



December 1, 2022

Ondrea D. Richardson
Health Insurance Specialist
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244-1850

Re: Georgia Department of Community Health Request for Corrective Action Plan

Dear Ms. Richardson,

In response to the Centers for Medicare and Medicaid Services (CMS) recommendations to states regarding developing strategies for implementation of the Home and Community Based Services (HCBS) settings regulation, the Georgia Department of Community Health (DCH) request a corrective action plan (CAP) for the following 1915 c waivers: Elderly and Disabled Waiver Program (EDWP), Independent Care Waiver Program (ICWP), Comprehensive Services and Supports (COMP) waiver program, and the New Options Waiver(NOW) program.

The state specifically request CMS to authorize the CAPs to continue federal reimbursement of HCBS beyond the transition period to ensure provider compliance in the areas of **1) Access to the broader community; 2) Option for a private unit and/or choice for a roommate; 3) Choice of non-disability specific settings; 4) Ensuring that each member using residential services has either a lease or other legally enforceable agreement providing similar protections; and 5) Access to visitors at any time.**

The DCH continues to work with providers in each of the outlined areas. However, there has been a significant gap in time between providers that were initially reviewed and surveyed based upon initial recommendations and guidance then current revised information from CMS. Thus, during reviews, providers are now found to be non-compliant. Additionally, as providers subject to the settings rule are added to the provider network, the state feels that these providers can come into compliance in each of these areas with additional technical assistance.

The state anticipates that with the increase ability to visit members and settings the state will be able to more fully implement the Settings rule performance standards that have been incorporated into existing waiver policy and waiver performance measures. Additionally, the



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inclusion of the waiver quality management systems, specifically for those individuals within our intellectual and developmental disabilities populations allows the state to refine the assistance required by providers not yet in compliance. The state has also developed a Technical Assistance document that supplements existing policies for providers to apply settings rules more easily to daily operations.

The state anticipates that they will require three months past the March 17, 2023, date to complete visits and ensure compliance.

Sincerely,

Rebecca Dugger

Rebecca Dugger, MHA, MA, ACPAR, APM, MCMP-II, SSBBP
Deputy Executive Director Eligibility and Enrollment
Georgia Department of Community Health