



State of Connecticut  
Department of Developmental Services

DDS

Ned Lamont  
Governor

Jordan A. Scheff  
Commissioner

Elisa Velardo  
Deputy Commissioner

To: DDS Qualified Providers

From: Jordan A. Scheff, DDS Commissioner

CC: Elisa Velardo, Deputy Commissioner; Katie Rock-Burns, Chief of Staff; Krista Ostaszewski, Health Management Administrator; Sean Bannon, Operations Center Director; Regional Directors; Assistant Regional Directors; Regional Resource Administrators

Date: November 10, 2022

RE: **CMS Final Settings Rule- *Reminder and Follow Up***

This memo is a follow up to the [April 2022 memo](#) and presentations regarding the Home and Community-Based Services (HCBS) Settings Final Rule (known as “final settings rule”).

As a reminder, in 2014 the Centers for Medicare and Medicaid Services (CMS) issued a final rule that establishes requirements for the qualities of HCBS settings that are eligible for reimbursement under Medicaid. The rule requires states to review and evaluate HCBS settings, including residential and non-residential settings, to determine that such Medicaid funded settings allow for and facilitate ***community-based integration that distinguish them from institutional settings***.

The goal of the settings rule is to ensure settings in which HCBS participants receive services are integrated in and support full access to the greater community while also facilitating choice in services as well as choice in life decisions.

As providers are aware, CMS has communicated those states must be in compliance with the rule by March 17, 2023.

In June of 2018, in partnership with the single state Medicaid agency, the Department of Social Services (DSS) and DDS submitted a statewide Final Settings transition plan to CMS for approval. The plan was approved and confirmed that all DDS settings (at that time) meet or could meet the expectations of the final settings rule.

For new settings created after June 2018, DDS must ensure the setting meets the final settings requirements outlined by CMS. In addition, DDS Point of Service qualified providers are contractually obligated to meet the final settings requirements.

More recently, CMS specified that they continue to focus on the following priorities of the rule in the context of provider-controlled settings for HCBS participants:

- A lease or other legally enforceable agreement providing similar protections;
- Privacy in their room, including lockable doors, and freedom to furnish or decorate their room;
- Access to food at any time;
- Access to visitors at any time;
- Physical accessibility; and
- Person-centered service plan documentation of modifications to relevant regulatory criteria.

Requirements to the final settings can be modified as long as the details are assessed, explained and justified in the person-centered plan. DDS will be working with our case management teams in the upcoming months to ensure details around this process are clear.

The Department's mission and vision focuses on creating and promoting meaningful opportunities for individuals to fully participate as valued members of their communities. The final settings rule clearly aligns with these values. DDS is confident that our provider network that provides the majority of home and community-based settings already embrace the foundation in which the final settings rule was created upon.

As the state of CT already has an approved transition plan and therefore individual provider plans are not necessary, DDS continues to focus on ongoing monitoring of settings rule compliance through our Quality assurance processes.

DDS is also working to create templates for providers to utilize specific to "a lease or other legally enforceable agreement providing similar protections". This template is under review with CMS.

DDS asks that providers review their processes over the next several months with the priority items noted above in mind and if modifications are necessary, that they are explained in the person-centered plan.

DDS is grateful for your commitment as DDS providers and we look forward to our work together to ensure every individual supported by DDS has the ability to live a fully integrated life of their choosing.

For more information on the final settings rule, as well as links to several corresponding documents please visit: <https://portal.ct.gov/DDS/OperationsCenter/Providers/CMS-Final-Settings-Information>

A copy of the Approved CT State Transition Plan can also be found here: <https://portal.ct.gov/-/media/DDS/Waiver/finalsettings/CT-STP-Amendment-Final-08-01-2018.pdf>

For questions please contact your assigned region.

Thank you.

Jordan A. Scheff, DDS Commissioner