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<p>BEFORE THE OFFICE OF APPEALS IN THE COLORADO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING 1570 Grant Street, Denver, CO 80203 (303) 866-5654 Phone (303) 866-4411 Fax</p>	
<p>████████████████████ Appellant, vs. THE RESOURCE EXCHANGE, Appellee.</p>	<p>CASE NUMBER: SHP 2009-0482 SHP 2010-0438</p>
<p align="center">FINAL AGENCY DECISION</p>	

BACKGROUND AND DISCUSSION

On February 7, 2011, Robert Spencer, Administrative Law Judge (ALJ) in the Office of Administrative Courts, signed the Initial Decision concerning this appeal. The Initial Decision concluded that payment for Appellant’s membership in The Club of Arts and the YMCA is not covered by the Home and Community Based Services for Supported Living Services (HCBS-SLS) Waiver. As a result, the termination of funding for the clubs’ memberships was affirmed. The Initial Decision also affirmed The Resource Exchange’s decision to reduce funding for Appellant’s remaining services received under the HCBS-SLS Waiver.

The Appellant filed Exceptions to the Initial Decision. Written transcripts of the hearings held in this matter were not submitted to the Office of Appeals. The Resource Exchange requested an extension of time in which to submit a response to the Appellant’s Exceptions. However, the request was not timely received by the Office of Appeals, and therefore was denied. No response was submitted. The Office of Appeals reviewed the record before entering this Final Agency Decision. Section 8.057.10.B.¹ The Office of Appeals is required to determine whether the Initial Decision properly interprets and applies the rules of the Department or relevant statutes, and whether the findings of fact and conclusions of law support the Initial Decision.

The ALJ’s findings support the conclusion that The Resource Exchange acted in accordance with the approved SLS Waiver when it reduced and/or eliminated funding for services in order to comply with the new SLS authorization and statewide rates.

FINAL AGENCY DECISION

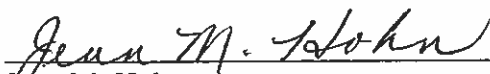
Therefore, the Office of Appeals *affirms* the Initial Decision in this appeal.

¹ The regulations of the Department of Health Care Policy and Financing are published at 10 CCR 2505-10, and referred to herein by Section numbers.

Any party who objects to this Final Agency Decision may seek reconsideration of the Final Agency Decision by filing a motion for reconsideration with the Office of Appeals. The motion for reconsideration shall be filed, in writing, with the Office of Appeals within 15 calendar days of the date that this Final Agency Decision is mailed to the parties. Section 8.057.13 *et seq.* The motion must state specific grounds for reconsideration of the Final Agency Decision. The Office of Appeals may grant reconsideration only upon a showing of good cause for failure to file written Exceptions to the Initial Decision, or upon a showing that the Final Agency Decision is based upon a clear or plain error of fact or law. *Id.*

This Final Agency Decision shall be effective and binding upon all parties on the third day after the date set forth in the certificate of mailing, even if the third day falls on Saturday, Sunday, or a legal holiday. Section 8.057.11.B. The Appellant may commence an action for judicial review of the Final Agency Decision, pursuant to the provisions of C.R.S. § 24-4-106(4). Any judicial action must be filed with the appropriate State District Court within thirty (30) calendar days after this Final Agency Decision becomes effective. However, failure to file Exceptions to the Initial Decision results in a waiver of the right to judicial review, except with respect to any portion of the Final Agency Decision that differs from the Initial Decision. C.R.S. § 24-4-105(14)(c).

Signed this 7th day of April, 2011.



Jean M. Hohn
Office of Appeals

CERTIFICATE OF MAILING

I hereby certify that on April 7, 2011, I placed a true and correct copy of the foregoing Final Agency Decision regarding Appeal Number **SHP 2009-0482 and SHP 2010-0438** in the U.S. Mail, postage prepaid, addressed to the following:



Julie Reiskin
CCDC
655 Broadway, Suite 775
Denver, CO 80203

David Ervin, Executive Director
The Resource Exchange
418 S. Weber Street
Colorado Springs, CO 80903-2150

Amy Becerra
Division for DD Services
4055 S. Lowell Blvd.
Denver, CO 80236

and via Interdepartmental mail to:

John Barry
Long Term Benefits Division
Department of Health Care Policy and Financing
1570 Grant Street
Denver, CO 80203



Office of Appeals