

**Congress of the United States**  
**Washington, DC 20515**

January 26, 2015

The Honorable Sylvia Mathews Burwell  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, D.C. 20201

RE: Final Rule - Medicaid Program: State Plan Home and Community Based Services, 5-Year Period for Waivers, Provider Payment Reassignment, and Home and Community-Based Setting Requirements for Community First Choice and Home and Community-Based Services (HCBS) Waivers; 42 CFR 430, 431, et al

Dear Secretary Burwell,

We write to express our concern with the guidance released relating to the rule issued by CMS on January 10, 2014 that describes the types of settings in which states may use federal Medicaid funds to pay for home and community based services (HCBS). This final rule amends Medicaid regulations under the requirements of section 2601 of the Affordable Care Act (ACA), and became effective March 17, 2014. It is our understanding that this rule affects anyone who is enrolled in a waiver administered by the Ohio Departments of Developmental Disabilities, Aging and Medicaid.

Specifically, HHS has issued guidance on settings that have the effect of isolating individuals receiving HCBS from the broader community. We are very concerned with the listing of a "farmstead or disability-specific farm community" as an example of a residential setting that has the effect of isolating individuals receiving HCBS from the broader community. Ohio is home to several farmstead programs, which provide vocational and educational programs, and residential support for people with autism. We have heard from constituents across Ohio that these farmstead programs are a very successful environment for a large percentage of the autism community. It is our understanding that while individuals spend a good deal of time in the farmstead environment, they are exposed regularly to the outside community for a variety of activities. Overall, the farmstead setting provides unique support for individuals with autism enabling them to maximize their potential.

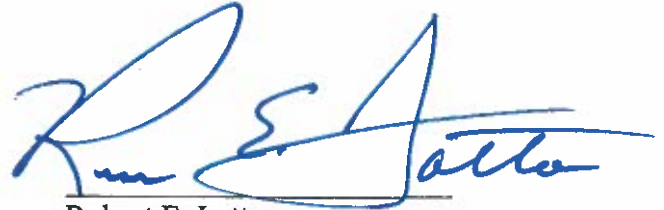
We have concerns that this rule could inhibit the availability of these types of services for individuals who benefit from them. Many of these participants have been attending and participating in these services for years. We urge you to reconsider this guidance so that the option for individuals to live and work in a rural, farmstead or disability-specific farm community remains a choice for individuals and remove them from the list of having an isolating effect.

Thank you for your attention to this matter, and we look forward to your response. If you or your staff has any questions on this matter, please contact me or Allison Witt of my staff at (202) 225-6406.

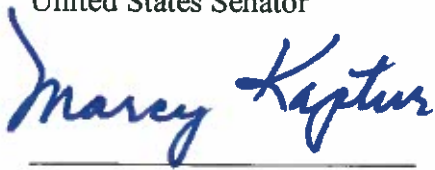
Sincerely,



Rob Portman  
United States Senator



Robert E. Latta  
Member of Congress



Marcy Kaptur  
Member of Congress



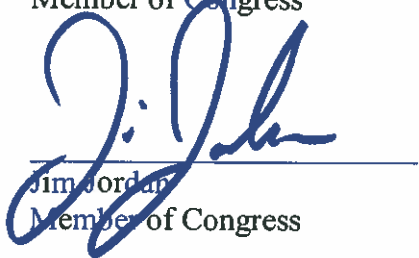
Pat Tiberi  
Member of Congress



David P. Joyce  
Member of Congress



Bill Johnson  
Member of Congress



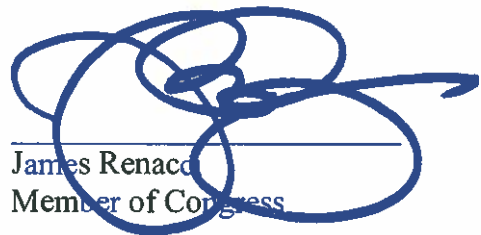
Jim Jordan  
Member of Congress



Steve Stivers  
Member of Congress



Bob Gibbs  
Member of Congress



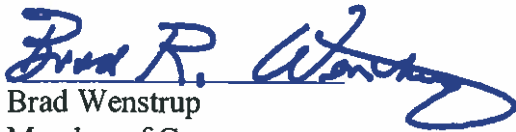
James Renacci  
Member of Congress



Michael R. Turner  
Member of Congress



Steve Chabot  
Member of Congress



Brad Wenstrup  
Member of Congress

*John Boehner*

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**John A. Boehner**  
**Speaker of the House**