

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-14-26
Baltimore, Maryland 21244-1850



Medicaid Benefits and Health Programs Group

June 12, 2023

Charissa Fotinos, MD, Medicaid Director
Washington Health Care Authority
626 8th Avenue
P.O. Box 45502
Olympia, WA 98504

Dear Dr. Fotinos:

The Centers for Medicare & Medicaid Services (CMS) confirms receipt of the State of Washington's action to withdraw its Corrective Action Plan (CAP) to bring settings into compliance with the federal home and community-based services (HCBS) regulations found at 42 CFR §441.301(c)(4)-(5). By withdrawing the CAP, the state is attesting it is fully compliant with the final HCBS settings rule and addressing instances of non-compliance through the state's ongoing monitoring and quality assurance processes.

Withdrawal of a CAP solely addresses the state's compliance with the applicable Medicaid authorities. The state's withdrawal does not address the state's independent and separate obligations under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act or the Supreme Court's *Olmstead v. LC* decision. Guidance from the Department of Justice concerning compliance with the Americans with Disabilities Act and the *Olmstead* decision is available at: http://www.ada.gov/olmstead/q&a_olmstead.htm.

Thank you for your efforts to ensure all settings are in compliance with the federal HCBS regulations. If you have questions or need further assistance, please contact Amanda Hill at Amanda.Hill@cms.hhs.gov or (410) 786-2457.

Sincerely,

Melissa Harris, Deputy Director

cc: George Failla, Director, Division of HCBS Operations and Oversight, CMCS, CMS