



HCBS Settings Final Rule Quarterly Update for Quarter Ending 12/31/19

Since its last quarterly update, the Department has taken the following steps to promote systemic compliance with the HCBS Settings Final Rule:

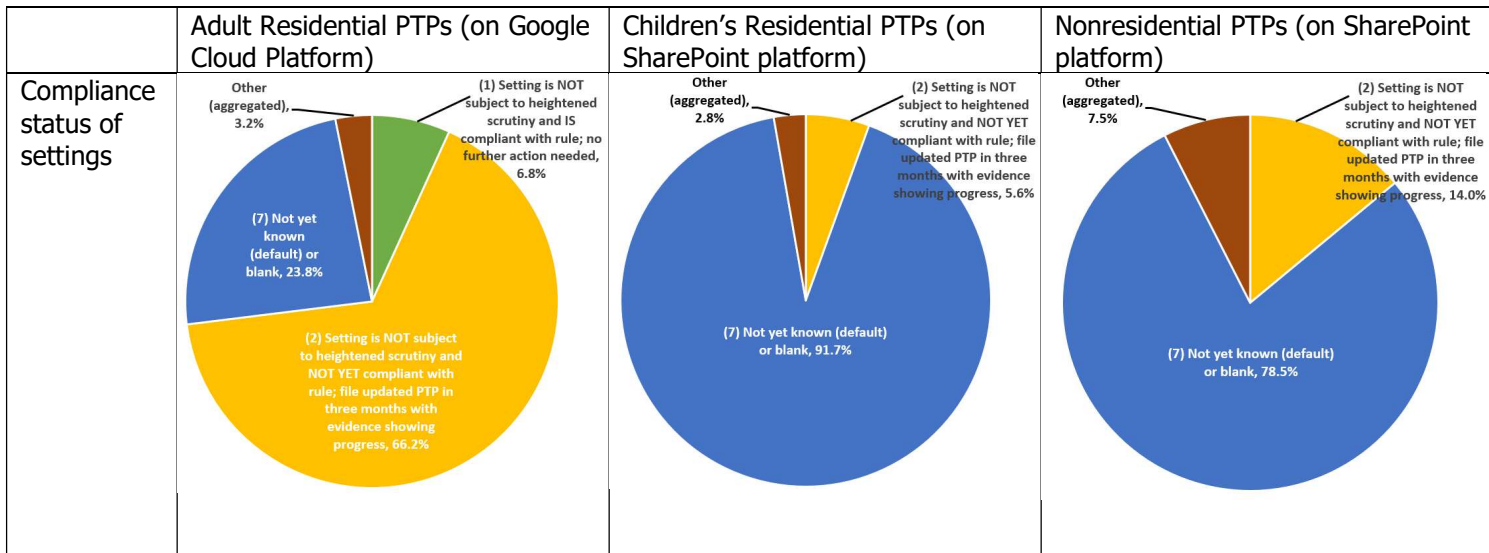
- On December 2, 2019, held the first meeting of the rights modification stakeholder workgroup. The workgroup decided to develop proposals for updating regulations and waivers to incorporate the requirements of the rule, as well as proposed trainings for individuals and families, guardians, providers, and/or case managers. The next meeting is scheduled for February 4, 2020.

Since its last quarterly update, the Department has taken the following steps to complete site-specific assessment, remediation, and verification:

- Continued to work with the Colorado Department of Public Health & Environment (CDPHE) to complete reviews of Provider Transition Plans (PTPs) for adult residential settings.
- As of December 31, 2019, site-specific status could be summarized as follows:

	Adult Residential PTPs (on Google Cloud Platform)	Children’s Residential PTPs (on SharePoint platform)	Nonresidential PTPs (on SharePoint platform)
Number of providers	383	20	250
Number of settings = number of PTPs to be completed	3167	36	586





Compliance status options

- (1) Setting is NOT subject to heightened scrutiny and IS compliant with rule; no further action needed
- (2) Setting is NOT subject to heightened scrutiny and NOT YET compliant with rule; file updated PTP in three months with evidence showing progress
- (3) Setting is NOT subject to heightened scrutiny and NOT timely able to comply with rule; prepare now to transition clients
- (4) Setting IS subject to heightened scrutiny and IS able to overcome institutional presumption; evidence should be put forward to the public and/or CMS
- (5) Setting IS subject to heightened scrutiny and NOT YET able to overcome institutional presumption; file updated PTP in three months with evidence showing progress
- (6) Setting IS subject to heightened scrutiny and NOT timely able to overcome institutional presumption; prepare now to transition clients
- (7) Not yet known (default) or blank
- (8) Setting has closed because of rule
- (9) Setting has closed for another reason

All data in table is as of January 2, 2020. Providers and settings may appear in more than one column. The table excludes data relating to PTPs in Retired status.

The data summarized above reflect significant progress in the verification of providers’ site-specific assessments. More than 76% of adult residential PTPs have a compliance status other than (7), meaning that CDPHE has completed its initial desk review and/or site visit for that setting and has validated that the PTP identifies all compliance issues and corresponding remedial action plans. Nearly 7% of adult residential PTPs reflect a compliance status of (1), meaning that CDPHE has completed its final desk review and/or site visit for that setting and has validated that the provider has completed all required remedial actions, bringing the setting into full compliance with the rule. Adult residential providers continue to file updates as needed.

The Governor’s Office of Information Technology (OIT) continues to develop extensions of the Google Cloud Platform to support work on children’s residential and nonresidential PTPs. OIT expects to make the platform extensions available to the Department and CDPHE for testing during late January and early February.

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An updated schedule of HCBS Settings Final Rule milestones is currently in clearance and will be published and submitted to CMS shortly.