

Case Management Member Rights and Responsibilities Rules

January 17, 2022

Welcome

We will start promptly at 9:00 a.m.

We are Recording



Avoid sharing protected health information

Use the Chat



We are managing questions in the chat panel

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Listening by Phone



Press *6 to unmute your line or *9 to raise hand

Closed Captioning



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Meeting Information



[CMRD Website](#)

Housekeeping - 1

- We are recording this meeting with the intention of posting the webinar recording on our website following the meeting.
- Please be cognizant of sharing any personal or protected health information either verbally or in the chat throughout the meeting.

Housekeeping - 2

- We will have specified amount of time for questions/ideas after each rule topic.
- We'll take comments via the Chat and Speaker's Queue
- Type your name or comment in the Chat, raise your hand in the webinar, or unmute and say your name when prompted.

Housekeeping - 3

- You'll have up to 2 min. for your comment (John keeps time)
- All ideas will be added to Listening Logs
- If we run out of time for all comments, place your question or idea in the chat. We'll add it to the Listening Log.
- Comments unrelated to rule topic we are discussing will be added to the "Issues for further discussion"

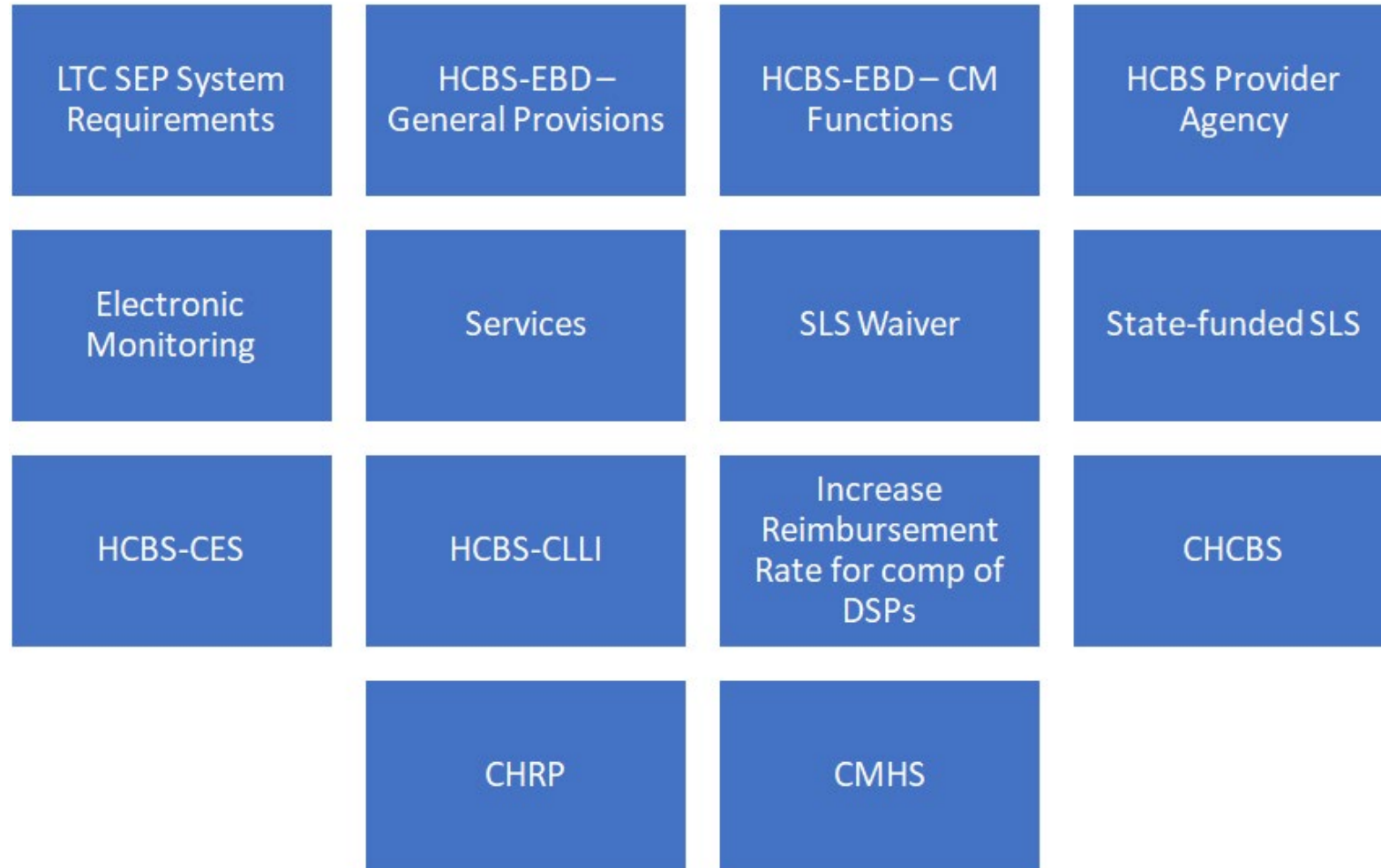
Agenda

- **Introductions and Housekeeping: 9 - 9:30 a.m.**
 - Rule & Regulation Changes for Case Management Redesign (CMRD)
 - Goals For the Rule Updates
 - Roles and Responsibilities
 - Stakeholder Preference on Services Structure
 - Member Rights Background
- **HCBS Member and Individual Rights and Responsibilities Rule Revisions Rules 9:30 - 10:45 a.m.**
- **Wrap up: 10:45 a.m.- 11 a.m.**

