**Proposed Critical Rule Updates**

**Draft for informal public comment**

To make proposed updates easier to review, only regulatory text that is being updated is included in this document.

**10 CCR 2505-10 8.500**

**HOME AND COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH INTELLECTUAL OR DEVELOPMENTAL DISABLITIES (HCBS-DD) WAIVER**

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8.500.5.B DEFINITIONS OF SERVICES

The following services are available through the HCBS-DD Waiver within the specific limitations as set forth in the federally approved HCBS-DD Waiver.

\* \* \*

2. Day Habilitation Services and Supports include assistance with the acquisition, retention or improvement of self-help, socialization and adaptive skills that take place in a non-residential setting, separate from the Client's private residence or other residential living arrangement, except when services are necessary in the residence due to medical or safety needs.

a. Day habilitation activities and environments shall foster the acquisition of skills, appropriate behavior, greater independence and personal choice.

b. Day Habilitation Services and Supports encompass three (3) types of habilitative environments: specialized habilitation services, supported community connections, and prevocational services.

c. Specialized Habilitation (SH) services are provided to enable the Client to attain the maximum functioning level or to be supported in such a manner that allows the Client to gain an increased level of self-sufficiency. Specialized habilitation services:

i) Include the opportunity for Clients to select from Age Appropriate Activities and Materials, as defined in Section 8.484.2.A, both within and outside of the setting.

ii) Include assistance with self-feeding, toileting, self-care, sensory stimulation and integration, self-sufficiency and maintenance skills, and

iii) May reinforce skills or lessons taught in school, therapy or other settings and are coordinated with any physical, occupational or speech therapies listed in the service plan.

\* \* \*

9. Supported Employment includes intensive, ongoing supports that enable a Client, for whom competitive employment at or above the minimum wage is unlikely absent the provision of supports, and who because of the Client's disabilities needs supports to perform in a regular work setting.

a. Supported Employment may include assessment and identification of vocational interests and capabilities in preparation for job development and assisting the Client to locate a job or job development on behalf of the Client.

b. Supported Employment may be delivered in a variety of settings in which Clients have the opportunity to interact regularly with individuals without disabilities, other than those individuals who are providing services to the Client.

c. Supported Employment is work outside of a facility-based site, which is owned or operated by an agency whose primary focus is service provision to persons with developmental disabilities.

d. Supported Employment is provided in community jobs or mobile crews.

e. Group Employment including mobile crews shall not exceed eight (8) Clients.

f. Supported Employment includes activities needed to sustain paid work by Clients including supervision and training.

g. When Supported Employment services are provided at a work site where individuals without disabilities are employed, service is available only for the adaptations, supervision and training required by a Client as a result of the Client's disabilities.

**10 CCR 2505-10 8.500.90**

**SUPPORTED LIVING SERVICES WAIVER (SLS)**

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8.500.94 HCBS-SLS WAIVER SERVICES

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8.500.94.B The following services are available through the HCBS-SLS waiver within the specific limitations as set forth in the federally approved HCBS-SLS waiver.

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3. Day habilitation services and supports include assistance with the acquisition, retention or improvement of self-help, socialization and adaptive skills that take place in a non-residential setting, separate from the Client's private residence or other residential living arrangement, except when services are necessary in the residence due to medical or safety needs.

a. Day habilitation activities and environments shall foster the acquisition of skills, appropriate behavior, greater independence, and personal choice.

b. Day habilitation services and supports encompass three (3) types of habilitative environments; specialized habilitation services, supported community connections, and prevocational services.

c. Specialized habilitation (SH) services are provided to enable the Client to attain the maximum functional level or to be supported in such a manner that allows the Client to gain an increased level of self-sufficiency. Specialized habilitation services:

i) Include the opportunity for Clients to select from Age Appropriate Activities and Materials, as defined in Section 8.484.2.A, both within and outside of the setting.

ii) Include assistance with self-feeding, toileting, self-care, sensory stimulation and integration, self-sufficiency and maintenance skills, and

iii) May reinforce skills or lessons taught in school, therapy or other settings and are coordinated with any physical, occupational or speech therapies listed in the service plan.

\* \* \*

19. Supported Employment services includes intensive, ongoing supports that enable a Client, for whom competitive employment at or above the minimum wage is unlikely absent the provision of supports, and who because of the Client's disabilities needs supports to perform in a regular work setting.

a. Supported employment may include assessment and identification of vocational interests and capabilities in preparation for job development and assisting the Client to locate a job or job development on behalf of the Client.

b. Supported employment may be delivered in a variety of settings in which Clients have the opportunity to interact regularly with individuals without disabilities, other than those individuals who are providing services to the Client.

c. Supported employment is work outside of a facility-based site, that is owned or operated by an agency whose primary focus is service provision to persons with developmental disabilities,

d. Supported employment is provided in community jobs or mobile crews.

e. Group employment including mobile crews shall not exceed eight Clients.

f. Supported employment includes activities needed to sustain paid work by Clients including supervision and training.

g. When supported employment services are provided at a work site where individuals without disabilities are employed, service is available only for the adaptations, supervision and training required by a Client as a result of the Client's disabilities.

