



# HCBS Settings Final Rule Quarterly Update for Quarter Ending 6/30/17

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- Timing
  - On May 9, 2017, the Centers for Medicare & Medicaid Services (CMS) issued an Informational Bulletin extending the transition period for compliance with the Settings Final Rule by three years, to March 17, 2022. In light of this Informational Bulletin, the Department of Health Care Policy & Financing is planning to delay the statewide compliance deadline in the Statewide Transition Plan (STP) by one year, from March 2019 to March 2020. Such a delay will move statewide compliance into the next fiscal year, thereby giving the Department and interested stakeholders an additional year to compile and analyze more comprehensive information about potential costs of compliance. Meanwhile, the Department is continuing to implement the current STP and to require that providers take steps toward compliance.
  
- Site-specific assessment projects
  - Since our last update, we have focused on developing a web-based version of the Provider Transition Plan (PTP) for verifying compliance at all settings where people live or receive Home- and Community-Based Services (HCBS). The web-based version of the PTP will be easier for providers to complete than the Excel template used to date, allow the Department to collect additional information (e.g., relating to potential cost impacts), and allow for more real-time reporting on the status of settings throughout the state. The web-based version of the PTP for adult residential settings will roll out in July 2017; to be followed shortly by the PTPs for nonresidential and children's residential settings.
  - As of today, approximately 400 PTPs have been completed using the Excel template. Information from Excel PTPs will be entered into the webform, where it will be made available to providers so they can provide updates.
  - We expect that by the date of this update, the Colorado Department of Public Health and Environment (CDPHE) will have completed all of the remaining randomly selected visits required in STP.4.
  - Going forward, CDPHE will work with all providers completing PTPs and updating their policies and procedures. CDPHE will also conduct ongoing site visits throughout the state, including at settings where providers request a

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site visit to obtain more direct input and assistance; settings not included in the universe from which random selections were made in Fall 2016 (*e.g.*, those operated by new providers or identified later); settings that were already visited and are working through compliance with the Final Rule; a selection of family-caregiver-owned homes sufficient to test the presumption in the STP that these settings comply with the federal requirements; and any additional settings where the Departments may have concerns about potential noncompliance (*e.g.*, based on responses to the Individual/Family/Advocate Survey that are identifiable to a particular setting).

- Systemic assessment projects

- Based on Jessica Loehr's May 24, 2017 email to us, we understand that for initial approval of our STP and crosswalk, CMS is requiring only more detailed responses to the public comments received in June 2016. We plan to provide you with a proposed timeline for submitting these responses as soon as we finish rolling out the web-based PTPs for all setting categories.
- In light of Ms. Loehr's email, we plan to defer actual edits to the STP and crosswalk until a later round of public comment and submission (*e.g.*, the round of edits addressing CMS's expected comments accompanying initial approval). The next round of edits to the STP will also include the timing adjustments discussed above.
- To provide additional systemic guidance to providers and other stakeholders before we implement the changes described in the crosswalk, we are preparing answers to frequently asked questions (FAQs) about application of the HCBS Final Settings Rule and/or the proposals set forth in the crosswalk to various situations. The web-based PTP system will remain open to providers so that they can edit their PTPs if warranted in light of the FAQs (*e.g.*, upon realizing that they need to add or delete a compliance issue and corresponding remedial action plan).

- Individual/Family/Advocate (IFA) Survey

- The Department has been working with its contractor to prepare a report on IFA Survey responses received to date. The Department expects to share this report with the public within approximately one month.
- The Department has also been working with its contractor to revise the IFA Survey to make it easier to understand and more relevant to the goals of the STP, and to take into account public comments. The Department expects to roll out the revised survey within approximately one month, and to issue reports on the results on a more regular basis going forward.