Purpose of Meeting

- Share draft rules for Case Management Redesign and the restructure of other rules with members and family members and other stakeholders to gather feedback

Current Rule Structure is Fragmented



The New Rule Structure

Waiver/Program Overall Requirements

CMA Requirements

CCB Requirements

Service Definitions

Provider Requirements

Goals for the Rule Updates

1. Minimize duplication within the rules and make sure requirements are consistent across programs.
2. Help everyone involved understand their roles and responsibilities.
3. A rule structure that is easy to follow and understand.

Rule Restructure vs. Changes

Restructure:

- Moving rules around to be in a more accessible format
- Cleaning up language that is outdated or not reflective of current practices

Changes:

- With new statute and requirements in place for case management, we must make changes to rules to align

Roles & Responsibilities

- **Department: Tiffani Domokos, Nicolette Anderson (Cordova) & John Barry**
 - Introductions, monitoring and moving conversation, walk through rule changes, timekeeping, monitoring questions in the queue, overall flow of meeting and directing questions to SMEs
- **Department Subject Matter Experts (SMEs)**
 - Addressing questions, concerns, comments as they relate to the rule updates, changes, guidance, movement, language, structure etc.
- **HCBS Strategies Inc.**
 - Record keeping in for of Listening Logs & Issues for further discussion, follow up, assist with walking through of the rule changes, recording/addressing questions in the queue, assisting with time management and follow up question management

CO Rules Listening Logs

<https://bit.ly/3F2q4pi>



CO Rules Stakeholder Issues for Further Discussion

<https://bit.ly/3F14vWc>

Today's review

- Member and Individual Rights
- Member and Individual Responsibilities
- Rights modifications
- Services structure feedback

Changes to Spot

- SEP and CCB changed to CMA
- Member, Individual and Client identified
 - Member = Medicaid recipient
 - Individual = non-Medicaid recipient
 - Client = Individual applying for services/Medicaid
- Redundant items struck out and reference to other areas

Services Structure

- One of the goals of the rules is to expand provider capacity and waiver service and make it easier for providers to expand to other services
- Expanding access to services means making it easier for providers to figure out how to serve more populations

Background: member rights

Human rights, civil rights, and more

People in HCBS settings
have additional rights

HCBS Settings Final Rule

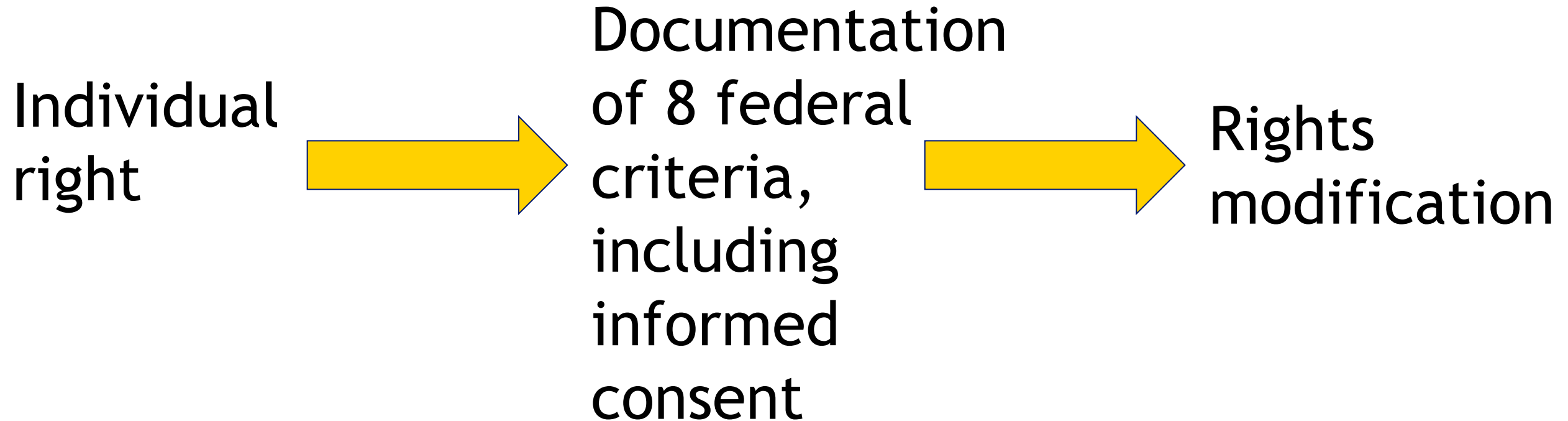
People have rights to live and receive HCBS in settings that:

