

**MISSOURI STATEWIDE TRANSITION PLAN
SUMMARY OF PUBLIC COMMENTS
PUBLIC NOTICE POSTED DECEMBER 20, 2019**

Missouri Home and Community-Based Service Settings Transition Plan Public Comments

This document contains a summary of the public comments collected in response to the Revised Missouri Statewide Transition Plan (STP) for the Home and Community Based Services (HCBS) Final Rule posted on December 20, 2019 which amends the previous Statewide Transition Plan posted on March 27, 2019. Public comment was taken from December 20, 2019 through January 20, 2020. A notice regarding the revised Statewide Transition Plan was posted in The Columbia Tribune, Independence Examiner, Kansas City Star, Springfield News-Leader and The St. Louis Post Dispatch on December 20, 2019. A complete copy of the Revised State Transition Plan was available at each of the DMH Regional Offices, the Department of Health and Senior Services Person Centered Care Planning Team (PCCP) offices, or by request. In accordance with Centers for Medicare and Medicaid Services (CMS) guidance, the Revised State Transition Plan was made available for 30 day public comment to allow all consumers, providers and stakeholders an opportunity to provide input to the revised plan.

During the public comment period, MO HealthNet Division (MHD), Department of Mental Health (DMH) and the Department of Health and Senior Services (DHSS) received one letter with comments from the Chair of the Missouri Developmental Disabilities Council. Those comments are summarized below. No changes were made to the Statewide Transition Plan as the result of these comments.

Comment: Pgs. 19-20 notes that per the SMD #19-001 released by CMS on March 22, 2019 and the CMS Heightened Scrutiny Training for States held on July 24, 2019, DMH further analyzed the remaining 15 settings that had previously been under heightened scrutiny review. Missouri removed the heightened scrutiny review of these 15 settings, eliminating all potential heightened scrutiny setting across Missouri. The December 20, 2019 amended STP did not provide clear and sufficient explanation as to the review process that lead to this decision.

Response: MHD is in the process of posting for public comment a Heightened Scrutiny Summary explaining the review.

Comment: Page 27 identifies that adult day care settings are fully compliant with HCBS characteristics when individuals do not receive residential services, and either own or lease their homes, or reside with family as fully compliant. More consideration regarding this compliant classification could provide day care settings with guidance and standards that drive providers to prioritizing meaningful choice and community inclusion.

Also, based on Missouri's STP it is unclear if the standards used in setting assessments and on-site evaluations were ample enough to provide the high standards which Missouri's Developmental Disabilities Council advocates for when considering the implementation of the HCBS rule in Missouri.

Response: The compliance classifications are based on guidance provided by Centers for Medicare and Medicaid Services (CMS). Tools developed for the assessments are located online and followed the HCBS federal rule and CMS exploratory questions.

Comment: The Missouri Developmental Disabilities Council recommend that the STP comment period be posted across all three state HCBS sites. When engaging professionals, advocates and family

members in the December 20, 2019 amended STP it was identified that minimal attention was provided to engaging stakeholders in the public comment period. The public comment period was unclear with lack of consideration given to weekend and state holiday dates.

Response: MHD, as part of the single state Medicaid agency, is required to post the Statewide Transition Plan for public comment. In addition to posting on the public notice page of MHD's web site, an e-mail blast regarding the posting was sent to all subscribers to MO HealthNet News, and the notice was also published in newspapers. A 30-day public notice and comment period is required by federal regulations. Including a specific end date for receipt of comments will be considered for future comment periods.

Comment: The level of access stakeholders have to official responses of previous public comment periods leave those reviewing STP amendments struggling to identify and track changes throughout Missouri's STP process. Providing public comment details, such as how many public comments were received and details of the comments themselves, would engage stakeholders more vigorously and efficiently.

Response: The State has summarized and responded to all public comments received during each public notice of the statewide transition plan, sent the summary to CMS, and published the summary on [MHD's website](#).

Comment: The Missouri Developmental Disabilities Council would like to see Missouri's STP provide a more robust plan that addresses meaningful choice to individuals with disabilities and their families. Including a plan that ensures access to meaningful choice of non-disability specific settings would elevate the implementation of the HCBS rule.

Response: In addition to the person-centered planning processes addressed in the STP and in the On-site Assessments, Missouri included in the STP plans to work with stakeholders to ensure access and meaningful choice (pages 6 and 7).