



COLORADO

Department of Health Care
Policy & Financing

1570 Grant Street
Denver, CO 80203

Home and Community-Based Services (HCBS) Waiver Amendments

The Department of Health Care Policy and Financing (Department) intends to submit amendments for the following Home and Community-Based Services (HCBS) waivers:

- Persons with Brain Injury (BI)
- Children’s Extensive Supports (CES)
- Children’s Home and Community-Based Services (CHCBS)
- Children’s Habilitation Residential Program (CHRP)
- Children with Life-Limiting Illness (CLLI)
- Community Mental Health Supports (CMHS)
- Complementary and Integrative Services (CIH) - *formerly Persons with Spinal Cord Injury (SCI)*
- Developmental Disabilities (DD)
- Elderly, Blind, and Disabled (EBD)
- Supported Living Services (SLS)

The Department will accept public comments from August 11, 2022 through September 9, 2022. The Department intends to submit the amendments to the Centers for Medicare and Medicaid Services (CMS) on September 16, 2022. The Department will request an effective date of January 1, 2023 for the waiver amendments.

Explanations of changes within the waiver applications can be found below.

Public Comments will be accepted from August 11, 2022 through September 9, 2022.

Summary of Changes

Home Delivered Meals (HDM) Program Expansion

The Department received authorization through Long Bill HB22-1329 to expand HDM services to waiver participants post-hospitalization. Home Delivered Meals service offers nutritional counseling and meal planning, preparation, and delivery. The expansion allows waiver participants to access the HDM benefit for thirty (30) post-discharge from the hospital. Previously, the HDM service was made available only to newly enrolled HCBS waiver participants moving from an institutional setting into a personal home or residence or who had a change in life circumstance for 365 days (BI, CIH, CMHS, DD, EBD, and SLS).



Add Working Adults with Disabilities for 65+

The Department is amending Appendix B in the DD waiver application to reflect SB20-33 which authorizes continued participation in the Medicaid Buy-In Program for working adults with disabilities who are 65 years old and older. The BI, CMHS, EBD, SCI, and SLS waivers received approval for this change in an amendment implemented on July 1, 2022 (DD).

Virtual Case Management

The Department is amending the waivers to allow HCBS waiver participants to request virtual case management activities except for level of care assessments, which will be done in person unless there is a documented health and safety risk (i.e., pandemic, natural disaster) that necessitates virtual case management contact (all 10 waivers).

Home Modification and Home Accessibility Adaptation Updates

During the COVID 19 public health emergency, temporary increases to the cap for Home Modification and Home Accessibility Adaptation were approved through the Appendix K amendment to ensure clients' health and welfare. The Department previously updated the Home Modification and Home Accessibility Adaptation Services to include language for this temporary service limit increases that was approved in the Appendix K amendment. The Department is further updating the language to indicate the termination date of March 31, 2024 for this temporary increase of \$10,000. Beginning April 1, 2024 the original lifetime cap of \$14,000 for the BI, CIH, EBD, and CMHS waiver and the waiver lifecycle cap of \$10,000 for the CES and SLS waivers will (BI, CES, CIH, CMHS, EBD, SLS).

In addition, the Department is strengthening the service definition to address the timing of the home modifications during the transition period from the institution to the community and the disposition of costs incurred when unforeseen circumstance occurs during the transition (BI, CIH, CMHS, EBD, SLS).

Telehealth for Behavioral Management and Education

The Department is updating the service definition for Behavioral Management and Education in the BI waiver to include telehealth as a service delivery option (BI).

Targeted Rate Increases (TRI) and Across the Board (ATB) Rate Increases

The Department is updating Appendices I and J to reflect various TRIs and ATB rate increases approved in the budget request for Long Bill HB22-1329. These adjustments impact the Transition Living Program (BI), Supported Living Program (BI), Non-Medical Transportation (BI, CIH, CMHS, DD, EBD, SLS) and Massage Therapy (CLLI and CIH), align rates for long-term care case management activities (all waivers) and furthers the alignment between service limits and rates between the CHRP waiver and other HCBS waivers. These rate increases also reflect the \$15 base wage minimum (all waivers).



