

1 **8.609 PROGRAM SERVICES AND SUPPORTS**

5 **8.609.5 COMPREHENSIVE RESIDENTIAL HABILITATION SERVICES AND SUPPORTS**
6 **DESCRIPTION AND GENERAL PROVISIONS**

7 A. Comprehensive Residential Habilitation Services and Supports provide a full day (24
8 hours) of services and supports to ensure the health, safety and welfare of the individual, and to provide
9 training and habilitation services or a combination of training (i.e., instruction, skill acquisition) and
10 supports in the areas of personal, physical, mental and social development and to promote
11 interdependence, self-sufficiency and community inclusion. Services and supports are designed to meet
12 the unique needs of each person ~~as~~ determined by the assessed needs, personal goals, and other input
13 provided by the Interdisciplinary Team, defined at 10 CCR 2505—10, Section 8.519.1, and to provide
14 access to and participation in typical activities and functions of community life.

15 AB. Program Approved Service Agency Policies, Procedures and Service Provisions

16 ~~Program approved service agencies providing Comprehensive Habilitation Services and Supports shall~~
17 ~~conform to the following provisions:~~

- 18 1. ~~Each Program Approved Service Agency (PASA) providing residential services~~
19 ~~must establish and implement written policies and procedures concerning the use and~~
20 ~~handling of personal needs funds and include a record of personal possessions, including~~
21 ~~clothing, of the participant.~~
- 22 2. ~~PASA's must conduct an evaluation of consumer satisfaction with services and supports~~
23 ~~no less than every three years. The PASA program approved service agency must~~
24 ~~review and analyze this data and address any complaints or problematic practices~~
25 ~~requiring corrective action.~~
- 26 3. ~~The PASA must maintain a record for each participant which includes the information~~
27 ~~required by these rules and as prescribed by the Department.~~
- 28 4. ~~Participants receiving Comprehensive Residential Habilitation Services and Supports~~
29 ~~must have 24-hour supervision. Supervision may be on-site (provider is present) or~~
30 ~~accessible (agency personnel is not on site but available to respond when needed).~~
31 ~~Staffing arrangements must be adequate to meet the health, safety and welfare of~~
32 ~~participants and the needs of the individual as determined by the Service Plan.~~
- 33 5. ~~Physical facilities utilized as residential settings and/or adult day service sites must shall~~
34 meet all applicable fire, building, licensing and health regulations.

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1 6. Services and supports must be provided pursuant to the person's Service Plan, in
2 accordance with Department guidelines and service descriptions, and the HCBS Settings
3 Final Rule at 79 Fed. Reg. 2948 (Jan. 16, 2014) (codified in relevant part at 42 C.F.R. §
4 441.301).

5 7. The PASA is responsible for providing services, supplies and equipment as prescribed by
6 the Department.

7 8. Caregivers, providers and other support personnel must have ready access to records
8 and all necessary, detailed protocols about the participant required to carry out their
9 responsibilities.

10 9. PASA's must comply with the Colorado Adult Protection Services (CAPS) requirements,
11 outlined in §26-3.1-111, C.R.S. and 12 CCR 2518-1, Volume 30.960.

12 104. Incident Reporting

13 a. The PASA must comply with all incident reporting requirements, as outlined in 10
14 CCR 2505—10, Section 8.608.6.

15 b. The PASA must notify guardians and/or representatives of Incident Reports (IR).

16 c. The PASA must have policies and procedures in place for handling cases of
17 alleged or suspected abuse, mistreatment, neglect, or exploitation of any
18 participant, pursuant to 10 CCR 2505—10, Section 8.608.8.

19 d. The PASA must notify the waiver participant and guardians and/or participants'
20 representatives of investigations, including summary information pertaining to the
21 outcome of the investigation, victim supports accessed, and recommendations to
22 prevent recurrence.

23 11. The PASA is responsible for the monitoring of conditions at the property and must
24 provide oversight and guidance to safeguard the health, safety, and welfare of the
25 participant.

26 12. The PASA must provide for and document the regular on-site monitoring of
27 Comprehensive Residential Habilitation Services and Supports. PASA's must conduct an
28 on-site visit of each Individual Residential Support Services (IRSS) or Group Residential
29 Support Services (GRSS) setting before a participant moves in, and at a minimum
30 once every quarter, with at least one visit annually that is unscheduled. On-site
31 monitoring of IRSS and GRSS settings must include, but not be limited to:

32 a. Inspection of all smoke alarms and carbon monoxide detectors;

33 b. Ensuring all exits are free from blockages to egress;

34 c. Review of each participant's emergency and disaster assessment; and

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1 d. Medication administration records and physician orders.

