

NOTICE 0923921

DATE: September 5, 2023

TO: AAA Directors; AAA Public Information Officers; Ombudsman Directors; PASSPORT Site Directors

FROM: Kimberley Dedino, Chief, Division for Community Living

RE: Public Comment Period on PASSPORT and Assisted Living Medicaid Waiver Amendments

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The Ohio Department of Aging appreciates the continued advocacy and stakeholder collaboration throughout this process of planning for the Appendix K authorities to end. On July 14th, Ohio posted the PASSPORT and Assisted Living waiver applications in anticipation of an effective date of November 12, 2023.

Recently, CMS provided states with the option to extend approved flexibilities past the November 12th date, as long as the state is in the process of permanent amendments pending CMS review and approval. As a result, effective dates on the proposed waiver application amendments will be modified to reflect a new effective date of January 1, 2024. The public comment timeframe has been extended with a new public posting of the updated applications.

Ohio posted for public comment proposed amendments to the PASSPORT Medicaid Waiver and to the Assisted Living Medicaid Waiver, which will be submitted to the Centers for Medicare and Medicaid Services (CMS) for review. The period for public comment on the proposed PASSPORT and Assisted Living Medicaid Waiver Amendments began on **August 29, 2023, through September 27, 2023.**

The public comment period is a requirement under the January 16, 2014, CMS Home and Community-Based Services (HCBS) Settings Final Rule (*CMS 2249- F/2296-F*), which sets forth the actions Ohio will take to operate all applicable HCBS programs in compliance with the final rule. States are required to give notice and to provide a 30-day public comment period.

During the public comment period, ODA requests the following of the PASSPORT Administrative Agencies (PAAs):

- In order to provide public access to the proposed PASSPORT and Assisted Living Amendments and to facilitate public comment, create a link from the PAA website to the Ohio Department of Medicaid website page posting the documents, located at the following:

<https://medicaid.ohio.gov/wps/portal/gov/medicaid/about-us/notices/public-notices>

- Please make hard copies of the PASSPORT and Assisted Living Waiver Amendments available upon request.
- PAA Case Managers are encouraged to promote the opportunity to provide public comments on the proposed Medicaid Waiver amendments during their conversations with individuals served on the Medicaid waivers, their family members, or anyone who might be interested.

ODA values the input of individuals interested in or impacted by changes to ODA Medicaid waivers and appreciates the contribution by the PAAs to this important process.

Once the public comment period has concluded the PAA may remove the public notice announcements and the link to the proposed PASSPORT and Assisted Living Waiver Amendments from the PAA's website.

KD/ah