



**HCBS Settings Final Rule  
 Colorado Milestone Update – April 17, 2018**

The following milestones are based those the Colorado Department of Health Care Policy & Financing (HCPF or “Department”) submitted in [October 2017](#), with proposed extensions to account for (a) delays in the development of the new web-based system on which the Provider Transition Plans (PTPs) will be hosted and (b) additional time needed by case management agencies to implement the requirements relating to rights modifications. The Department expects the revised dates to be reflected in the next version of the Statewide Transition Plan (STP).

Changes are highlighted in yellow.

Milestone	Description	Proposed End Date	STP Page No.
<b>Systemic Assessment and Remediation</b>			
Completion of systemic assessment <i>[The date when overall completion of the systemic assessment, including review of all rules, regulations, and statutes]</i>	Review Colorado statutes, regulations, and waivers to determine whether these authorities are compliant with, silent on, or in conflict with the HCBS Settings requirements; prepare crosswalk summarizing this analysis and recommending any changes necessary to achieve compliance.	<b>Completed 4/15/16</b>	p. 12, Action Item 29
Prepare and clear budget request and/or state statute change	If a budget change request or a change to state statute is necessary.	<b>10/31/2019</b>	p. 14, Action Item 37 + 1 year <b>+ 1 year</b>
Funding is available; enacted bills become effective	If necessary, funding should be available by July 1, <b>2020</b> so that providers can make changes to come into compliance by March <b>2021</b> .	<b>7/1/2020</b>	p. 15, Action Item 42 + 1 year <b>+ 1 year</b>
Prepare and clear initial draft of new/amended rules	The Department will prepare its initial draft of new/amended rules using the crosswalk as a roadmap, and drawing on feedback received to date from CMS and the public.	<b>7/1/2020</b>	p. 16, Action Item 60 + 1 year <b>+ 1 year</b>



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Milestone	Description	Proposed End Date	STP Page No.
<p>Effective date of new rules and regulations: 50% complete <i>[The date when at least 50% of all rules, regulations, and statutes identified through the assessment will be implemented. Please specify which rules, regulations, and statutes in the description]</i></p>	<p>The Colorado Department of Public Health and Environment <b>promulgated</b> changes to its regulations governing assisted living residences (ALRs) that will be effective by <b>July 2018</b>. While these changes are not compelled by the federal settings rule, they in many ways support compliance with the rule.</p> <p>The Department plans to promulgate changes to its own regulations (as described in the crosswalk) as part of a single package, to be completed no later than the “100% complete” deadline in the next row of this table. The Colorado Department of Human Services plans to do likewise. Therefore, the “50% complete” deadline will not cover many changes other than the Colorado Department of Public Health and Environment changes described above.</p>	<p><b>7/1/2018</b></p>	<p>N/A + <b>1 month</b></p>
<p>Effective date of new rules and regulations: 100% complete <i>[The date when all rules, regulations, and statutes (100%) identified through the assessment will be implemented. Please specify which rules, regulations, and statutes in the description]</i></p>	<p>For changes to Department/Medical Services Board (MSB) and Colorado Department of Human Services regulations. This schedule sets out the approximate last date(s) by which rule changes must be moved forward.</p>	<p><b>3/2/2021</b></p>	<p>p. 16, Action Item 72 + <b>1 year</b></p>
<p>Publish/implement revisions to Departmental manuals, provider agreements, websites, and other materials to promote compliance with HCBS Settings requirements.</p>	<p>Systemic updating of authorities, policies, and procedures other than statutes, regulations, and waivers.</p>	<p><b>12/31/2019</b></p>	<p>p. 17, Action Item 74 + <b>1 year</b></p>



Milestone	Description	Proposed End Date	STP Page No.
<b>Site-specific Assessments</b>			
Completion of randomly selected site visits	<p>The Department is conducting site visits to verify survey responses and to further assess particular settings. A statistically significant number of randomly selected site visits has been completed. During site visits, PTPs will be updated and completed for settings that are being visited.</p> <p>Going forward, the Colorado Department of Public Health and Environment will continue to conduct additional site visits that were not required in STP.4.</p>	<b>Completed 6/30/2017</b>	pp. 8-9, Action Item 14
Completion of site-specific assessments for all settings, including those not receiving a site visit <i>[The date when the overall completion of the site-specific assessment, including review of all settings and the validation of assessment results.]</i>	<p>Provider Transition Plans (PTPs) will be completed by all HCBS providers for all settings at which they provide HCB Services, except for private homes belonging to clients or their families,* professional provider offices, clinics, Supported Employment – Individual settings, and <b>Community Connector settings</b> (unless anyone seeks to rebut the presumption of compliance as to a particular setting). PTPs will include determinations of whether settings are potentially subject to heightened scrutiny and whether they need to make any changes to attain compliance and/or to be put forward to CMS for heightened scrutiny.</p> <p>* Subject to the Department’s plan to test the presumption of compliance at private homes where an individual receives 24-hour services and is not the owner/renter.</p>	<b>11/1/2018</b>  <b>In CMS’s milestone system, this item should be changed from “delayed” under the due date of 9/30/2018 to “not yet due” again under the new deadline.</b>	p. 10, Action Item 15 + 7 months + 9 months



