



COLORADO

Department of Health Care
Policy & Financing

Community Living Office
1570 Grant Street
Denver, CO 80203

TO: All Stakeholders

FROM: The Department of Health Care Policy & Financing

DATE: January 31, 2018

SUBJECT: COMMUNICATION BRIEF – Responses to Frequently Asked Questions (FAQs) on HCBS Settings Requirements (Part One)

Purpose: To notify stakeholders of the issuance of guidance regarding the Home and Community Based Services (HCBS) Settings Final Rule.

Background: In 2014, the federal Centers for Medicare & Medicaid Services (CMS) published a [rule](#) requiring HCBS to be provided in settings that meet certain criteria. The criteria ensure that HCBS participants have access to the benefits of community living and live and receive services in integrated, non-institutional settings. The Department has conducted implementation activities including discussing the Settings Final Rule with advocates, providers, and other stakeholders; working with a contractor and the Colorado Department of Public Health and Environment (CDPHE) to conduct site visits; and reviewing public comments. During these activities, the Department has heard several questions about how to operationalize certain requirements of the Settings Final Rule.

Information: The Frequently Asked Questions (FAQ) document published yesterday and [available on the Department's website](#) relates to general requirements of the rule and miscellaneous aspects of its implementation. Separate FAQs will address employment-related services and the requirement of a lease or other written agreement providing protections against eviction.

Action: Individuals receiving HCBS, as well as their family members, friends, and advocates, are invited to read yesterday's FAQ. Providers and case management agencies serving HCBS participants are required to read yesterday's FAQ.

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