



13 British American Blvd. | Suite 2 | Latham, New York 12110 | P 518.867.8383 | F 518.867.8384 | [www.leadingageny.org](http://www.leadingageny.org)

## MEMORANDUM

**TO:** HCBS, ACF, Assisted Living and Housing Members

**FROM:** Diane Darbyshire, Senior Policy Analyst  
Cheryl Udell, Policy Analyst

**DATE:** July 2, 2012

**SUBJECT:** **LeadingAge New York Comments on Proposed Rule for HCBS Waivers**

**ROUTE TO:** CEOs, CFOs, Administrators

---

ABSTRACT: Proposed rule could expand options for states but narrow residential options for consumers.

On May 3, 2012 the *Federal Register* provided notice of a proposed rule to revise Medicaid regulations regarding Home and Community Based Services (HCBS). Under this proposed rule, states will be allowed to request new services be included in the Medicaid State Plan, such as services previously covered under home and community based waivers. While New York already has a robust array of HCBS, these options could be beneficial to New York.

The proposed rule also attempts to arrive at a definition of ‘home and community based’ as it relates to settings in which individuals can reside in and receive HCBS wavier services or services through Community First Choice, a new federal initiative that the state is likely to pursue. Much of the proposed criteria could limit residential options for people with those services.

LeadingAge New York provided comments to the Centers for Medicare and Medicaid Services highlighting potential implications for New York’s home and community based services, assisted living, housing and the individuals they serve.

To view the proposed rule, [click here](#). LeadingAge New York’s comments are provided as an attachment to this memo.

If you have any questions or concerns about this issue, contact Cheryl Udell at [cudell@leadingageny.org](mailto:cudell@leadingageny.org) or 518-867-8383, ext. 151 or Diane Darbyshire at [ddarbyshire@leadingageny.org](mailto:ddarbyshire@leadingageny.org), or 518-867-8828.