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Milestone	Description	Proposed End Date	STP Page No.
Updated site-specific assessments for all settings, including those not receiving a site visit	Providers must submit an update to their PTP within three months of their site visit or initial submission of their PTP without a site visit (if the provider was only asked to complete a PTP), with evidence of any changes made (e.g., new leases or resident agreements). Providers must continue to update their PTP every three months, demonstrating the remedial actions they have taken, until they are notified by the Department that they are in compliance with the federal rule or the Department determines that they cannot meet the federal requirements, in which case they must prepare to transition their HCBS participants to other settings.	8/31/2019	p. 10, Action Item 16 + 9 months + 11 months
Incorporate results of settings analysis into <i>revised</i> version of the STP and release for public comment	Publicly notice <i>initial</i> outcomes of site-specific assessments (including which settings will be put forward to CMS for heightened scrutiny or need to begin the process of transitioning clients from the impacted setting to another setting).	11/30/2019	p. 10, Action Item 18 + 10 months + 1 year
Submit <i>final</i> STP to CMS	Submit <i>final</i> STP with site-specific assessments to CMS (including which settings are being put forward for heightened scrutiny or need to begin the process of transitioning clients from the impacted setting to another setting).	4/30/2020	pp. 10-11, Action Item 19 + 10 months + 1 year + 4 months



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Milestone	Description	Proposed End Date	STP Page No.
<b>Site-specific Remediation<sup>1</sup></b>			
Completion of residential provider remediation: 25% <i>[The date when approximately 25% of residential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i>	Residential settings include alternative care facilities (ACFs), Supported Living Program (SLP) facilities under the BI waiver, Transitional Living Program (TLP) facilities under the BI waiver, Group Residential Services and Supports (GRSS) community residential homes, Individual Residential Services and Supports (IRSS) homes, and Child Residential Habilitation settings.  Reporting on progress under this milestone to CMS may draw on providers' self-reported status (not yet fully verified by the State).	12/31/2018	N/A + 9 months
Completion of residential provider remediation: 50% <i>[The date when approximately 50% of residential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i>	Residential settings include alternative care facilities (ACFs), Supported Living Program (SLP) facilities under the BI waiver, Transitional Living Program (TLP) facilities under the BI waiver, Group Residential Services and Supports (GRSS) community residential homes, Individual Residential Services and Supports (IRSS) homes, and Child Residential Habilitation settings.  Reporting on progress under this milestone to CMS may draw on providers' self-reported status (not yet fully verified by the State).	3/1/2019	N/A + 9 months



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Milestone	Description	Proposed End Date	STP Page No.
<p>Completion of residential provider remediation: 75% <i>[The date when approximately 75% of residential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i></p>	<p>Residential settings include alternative care facilities (ACFs), Supported Living Program (SLP) facilities under the BI waiver, Transitional Living Program (TLP) facilities under the BI waiver, Group Residential Services and Supports (GRSS) community residential homes, Individual Residential Services and Supports (IRSS) homes, and Child Residential Habilitation settings.</p> <p>Reporting on progress under this milestone to CMS may draw on providers' self-reported status (not yet fully verified by the State).</p>	<p>5/1/2019</p>	<p>N/A + 9 months</p>
<p>Completion of residential provider remediation: 100% <i>[The date when all residential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i></p>	<p>Residential settings include alternative care facilities (ACFs), Supported Living Program (SLP) facilities under the BI waiver, Transitional Living Program (TLP) facilities under the BI waiver, Group Residential Services and Supports (GRSS) community residential homes, Individual Residential Services and Supports (IRSS) homes, and Child Residential Habilitation settings.</p> <p>Reporting on progress under this milestone to CMS may draw on providers' self-reported status (not yet fully verified by the State).</p>	<p>8/31/2019</p>	<p>N/A + 11 months</p>
<p>Completion of nonresidential provider remediation: 25% <i>[The date when approximately 25% of nonresidential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i></p>	<p>Nonresidential settings include adult day services centers, day treatment facilities under the BI waiver, day habilitation locations, supported employment locations, and Youth Day Service settings under the Children's Extensive Support (CES) Waiver.</p> <p>Reporting on progress under this milestone to CMS may draw on providers' self-reported status (not yet fully verified by the State).</p>	<p>12/31/2018</p>	<p>N/A + 9 months</p>