2 13. The PASA must have a protocol in place for the emergency placement of the participant
3 if a home is deemed not safe by the Division of Housing (DOH).

4 14. The PASA must have a written contract with each direct service provider providing IRSS
5 under the PASA's authority, such as a Host Home provider or family caregivers not
6 directly employed by the PASA, backup caregiver, or other person providing care.

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7 a. A current list of the above-mentioned contracted IRSS providers and their
8 accompanying contracts must be on file with the program approved service
9 agency and a copy must be provided to the Department or its agent upon
10 request.

11 b. Each contract must be in writing and contain the following information:

12 i. Name of contracted IRSS provider;

13 ii. Responsibilities of each party to the contract, including, but not limited to,
14 responsibility for the safety and accessibility of the physical environment
15 of the home;

16 iii. process for correcting non-compliance;

17 iv. process for termination of the contract;

18 v. process for modification or revision of the contract;;

19 vi. process for relocation of the participant if they are in immediate jeopardy;

20 vii. process for coordinating the care of the participant;

21 viii.iii Payment rate and method; and

22 viii.iv- Beginning and ending dates.

23 c. If a contract is terminated with a contracted IRSS provider due to health, safety
24 or welfare concerns, the PASA must report to the following parties:

25 i. Within 30 days to the Department regarding the cited reason for
26 termination of a contracted IRSS provider.

27 ii. Within 10 days to the guardian or authorized representative and case
28 manager of the participant from the terminated contracted IRSS provider.

29 15. The PASA must require each contracted direct service provider providing IRSS to
30 document each approved caregiver(s) and report to the agency the names of all persons
31 that reside in the home. No backup provider may be hired without PASA approval. The

agency must ensure criminal background checks are completed for any non-participant over the age of 18 who lives in the home.

16. The Host Home must be the primary residence of the Host Home provider.

11. ~~_____~~

2. ~~Persons receiving Comprehensive Habilitation Services and Supports shall have 24-hour supervision. Supervision may be on-site (staff is present) or accessible (agency personnel is not on site but available to respond when needed). Staffing arrangements must be adequate to ensure the health, safety and welfare of persons receiving services and the needs of the individual as determined by the Individualized Plan.~~

3. ~~Services and supports shall be provided pursuant to the person's Individualized Plan and pertinent Individual Service and Support Plans and in accordance with Department guidelines and service descriptions.~~

~~Individual Service and Support Plans shall be developed for all persons receiving comprehensive services and meet requirements of section 8.608.~~

4. ~~The program approved service agency shall provide for the regular on-site monitoring of Comprehensive Habilitation Services and Supports.~~

5. ~~Each program approved service agency providing residential services shall establish and implement written policies and procedures concerning the use and handling of the personal needs funds and personal possessions, including clothing, of the person receiving services as prescribed by the Department.~~

B.6. Rights of Participants

1. ~~A participant person receiving services must~~ shall be presumed able to manage his/her own funds and possessions unless otherwise documented in the ~~the~~ Individualized Service Plan, documents and justifies limitations to self management, and where appropriate, reflects a plan to increase this skill.

2. Participants must have a key or key code to their home, a bedroom door with a lock, lockable bathroom doors, access to all common areas of the home, and a residential agreement that provides protections for evictions.

7. ~~The program approved service agency shall be responsible for providing services, supplies and equipment as prescribed by the Department.~~

38. ~~Persons receiving services~~ A participant, guardians, authorized representatives, as appropriate, and the ~~community centered board case manager~~ shall be notified at least fifteen (15) days prior to proposed changes in residential placements.

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1 a. If an immediate move is required for the protection of the person, notification
2 ~~shall must~~ occur as soon as possible before the move or not later than three ~~(3)~~
3 days after the move.

4 b. ~~A Pparticipantersons receiving services~~, guardians, and authorized
5 representatives, as appropriate, ~~shall must~~ be involved in planning subsequent
6 placements and any member of the ~~interdisciplinary Tteam~~ may request a
7 meeting to discuss the change in placement.

8 ~~c. When a participant moves settings or PASA, all residential PASA's involved must~~
9 ~~be present for the move whenever possible, and will ensure all possessions,~~
10 ~~medications, money and pertinent records are transferred to the participant within~~
11 ~~24 hours.~~

12 ~~de.~~ If the ~~person receiving servicesparticipant~~, guardians, or authorized
13 representative, as appropriate, wants to contest the move they should follow the
14 grievance procedure of the agency. ~~If they remain dissatisfied, they may ask the~~
15 ~~community-centered board to review the decision.~~

16 ~~ed.~~ If there is a concern regarding the health, safety, or welfare of the person being
17 jeopardized as a result of the move, ~~then~~ any interested party may request an
18 emergency order from the ~~D~~epartment pursuant to ~~S~~ection 8.605.4.

