



HCBS Settings Final Rule Heightened Scrutiny Submission

The Department is putting forward for CMS's review its determinations relating to 51 settings subject to heightened scrutiny.

As noted in our most recent quarterly update, we published the following materials for public comment on June 10, 2021:

- [Informational Memo](#) (subsequently circulated to stakeholders via Constant Contact and via additional emails)
- [Fact sheet](#)
- [Site-specific assessment and heightened scrutiny process](#)
- Notices in the [Colorado Register](#), tribal consultation document, and newspapers. The newspaper notices repeated on June 24.
- [List of settings](#)
- [52 summary sheets](#)

We also instructed both case management agencies (CMAs) and providers to reach out to individuals living or receiving services at affected settings (or if authorized, their guardians/other legal representatives) to ensure that they were aware of the opportunities to comment.

We hosted virtual public town hall meetings on June 28, 29, and 30 to take comments on our heightened scrutiny determinations. The meetings had between 36 and 55 participants (including some state agency and contractor staff). We also received written comments via email and regular mail regarding our determinations through roughly a week after the soft close of the comment period on July 10, 2021.

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The Department has now reviewed and addressed all input from the town halls and the written comments. We have also taken into account some provider updates received after the summary sheets were originally prepared. These developments are reflected in updated summary sheets available on our [website](#) under the header "Heightened Scrutiny," subheader "Documents for review by CMS." For reference, the settings with public comments and/or provider updates were:

- HS-006, Medallion Retirement Community



- HS-013, Jacob J. and Anne B. Walter Memorial Living Center
- HS-035, Lifting Spirits LLC
- HS-040, Pueblo Diversified Industries
- HS-052, The Roost Training Center

The list of settings being put forward for CMS's review is the same as set forth in the original list, linked above, except that setting HS-039, Professional Foundation Inc., closed, meaning that only 51 settings remain. (Numbering is the same as before.) There are settings in both the location-based category (factors i and ii) and the otherwise isolating category (factor iii). We did not determine that any settings in category iii finished demonstrating compliance by July 1, 2021, such that they might be outside the scope of CMS's review.

We have ready for CMS's review folders containing the evidence supporting our determinations for each setting. This evidence includes the Provider Transition Plan (PTP) for each setting as well as the materials attached to the PTP—an assortment of policies and procedures, leases/residential agreements (for residential settings), various other documents, and in some cases, photographs and other materials. We would be happy to submit any or all of the folders electronically—please let us know your preferences. (We can email a small number of ZIP files, but might need to look into other methods if you are interested in the entire set.)

We look forward to receiving CMS's feedback on these materials. We will take that feedback into account as described in the site-specific assessment and heightened scrutiny process document (linked above).