

DRAFT TO BE USED FOR DELIBERATIVE DISCUSSIONS

8.613 FAMILY SUPPORT SERVICES ~~(FSS)~~ PROGRAM (FSSP)

A. ADMINISTRATION

1. ~~The eCommunity eCentered bBoard (CCB) shall administer the Family Support Services pProgram (FSSP) according to the rules, regulations, policies and guidelines of the Department, local Family Support Council (FSC) and CCB, eCommunity eCentered bBoard- subject to available appropriations.~~
12. ~~The CCB eCommunity eCentered bBoard- shall ensure that the FSSP Family Support Services (FSSP) pProgram is implemented within its designated service area.~~
23. ~~The ecommunity centered board CCB shall designate one (1) person to serve as the contact for the overall implementation and coordination of the FSSP Family Support Services pProgram.~~
4. Referrals to the FSSP shall be made through the CCB pursuant to 10 CCR 2505-10 8.607.
5. Nothing in these rules and regulations shall be construed as to prohibit or limit services and supports available to an individual with an Intellectual and Developmental Disability (IDD) or Developmental Delay and their families which are authorized by other state or federal laws.
6. The CCB, in cooperation with the local FSC shall ensure that the FSSP is publicized within the designated service area.
7. FSSP funds are restricted funds and shall not be transferred to other programs or used for purposes other than defined in this section.
8. The CCB shall develop policies and procedures for the implementation and ongoing operation of the FSSP, which must be kept on file and made available to the Department or the public, upon request.

B. FAMILY SUPPORT COUNCIL (FSC)

31. ~~The eCommunity eCentered bBoard (CCB) shall assist its designated service area to establish and maintain a Family Support Council (FSC) pursuant to section 25.5-10-304 C.R.S.~~
2. The CCB shall establish an FSC roster that includes the name of the members, type of membership and identifies the chairperson. The roster shall be available to the Department upon request.

~~4. The Family Support Council shall meet the responsibilities specified in section 25.5-10-304, C.R.S., and make recommendations to the community-centered board regarding budget parameters for the Family Support Services program, including, but not limited to, the maximum amount any one family may receive through the Family Support Services program during any given fiscal year.~~

3. Composition of the FSC

- ~~5a. The majority of the members and the chairperson of each CCB's local Family Support Council FSC shall be family members of families with a person an individual with an Intellectual and Developmental Disability (IDD) or Developmental Delay. ~~developmental disability living in the home.~~~~
- ~~6b. New members of the local Family Support Council FSC shall be recruited from the service area. ~~area, and~~ New members shall be approved by the current Council FSC and the board of directors of the community-centered board CCB.~~
- ~~ac. The members of the Family Support Council FSC shall receive written notice of their appointment.~~
- ~~bd. The community-centered board CCB shall ensure an orientation and necessary training regarding the duties and responsibilities of the Family Support Council FSC is available for all council members. The training and orientation shall be documented with a record of the date of the training, who provided the training, training topic, and names of attendees.~~
- ~~7e. The size of the local Family Support Council FSC shall be sufficient to meet the intent and functions of the council, but no less than five (5) persons, unless approved by the Department.~~
- ~~8f. Each Family Support Council FSC shall establish the criteria for tenure of members, selection of new members, the structure of the council and, in conjunction with the community-centered board CCB, a process for addressing disputes or disagreements between the Family Support Council FSC and the community-centered board CCB. Such processes shall be documented in writing. Processes may include a requesting for mediation assistance from the Department.~~

~~4. -The FSC duties include providing guidance and assistance to the CCB on the following:~~

- ~~a. Overall implementation of the FSSP;~~
- ~~b. Development of a written annual FSSP plan for the designated service area;~~
- ~~c. Development of procedures describing how families are prioritized for FSSP funding;~~
- ~~d. Development of policy defining how an emergency fund is established, funded and implemented. This policy must include what constitutes a short-term crisis or~~

emergency and the maximum amount of funds a family may receive per event and/or year;

e. Make recommendations on defining the "other" service category within the parameters as defined in this part;

f. Monitor the implementation of the overall services provided in the designated service area; and

g. Make recommendations on how to assist families who are transitioning out of the FSSP.