19 ~~4. Participants have a right to annual notification of PASA appeal/grievance policies and~~
20 ~~procedures.~~

21
22 ~~9. Program approved service agencies shall conduct an evaluation of consumer satisfaction~~
23 ~~with services and supports no less than every three (3) years.~~

24 ~~10. The program approved service agency shall maintain a record for each person receiving~~
25 ~~services which includes the information required by these rules and as prescribed by the~~
26 ~~Department.~~

27 ~~Staff, providers and other support personnel shall have ready access to records and~~
28 ~~information required by them to carry out their responsibilities.~~

1 **8.609.7 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS (IRSS) SPECIFICATIONS**

2 ~~A. _____ Individual Residential Services and Supports (IRSS) use a variety of living arrangements~~
3 ~~individually designed to meet the unique needs for support, guidance and habilitation of each~~
4 ~~participant person receiving services. The program approved service agency has the responsibility for the~~
5 ~~living environment and persons~~ Participants may live in a home owned or leased by the agency, ~~their own~~
6 ~~home or a Host Home, or their own home. Services are generally provided to no more than two persons~~
7 ~~receiving services per setting.~~

8 A. Program Approved Service Agency Policies, Procedures and Service Provisions

9 1. The Program Approved Service Agency (PASA) has the responsibility for the living
10 environment, regardless of the setting type.

11 2. Individual Residential Services and Supports IRSS may be provided to no more than
12 three participants in a single setting. For each participant in a setting, Three persons may
13 be served in a single setting the PASA must ensure when the following criteria are met
14 and documented::

15 a. The participants persons involved elect to live in the setting; so choose; and,

16 b. Each participant person is afforded must have the opportunity for their own
17 bedroom, unless they elect to share a bedroom with a roommate of their choice,
18 which must be documented in the Service Plan; and,

19 c. Back-up providers are identified, available and agreed upon by the participant
20 and PASA. When a back-up provider is not available, the PASA assumes
21 responsibility for identifying a provider;

22 d. The PASA and case management agency of each participant in the setting must
23 be involved in the coordination of placement of each participant;

24 e. Participants are afforded regular opportunities for community inclusion of their
25 choice;

26 f. Participants are afforded individual choice, including preference to live near
27 family; and

28 g. Distance from other homes (e.g., apartments, houses) of participants is
29 examined so that persons with developmental disabilities are not grouped in a
30 conspicuous manner.;

31 h. For the placement of an individual into a three-person setting, the following
32 factors must be examined to determine reasonableness of the placement:

33 i. Level of care and needs of each participant in the home;

34 ii. Availability to support and provide supervision to participants;

1 iii. Compliance with HCBS Settings Final Rule at 79 Fed. Reg. 2948 (Jan.
2 16, 2014) (codified in relevant part at 42 C.F.R. § 441.301); and

3 iv. Each participant's ability to evacuate.

4 i. When three participants reside in a single setting, the PASA must conduct
5 monthly monitoring of the setting.

6 c. The setting is not a host home; or,

7 d. The interdisciplinary team determines placement in the setting is the best
8 alternative in an emergency and placement does not exceed thirty days; or,

9 e. Placement is to provide short-term relief for a Host Home provider and does not
10 exceed fourteen (14) days.

11 2. Living environments utilized for IRSS shall be selected in accordance with
12 Department guidelines implementing section 1616(e) of the Social Security Act (42
13 U.S.C. section 1382e (e)(1)) and addressing building capacity, including the maximum
14 number of persons receiving services and the number of units which may be utilized
15 under a single roof or in a single setting.

16 3. The selection of a living environment shall include consideration of the following:

17 a. Opportunities for community inclusion for persons receiving services;

18 b. Individual choice, including preference to be close to family; and,

19 c. Distance from other homes (e.g., apartments, houses) of persons receiving
20 services so that persons with developmental disabilities are not grouped in a conspicuous
21 manner.

22 3. Participants must live safely in environments common to other citizens with reasonable
23 and appropriate supports provided to protect their health and safety while simultaneously
24 promoting community inclusion. Providers and caregivers must have the appropriate
25 knowledge, skills, and training to meet the individual needs of the participant before
26 providing care and services. The PASA must have policies and procedures in place
27 outlining the required trainings for providers and caregivers. The policy and procedure
28 shall include, but not be limited to, the following:

30 a. Training specific to the participants' needs shall be completed by all providers
31 and caregivers. Such training shall include, at a minimum, medical protocols and
32 activities of daily living needs.

