

Title of Rule: Revision to the Medical Assistance Act Rule concerning the Wellness Education Benefit Section 8.7400
Rule Number: MSB 23-07-17-A
Division / Contact / Phone: Office of Community Living - Benefits and Services Management / Madeline Quartaro / 303-866-2354

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The Wellness Education Benefit consists of individualized educational materials designed to reduce the need for a higher level of care by offering educational materials that provide members and their families with actionable tools that can be used to prevent the progression of a disability, increase community engagement, combat isolation, and improve awareness of Medicaid services. The Wellness Education Benefit helps members and their unpaid caregivers to obtain, process, and understand information that assists with managing health-related issues, promoting community living, and achieving goals identified in their person-centered service plans. Wellness Education Benefit services include varied topics such as engaging in community activities, nutrition, adaptive exercise, balance training and fall prevention, money management, and developing social networks.

2. An emergency rule-making is imperatively necessary

- to comply with state or federal law or federal regulation and/or
 for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:

1915 (b) (4) submitted to CMS. Approval expected 1/1/24. Rule will be effective after CMS approval is obtained.

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2023);
Senate Bill 23-214; FY 2023-24, HCPF, BA-07 Community-Based Access to Services

Initial Review
Proposed Effective Date

12/08/23
03/16/24

Final Adoption
Emergency Adoption

01/12/24

DOCUMENT #06

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REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The Wellness Education Benefit will affect Children's Home and Community Based Services (CHCBS) Waiver members by assisting members in obtaining, processing, and understanding information that assists with managing health-related issues, promoting community living, and achieving goals identified in their person-centered service plans. The Department's long-term goal for this benefit is to implement the Wellness Education Benefit in all Home and Community-Based Services (HCBS) Waivers.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The Department anticipates that the Wellness Education Benefit will serve 3,753 CHCBS members in year one and will grow to 6,169 members by waiver year five. The Joint Budget Committee approved funds for this estimated number of service users. The Department does not anticipate any negative impacts on members from this proposed rule. Rather, the Department expects members to have increased awareness around their personal health and wellness goals while allowing members to maintain waiver eligibility, if their other services are infrequent.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The Wellness Education Benefit is expected to cost \$3.45 per member per month. The estimated start-up cost for the Wellness Education Benefit is a one-time cost of \$42,500. Additionally, the Wellness Education Benefit will only be available for 2 months in the 2023-2024 fiscal year. Thus, the total estimated cost for the Wellness Education Benefit in the 2023-2024 fiscal year is \$68,396. In the 2024-2025 fiscal year, the Department will not incur the start-up costs included in the 2023-2024 fiscal year, but there is expected to be an increase in service utilization. Thus, the estimated cost for the Wellness Education Benefit in the 2024-2025 fiscal year is \$255,397. The Department has received budgetary approval from the Joint Budget Committee for the anticipated cost of this proposed rule. The Department

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anticipates expenditures will begin in May of 2024, when the benefit is active and available to members.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The cost of the Wellness Education Benefit is minimal, at \$3.45 per member per month. The ability to provide members and caregivers with actionable information aimed at increasing community engagement, preventing the need for a higher level of care, and improving awareness of public services is highly valuable. The Wellness Education Benefit will help members obtain, process, and understand information that helps them achieve goals identified in their person-centered service plans. Inaction on this benefit will maintain the current status quo, where members have less information and access to resources to help them remain and thrive in the community. In addition, since this benefit will be provided monthly, it will ensure that Children's Home and Community Based (CHCBS) Waiver members access a monthly service, which is a federal requirement to maintain waiver eligibility. Without maintaining waiver eligibility, CHCBS waiver members are at risk of losing access to waiver services and Health First Colorado benefits such as Long-Term Home Health and Private Duty Nursing as they may not meet State Plan financial eligibility. On July 1, 2024, the case management service will be removed from the CHCBS waiver and transitioned to an administrative function. With this change, about half of members on the CHCBS waiver will rely on the new Wellness Education Benefit service to maintain waiver enrollment. Inaction on this proposed benefit will create the risk that a portion of this medically fragile waiver population will lose access to necessary Medicaid services.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

