

# Intensive Home Based Services Settlement

# The Settlement

- Legally binding agreement with Plaintiffs
  - Plaintiffs' attorneys have successfully settled in several states
- Originally filed September 3, 2021
- Settlement was signed Feb 2024
- It is not a consent decree but still holds the legal weight for Department to comply

# Goals and Principles of Agreement

- Goal is for Colorado to develop and improve upon its delivery of IBHS to Medicaid Members consistent with EPSDT, ADA and Section 504 of the Rehabilitation Act.
- Principles are
  - (a) creating opportunities for family-centered and child-driven preferences to be elicited and prioritized;
  - (b) a collaborative team/inter-agency approach to providing individualized services and supports to Medicaid Members; and
  - (c) creating a delivery model for culturally relevant services and supports in the most integrated, least restrictive setting.

# Definitions

- “Implementation Plan” means the Department’s plan for implementing a model based on clinical best practices and evidence supported practices for delivering IBHS to Medicaid Members as determined
- “Medicaid Members” means children under the age of 21 who are enrolled in Colorado’s Medicaid program and who have been diagnosed with a mental health or behavioral disorder and for whom IBHS have been determined to be Medically Necessary.
- “Medically Necessary” or “Medical Necessity” means Medicaid covered services that are consistent with the Department’s utilization control and EPSDT’s “correct or ameliorate” standard, 42 USC 1396d(r)(5), and are provided to a Medicaid Member based on a recommendation by a licensed practitioner of the healing arts within their scope of practice.

# IBHS Definitions

“Intensive Behavioral Health Services” or “IBHS” means a continuum of Medically Necessary mental health and support services or interventions... provided in the most integrated setting appropriate to the needs of Medicaid Members. IBHS will include, but are not limited to, the following:

- a) Intensive Care Coordination Services provided = care planning, coordination of services, authorization of services, and monitoring of services and supports. Guided by the needs of the Medicaid Member and ensure a single point of accountability for ensuring necessary services are accessed, coordinated, and delivered.
- b) Intensive-In-Home and Community Services = provided in their homes or community settings in order to correct or ameliorate their behavioral health condition(s). Such services include educational opportunities, behavior management, therapeutic services, and clinical services.
- c) Mobile Crisis Intervention and Stabilization Services provided to Medicaid Members in their homes or community settings, and which will be available 24 hours a day, 7 days a week. Such services include crisis planning, stabilization, referral and coordination, and prevention and post-crisis follow-up services.

# The Consultant

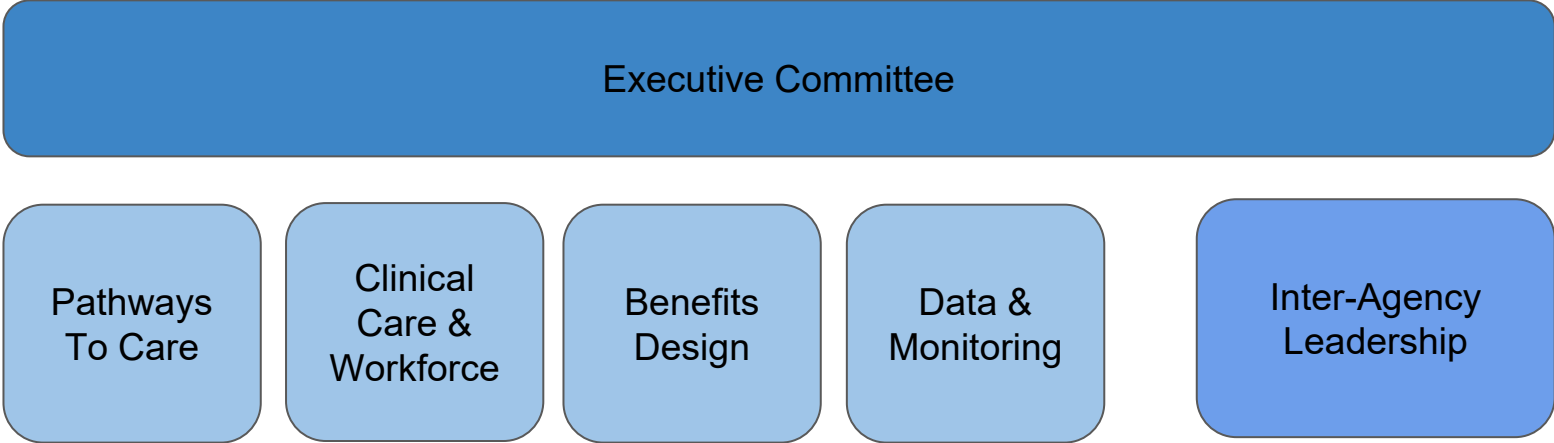
- Consultant: Suzanne Fields and team via UConn
- Evaluate the Department's current mental and behavioral health service delivery systems with full access authority;
- Assist the Department in developing and drafting an Implementation Plan to comply with this Agreement;
- Support and evaluate the Department's progress toward implementing the requirements of the Implementation Plan
- Review appropriate documentation, records, files, and data within the control of the Department and its contractors;
- Communicate with the Department's staff and contractors as well as Plaintiffs' Counsel, as appropriate;

# The Implementation Plan

Develop a model and plan for delivering IBHS articulated in an Implementation Plan and include designing and implementing

1. A systematic approach to provide medically necessary IBHS Services
2. A provider outreach plan to educate Medicaid providers regarding the availability of periodic and inter-periodic mental health screenings and the availability of IHBS.
3. A standardized assessment process for identifying which Members qualify for IBHS services, and the intensity (scope and frequency) of service delivery.
4. Tiers of care coordination, including intensive care coordination, and a method for assigning CC
5. Strategies that support individual plans of care for each Medicaid Member in the least restrictive setting
6. Procedures to avoid unnecessary emergency room services, hospitalizations and out-of-home placements
7. Data collection, tracking, monitoring, and quality assurance system

# Implementation Plan: Workgroups





# Key Timelines

1. Consultant for five years
2. Within 12 months of the Effective Date, the Dept will present Plan to Plaintiffs'
3. Substantial Compliance with the Settlement Agreement, including implementing the Implementation Plan, within five (5) years from the execution of this Agreement.
4. Currently, working with national expert on understanding current HCF system and where we need to get to.
5. Stakeholdering will start late summer 2024.