

Congress of the United States
House of Representatives
Washington, DC 20515-2202

July 8, 2013

Marilyn Tavenner
Acting Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Re: Comment on CMS-2296-P2

Dear Ms. Tavenner,

It was recently brought to my attention that on May 3, 2012, the Centers for Medicare and Medicaid Services (CMS) proposed a regulation revision (CMS-2249-P2) which, if adopted, will change how "community" is defined for the purpose of providing Medicaid reimbursement for the Social Security Act's Home and Community Services (HCBS) Section 1915(c) waiver. The proposed rule would impose new restrictions on the types of residential settings considered "community-based," by amending 42 CFR Section 441.301 (b)(1)(iv).

I am concerned with the proposed revisions, and the narrowing of the definition of "community". The proposed rule would require the Secretary of Health and Human Services to begin with a "rebuttable presumption" that certain settings are not "community," including disability-specific housing complex[es]. This proposal threatens many innovative, family-initiated housing complexes and planned communities designed for people with intellectual and developmental disabilities, autism, and other disabilities.

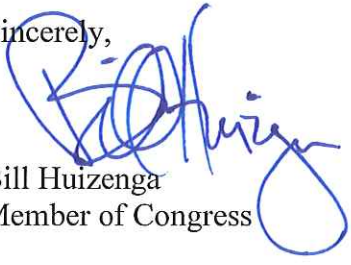
Michigan has been a long-time leader in developing community-based living. The overall goal for individuals receiving services should be that "services, programs, and activities" of a public entity be provided "in the most integrated setting appropriate to the needs of qualified individuals with disabilities." Such a setting is one that "enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible." Maintaining a full continuum of services and settings is a better plan than limiting options or making them harder to access because some people might find them objectionable.

Consider, for example, Benjamin's Hope in Holland, Michigan. Benjamin's Hope is a first of its kind community model designed to address the multifaceted needs of individuals and families affected by autism and developmental disabilities. The mission of Benjamin's Hope is to be an embracing natural setting where people with disabilities and the community gather for Christ-centered fellowship, treatment, housing and meaningful work. This interactive community provides a place people with extraordinary needs will realize a future of meaning, security and hope. A narrow interpretation of community would fail to appreciate the true community that exists in a specialized housing option such as Benjamin's Hope.

The proposed, overly-narrow restrictions will discourage new and innovative housing models for adversely affected vulnerable, and severely disabled citizens and families all over the country, at a time when innovation and expansion is needed.

I encourage CMS to reject the present proposal on the definition of "community-based." I look forward to your comments in response to my concerns.

Sincerely,


Bill Huizenga
Member of Congress