The Wellness Education Benefit is the lowest cost option that provides both educational materials to members and helps members maintain waiver eligibility. This is a simple benefit that will both increase member health care knowledge while also support continued eligibility.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

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The Wellness Education Benefit seeks to educate members on community living and health topics to prevent and/or decrease the risk of higher levels of care and movement into an institution. No other alternative methods for achieving this purpose were viable for the Department, as they would be significantly more costly.

1 **8.7553 WELLNESS EDUCATION BENEFIT**

2 **8.7553.A Wellness Education Benefit Eligibility**

- 3 1. Children's Home and Community Based Services (CHCBS) Waiver members.

4 **8.7553.B Wellness Education Benefit Definitions**

- 5 1. Article means a written document that contains text related to health or wellness topics that a
6 member receives.

- 7 2. Article Topic means a health and wellness topic that relates to helping a member manage health-
8 related issues, achieve goals on their service plan, and address topics of community living.

- 9 3. Mail means the mechanism by which the benefit is sent to the member through the United States
10 Postal Service (USPS).

- 11 4. Plain language means friendly and clear, with a direct, conversational tone and active voice. The
12 information is organized in logical order for the reader. Paragraphs are one-topic and brief, and
13 sentences are simple and short. Plain language includes using common, everyday vocabulary
14 consistently across correspondence, with few multi-syllable words and few technical or bureaucratic
15 words.

- 16 5. Service rendered means the provider has sent the Wellness Education Benefit.

- 17 6. Provider means the entity contracted with the Department to distribute the Wellness Education
18 Benefit.

- 19 7. Verified Address means an address that mail can be sent to and received by a member.

- 20 8. Wellness Education Benefit is individualized educational materials designed to reduce the need for a
21 higher level of care by offering educational materials that provide members and their families with
22 actionable tools that can be used to prevent the progression of a disability, increase community
23 engagement, combat isolation, and improve awareness of Medicaid services. The Wellness
24 Education Benefit helps members and their unpaid caregivers to obtain, process, and understand
25 information that assists with managing health-related issues, promoting community living, and
26 achieving goals identified in their person-centered service plans. Wellness Education Benefit
27 services include varied topics such as engaging in community activities, nutrition, adaptive exercise,
28 balance training and fall prevention, money management, and developing social networks.

29 **8.7553.C Wellness Education Benefit Inclusions**

- 30 1. The Wellness Education Benefit shall be delivered to the member's mailing address in a printed
31 format.

- 32 2. Article topics can provide the information needed to: Navigate the Medicaid/medical system to
33 achieve better health outcomes, successfully manage chronic conditions in order to decrease risk of
34 nursing facility placement, effectively communicate health and wellness goals, effectively
35 communicate with medical and social service professionals, provide unpaid caregivers with relevant
36 information regarding best practices around support and care of the member, achieve community
37 living goals identified in the person-centered service plan by providing simple, actionable suggestions
38 to help support the health and welfare of waiver members.

- 39 3. Article topics shall be written in plain language.

- 40 4. The Wellness Education Benefit is delivered no less than once every month, with a maximum of 12
41 unique education materials per year.

1 5. Wellness Education Benefit shall be provided in a format that is accessible to the member at the
2 request of the member and their support team including, but not limited to, preferred written
3 language. For members who cannot read standard print and would benefit from an alternative format,
4 educational materials will be sent to members in the requested accessible format, which may include
5 larger print or braille.

6 **8.7553.D Wellness Education Benefit Restrictions and Exclusions**

7 1. Additional wellness reading materials, software, or subscriptions are excluded from the Wellness
8 Education Benefit.

9 2. Article topics that do not address community living, Medicaid navigation, health-related issues, health
10 care needs, mental health-related issues, or support plan goals shall be excluded from this benefit.