- Are integrated in and support full access to the greater community
- Are selected by them from among various options, including non-disability specific settings, and an option for a private unit
- Ensure privacy, dignity, respect, and freedom from coercion and restraint
- Optimize individual initiative, autonomy, and independence
- Facilitate individual choice regarding services and supports, and who provides them

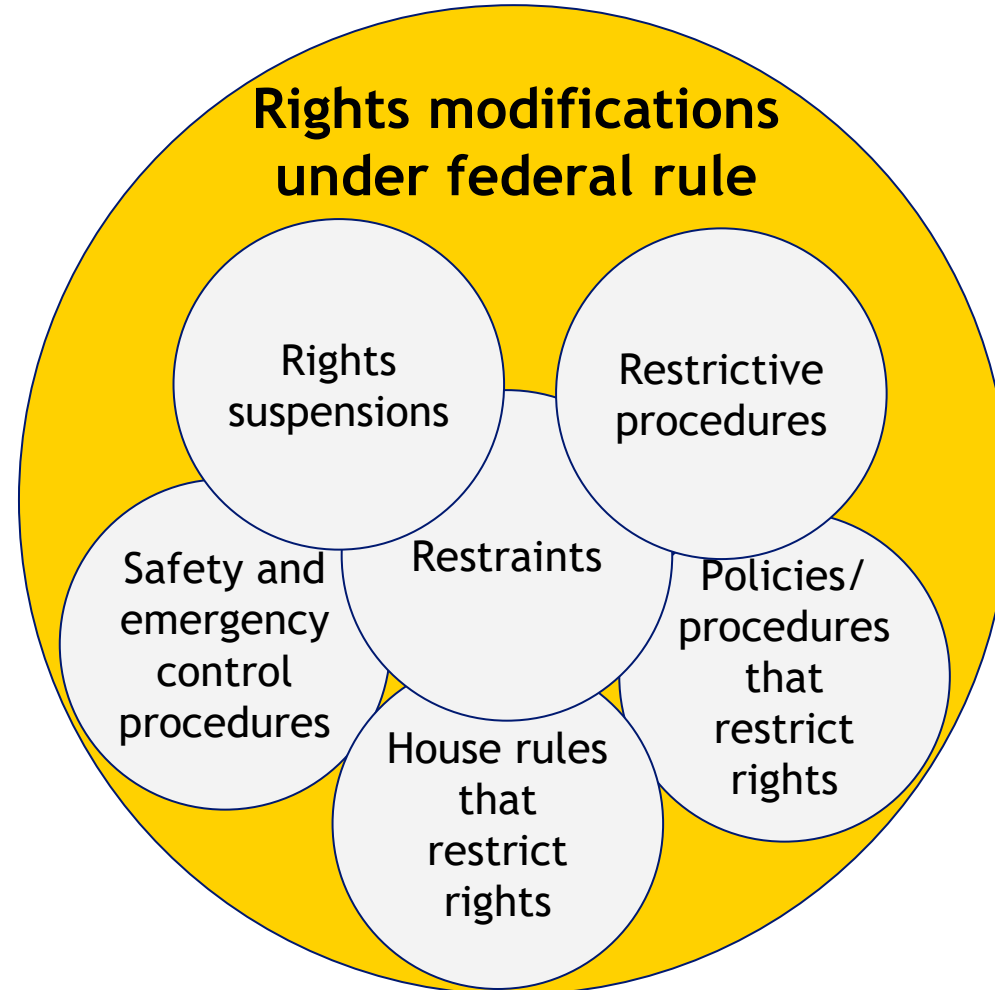
People have rights to live and receive HCBS in settings that meet the following additional conditions:

- The person has a lease giving them the same responsibilities and protections from eviction as other tenants, or they have a written residential agreement giving them comparable protections
- People have privacy in their residential unit:
 - They can lock their doors
 - They can choose their roommates (if any)
 - They can furnish and decorate as they like
- People have the freedom and support to control their schedules and activities, and access to food at any time
- They can have visitors of their choosing at any time
- The setting is physically accessible

Background: rights modifications



Where do existing Colorado concepts fit into the federal scheme?



Rule changes under review today

- Add provisions to case management agency (CMA) and case manager (CM) regulations to reiterate and clarify their role in the rights modification process (vs. provider's role)
- Update language from old terms (e.g., “rights suspension”) to new (“rights modification”)
- Strike language that is inconsistent with or redundant under 8.484
 - Eliminate notice for rights suspensions (unnecessary/confusing given requirement to obtain informed consent)
 - Eliminate statements of member rights, provisions for emergency rights suspensions, etc. that are now set out more comprehensively, using more modern language, in 8.484

Input Needed

- Does the flow of information make sense?
- Are there rights and responsibilities you would like added, removed, or changed?
- Is there more plain language we can use in this section?



Questions?



Meeting Schedule

HCPF has lots of projects going on. Here is how you can keep the most up to date information of schedule changes:

- Keep up to date on the [stakeholder engagement calendar](#)
- Keep up to date information on the [CMRD Webpage](#)

Thank you!