



## What to expect after the on-site assessment

DHS appreciates your participation during our assessment of your setting via the attestation process and the onsite visit.

Information collected from this settings' attestation and onsite visit will be used to develop an "Evidentiary Package" that is sent to CMS for review.

### Development of the setting's Evidentiary Package

DHS will use the following sources of information to develop this setting's Evidentiary Package. Batches of Evidentiary Packages will be submitted to CMS on a quarterly basis. The setting's attestation and additional information submitted to DHS

- Geo-mapping and location demographics
- Licensing review findings, if available and applicable
- On-site assessment findings
- Public comments in response to the Evidentiary Package

### Public comment period

DHS will request and accept public comments for 30 days regarding the state's support of the setting overcoming the institutional presumption including, but not limited to the following methods:

- Evidentiary Package will be posted online at [Home and Community Based Services Rule transition plan](https://mn.gov/dhs/partners-and-providers/news-initiatives-reports-workgroups/long-term-services-and-supports/hcbs-transition/) website: <https://mn.gov/dhs/partners-and-providers/news-initiatives-reports-workgroups/long-term-services-and-supports/hcbs-transition/>
- Notice of the public comment period will be via e-list announcements
- Lead agency notification via Regional Resource Specialist
- Provider notification- email/direct mail
- Disability HUB virtual insight panel

### Submission of Evidentiary Package to CMS for Heightened Scrutiny

DHS will evaluate all of the evidence collected and summarize the public comments received during the public comment period. If DHS finds that the evidence collected supports the setting as having the characteristics of an HCBS setting and not of an institution or having the effects of isolating, DHS will submit the setting's Evidentiary Package to CMS for heightened scrutiny.

### CMS final determination

Evidentiary Packages will be batched and several packages will be submitted to CMS at various intervals.

CMS will notify DHS of the final heightened scrutiny determination for each setting. One of the following two outcomes are possible:

1. CMS will determine the evidence submitted **DOES** support the state’s recommendation. The setting does in fact have the characteristics of an HCBS setting and does not have the characteristics of an institution or effects of isolating.
2. CMS will determine the evidence submitted **DOES NOT** support the state’s recommendation. The setting does not have the characteristics of an HCBS setting and does have the characteristics of an institution or the effects of isolating.

## Notification of Heightened Scrutiny final determination

DHS will notify the provider of CMS’s final determination after heightened scrutiny.

DHS will also publish the determinations for each submitted setting on the [Home and Community Based Services Rule transition plan](https://mn.gov/dhs/partners-and-providers/news-initiatives-reports-workgroups/long-term-services-and-supports/hcbs-transition/) website: <https://mn.gov/dhs/partners-and-providers/news-initiatives-reports-workgroups/long-term-services-and-supports/hcbs-transition/>

## Resources

DHS HCBS Rule transition plan website

- <https://mn.gov/dhs/partners-and-providers/news-initiatives-reports-workgroups/long-term-services-and-supports/hcbs-transition/>
- HCBS best practices guide “[Provider’s guide to putting the HCBS rule into practice](#)” (PDF)
- The [Home and Community-Based Services Rule Overview video](#)

Other websites

- The [CMS website](#) contains more information about the CMS rule and requirements. The guidance documents are located within the “Settings Requirements Compliance Toolkit” section of the webpage.
- The [HCBS Advocacy](#) website is a platform for the aging and disability communities to post information, and state and national resources regarding the new HCBS settings rule. The right-hand column of this webpage contains a helpful three-part toolkit on the rule.

Contact Us

- There are three ways to send us your questions, give us your feedback or request a paper copy of the statewide transition plan:
  - Email [ProviderAttestationReview@state.mn.us](mailto:ProviderAttestationReview@state.mn.us) with a the subject line “site visit”
  - Call 651-431-4300
  - Mail Minnesota Department of Human Services, Disability Services Division, Attention: HCBS Rule Transition Plan, P.O. Box 64967, St. Paul, MN 55164-0967