11 3. The WEB does not duplicate services found in EPSDT.

12 **8.7553.E Wellness Education Benefit Provider Requirements**

13 1. Provider must be contracted with the Department to distribute the Wellness Education Benefit.

14 2. Wellness Education Benefit Provider shall be responsible for the following tasks:

15 a. Receive and manage member data in compliance with all applicable Health Insurance
16 Portability and Accountability Act (HIPAA) regulations and ensure client confidentiality and
17 privacy.

18 b. Translate materials into select languages, as directed by the Department.

19 c. Both the Department and Wellness Benefit Provider shall ensure that professionally certified
20 translators and reviewers complete article translations and that translations are linguistically
21 accurate and consistent with the formatting and technical specifications of the original
22 document. Translations will be reviewed for cultural appropriateness before delivery.

23 d. Ensure that materials are person-centered and are formatted in an accessible format, which
24 may include Braille, large print, or high contrast formats.

25 e. Maintain records of articles sent to members to prevent duplication of materials.

26 f. Conduct member outreach to gather information on how the service has helped members
27 thrive in the community and meet the health and wellness goals.

28 g. Utilize information on the member's person-centered support plan and updated health
29 conditions to guide the subject matter of the educational materials.

30 h. Identify any undeliverable member addresses prior to each monthly mailing and manage any
31 returned mail by sending the Department electronic, custom-formatted relevant address
32 information. The Department will coordinate with case managers to update the member's
33 address and send updated address to the Provider.

34 i. Verify member addresses data files through the United States Postal Service (USPS)
35 "National Change of Address" (NCOA) database and identify any addresses that are
36 undeliverable by USPS.

37 i. The Department will be informed by the Wellness Education Benefit Provider of the
38 mailers that are undeliverable or returned to sender. An attempt to deliver the
39 following month's service will take place using the following procedure:

40 1) The Department will notify the member's Case Management Agencies of
41 any returned or undeliverable mail.

2) Case Management Agencies shall update addresses in accordance with Department guidance.

8.7553.F Wellness Education Benefit Provider Reimbursement Requirements

1. The Wellness Education Benefit is reimbursed based on the number of units of service provided, with one unit equal to one education article.

2. The Wellness Education Benefit will be delivered once every month, for twelve (12) units.

a. The Case Manager may authorize up to 12 additional units per service plan year for the following:

i. The WEB was returned to sender as a non-deliverable, and the address is updated in time for the second round of monthly delivery.

ii. A member has requested reasonable accommodation for an alternative format, such as braille.

iii. A member requests that their representative receives a copy of the benefit to help them better utilize information provided in the benefit.

3. The annual total units that may be authorized for the Wellness Education Benefit shall not exceed 24 units per plan year.

8.7553.G Wellness Education Benefit Case Management Agency Responsibilities

4. Wellness Education Benefit Introduction and Education:

a. The case manager shall provide member information on the benefits of the Wellness Education Benefit, the types of articles included, and the frequency of delivery.

b. Through the person-centered planning process, the case manager will determine a format that is accessible to the member including, but not limited to, preferred written language.

5. Case Management Agencies shall update addresses in accordance with Department guidance.

6. The member may work with their case manager to request different subject matter for the educational materials.

7. The case manager may work with the provider to ensure the educational materials are being targeted to meet any new needs the member may have.

8. Disenrollment

a. If a member wants to opt out of the service, the case manager shall inform the member of the possible implications of disenrollment. If a member disenrolls, the case manager must revise the PAR to end-date the Wellness Education Benefit.

b. The Wellness Education Benefit is recognized as an HCBS service as it relates to CCR 8.7101.35 and may be utilized to maintain waiver eligibility.

c. If services are decreased without the member's agreement, the case manager shall notify the member of the adverse action and of appeal rights, according to Long-Term Care Waiver Program Notice of Action (LTC-803) regulations at Section 8.7206.18.