~~9. Nothing in these rules and regulations shall be construed as to prohibit or limit services and supports available to persons with developmental disabilities and their families which are authorized by other state or federal laws.~~

~~10. The community centered board, in cooperation with the local Family Support Council, shall ensure that the Family Support Services program is publicized within the designated service area.~~

BC. Accessing the ProgramELIGIBILITY

~~1. Referrals to the Family Support Services program shall be made through the community centered board pursuant to rules and regulations enumerated in section 8.607.~~

21. Any family who has a member individual with an Intellectual and eDevelopmental dDisability (IDD) or Developmental Delay, as determined pursuant to section 25.5-10-211, C.R.S., living in the household with their family is eligible for the Family Support Services pProgram (FSSP). Living in the household with a family means that the person's individual's place of residence is with that family.

a. Living ~~in the household~~ with a family may include periods of time from one (1) day up to six (6) months during which time the ~~person individual~~ is not in his or her primary residence because of transition into or out of the home.

b. The ~~eCommunity eCentered bBoard (CCB)~~, in cooperation with the local Family Support Council ~~(FSC)~~, shall determine ~~the general circumstances under which a family is considered to be what constitutes in transition. The community centered board is responsible for making the determination on a case by case basis as to whether the specific family circumstances qualify as a legitimate period of transition.~~

2. The family and eligible individual shall reside in the State of Colorado.

3. All eligible individuals 18 and older must provide proof of lawful presence in the United States to receive Family Support Services Program funding.

~~3. Once one family member meets the Family Support Services program eligibility criteria, the entire family living in the household becomes eligible to receive services and supports~~

~~as specified in the Family Support Plan which are necessary to maintain the family member with a developmental disability in the home.~~

- ~~4. The community centered board shall, subject to available appropriations, continue funding for the remainder of the fiscal year for the services and supports committed to by the community centered board in the Family Support Plan for eligible families who move to another designated service area during the fiscal year.~~
- ~~5. The community centered board shall not utilize state funds to support families who do not reside in the State of Colorado.~~
64. Eligibility for the ~~Family Support Services program~~FSSP does not guarantee the availability of services or supports under this program.

D. WAITING LIST

- ~~71. The eCommunity eCentered bBoard (CCB) shall maintain a waiting list of eligible individuals for whom Department funding is unavailable in the current fiscal year.~~
- ~~82. In cooperation with the local Family Support Council (FSC), ~~the community centered board~~ the CCB shall develop procedures for determining how and which individuals on the waiting list will be enrolled into the Family Support Services ~~p~~Program (FSSP).~~
- ~~3. Individuals receiving ongoing FSSP funding shall not be listed as waiting for FSSP.~~
- ~~4. Individuals determined to be prioritized for FSSP funding shall be served prior to individuals determined at a lower level of prioritization.~~
- ~~5. Individuals shall not be placed on the FSSP waiting list automatically but must request to be placed on the waiting list and be informed of their position on the waiting list, upon request.~~
- ~~6. Any individual on the waiting list for FSSP may receive emergency funding through the CCB through Family Support Services General Funds if the need meets the parameters as defined by the FSC and the CCB.~~
- ~~7. Waitlists shall not exist for any CCB that does not expend all direct service funds.~~

E. PRIORITIZATION FOR FAMILY SUPPORT SERVICES PROGRAM (FSSP) FUNDING

- ~~1. Community Centered Boards (CCBs) will ensure that families with the highest assessed need for Family Support Services Program (FSSP) funding shall be prioritized for FSSP state funding.~~
- ~~2. CCBs, in conjunction with the Family Support Council (FSC), will develop written procedures that describe how families are prioritized and notified of the prioritization process.~~

3. The assessment process shall be applied equally and consistently to all families who are assessed.
4. CCBs will distribute the prioritization process to families in their designated service area at the time the family requests FSSP funding, when the individual is placed on the waiting list, or upon request.
5. The CCB will notify families in writing of the results of the assessment.
6. Individuals receiving Home and Community-Based Services (HCBS) through a Medicaid waiver shall not be prioritized for FSSP funding and shall not be listed as waiting for funding. HCBS recipients may be eligible for Family Support emergency funds.
7. Families shall be assessed for level of need on an annual basis or earlier if the family's circumstances change.
8. The assessment shall contain the following five components:
 - a. The qualifying individual's disability and overall care need, which includes: The type of disability or condition and the need for and complexity of medical or personal care of the individual; The need for, frequency of, and amount of direct assistance required to care for the individual; The types of services needed that are above and beyond what is typically needed for any individual.
 - b. The qualifying individual's behavioral concerns including how behaviors disrupt or impact the family's daily life, the level of supervision required to keep the individual and others safe and the services and frequency required to help with the behaviors.
 - c. The family composition and stability, which considers obligations and limitations of the parent(s), the number of siblings, disabilities of other family members living in the home, the level of stability of the family, such as pending divorce or age and disability of parents.
 - d. The family's access to support networks, which includes the level of isolation or lack of support networks for the family, such as not having extended family nearby, living in rural areas or availability of providers.
 - e. The family's access to resources such as family income, insurance coverage, and/or other private or public benefits.