33 b. Providers and caregivers shall receive training in resident rights, abuse and
34 neglect prevention, and reporting abuse, neglect, mistreatment and exploitation.

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- 2 4. Upon enrollment in services, the PASA must assess each participant's ability to care for
3 their safety needs and take appropriate action in case of an emergency. The assessment
4 must be kept up to date and, at a minimum, address the following emergencies and
5 disasters:
- 6 a. Fire;
- 7 b. Severe weather and other natural disasters;
- 8 c. Serious accidents and illness;
- 9 d. Assaults; and,
- 10 e. Intruders.
- 11 65. There must be a written plan for each person addressing how the emergencies specified
12 above will be handled. The plans must be based on an assessment, maintained current
13 and shall, at minimum, address:
- 14 a. Specific responsibilities/actions to be taken by the participant, approved
15 caregivers or other providers of supports and services in case of an emergency;
- 16 b. How the participant will evacuate in case of fire by specifying, at minimum, two
17 exit routes from floors used for sleeping and the level of assistance needed; and
- 18 c. Telephone access (by the participant or with assistance) to the nearest poison
19 control center, police, fire and medical services.
- 20 67. Safety plans and evacuation procedures must be reviewed and practiced at sufficient
21 frequency and varying times of the day, but no less than once a quarter, to ensure all
22 persons with responsibilities for carrying out the plan are knowledgeable about the plan
23 and capable of performing it. All safety plans must be on site at the home and be
24 reviewed by the PASA agency during each on-site monitoring visit.
- 25 87. The PASA must provide sufficient oversight and guidance and have established
26 procedures to ensure that the health and medical needs of the participant are addressed.
27 This includes:
- 28 a. Each participant must have a primary physician;
- 29 b. Each participant must receive a medical evaluation at least annually unless a
30 greater or lesser frequency is specified by his/her primary physician. If the
31 physician specifies an annual evaluation is not needed, a medical evaluation
32 must be conducted no less frequently than every two years;

1 c. Each participant must be encouraged and assisted in getting a dental evaluation
2 annually;

3 d. Other medical and dental assessments and services must be completed as the
4 need for these is identified by the physician, dentist, other medical support
5 personnel or the Interdisciplinary Team; and

6 e. Records must contain documentation of:

7 i. medical services provided;

8 ii. results of medical evaluations/ assessments and of follow-up services
9 required, if any;

10 iii. acute illness and chronic medical problems; and,

11 iv. weight taken annually or more frequently, as needed.

12 98. The PASA must ensure nutritionally balanced meals are available to participants. Based
13 on an assessment of the person's capabilities, preferences and nutritional needs, the
14 PASA may provide guidance and support to monitor nutritional adequacy.

15 a. Therapeutic diets must be prescribed by a licensed physician or dietician.

16 b. Participants must have access to food at all times, choose when and what to eat,
17 the opportunity to provide input into menu planning, comfortable seating for
18 meals where they can choose their own seat, and shall have access to food
19 preparation areas, if they can appropriately handle kitchen equipment as
20 documented in the Service Plan.

21 B. Living Environment

22 1. Homes of persons receiving services and supports participants must shall, at minimum,
23 meet standards set forth in the Colorado Division of Housing (DOH) IRSS Inspection
24 Protocol, HUD Section 8 Housing Quality Standards. The following setting types must
25 pass the DOH IRSS Inspection Protocol every two years:

26 a. All Host Homes; and

27 b. All IRSS settings that are owned or leased by a PASA.

28 Settings must request an inspection prior to placement of a participant and must pass an
29 inspection within 90 days of becoming an approved setting and providing services.
30 Existing settings have until January 1, 2022 to pass an inspection.

31 52. The home (exterior and interior) and grounds must shall be maintained:

32 a. Be maintained in good repair;

b. ~~To p~~Protect the health, comfort and safety of ~~persons receiving services~~the participant; and,

c. ~~Be F~~Free of offensive odors, accumulation of dirt, rubbish and dust.

~~36.~~ There ~~must~~shall be two means of exit from floors with rooms used for sleeping. Exits must remain clear and unobstructed.

~~4.~~ The PASA must ensure entry to the home and an emergency exit is accessible to participants, including these participants utilizing a wheelchair or other mobility device.

~~5.~~ The PASA must ensure that participants who utilize a wheelchair or other mobility device have access to all common areas of the home.

~~67.~~ Bedrooms ~~must~~shall meet minimum space requirements (single 80 square feet, double 120 square feet). (Not applicable for studio apartments.)