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Milestone	Description	Proposed End Date	STP Page No.
<p>Completion of nonresidential provider remediation: 50% <i>[The date when approximately 50% of nonresidential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i></p>	<p>Nonresidential settings include adult day services centers, day treatment facilities under the BI waiver, day habilitation locations, supported employment locations, and Youth Day Service settings under the Children’s Extensive Support (CES) Waiver.</p> <p>Reporting on progress under this milestone to CMS may draw on providers’ self-reported status (not yet fully verified by the State).</p>	<p><b>3/1/2019</b></p>	<p>N/A + 9 months</p>
<p>Completion of nonresidential provider remediation: 75% <i>[The date when approximately 75% of nonresidential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i></p>	<p>Nonresidential settings include adult day services centers, day treatment facilities under the BI waiver, day habilitation locations, supported employment locations, and Youth Day Service settings under the Children’s Extensive Support (CES) Waiver.</p> <p>Reporting on progress under this milestone to CMS may draw on providers’ self-reported status (not yet fully verified by the State).</p>	<p><b>5/1/2019</b></p>	<p>N/A + 9 months</p>
<p>Completion of nonresidential provider remediation: 100% <i>[The date when all nonresidential providers have completed the necessary remediation (of those providers that require remediation). Please provide additional details on settings in the description.]</i></p>	<p>Nonresidential settings include adult day services centers, day treatment facilities under the BI waiver, day habilitation locations, supported employment locations, and Youth Day Service settings under the Children’s Extensive Support (CES) Waiver.</p> <p>Reporting on progress under this milestone to CMS may draw on providers’ self-reported status (not yet fully verified by the State).</p>	<p><b>8/31/2019</b></p>	<p>N/A + 11 months</p>



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Milestone	Description	Proposed End Date	STP Page No.
Identification of settings that will not remain in the HCBS System <i>[The date those settings that are considered institutional or are not willing to remediate will be identified for removal from the HCBS System]</i>	Determine whether each provider has made any required changes (including any necessary for setting to be put forward to CMS for heightened scrutiny) or whether the provider needs to begin the process of transitioning clients from the impacted setting to another setting.  For this milestone, the State expects to have completed its verification of all settings' compliance status.	10/31/2019	p. 10, Action Item 17 + 10 months + 1 year
<b>Heightened Scrutiny<sup>2</sup></b>			
Identification of settings that overcome the presumption and will be submitted for heightened scrutiny and notification to provider	Determine whether each provider has made any required changes (including any necessary for setting to be put forward to CMS for heightened scrutiny) or whether the provider needs to begin the process of transitioning clients from the impacted setting to another setting.	10/31/2019	p. 10-11, Action Item 17 + 10 months + 1 year
	Notify providers that have settings determined to be subject to heightened scrutiny or noncompliant. For this milestone, the State expects to have completed its verification of all settings' compliance status.  An informal appeals process follows.	11/15/2019	N/A + 1 year
Complete gathering information and evidence on settings requiring heightened scrutiny that it will present to CMS	Evidence may be gathered until the public notice date in the next row of this chart.	11/30/2019	p. 10, Action Item 18 + 10 months + 1 year
Incorporate list of settings requiring heightened scrutiny and information and evidence referenced above into the revised version of STP and release for public comment	Publicly notice initial outcomes of site-specific assessments (including which settings will be put forward to CMS for heightened scrutiny or need to begin the process of transitioning clients from the impacted setting to another setting).	11/30/2019	p. 10, Action Item 18 + 10 months + 1 year