GF. Services and SupportsDIRECT SERVICES

1. Services and supports available under the Family Support Services ~~P~~program (FSSP) may be purchased from a variety of providers who are able to meet the individual needs of the family.
2. All services must be needed as a result of the individual's Intellectual and Developmental Disability (IDD) or Developmental Delay and shall not be approved if the need is a typical

age-related need. Correlation between the need and the disability must be documented in the Family Support Plan (FSP).

3. All services must be provided in the most cost-effective manner. Cost-effective manner means the least expensive manner to meet the need.
4. All services shall be authorized pursuant to the FSP.
5. Services provided to the family through the FSP shall not supplant third party funding sources available to the family including, but not limited to, public funding, insurance, or trust funds.
6. Community Centered Boards (CCBs) shall not charge a separate fee for assisting individuals to access services identified on the FSP.
7. FSSP funds shall not be used for religious donations, political donations, or activities prohibited by law.
8. Direct Services
 - a. Assistive technology is equipment or upgrades to equipment, which are necessary for the individual with an IDD or Developmental Delay to communicate through expressive and receptive communication, move through or manipulate his or her environment, control his or her environment, or remain safe in the family home.
 - b. Environmental engineering is home or vehicle modification needed due to the individual's disability and is not a regular maintenance or modification needed by all owners. Modifications to the home or vehicle must be necessary due to the individual's IDD or Developmental Delay; or needed due to health and safety; or to allow the individual to attain more independence; and completed in a cost-effective manner. Cost-effective manner means the least expensive manner to meet the identified need. Home modifications are to be limited to the common areas of the home the individual with an IDD frequents, the individual's bedroom, and one bathroom. Other bedrooms and bathrooms shall not be modified. All devices and adaptations must be provided in accordance with applicable state or local building codes and/or applicable standards of manufacturing, design, and installation. Only homes or vehicles occupied and owned by the family where the eligible individual resides may be modified. Minor modifications may be made to rental units with the permission of the landlord. Rental modifications must be made in a way that the modification can be moved with the eligible individual during a change in residence.
 - c. Medical and dental items prescribed by a licensed medical professional qualified to prescribe such items and are needed to maintain or attain physical health. Medical, dental, and vision services, exams and procedures are available when not covered by another source. Over the counter medications and vitamins are excluded.

d. Other: Services in this category must be identified in the FSP, are specific to the family, and are limited to:

i. A consultant is a person who acts as a consultant and advocate to assist a family with accessing services outside of the CCB.

ii. Recreational needs of the individual with an IDD or Developmental Delay when the need of recreation is above and beyond the typical need due to the disability or delay.

iii. Specialized service as identified by the Family Support Council (FSC) and CCB, included in their written policy are available to any family receiving ongoing Family Support Services Program assistance in the service area.

e. Parent and sibling support are necessary supports for family members. Supports may include special resource materials or publications, cost of care for siblings, or behavioral services or counseling.

i. Excluded: The cost of recreation for family members.

f. Professional services are services which require licensure or certification to treat a human condition other than medical, dental or vision, provided to the individual with an IDD or Developmental Delay. Professional services must be provided by qualified, certified and/or licensed personnel in accordance with the standards and practices of the industry. Professional services may include related support items or activities which are recommended as part of the therapy with supporting documentation from the treating professional. Insurance expenses directly incurred by the individual with an IDD or Developmental Delay are included.

g. Program expenses are services related to serving multiple families and are funded through the direct service line.

i. This service is not identified in the individual's FSP. This service is provided by the CCB for the benefit of multiple families.

ii. Program expense is the maintenance, operation, or enhancement of a resource library that consists of an inventory of goods and equipment used to meet the needs of individuals with an IDD or Developmental Delay on a temporary basis.

iii. Program expense is the cost associated with participation with other community agencies in the development, maintenance, and operation of projects, supports or services that benefit individuals with an IDD or Developmental Delay.

iv. Program expense is the development or coordination of a training event for families.

