



COLORADO

Department of Health Care
Policy & Financing

Community Living Office
1570 Grant Street
Denver, CO 80203

TO: All Stakeholders

FROM: The Colorado Department of Health Care Policy & Financing

DATE: June 1, 2017

SUBJECT: COMMUNICATION BRIEF - Notification that the Department plans to adjust timelines in the Statewide Transition Plan (STP).

Purpose: To notify stakeholders that the Department plans to adjust timelines in the Statewide Transition Plan (STP).

Background: In January 2014, the Centers for Medicare & Medicaid Services (CMS) published a rule to ensure that Home and Community Based Services (HCBS) are provided in settings that meet certain criteria. 79 Fed. Reg. 2948 (Jan. 16, 2014). The rule went into effect in March 2014, and it originally gave states until March 2019 to ensure that their HCBS settings are compliant with the rule.

On May 9, 2017, CMS issued an Informational Bulletin extending the transition period for compliance with the Settings Final Rule by three years, to March 17, 2022.

Information: In light of the Informational Bulletin, the Department of Health Care Policy & Financing is planning to delay the statewide compliance deadline in the 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.

Concurrently, the Colorado Department of Public Health and Environment (CDPHE) will work with all providers completing Provider Transition Plans and updating their policies and procedures. Moreover, CDPHE will conduct ongoing site visits throughout the state, including at settings where providers request a 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

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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).

Changes to the schedule set forth in the STP will be included in the next version of the plan and open to public comment. The STP and other information regarding implementation of the Final Settings Rule may be found at <https://www.colorado.gov/pacific/hcpf/home-and-community-based-services-settings-final-rule>.

Action: The Department plans to adjust the statewide compliance deadline in the STP from **March 2019** to **March 2020**.

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