

# Home and Community Based Services (HCBS) Rule Revision

Medical Services Board, January 2024

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# 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

# Original Timeline

- Original timeline:
  - Finish Stakeholder Engagement May 2023
  - MSB final reading September 2023
  - Final adoption November 2023
- Additional stakeholder engagement pushed these dates out:
  - Finished Stakeholder Engagement July 2023
  - Feedback required more coordination than anticipated

# Stakeholder Engagement

- Convened 15 public stakeholder meetings: October 2022-June 2023
- 100-150 stakeholders each meeting
- Created listening logs with written responses
- Received 531 comments, questions or feedback
- Updated rules where possible based on feedback

# Stakeholder Engagement

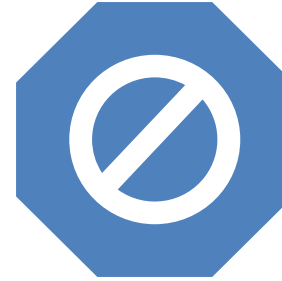
- Received feedback in November/December 2023 preceding the first reading that was taken under advisement for final rule draft
- 8 individuals or entities provided feedback
- 415 items of question or feedback
- 233 were accepted or adopted with modifications
- 16 comments only
- 167 unable to adopt

# Unable to Adopt

- Psychotropic medications
- CDASS in hospitals
- Single definition section
- Removal of certain citations to current rules
- Addition of “Emergency Rights Modification”
- Repeal of current rules

# Why two rules

Transition #1 Transition #2 Transition #3



June 30, 2023

While agencies transition throughout fiscal year 23-24, both version of rules will be in effect for those who have transitioned until June 30, 2024, when all agency transitions will be complete.

Current Rules  
8.300-600

New Rules 8.7000

Only Rules as of July 1, 2024



# Current Rule Structure

LTC SEP System Requirements	HCBS-EBD – General Provisions	HCBS-EBD – CM Functions	HCBS Provider Agency
Electronic Monitoring	Services	SLS Waiver	State-funded SLS
HCBS-CES	HCBS-CLLI	Increase Reimbursement Rate for comp of DSPs	CHCBS
	CHRP	CMHS	

\*These are current rules for SEPs and CCBs and are required to stay in place until July 1, 2024 when SEPs and CCBs contracts end



# New Rule Structure

Member Rights and Responsibilities

Waiver/Program Overall Requirements

CMA Requirements

CCB Requirements

Provider Requirements

Service Definitions

\*New rules are required for Conflict Free Case Management and new CMAs. CMS approved dual approval of rules and waivers during CMA transitions

# Plan for CDPHE and Enforcement

- HCPF is working closely with the Colorado Department of Public Health and Environment (CDPHE) on the rollout of the new regulations. Providers will not be surveyed on both sets of regulations. There will be a transition period, allowing providers to ensure their compliance with the new regulations.
- The information on the rollout plan will be shared with providers through the Memo Series in the coming weeks.



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# Accepted Suggestions

- Cost Containment language changed to include "aggregate"
- Moved rule authority to beginning of rule document
- CAC now requires majority of Members on committees
- Transition services not required for transitions from nursing facilities
- Travel for attendants completing tasks
- Health Maintenance updates
- Acronyms updated
- Public documentation of CAC and Board meetings
- Numbering and formatting changes to be uniform throughout document
- Removing references to current rules being repealed unless necessary to keep
- Updates to Incident Reporting timelines
- Simplified and singular plain language definition

# Questions?