



Improving Your HCBS Waiver Through Public Comment

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Many disabled people and older adults use Medicaid-funded services to help them with everyday tasks. This includes help with activities like getting dressed, fixing meals, and going to community activities. These services are often provided through a home and community-based waiver or "HCBS waiver." These waivers are designed by the state Medicaid agencies and they can make changes to them within certain requirements. For most waiver changes, states have to accept public comment on their proposed changes. This comment process can be a good opportunity to ask for changes to the waiver.

Waiver Services Are Not Always Perfect. HCBS waiver services may be super helpful but a person may want them to be different. For example, a person with waiver services may find that:

- The budget amount or process does not cover enough services each day or over a week;
- the services do not help in the way that is most needed;
- the service may have too many rules that make it hard to use in the way a person wants to;
- the waiver rules do not let a friend or family member be hired to provide services; or
- eligibility for the waiver is too strict for the people who need the services.

How Can I Change What I Do Not Like in an HCBS Waiver? States must take comments from the public on HCBS waivers when they renew or make changes to the waiver. Public comment is a chance for people with waiver services and others to tell the state why the waiver does not work for them. For example, sometimes a state sets a maximum cap on how many hours a person can receive and a person could explain in a comment why they need services beyond the cap to keep living in the community. People can also tell the state about changes they want to improve the waiver services. For more on the waiver commenting process see pages 1-2 of the [Commenting Guide](#).

The comment period is usually pretty short, only 30 days. This means you usually have to think of what you want to say quickly and submit it. But you can prepare for a public comment period by keeping running notes of things you wish would change. That way, there is a ready list of things to comment about.

But What If I Do Not Know How to Comment? Comments on HCBS waivers are simply people telling the state what does and does not work. They do not have to be formal letters that are paragraphs long and include deep policy analysis. Comments from personal experience can be very helpful. The following examples could all be good comments:

- A short sentence about a person not being able to get enough personal care services per day,
- a short story about why a waiver service does not work for a person because of limits that make it hard to use, like if someone has a weekend job but the waiver employment supports are only available from Monday to Friday, or
- pages of comments analyzing specifics in the waiver.

All comments are important! They tell a state what does and does not work about a waiver regardless of form or length! Many states also accept comments at a public hearing, which gives people a chance to talk about their issues instead of writing them down.

A state does not have to make changes because of comments, but they are supposed to respond to comments in the version of the waiver application they submit for approval. Even if the state does not make changes, comments may still affect operation of the waiver or start conversations about waiver changes that should be made.

What If I Want to Understand More About the HCBS Waiver to Suggest Changes?

Understanding more about a waiver and the requirements can help make a comment more effective. States use a template or form for the most common type of HCBS waiver, a Section 1915(c) waiver. This template is very long and can be intimidating. You do not have to read the entire waiver to get information about an issue you care about. Because all states use a template for Section 1915(c) waivers, you can use the named sections to find common problems. For more on the different sections of the waiver, see pages 2-3 of the [Commenting Guide](#).

For example, if you do not like the person-centered planning process, you would look at Appendix D. In that section, you may have things to say about:

- Who leads service plan development? Would you rather someone else do it? The state identifies who is responsible in Appendix D-1 (section 1 of 8).
- What help is provided to a person in developing their plan? Do you want more or different help in designing your service plan? That state discusses supports for plan development in Appendix D-1 (section 3 of 8).
- How is the service plan developed? The state has to explain the service plan process in Appendix D-1 (section 4 of 8). Sometimes, what is written in this section is not how a person experiences HCBS waiver service plan development. That can also be relevant information for a comment.

Each section, or Appendix, of a HCBS waiver document discusses a different part of HCBS waiver services. Below is a list of different the different sections:

- Appendix B: Eligibility
- Appendix C: Services
- Appendix D: Person-Centered Planning and Service Delivery
- Appendix E: Participant Direction of Services (or Self-Directed Services)
- Appendix F: Participant Rights
- Appendix G: Participant Safeguards
- Appendix I & J: Rates and Cost Neutrality Issues

For more on Common Problems and how they may show up in each Appendix of an HCBS waiver, see pages 4-12 of the [Commenting Guide](#).