



HCBS Settings Final Rule Quarterly Update for Quarter Ending 3/31/19

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

- Presented a training three times in January 2019 ([announcement](#), [slide deck](#), [recording](#), [transcript](#)) to help case management agencies, providers, and other stakeholders better understand the process for implementing rights modifications, including obtaining the individual’s informed consent, under the rule.
- Published an [Operational Memo](#) in February 2019 formalizing new guidance and deadlines from the rights modification training.

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 Plan (PTP) materials for adult residential settings.
- Sent out an [Operational Memo](#) reminding providers of the deadlines for completing their PTPs and PTP updates and noting that, for compliance issues previously identified as True (needing remediation), evidence must be submitted for CDPHE review before they can be marked as Resolved.
- As of March 31, 2019, site-specific status could be summarized as follows:

	Adult Residential PTPs (on G-Suite platform)	Children’s Residential PTPs (on SharePoint platform)	Nonresidential PTPs (on SharePoint platform)
Number of providers	401	20	257
Number of settings = number of PTPs to be completed	3406	36	657



	Adult Residential PTPs (on G-Suite platform)	Children's Residential PTPs (on SharePoint platform)	Nonresidential PTPs (on SharePoint platform)																								
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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 April 1, 2019. Providers and settings may appear in more than one column. The table excludes data relating to PTPs in Retired status.

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The Department is reviewing its overall process and schedule for implementing the HCBS Settings Final Rule in light of the recent [State Medicaid Director Letter regarding heightened scrutiny](#); its work with CDPHE and the Governor's Office of Information Technology (OIT) to develop additional functionality for the PTP platform on G-Suite/Google Cloud; CDPHE's work to review submitted PTPs and PTP updates; and the time needed by providers and case management agencies to work with individuals to implement the rule, including the rights modification process. We expect to submit updated milestones to CMS upon finalization of the updated timeline.

Finally, CMS's [public STP site](#) lists Colorado as being at the Clarifications and/or Modifications Required for Initial Approval (CMIA) stage. This listing appears to be creating some questions and confusion among stakeholders. We would be grateful if you could update the site to reflect that in November 2017, CMS granted [Initial Approval](#) to Colorado's STP.