~~78.~~ Adequate and comfortable furnishings and ~~adequate~~ supplies ~~must~~shall be provided and maintained in good condition.

~~89.~~ Participants have the right to furnish and decorate their sleeping and/or living units in the way that suits them, while maintaining a safe and sanitary environment. ~~All areas of a home needing to be accessed by persons receiving services who use a wheelchair or other assistive technology devices shall be accessible.~~

~~9.~~ ~~10.~~ A fire extinguisher must be available in each home. Presence of an operational fire extinguisher shall be confirmed by the PASA during each on-site monitoring visit.

a. PASA's must follow manufacturer specifications and expiration dates for all fire extinguishers.

~~10.~~ Smoke alarms and carbon monoxide detectors must be installed in the proper locations in each home to meet Housing and Urban Development (HUD) requirements and/or local ordinances. Smoke and carbon monoxide detectors shall be tested during each on-site monitoring visit by the PASA.

~~10.~~ The primary entry to the home of a person receiving services who utilizes a wheelchair or other assistive technology devices shall be accessible.

~~B.~~ Persons receiving services shall live safely in environments common to other citizens with reasonable supports provided to protect their health and safety while simultaneously promoting community inclusion.

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1 1. ~~An assessment of each person's capability to take appropriate action in case of an~~
2 ~~emergency and to take care of safety needs shall be conducted upon enrollment into~~
3 ~~services and be maintained current. This assessment, at a minimum, shall address the~~
4 ~~following emergencies and disasters:~~

- 5 a. ~~Fire;~~
- 6 b. ~~Severe weather and other natural disasters;~~
- 7 c. ~~Missing persons;~~
- 8 d. ~~Serious accidents and illness;~~
- 9 e. ~~Assaults; and,~~
- 10 f. ~~Intruders.~~

11 2. ~~There shall be a written plan for each person addressing how emergencies specified~~
12 ~~above will be handled. The plans shall be based on assessments, maintained current and~~
13 ~~shall, at minimum, address:~~

- 14 a. ~~Specific responsibilities/actions to be taken by persons receiving services, staff~~
15 ~~or other providers of supports and services in case of an emergency;~~
- 16 b. ~~How the person receiving services will evacuate in case of fire by specifying, at~~
17 ~~minimum, two exit routes from floors used for sleeping and level of assistance~~
18 ~~needed; and,~~
- 19 c. ~~Telephone access (by the person receiving services or with assistance) to the~~
20 ~~nearest poison control center, police, fire and medical services.~~

21 3. ~~Safety plans shall be reviewed and practiced at sufficient frequency to ensure all persons~~
22 ~~with responsibilities for carrying out the plan are knowledgeable about the plan and~~
23 ~~capable of performing it.~~

24 4. ~~A fire extinguisher shall be available in each home.~~

25 5. ~~Smoke detectors shall be installed in each home to meet HUD requirements and/or local~~
26 ~~ordinances.~~

27 6. ~~Each home shall have first aid supplies.~~

28 C. ~~The program approved service agency shall provide sufficient oversight and guidance and have~~
29 ~~established procedures to ensure that the health and medical needs of persons receiving~~
30 ~~services are addressed. The amount and type of guidance provided shall be directly related to an~~
31 ~~assessment of the person's capabilities.~~

32 1. ~~Each person receiving services shall have a primary physician.~~

1 2. — Each person receiving services shall receive a medical evaluation at least annually
2 unless a greater or lesser frequency is specified by his/her primary physician. If the
3 physician specifies an annual evaluation is not needed, a medical evaluation shall be
4 conducted no less frequently than every two years.

5 3. — Each person receiving services shall be encouraged and assisted in getting a dental
6 evaluation at least annually.

7 4. — Other medical and dental assessments and services shall be completed as the need for
8 these is identified by the physician, dentist, other medical support personnel or the
9 interdisciplinary team.

10 5. — Records shall contain documentation of:

11 a. — medical services provided;

12 b. — results of medical evaluations/ assessments and of follow-up services required, if
13 any;

14 c. — acute illness and chronic medical problems; and,

15 d. — weight taken annually or more frequently, as needed.

16 D. — The program approved service agency shall provide sufficient support and guidance to ensure
17 that persons receiving services have a nutritionally adequate diet. Decisions concerning the
18 amount and type of support and guidance provided shall be based on an assessment of the
19 person's capabilities and nutritional needs.

20 1. — The program approved service agency shall regularly monitor the diets of persons
21 receiving services to determine their nutritional adequacy.

22 2. — Therapeutic diets shall be prescribed by a licensed physician.
23