**10 CCR 2505-10 8.609**

**PROGRAM SERVICES AND SUPPORTS**

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8.609.4 COMPREHENSIVE HABILITATION SERVICES AND SUPPORTS

Medicaid funded Comprehensive Habilitation Services and Supports are provided through the Home and Community Based Services program which is described in the Colorado Department of Health Care Policy and Financing rules and regulations, Medical Assistance staff manual, section 8.500 (10 C.C.R. 2505-10) and the Department's program descriptions. State funded Comprehensive Habilitation Services and Supports are provided pursuant to the Department's program description. Comprehensive Habilitation Services and Supports specifically for individuals with developmental disabilities include:

A. Residential Habilitation Services and Supports

1. Individual Residential Services and Supports

2. Group Residential Services and Supports

B. Day Habilitation Services and Supports

1. Integrated employment services

2. Integrated activities services

3. Prevocational services

4. Other activities services

C. Transportation Acquisition Services

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8.609.9 DAY HABILITATION SERVICES AND SUPPORTS

A. Day Habilitation Services and Supports provide training, support and supervision activities which maximize functional abilities and skills necessary to enable adults to access the community and/or provide the basis for building skills which will assist individuals to access the community.

1. Day Habilitation Services and Supports are to be provided outside of the person's living environment, unless otherwise indicated by the person's needs, through meaningful employment, activities and community participation. If services cannot be provided outside of the living environment due to a person's medical or safety needs, this shall be documented.

2. Integrated employment should be considered as the primary option for all persons receiving Day Habilitation Services and Supports.

3. Day Habilitation Services and Supports include:

a. Integrated employment services (supported employment) which provide individuals with considerable ongoing job related services and supports to obtain and maintain paid work in a regular community work setting.

b. Integrated activities services which utilize the community as a learning environment to provide individuals access to, and participation in, typical activities and functions of community life. These services provide a variety of opportunities to facilitate relationships and natural supports in the community through activities such as volunteer work, community education or training and retirement activities.

c. Prevocational services which are provided in accordance with Section 8.500.5.B.2.e.

d. Other activities services engage individuals in a variety of functional activities which are primarily habilitative in nature with an emphasis on skill development and focus on generalizing those skills.

B. The physical facilities where day habilitation services are provided shall meet requirements for physical facilities pursuant to section 8.610.

C. Each program approved service agency shall have written plans to address emergencies regardless of service location or type of program.

**10 CCR 2505-10 8.610**

**FACILITY BASED ADULT DAY HABILITATION SERVICES AND SUPPORTS**

The physical facilities where Adult Day Habilitation Services and Supports are provided to individuals receiving comprehensive or supported living services shall meet all applicable fire, building, licensing and health regulations.

A. The physical facilities over which the service agency exercises control shall also meet the following requirements:

1. The physical facilities shall be inspected by the local fire authority prior to occupancy and at least once every three years thereafter. The local fire authority shall be informed of the purpose of the facility and potential mobility or ambulation needs of individuals served. If the purpose of the facility changes and impacts the individuals to be served in that facility, then the service agency shall be responsible for informing the local fire authority to determine if another inspection is required.

2. The service agency shall conduct fire drills at least quarterly at each physical facility.

3. All physical facilities shall have smoke detectors and fire extinguishers.

4. All physical facilities shall have first-aid supplies available.

5. All program approved service agencies shall comply with the Americans with Disabilities Act (ADA) with regard to physical facilities.

B. If the service agency provides services in the community to persons who may visit the offices of the service agency (or another service operated facility), but the persons receive services at such location(s) for less than one hour per visit, requirements of section 8.610.A.1-4 do not apply. The service agency shall, however, ensure that the facility complies with the ADA and contains no hazards which could jeopardize the health or safety of persons visiting the site.

C. For physical facilities used as community integrated sites over which the service agency exercises little or no control, the program approved service agency shall:

1. Conduct an on-site visit to ensure that there is no recognizable safety or health hazards which could jeopardize the health or safety of individuals;

2. Address any safety or health hazards which could jeopardize the health or safety of individuals with the owner/operator of the physical facility.

D. Each program approved service agency shall have written plans to address emergencies which occur during service hours regardless of service location or type of program.