



# HCBS Settings Final Rule Quarterly Update for Quarter Ending 3/31/22

On March 25, 2022, the Department put out for public comment its [final Statewide Transition Plan \(STP\)](#) and related materials. The comment period is 45 days, closing on May 9, 2022, with the extension to the typical 30-day period designed to allow stakeholders sufficient time to review the voluminous documents. The Department will review and respond to any comments received and submit the updated STP to CMS, with its responses to public comments, by June 8, 2022.

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

- Continued to work on a timeline for jointly publishing a memo with the Colorado Department of Human Services (CDHS). The joint memo sets out a unified approach for Children’s Habilitation Residential Program (CHRP) Waiver providers to comply with both the HCBS Settings Final Rule and existing child welfare authorities.

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 review and verify Provider Transition Plan (PTP) updates in all three categories of affected settings: adult residential, children’s residential, and nonresidential.
- As of March 31, 2021, site-specific status could be summarized as follows:
  - Consolidating the three PTP categories, 59% of all covered settings in Colorado have been verified as compliant.
  - Details are in the following table.

	<b>Adult Residential PTPs</b>	<b>Children’s Residential PTPs</b>	<b>Nonresidential PTPs</b>
Number of providers	365	10	210
Number of settings = number of PTPs to be completed	2287	15	382



	Adult Residential PTPs	Children’s Residential PTPs	Nonresidential PTPs
Compliance status of settings			

**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
- (6) Setting IS subject to heightened scrutiny and NOT timely able to overcome institutional presumption; prepare now to transition clients
- Other
  - (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
  - (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 April 1, 2022. Providers and settings may appear in more than one column. The table excludes data relating to PTPs in Retired status.