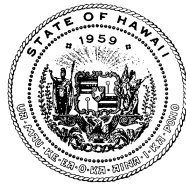


DAVID Y. IGE
GOVERNOR OF HAWAII



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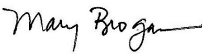
**STATE OF HAWAII
DEPARTMENT OF HEALTH
DEVELOPMENTAL DISABILITIES DIVISION**

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In reply, please refer to:
File:

Medicaid I/DD Waiver
Memo No.: FY2022-08
Date: January 24, 2022

TO: Medicaid I/DD Waiver Providers

FROM: Mary Brogan, Administrator 
Developmental Disabilities Division

SUBJECT: Compliance Response Timeline for HCBS Final Rule

In January 2014, the Centers for Medicare and Medicaid Services (CMS) issued a final rule (79 FR 2947) on community integration (HCBS final rule) that established new Home and Community-Based Services (HCBS) setting requirements. CMS granted states a transition period to develop and implement plans to support Providers in making necessary changes to achieve full compliance, in all HCBS settings, prior to the federal deadline of March 2023.

The Department of Health, Developmental Disabilities Division (DOH-DDD), developed a process to work in partnership and assist Providers in identifying and addressing areas of non-compliance. As part of this process, DOH-DDD issued HCBS Compliance Evidence Templates for Residential and Non-Residential Settings (Evidence Templates) for Providers to conduct current assessments of their programs and HCBS settings and for collection and review of Provider documentation as evidence of compliance.

Throughout 2021, DOH-DDD offered training webinars and technical assistance opportunities to provide information about the HCBS final rule, review the instructions and guidance for completing the Evidence Templates, answer questions, and assist Providers in the efforts to gather information and demonstrate compliance.

As we enter the new year, DOH-DDD's goals are to continue to work in partnership with Providers, offer technical assistance opportunities and support Providers to achieve full compliance. To help ensure that all current HCBS settings are able to continue to receive Medicaid funding after the transition period has passed, DOH-DDD established a compliance response timeline for Providers. Effective January 24, 2022, DOH-DDD will be following the timeline outlined in the table below in order for the State to achieve full compliance for all settings with the HCBS final rule by March 2023.

Compliance Response Timeline for Providers	
Timeline	Expectation
January 2022 – March 31, 2022 <i>Technical Assistance continues</i>	<p>Providers continue to work on completing, revising, and submitting Evidence Templates and supporting evidence.</p> <p>Providers may continue to receive TA and support from DOH-DDD (upon request and during monthly Open House sessions).</p> <p>DOH-DDD goal is to have completed templates from every Provider for each of their settings by March 31, 2022.</p>
April 1, 2022 – June 30, 2022 <i>Final Provider revision period (Potential validation process)</i>	<p>Providers make all necessary revisions to Evidence Templates and supporting evidence to demonstrate full compliance.</p> <p>Providers may continue to receive TA and support from DOH-DDD (upon request and during monthly Open House sessions).</p> <p>DOH-DDD goal is for Providers and each of their settings to be in full compliance by June 30, 2022.</p>
July 1, 2022 – September 30, 2022 <i>Corrective Action Plans</i>	<p>Providers who do not demonstrate compliance must complete a formal Corrective Action Plan and demonstrate full compliance by September 30, 2022.</p>
October 1, 2022 <i>Final Compliance deadline</i>	<p>DOH-DDD will recommend to DHS-MQD to sanction Providers who do not demonstrate full compliance by September 30, 2022.</p>
October 2022 – March 2023 <i>Transition period</i>	<p>Sanctioned Providers must work with participants, DOH-DDD case managers and circle of support to help participants transition to new settings by federal deadline (March 2023).</p>

Should you have any questions, please call the Community Resources Branch (CRB) at (808) 733-2135.

c: Jon Fujii, DHS-MQD
 DDD Management Team