- v. Program expense is the cost of an event sponsored by the CCB for all eligible individuals and their families to meet other families to provide socialization and an opportunity to build a network of support.
 - vi. Respite coordinator is a person employed by the CCB who coordinates respite for families when the CCB provides respite services.
 - vii. The FSC in conjunction with the CCB shall determine the maximum amount of direct services to be used for program expenses.
 - viii. The entire amount of program expense for a CCB shall not exceed 10% of direct services.
- h. Respite is the temporary care of an individual with an IDD that provides relief to the family.
 - i. Transportation is the direct cost to the family that is higher than costs typically incurred by other families because of specialty medical appointments or therapies. Specialty medical appointments or therapies are defined as appointments needed due to the individual's IDD or Developmental Delay. The direct cost is the cost of transportation, lodging, food expense, and long-distance telephone calls to arrange for or coordinate medical services which are not covered by other sources.

G. CASE MANAEMENT

Case management is the coordination of services provided for individuals with an Intellectual and Developmental Disability (IDD) or Developmental Delay that consists of facilitating enrollment, locating, coordinating, and monitoring needed IDD funded services, such as medical, social, education, and other services to ensure non-duplication of services, and monitor the effective and efficient provision of services across multiple funding sources.

H. MANAGEMENT AND GENERAL ACTIVITIES

1. Management and general activities are the financial and corporate administration of the Community Centered Board specific to Family Support Services Program requirements by the Department.
2. Management and general funds shall not exceed 15% of direct service and case management expenditures.

DI. Family Support PlanFAMILY SUPPORT PLAN

1. Families enrolled into the Family Support Services pProgram (FSSP) shall have an Individualized -Family Support Plan (FSP) which meets the requirements of an Individualized Plan, as defined in section 25.5-10-202 and 25.5-10-211 C.R.S., and also providesincludes the following information:
 - a. The name of the eligible individual:

- b. The names of family members living in the household;
 - c. The date the FSP was developed or revised;
 - d. The prioritized needs requiring support as identified by the family;
 - e. The specific type of service or support, how it relates to the family need and the individual's disability or developmental delay, and period which is being committed to in the FSP, including, when applicable, the maximum amount of funds which can be spent for each service or support without amending the FSP;
 - f. Documentation regarding cost-effectiveness of a service or support, which can include quotes, bids, or product comparisons but must include the reason for selecting a less cost-effective service or support, when applicable.
 - g. A description of the desired results, including who is responsible for completion;
 - h. The projected timelines for obtaining the service or support and, as appropriate, the frequency;
 - i. A statement of agreement with the plan;
 - j. Signatures of a family representative and an authorized Community Centered Board (CCB) representative;
 - k. The level of need;
 - a). The length of time the funds are available;
 - b). A description of how payment for the services or supports will be made; ~~and,~~
 - c. ~~When applicable, the maximum amount of funds which can be spent for each service or support without amending the Family Support Plan.~~
2. The ~~Family Support Plan~~FSP shall integrate with other ~~Individual~~ Service Plans affecting the family and avoid, where possible, any unnecessary duplication or multiple ~~FSPs~~ ~~amily Support Plan~~ or ~~s~~Service ~~p~~Plans for families.
3. The ~~Family Support Plan~~FSP shall be reviewed at least annually or on a more frequent basis if the plan is no longer reflective of the family's needs.
- a. Any changes to the provision of services and supports identified in the ~~Family Support Plan~~FSP are subject to available funds within the designated service area.
 - b. Any decision to modify, reduce or deny services or supports set forth in the ~~Family Support Plan~~FSP, without the family's agreement, are subject to ~~the requirements of section~~ requirements in 10 CCR 2505 8.605.4.

J. EMERGENCY FUND

1. Each Community Centered Board (CCB) shall establish an emergency fund that may be accessed by any individual eligible for the Family Support Services Program (FSSP) when needed due to an unexpected event that has a significant impact on the individual or family's health or safety and impacts the family's daily activities.
2. Any individual with an Intellectual and Developmental Disability (IDD) or Developmental Delay, as determined by the CCB, and living with family shall be eligible to receive emergency funds regardless of the enrollment status of the family.
3. The CCB in conjunction with the Family Support Council shall develop written policies and procedures regarding the Emergency Fund. At a minimum the policies and procedures must:
 - a. Define the purpose of the emergency fund;
 - b. Define an unexpected event and significant impact;
 - c. Describe the process for accessing emergency funds;
 - d. Describe how funding determination is made;
 - e. Give a timeline of the determination of the request;
 - f. Define the maximum funding amount per family or per event; and
 - g. Describe how families will be notified of the decision in writing.

