



BRAD LITTLE – Governor  
DAVE JEPPESEN – Director

# IDAHO DEPARTMENT OF HEALTH & WELFARE

JULIET CHARRON – Administrator  
DIVISION OF MEDICAID  
Post Office Box 83720  
Boise, Idaho 83720-0009  
PHONE: (208) 334-5747  
FAX: (208) 364-1811

December 1, 2022

Amanda Hill  
Center for Medicaid and CHIP Services (CMCS)  
[Amanda.Hill@cms.hhs.gov](mailto:Amanda.Hill@cms.hhs.gov)

Dear Ms. Hill:

Below please find the state's request to CMS for an **Idaho Home and Community Based Settings Rule: Corrective Action Plan (CAP)**.

**Center for Medicare and Medicaid Services (CMS) Expectations:** It is the expectation of CMS that all states and provider-owned and controlled residential settings will be fully compliant with the following regulatory settings criteria that are not impacted by the COVID-19 PHE, including its exacerbation of the workforce shortage, by March 17, 2023.

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

In addition, all settings within the state will be fully compliant with the following regulatory settings criteria by March 17, 2023.

- Privacy, dignity, respect, and freedom from coercion and restraint;
- Control of personal resources.

Time-limited CAPs are available to states to authorize additional time to achieve full compliance with settings criteria that are directly impacted by Public Health Emergency (PHE) disruptions when states document the efforts to meet these requirements to the fullest extent possible and are in compliance with all other setting criteria. CAPs are also available to states that have submitted presumptively institutional settings to CMS for a heightened scrutiny review and have yet to receive final adjudication of those settings to authorize additional opportunities to complete discussions with CMS

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The state anticipates that all settings, including those that are heightened scrutiny, will be compliant with all regulatory setting criteria by March 17, 2023; however, Idaho has not received final adjudication of the presumptively institutional settings that have been submitted to CMS for a heightened scrutiny review. Per CMS's request, Idaho is requesting a CAP to extend the transition deadline to allow for final adjudication of presumptively institutional settings that have been submitted to CMS for a heightened scrutiny review.

#### Corrective Action Plan (CAP)

##### Idaho Waivers Affected by the CAP

- SSA 1915c HCBS Developmental Disability Waiver
- SSA 1915c HCBS Aged & Disabled Waiver

**Goal:** The state's goal is for all settings to be compliant with all areas of the HCBS Settings Rule criteria within six (6) months of receiving feedback from CMS regarding the list of presumptively institutional settings that were submitted and will require a heightened scrutiny review.

**Expectations:** The state expects that all settings will be compliant with all regulatory settings criteria by March 17, 2023. However, it is necessary to ensure that adequate time is allotted for the state to gather additional evidence from providers following discussions with CMS regarding presumptively institutional settings that have been submitted to CMS for a heightened scrutiny review. The state anticipates that CMS feedback may result in the need for further policy reviews, onsite visits, or desk reviews of an indeterminate number of settings. The timeline for these reviews will be agreed upon following discussions with CMS and the outcome of their heightened scrutiny review.

**Timeline:** The timeline for compliance will be agreed upon following discussions with CMS.

Idaho appreciates your review of this HCBS Settings CAP request and anticipates CMS approval. Please direct any questions to Angie Holick at [Angie.Holick@dhw.idaho.gov](mailto:Angie.Holick@dhw.idaho.gov).

JULIET CHARRON  
Administrator

JC/db

cc: Courtenay Savage, Amanda Hill