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Milestone	Description	Proposed End Date	STP Page No.
Submit <b>final</b> STP to CMS with Heightened Scrutiny information to CMS for review	Submit <b>final</b> STP with site-specific assessments to CMS (including which settings are being put forward for heightened scrutiny <b>or need to begin the process of transitioning clients from the impacted setting to another setting</b> ).	<b>4/30/2020</b>	pp. 10-11, Action Item 19 + 10 months + <b>1 year + 4 months</b>
<b>Non-Compliant Settings</b>			
Complete notifying member, guardians, case managers, facility support staff and any other identified responsible parties that the setting is not in compliance with HCBS settings requirements and that relocation or alternate funding sources need to be considered: 25% <i>[The date when members, guardians, case managers, etc. in approximately 25% of providers have been notified that relocation is required. Please provide additional details on settings in the description.]</i>	The Department is still determining which settings will be affected. The Department will reach out to individuals and their case managers (as well as guardians and any other identified responsible parties) to confirm they need to begin the process of transitioning from the impacted setting to another setting or funding source.	<b>5/15/2020</b>	N/A + 1 year + <b>2 months</b>



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Milestone	Description	Proposed End Date	STP Page No.
<p>Complete notifying member, guardians, case managers, facility support staff and any other identified responsible parties that the setting is not in compliance with HCBS settings requirements and that relocation or alternate funding sources need to be considered: 50%</p> <p><i>[The date when members, guardians, case managers, etc. in approximately 50% of providers have been notified that relocation is required. Please provide additional details on settings in the description.]</i></p>	<p>The Department is still determining which settings will be affected. The Department will reach out to individuals and their case managers (as well as guardians and any other identified responsible parties) to confirm they need to begin the process of transitioning from the impacted setting to another setting or funding source.</p>	<p><b>5/31/2020</b></p>	<p>N/A + 1 year + 2 months</p>
<p>Complete notifying member, guardians, case managers, facility support staff and any other identified responsible parties that the setting is not in compliance with HCBS settings requirements and that relocation or alternate funding sources need to be considered: 75%</p> <p><i>[The date when members, guardians, case managers, etc. in approximately 75% of providers have been notified that relocation is required. Please provide additional details on settings in the description.]</i></p>	<p>The Department is still determining which settings will be affected. The Department will reach out to individuals and their case managers (as well as guardians and any other identified responsible parties) to confirm they need to begin the process of transitioning from the impacted setting to another setting or funding source.</p>	<p><b>6/15/2020</b></p>	<p>N/A + 1 year + 2 months</p>



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Milestone	Description	Proposed End Date	STP Page No.
Complete notifying member, guardians, case managers, facility support staff and any other identified responsible parties that the setting is not in compliance with HCBS settings requirements and that relocation or alternate funding sources need to be considered: 100% <i>[The date when members, guardians, case managers, etc. in all providers have been notified that relocation is required. Please provide additional details on settings in the description.]</i>	The Department is still determining which settings will be affected. The Department will reach out to individuals and their case managers (as well as guardians and any other identified responsible parties) to confirm they need to begin the process of transitioning from the impacted setting to another setting or funding source.	<b>6/30/2020</b>	N/A + 1 year + 2 months
Complete beneficiary relocation or alternate funding across all providers: 25% <i>[The date when beneficiaries in approximately 25% of providers have been relocated. Please provide additional details on settings in the description.]</i>	The Department is still determining which settings will be affected. Individuals will have completed their transitions to other settings or funding sources.	<b>8/15/2020</b>	N/A + 1 year
Complete beneficiary relocation or alternate funding across all providers: 50% <i>[The date when beneficiaries in approximately 50% of providers have been relocated. Please provide additional details on settings in the description.]</i>	The Department is still determining which settings will be affected. Individuals will have completed their transitions to other settings or funding sources.	<b>10/31/2020</b>	N/A + 1 year



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Milestone	Description	Proposed End Date	STP Page No.
Complete beneficiary relocation or alternate funding across all providers: 75% <i>[The date when beneficiaries in approximately 75% of providers have been relocated. Please provide additional details on settings in the description.]</i>	The Department is still determining which settings will be affected. Individuals will have completed their transitions to other settings or funding sources.	1/15/2021	N/A + 1 year
Complete beneficiary relocation or alternate funding across all providers: 100% <i>[The date when beneficiaries in all providers have been relocated. Please provide additional details on settings in the description.]</i>	The Department is still determining which settings will be affected. Individuals will have completed their transitions to other settings or funding sources. ITPs will be implemented, such that clients no longer receive services from noncompliant settings.	3/17/2021	p. 11, Action Item 27 + 1 year and 2.5 months + 1 year

<sup>1</sup>This section includes only those providers where remediation was required.

