



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 and Financing

DATE: February 15, 2017

SUBJECT: COMMUNICATION BRIEF - Notification that the Department is releasing updates to the Statewide Transition Plan (STP) and Systemic Assessment Crosswalk for public comment.

Purpose: To notify stakeholders that the Department is releasing the Statewide Transition Plan (STP) and Systemic Assessment Crosswalk for a 35-day Public Comment period. The STP has been updated and is being released for a fourth Public Comment period. The Systemic Assessment Crosswalk has been updated and is being released for its second Public Comment period.

Background: On March 17th, 2014, the Centers for Medicare & Medicaid Services (CMS) enacted a final federal rule at 42 CFR Sections 441.301(c)(4) and (6) and 441.710(a)(1) and (3) to ensure that individuals receiving Long Term Services and Supports through Home and Community-Based Services (HCBS) programs have full access to the greater community and reside in home-like residences.

In order to satisfy the federal rule requirement, states must submit a Statewide Transition Plan (STP) to meet the federal settings criteria for all relevant HCBS programs under Sections 1915(c), 1915(k), and 1915(i) of the Social Security Act. This plan will outline how the Final Rule will be implemented over the five-year transition period allowed by the rule.

The HCBS Settings Rule affects the following Colorado HCBS waivers:

- Elderly, Blind, and Disabled (EBD)
- Persons with Brain Injury (BI)
- Persons with Spinal Cord Injury (SCI)
- Community Mental Health Services (CMHS) for Persons with Major Mental Illnesses
- Persons with Developmental Disabilities (DD)
- Supported Living Services (SLS)
- Children's Habilitation Residential Program (CHRP)
- Children's Extensive Support (CES)
- As well as the following waivers, under which services are provided in children's homes, professional provider offices, and clinics, which are presumed to be compliant with the federal settings requirements:

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- Children’s HCBS (CHCBS)
- Children with Autism (CWA)
- Children with Life Limiting Illness (CLLI)

The STP outlines the Colorado Department of Health Care Policy and Financing’s process and timelines for working with interested parties to implement requirements of the Final Rule for all Home and Community-Based Services.

The Department publicly noticed its original Statewide Transition Plan (STP.1) on July 30, 2014. After receiving and addressing public comments, the Department submitted STP.1 to CMS on November 19, 2014.

CMS provided comments on STP.1 via letter dated July 30, 2015. The Department addressed these comments, made additional revisions, and provided updates to create STP.2. STP.2 was publicly noticed on October 13, 2015. After receiving and addressing public comments, the Department submitted STP.2 to CMS on November 15, 2015.

CMS provided comments on STP.2 via letter dated January 12, 2016 and subsequent emails. The Department addressed these comments and made additional revisions and updates to create STP.3, which was publicly noticed in May 2016 and submitted to CMS on June 30, 2016. With STP.3, the Department publicly noticed a Systemic Assessment Crosswalk outlining proposed changes to Colorado’s statutes, regulations, and waivers to ensure compliance with the Final Rule’s settings requirements.

CMS provided comments on STP.3 and the crosswalk via letter dated August 30, 2016 and during subsequent telephone conversations. The Department addressed these comments and made additional revisions and updates to create STP.4 and an updated crosswalk. At CMS’s instruction, the Department submitted STP.4 and the updated crosswalk to CMS on December 16, 2017, without conducting a public comment period. Nevertheless, the Department is interested in hearing public feedback on STP.4 and the updated crosswalk, and so it is electing to publicly notice these documents as they were recently submitted to CMS.

To provide transparency, the Department is also publishing redlines that show all changes made since STP.3 and the original Crosswalk were publicly noticed and submitted to CMS in May-June 2016.

Information: The Department is providing a 35-day Public Comment period for all stakeholders from **February 16, 2017 to March 23, 2017**. The Public Comment period will afford all stakeholders a chance to review the updated STP and Systemic Assessment Crosswalk and provide feedback to the Department. All comments will be summarized and responses provided in a document that the Department will post on its website at <https://www.colorado.gov/pacific/hcpf/hcbs-waiver-transition>. The STP and the Systemic Assessment Crosswalk can be viewed at: <https://www.colorado.gov/pacific/hcpf/hcbs-waiver-transition>, or hard copy or electronic copies can be requested by contacting Lori Thompson by phone at 303-866-5142, by e-mail at lori.thompson@state.co.us, or by U.S. Mail at:

Attention: Lori Thompson
1570 Grant Street
Denver, CO 80203-1818

Action: The Department is releasing the updated STP and the draft Systemic Assessment Crosswalk for public comment from **February 16, 2017 to March 23, 2017**.

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