



OCT -7 2014

Administrator
Washington, DC 20201

The Honorable Kitty Rhoades
Secretary of the Department of Health Services
State of Wisconsin
1 West Wilson Street
Madison, WI 53707

Dear Madam Secretary:

Thank you for your letter concerning the Centers for Medicare & Medicaid Services (CMS) Home and Community-Based Services (HCBS) final rule. Your letter expressed concern that future guidance from CMS regarding the final rule might limit choice and options for individuals receiving HCBS that are provided in non-residential settings. Specifically, you urge CMS to take into account your position that a “one-size fits all” approach is not consistent with person-centered planning as we develop guidance for states around pre-vocational and day program settings.

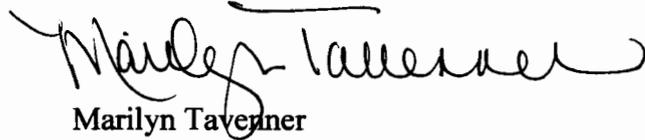
The important objective of the final rule, *Medicaid Home and Community-Based Services (HCBS) Waiver Final Rule*, which was published on January 16, 2014, and went into effect on March 17, 2014, is to ensure that individuals with disabilities have access to the services and supports needed to live and work in the community in settings that provide opportunities for full integration with their community. The rule applies to all settings in which Medicaid HCBS are provided, including non-residential settings for employment-related services. Any additional guidance that CMS provides will be in line with the requirements of the final rule. We agree that an individual’s person-centered planning process is a vital tenet of HCBS and its importance is emphasized in the final rule. States are required to work with individuals to facilitate their choice to participate in or receive services in settings that have the characteristics of home and community-based settings.

As you are aware, over the next year, each state will complete an assessment of current Home and Community-Based (HCB) settings and develop a proposed transition plan to assure full compliance with the provisions of the regulation. We have been working with states to provide feedback regarding the transition plans being proposed. We are preparing to post additional information on our website to assist states in the preparation of state-wide transition plans that include both residential and non-residential settings (<https://www.medicaid.gov/HCBS>).

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We want to assure you that we are committed to providing additional information and technical assistance that will assist states with implementing the requirements outlined within the regulations. Again, thank you for your interest in this very important issue. If you have additional questions, please do not hesitate to contact Ralph F. Lollar, Director, Division of Long Term Services and Supports at: ralph.lollar@cms.hhs.gov. Please do not hesitate to contact me with any further thoughts or concerns.

Sincerely,



Marilyn Taverner