<sup>2</sup>The first 3 Heightened Scrutiny milestones should be completed prior to resubmitting the STP to CMS (the fourth HS milestone).

**Quarterly reporting:** The following quarterly progress report milestones are optional. When initial approval is granted, states have the option of utilizing the quarterly report feature to track progress and provide updates to CMS through the milestone tracking system.

*Note to CMS: For current STP quarterly reporting purposes, Colorado's quarters end at the end of September, December, March, and June, and the Department submits reports shortly after the end of each quarter. The Department expect to continue reporting on this schedule for the foreseeable future. Colorado received initial approval for its STP on November 21, 2017.*

Milestone	Description	Proposed End Date	STP Page No.
<b>Quarterly progress reporting updates</b>			
Quarterly progress update <i>[First quarter after initial and final approval.]</i>	<a href="#">Quarterly report</a> for quarter ending 12/31/2017.	Completed 1/8/2018.	N/A. The target dates at



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Milestone	Description	Proposed End Date	STP Page No.
Quarterly progress update <i>[Second quarter after initial <del>and final</del> approval.]</i>	Quarterly report for quarter ending 3/31/2018.	4/17/2018	left have been adjusted to allow the State some time after the end of each quarter to prepare its report.
Quarterly progress update <i>[Third quarter after initial <del>and final</del> approval.]</i>	Quarterly report for quarter ending 6/30/2018.	7/13/2018	
Quarterly progress update <i>[Fourth quarter after initial <del>and final</del> approval.]</i>	Quarterly report for quarter ending 9/30/2018.	10/12/2018	
Quarterly progress update <i>[Fifth quarter after initial <del>and final</del> approval.]</i>	Quarterly report for quarter ending 12/31/2018.	1/11/2019	
Quarterly progress update <i>[Sixth quarter after initial <del>and final</del> approval.]</i>	Quarterly report for quarter ending 3/31/2019.	4/12/2019	
Quarterly progress update <i>[Seventh quarter after initial <del>and final</del> approval.]</i>	Quarterly report for quarter ending 6/30/2019.	7/12/2019	
Quarterly progress update <i>[Eighth quarter after initial approval.]</i>	Quarterly report for quarter ending 9/30/2019.	10/11/2019	
Quarterly progress update <i>[Ninth quarter after initial approval.]</i>	Quarterly report for quarter ending 12/31/2019.	1/10/2020	
Quarterly progress update <i>[Tenth quarter after initial approval.]</i>	Quarterly report for quarter ending 3/31/2020.	4/10/2020	

Please use the following section to provide any additional milestones for which the state would like to track or provide information to CMS. These milestones are optional; any listed milestones will be tracked in the CMS website and should reflect any major progress. More incremental progress does not have to be noted.



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Milestone	Description	Proposed End Date	STP Page No.
<b>Additional</b>			
<p><i>Ongoing strategies to ensure compliance to rule, policy, procedure, and regulation changes.</i></p>	<p>Include setting-related outcomes measures within the current 1915(c) waiver quality improvement system.</p>	<p>1/15/2020</p>	<p>p. 20, Action Item 85 + 1 year + 1 year</p>
	<p>Develop process(es) for case managers to confirm with individuals that the settings at which they receive services are compliant</p>	<p>1/15/2020</p>	<p>p. 20, Action Item 86 + 1 year + 1 year</p>
	<p>Identify and publicize process(es) for waiver participants, case managers, and others to report potential violations of settings criteria</p>	<p>1/15/2020</p>	<p>p. 20, Action Item 87 + 1 year + 1 year</p>
	<p>Monitor data from Quality of Life and National Core Indicators (NCI) related to outcomes (e.g., opportunities for informed choice, choice of roommate and setting, freedom from coercion).</p>	<p>3/17/2021</p>	<p>p. 20, Action Item 88 + 1 year + 1 year</p>



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Milestone	Description	Proposed End Date	STP Page No.
<p><i>Provide assistance to providers to meet HCB setting requirements (e.g., technical assistance, focus groups, surveys, etc.).</i></p>	<p>Provide strategic technical assistance to all key stakeholders by issuing fact sheets and FAQs and responding to questions related to the implementation of the transition plan (action steps, timelines, and available technical assistance).</p>	<p><b>Completed</b> in CMS milestone system based on publication of <u>first FAQs</u> 1/30/2018; additional assistance ongoing (including public call on 4/5/2018 to answer follow-up questions relating to FAQ Part 1).</p>	<p>p. 19, Action Item 80</p>