EK. Billing and Payment Procedures BILLING AND PAYMENT PROCEDURES

1. The Community Centered Board (CCB) shall develop and implement policies, procedures, and practices for data entry of Family Support Services Program (FSSP) information into the Department prescribed system in accordance with Department requirements.
12. Families shall ~~maintain and~~ provide either receipts or ~~invoices a signed statement~~ to the ~~community centered board~~ CCB documenting how funds provided to the family through the ~~FSSP Family Support Services program~~ were expended. The CCB shall maintain supporting documentation capable of substantiating all expenditures and reimbursements made to providers and/or families.
 - a. When the CCB purchases services or items directly for families, the CCB shall maintain receipts or invoices from the service provider and documentation demonstrating that the provider was paid by the CCB. Receipts or invoices must contain, at a minimum, client and/or family name, provider name, first and/or last date of service, item(s) or service(s) purchased, item(s) or service(s) cost, amount due or paid.

- b. When the CCB reimburses families for services or items, the CCB shall ensure the family provides the CCB with receipts or invoices prior to reimbursement. The CCB shall maintain receipts or invoices from the families, and documentation demonstrating that the provider was paid by the CCB. The CCB must ensure all receipts or invoices provided by the families contain, at a minimum, client and/or family name, provider name, first and/or last date of service, item(s) or service(s) purchased, item(s) or service(s) cost, amount due or paid.
 - c. When the CCB provides funding to the families for the purchase of services or items in advance, the CCB shall notify the families that they are required to submit invoices or receipts to the CCB of all purchases made prior to the close of the fiscal year. The CCB must ensure that all receipts or invoices are collected and maintained from the family, as well as documentation demonstrating that the provider was paid by the Contractor. The CCB must ensure all receipts or invoices provided by the families contain, at a minimum, client and/or family name, provider name, first and/or last date of service, item(s) or service(s) purchased, item(s) or service(s) cost, amount due or paid.
23. The ~~community centered board~~CCB shall submit to the Department, on a form and frequency prescribed by the Department, information which outlines individual family use of the ~~Family Support Services program~~FSSP.
4. The CCB shall report only FSSP expenditures in the system and timeframe as designated by the Department.

FL. Program EvaluationPROGRAM EVALUATION

- 1. The ~~e~~Community ~~e~~Centered ~~b~~Board (CCB), in cooperation with the local Family Support Council (FSC), shall be responsible for evaluating the effectiveness of ~~the~~ Family Support Services ~~P~~rogram (FSSP) within its designated service area on an annual basis.
- 2. The evaluation may be based upon a family satisfaction survey and shall address the following areas:
 - a. Effectiveness of outreach/public awareness including:
 - i. The demographics of participants in comparison to demographics of the service area.
 - ii. How well the program integrates with other community resources.
 - b. Satisfaction and program responsiveness to include:
 - i. Ease of access to the program;
 - ii. Timeliness of services;
 - iii. Effectiveness of services;

- iv. Availability of services;
 - v. Responsiveness to family concerns;
 - vi. Overall family satisfaction with services; and
 - vii. Recommendations.
- c. Effective coordination and utilization of funds to include:
- i. Other local services and supports utilized in conjunction with the FSSP; and
 - ii. Efficiency of required documentation for receipt of the FSSP.

23. The ~~community centered board~~ CCB, and participating families as requested, shall cooperate with the Department regarding statewide evaluation and quality assurance activities, which includes, but is not limited to providing the following information:

- a. The maximum amount any one family may receive through the FSSP during the fiscal year; and
- b. The total number of families to be served during the year.

M. FAMILY SUPPORT SERVICES PROGRAM (FSSP) ANNUAL REPORT

1. Each Community Centered Board (CCB) shall submit an annual Family Support Services Program (FSSP) report to the Department by October 1 of each year. The report will contain two sections.

- a. The first section will describe how the CCB plans to spend the FSSP funds in the current fiscal year and will include:
 - i. Description of the outreach/public awareness efforts for the coming year;:
 - ii. Description of anticipated special projects or activities under the Program Expense service category; and
 - iii. Goals with measurable outcomes for any changes to the FSSP.
- b. The second section of the annual report will describe how the FSSP funds were spent in the previous year and will contain:
 - i. The program evaluation outcomes for the previous year as described in this section;:
 - ii. The total amount of funds expended by service category;

- iii. Detailed information for the Program Expense service category to include:
 - 1. The total number of families that utilized services under the Program Expense category;
 - 2. The specific services provided; resource library, special projects, training events, social events, or respite coordinator;
 - 3. How these services enhanced the lives of families in the community and the total number of families who participated in each project; and
 - 4. The report shall include the total number of staff, total of staff cost, and other costs associated with the Program Expense service category.
- iv. A description of how the annual FSSP report was distributed to eligible families; and
- v. The signature of Family Support Council (FSC) members, the FSSP Coordinator, and the CCB Executive Director.