

**STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
MED-QUEST DIVISION**

NOTICE FOR A PUBLIC NOTICE

The State of Hawaii, Department of Human Services and Department of Health (the State) published a public notice on May 15, 2024, to notify the public of the opportunity to comment on the Home and Community Based Services (HCBS) Settings for Hawaii's 1115 QUEST Integration and 1915(c) Intellectual/Developmental Disabilities Waiver, which provides home and community services as an alternative to institutionalization.

These HCBS settings are required to meet the Centers for Medicare & Medicaid Services (CMS) regulation 42 C.F.R. §441.301(c)(4). The purpose of this public notice is to ensure Medicaid beneficiaries receiving HCBS in these settings meet the quality requirements specified in the final rule and are appropriately based on the needs of the individual as indicated in their person-centered service plan. The final rule provides the State the opportunity to evaluate settings through a heightened scrutiny process if the setting:

- (i) "is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment,"
- (ii) is located "in a building on the grounds of, or immediately adjacent to, a public institution," or
- (iii) otherwise "has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS,"

The setting is then "presumed to be a setting that has the qualities of an institution unless [CMS] determines through heightened scrutiny, based on information presented by the State, that the setting does *not* have the qualities of an institution and that the setting does have the qualities of home and community-based settings."

The State identified 4 settings that required heightened scrutiny. The State determined that a setting overcame the institutional presumption by verifying that the setting met (or had an accepted plan of correction) for meeting each requirement of the HCBS Settings Final Rule. The State hereby notifies the public of the opportunity to comment on these settings. The HCBS Heightened Scrutiny Settings Summary (described below) includes the list of settings, summary of findings, and supporting evidence.

The State will hold a public forum to seek input as described in this notification. All interested parties are invited to join the public forum and to state their views regarding these settings.

Via Webinar

Date: June 4, 2024

Time: 10:00 a.m. to 11:00 a.m.

Registration: https://medquest-hawaii-gov.zoom.us/webinar/register/WN_vlJV521ESeektEHDmkaN1A
After registering, you will receive a confirmation email containing information about joining the webinar.

In lieu of joining the public forum by webinar, written comments can be sent through email at mychoicemyway@dhs.hawaii.gov or mailed to:

Department of Human Services
Med-QUEST Division
Attention: Health Care Services Branch
P.O Box 700190
Kapolei, Hawaii 96709-0190

Written comments will be accepted for consideration from the date this notice is published through **June 20, 2024**.

The HCBS Heightened Scrutiny Settings Summary is available online at: <https://medquest.hawaii.gov/en/members-applicants/already-covered/my-choice-my-way.html>. A copy of the HCBS Heightened Scrutiny Settings Summary will also be available upon request from the first working day that the legal notice appears in the Honolulu Star-Advertiser, Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island for a period of at least thirty calendar days after the publication of this notice, from Monday – Friday, exclusive of state holidays, between the hours of 9:00 a.m. to 2:00 p.m.

Special accommodations (i.e., interpreter, sign language interpreter, large print, taped materials, or accessible parking) will be arranged if requested no later than seven (7) working days before the scheduled public forum on Oahu by calling 808-692-8094. Neighbor island residents requesting special accommodations should contact the appropriate Med-QUEST Division offices on the respective neighbor islands listed above.

DEPARTMENT OF HUMAN SERVICES, MED-QUEST DIVISION
JUDY MOHR PETERSON, PhD
MED-QUEST DIVISION ADMINISTRATOR