

Incorporation of Heightened Scrutiny in the Standard Waiver Process

State develops initial, amendment or renewal application which includes state process for ensuring ongoing compliance with the HCB setting requirements



State identifies, adds or changes standard (s) (e.g., licensing, certification, etc.) for providers to permit settings presumed to have qualities of an institution



State demonstrates that it has excluded settings that are institutional in nature inside a licensing or certification standard in the application



State determines is HCBS and documents justification for CMS in applying heightened security

State submits application for public comment



State incorporates input from public comment period and provides summary of disposition of that input into the waiver application



State posts the final document for public transparency and submits to CMS



CMS reviews application and applies heightened security to identified settings and makes final determination



CMS accepts HCB setting status



Approval of this aspect of the application



CMS identifies settings presumed institutional not identified in the application



Informal RAI



Resolved*

Approval



Unresolved

Formal RAI



Resolved*

Approval



Unresolved

Disapproval



CMS denies HCB status

*Substantive changes will require a public comment period