2019 to Friday, January 18, 2019. During that period, DMS received valuable comments from stakeholders and identified a need to pause public comment in order to revise the waivers further. Now that revisions are complete, DMS is restarting the public comment period for a full thirty (30) days to allow stakeholders to view the revisions and comment.

**Nature of Revisions to Posted Waiver Applications**

1. Based on stakeholder feedback from summer 2018, DMS is changing the way it calculates patient liability. This should reduce or eliminate patient liability for waiver participants.
2. DMS clarified PDS policies including the criteria for hiring legally responsible individuals, background check and training requirements for PDS employees, and which services

can be delivered by a legally responsible person, a legal guardian and/or a relative via the PDS service delivery option.

3. DMS will transition Occupational, Physical and Speech Therapy from MPW to the Medicaid State Plan based on guidance received from CMS.
4. DMS updated text to ensure easier readability and understanding.
5. DMS double checked each waiver to ensure program and population-specific notations were correct and updated those notations as needed.
6. Based on the updated 1915(c) waiver application released by CMS in January 2019, DMS added Appendix H-2 regarding the use of participant experience surveys.

### **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](mailto:MedicaidPublicComment@ky.gov)
2. **Phone:** Please contact Kendra Sears or Jacklyn Butler at (502) 564-7540. They will record your comments and provide them for review.
3. **Mail:** Department for Medicaid Services  
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. Waiver
  - Please indicate which waiver(s) you are commenting on.
3. Comment
  - You may submit general comments or comments on specific areas of the waiver. Please be clear about the areas you are commenting on.

**Please, do not include personal health information in your comments. Your comments may be shared publicly.**

You can request this document or the amended waiver applications in paper form by contacting Kendra Sears or Jacklyn Butler at the phone number listed above.

## **What Happens After I Make A Public Comment?**

Comments submitted between January 7, 2019 and April 15, 2019, will be considered “formal public comment.” DMS will review these comments and publicly respond to them as part of the process of having the amended 1915(c) HCBS waiver applications approved 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 redesign process. Comments submitted before January 7 and after April 15 are addressed through either a regularly updated Frequently Asked Questions (FAQs) document or DMS staff interaction.

Copies of this public notice are also available at each county’s Department for Community Based Services (DCBS) office. For the address of your county’s DCBS office, please see [http://prdweb.chfs.ky.gov/Office\\_Phone/index.aspx](http://prdweb.chfs.ky.gov/Office_Phone/index.aspx).