

Dushuttle, Patricia

From: Holt, Kathryn (CMS/CMCHO) <Kathryn.Holt@cms.hhs.gov>
Sent: Monday, March 05, 2012 1:44 PM
To: Dushuttle, Patricia
Cc: Schervish, Marguerite (CMS/CMCS); Harris, Melissa L. (CMS/CMCS); Jensen, Kirsten (CMS/CMCS); Mills, Stephen C. (CMS/CMCHO)
Subject: RE: Proposed Community Based regulations (Maine)

Patty:

Please let me confirm that this guidance applies to multi-level settings. I am aware that you have many providers awaiting this information and it is my hope that I can provide you with firm guidance quickly.

I appreciate your patience.

Yours,
Katie
617/565-1246
kathryn.holt@cms.hhs.gov

From: Dushuttle, Patricia [mailto:Patricia.Dushuttle@maine.gov]
Sent: Monday, March 05, 2012 1:27 PM
To: Holt, Kathryn (CMS/CMCHO)
Cc: McGreal, Richard R. (CMS/NC); Mills, Stephen C. (CMS/CMCHO); Grano, Nancy E. (CMS/NC); Harris, Melissa L. (CMS/CMCS); Schervish, Marguerite (CMS/CMCS); Smith, Bonnie
Subject: RE: Proposed Community Based regulations (Maine)

This is very helpful clarification about state plan services.

I want to make sure that I am interpreting your guidance below correctly specific to **multi-level settings**, as we have many providers awaiting this information. From your guidance below, it appears that at this time it is permissible to have state plan personal care services delivered in a residential care setting when that residential setting is attached to a nursing facility. This however would NOT be approvable if the personal care services are under 1915(i) SPA or 1915(c) waiver. Can you please confirm the correctness of my statement? Thanks very much! We will see what other questions we can send along for a conference call. Thanks!

Patty

Patricia Dushuttle, M.A.
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From: Holt, Kathryn (CMS/CMCHO) [mailto:Kathryn.Holt@cms.hhs.gov]
Sent: Monday, March 05, 2012 11:51 AM
To: Dushuttle, Patricia
Cc: McGreal, Richard R. (CMS/NC); Mills, Stephen C. (CMS/CMCHO); Grano, Nancy E. (CMS/NC); Harris, Melissa L. (CMS/CMCS); Schervish, Marguerite (CMS/CMCS)
Subject: RE: Proposed Community Based regulations (Maine)

Patty:

We will not be able to participate in the Stakeholders meeting on March 8th. If the group, however, develops questions that they would like for us to answer, we would gladly receive them in writing to provide them with the proper degree of review that they would require, especially since those questions may be in-depth. As you are aware, the IMD/PNMI issue is a very complicated process and we are happy to work with the State in clarifying requirements, but we do need to have questions/concerns in advance of discussions so that we can be sure that all necessary parties are involved.

Also, please note that CMS is not (at least for now) applying HCBS criteria to other State plan services, such as personal care; those criteria will just apply to provisions that specifically reference being provided in a home and community setting (1915(c) waiver, 1915(i), HCBS SPAs, and 1915(k) CFC SPAS).

Yours,
Katie
617/565-1246
kathryn.holt@cms.hhs.gov

From: Dushuttle, Patricia [mailto:Patricia.Dushuttle@maine.gov]
Sent: Tuesday, February 28, 2012 2:38 PM
To: Grano, Nancy E. (CMS/NC); Holt, Kathryn (CMS/CMCHO)
Subject: RE: Proposed Community Based regulations

Katie and Nancy,

We have a PNMI Stakeholder meeting coming up on March 8, and are wondering if we could have CMS representatives join us on a call at 1:30 pm on March 8 to discuss homelike setting requirements and also the expressed CMS concerns around multi-level settings where a PNMI (delivering personal care services) is in the same building as a nursing facility. The call would be with DHHS staff and our provider Stakeholder group for Appendix C (Case Mix Facilities).

Katie, could you call me as soon as possible to discuss this call? thanks much!

Patty

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From: Dushuttle, Patricia
Sent: Monday, February 27, 2012 8:46 AM
To: Grano, Nancy E. (CMS/NC); Holt, Kathryn (CMS/CMCHO)
Subject: RE: Proposed Community Based regulations

We also need to have a confirmation from CMS as soon as possible to whether I-SPAs will be held to the same requirements as HCBS waivers in determining a "homelike" setting. Thanks!

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From: Grano, Nancy E. (CMS/NC) [mailto:Nancy.Grano@cms.hhs.gov]
Sent: Tuesday, February 14, 2012 11:40 AM
To: Dushuttle, Patricia; Holt, Kathryn (CMS/CMCHO)
Subject: RE: Proposed Community Based regulations

We review applications for conformity with Medicaid statute, regulations and policy, and reviews are concurrently conducted by the regional and central offices of CMS. You may want to refer to the current version 3.5 of the CMS HCBS waiver technical guide for information. Thanks, Patty.

Nancy Grano

From: Dushuttle, Patricia [mailto:Patricia.Dushuttle@maine.gov]
Sent: Tuesday, February 14, 2012 11:07 AM
To: Grano, Nancy E. (CMS/NC); Holt, Kathryn (CMS/CMCHO)
Subject: RE: Proposed Community Based regulations

Thanks for the update. So based on that, for current practice, when CMS looks at approval of a HCBS waiver, or I-SPA, can you provide any guidance on what community standards would be required?

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From: Grano, Nancy E. (CMS/NC) [mailto:Nancy.Grano@cms.hhs.gov]
Sent: Tuesday, February 14, 2012 10:58 AM
To: Dushuttle, Patricia; Holt, Kathryn (CMS/CMCHO)
Subject: RE: Proposed Community Based regulations

Hi, Patty. The regulations your refer to have not been finalized yet. We have not received any update information on timeframes for them. We will share any further information as we receive it.

Nancy Grano
CMS Region I

From: Dushuttle, Patricia [mailto:Patricia.Dushuttle@maine.gov]
Sent: Tuesday, February 14, 2012 10:52 AM
To: Holt, Kathryn (CMS/CMCHO); Grano, Nancy E. (CMS/NC)
Subject: Proposed Community Based regulations

Katie and Nancy, I am wondering if you can give me any guidance on the status of any proposed/final home and community based regulations pertaining to HCBS waivers and or I-SPAs? My understanding is that those proposed regulations would have also pertained to some state plan services such as personal care, etc. I don't know if anything was finalized, or whether CMS is following such guidelines. I believe the proposed regs had proposed that no HCBS waiver could be approved with more than 4 beds in one setting?

Thanks for any updates, I need to factor this information into our PNMI plan.

Patty

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