



Eric Holcomb, Governor  
State of Indiana

*Division of Disability and Rehabilitative Services*  
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To: Bureau of Developmental Disabilities Services Non-Residential Providers and Stakeholders  
From: Holly Wimsatt, Director, Bureau of Developmental Disabilities Services  
Re: HCBS Final Rule Non-Residential Transition Plan Implementation follow up  
Date: June 21, 2022

In July 2020, the Centers for Medicare & Medicaid Services extended the transition period for states compliance with the Home-and Community-Based Services Settings Rule criteria until March 17, 2023, in response to the Coronavirus Disease 2019 public health emergency.

The HCBS Settings Rule requires that all the settings in which Medicaid HCBS are provided, are integrated in and support full access to the greater community, including:

- Providing opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources
- Ensuring individuals receive services in the community to the same degree of access as individuals not receiving Medicaid home and community-based services
- Are selected by the individual from among setting options, including non-disability specific settings

With the final 2023 compliance date fast approaching, the Bureau of Developmental Disabilities Services will continue engagement activities and efforts associated with the [non-residential remediation process](#).

In July 2022, BDDS will begin reaching back out directly to all the non-residential day habilitation providers (formerly known as facility and community-based habilitation) that were previously required to submit a transition plan in response to their initial site assessment findings. In preparation, those non-residential day habilitation providers should be reviewing their existing plans and ensuring any updates to compliance activities for their service settings, as necessary. The HCBS non-residential provider transition plan process and requirements were previously presented in April 2019, [available here](#).

As BDDS resumes the validation process of all non-residential provider plans, non-residential day habilitation providers will be required to submit any outstanding materials demonstrating compliance (updated policies, procedures, etc.) by October 2022 to confirm completion.



BDDS will review and validate all submitted information by January 2023 in accordance with the providers transition plans. This process ensures full compliance of the settings rule by the March 17, 2023, due date. For more information regarding Indiana's Home-and Community-Based Services Final Rule Statewide Transition Plan, [please click here.](#)