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ACL 21-07

Date: June 18, 2021

To: Community-Based Adult Services (CBAS) Center Administrators and Program Directors

From: California Department of Aging (CDA) CBAS Branch

Subject: Notice of Public Comment Period for California's Statewide Transition Plan (*STP*) and Draft CBAS Home and Community-Based (HCB) Settings Transition Plan (*Draft CBAS Transition Plan*)

Purpose

This All Center Letter (ACL) is to notify CBAS providers and interested stakeholders about the public comment period for the Department of Health Care Services (DHCS) *STP* and the CDA *Draft CBAS Transition Plan* which is Attachment 1 of the *STP*. These documents are posted on the DHCS [HCBS Statewide Transition Plan](#) webpage.

The *Draft CBAS Transition Plan* addresses how CDA will bring all CBAS centers into compliance with the new federal Home and Community-Based (HCB) Settings Final Rule which is included in the new federal [Home and Community-Based Services \(HCBS\) Final Regulation](#).

Public Comment Period

The public comment period begins on Saturday, June 19, 2021, and continues through Monday, July 19, 2021. Refer to the CBAS Flyer and Fact Sheet [Request for Public Comments on the Statewide Transition Plan and Draft CBAS Transition](#) for details on the new federal HCB Settings Requirements and how to submit public comments.

DHCS in collaboration with CDA and other sister Departments will be involved in the review of all public comments. State responses to public comments will be included in the *STP* submitted to the Centers for Medicare & Medicaid Services (CMS) for final approval after completion of the public comment period. CDA is available to address any questions that stakeholders have about the *Draft CBAS Transition Plan* and the new federal HCB Settings Requirements.

Background

CMS requires all states to ensure that their home and community-based (HCB) services and programs that receive Medicaid/Medi-Cal funding comply with the federal HCB Settings Final Rule by March 17, 2023, and on an ongoing basis thereafter. These federal regulations became effective on March 17, 2014. Initially, CMS required compliance with the federal HCB Settings Requirements by March 17, 2019, but extended the compliance date to March 17, 2023, for a variety of reasons including the COVID-19 pandemic. Refer to [CMS State Medicaid Director Letter # 20-003](#).

CMS directed the State, in the CBAS provisions of California's [1115\(a\) Demonstration Waiver](#), to ensure that CBAS settings have all of the qualities required by the [42 Code of Federal Regulations \(CFR\) 44.301\(c\)\(4\)](#) and other such qualities as the Secretary determines to be appropriate based on the needs of the individual as indicated in their person-centered plan. CMS also directed the State to engage in a CBAS stakeholder process to amend the *STP* to address how CDA will bring all CBAS centers into compliance with the new federal HCB Settings Final Rule.

In response to these directives, DHCS and CDA convened a series of stakeholder meetings in 2015 to develop the *Draft CBAS Transition Plan* which describes how CDA will bring all CBAS centers into compliance with the new federal HCB Settings Requirements by incorporating additional monitoring and oversight processes into CDA's certification/recertification processes. For more information refer to the DHCS [HCBS Statewide Transition Plan](#) and the CDA [CBAS HCB Settings Stakeholder Activities](#) webpages.

Flyer and Fact Sheet for Distribution

CDA developed the CBAS Flyer and Fact Sheet [Request for Public Comments on the Statewide Transition Plan and Draft CBAS Transition Plan](#) for CBAS providers to use to inform their participants and participants' families/authorized representatives about the federal HCB Settings requirements, public comment period, and how to submit comments electronically and by mail.

CDA requests your assistance in (1) posting the Flyer and Fact Sheet in a prominent place in the center for participants to see who may be receiving in-center services, (2) delivering a copy to participants at their place of residence when providing Temporary Alternative Services (TAS) such as activity packets and meals, and/or (2) emailing the Flyer and Fact Sheet to center participants and their families/authorized representatives.

CBAS providers are in a unique position to share the Flyer and Fact Sheet with center participants and their families/authorized representatives which provides an opportunity for them to learn more about the federal HCB Settings requirements and how CBAS centers are complying with these requirements to meet CBAS participants' needs.

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Questions

Please contact the CBAS branch if you have any questions: (916) 419-7545;
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