Performance Measures (PMs) Updates

The Department is removing PM A.20 in Appendix A Waiver Administration and Operation in the CHCBS waiver as the Case Management Agencies for this waiver are not contracted with the Department, rather they sign a provider agreement. The Department is also removing PMs G.c.1 (BI, CES, CHCBS, CHRP, CIH, CMHS, DD, EBD, SLS) and modifying PM G.c.6 (CHCBS, EBD) in Appendix G Health and Welfare to streamline processes and reporting.

Respite Unit Changes for CHRP

The Department is updating the language in the CHRP waiver to reflect the increase in unit limitation for Respite Services and to detail the Department's ability for approving a higher unit limit based on specific circumstances (CHRP).

Removal of Non-integrated Settings Language

Under the federal HCBS Settings Final Rule, all HCBS settings must support individuals to be integrated into the community. The Department is updating the service definitions for Specialized Habilitation and Supported Employment to remove the terms which appear to allow for non-integrative settings, such as "non-integrated" and "enclaves," to enhance statewide compliance with federal rule (DD, SLS).

Consumer-Directed Attendant Support Services (CDASS) Attendant Updates

The Department is updating the waiver applications' language concerning policy and procedures on CDASS attendant eligibility and background checks based upon stakeholder engagement outcomes. In early 2022, CDASS stakeholders voted to implement an exception process that enables a client and/or authorized representative to make the final hiring decision for initially ineligible attendants. The update details the corresponding policy and procedure related to the changes (BI, CIH, CMHS, EBD, and SLS).

Update to Desk Reviews of Case Files in Single Entry Points (SEPs)

The Department is amending the language in the waiver applications to reflect the change of responsible party conducting the desk reviews. The Quality Improvement Organization (QIO), will no longer be performing the case file desk reviews at the SEPs. The Department will now conduct the desk reviews with in-house staff (BI, CES, CIH, CLLI, CMHS, DD, EBD, SLS).

Out of State Providers for the Supported Living Program (SLP) Service

The Department is updating the waiver application to allow the option to provide Supported Living Program (SLP) services in an out-of-state setting for the BI waiver. SLP services are only allowed when there is not a service provider within Colorado that can meet the waiver participant's needs due to specific, individualized health and safety concerns. The need for



out-of-state services and out-of-state providers must be approved by HCPF. Updates will be found in appendices A, C, and G (BI).

Overall Service Plan Limit Increase

The Department is updating the SLS and CES waiver applications to reflect the respective increases in the Overall Service Plan Limit. These amendments will also reflect the corresponding adjustments for services performed for waiver participants residing in the City and County of Denver (CES, SLS).

Electronic Visit Verification (EVV) Language Relocation

The Centers for Medicare and Medicaid Services (CMS) released a 1915(c) Home and Community-Based Waiver Application Job Aid: Documenting Electronic Visit Verification (EVV) in Appendix I of the 1915(c) Waiver Applications in July 2022. The Department is relocating the language in Appendix I-1 to I-2d per the Job Aid recommendations. For more information on EVV please visit <https://hcpf.colorado.gov/evv> (all waivers).

Public Comment Opportunity

The Department will post drafts of the waiver amendment applications on the Department's website at hcpf.colorado.gov/hcbs-public-comment for public comment.

- The Department will make available a draft of the waiver amendments for a 30-day public comment period from August 11, 2022 through September 9, 2022.
- The Department commits to incorporating comments, concerns, and suggestions when and wherever possible.
- All comments and responses will be recorded in a listening log that will be posted on the Department's website after the public comment period ends.

To request a paper or electronic copy of the waiver amendments including the full draft waiver and/or to provide public comment, please do so by:

- Phone: 303-866-3684
- Email: HCPF_LTSS.PublicComment@state.co.us
- Postal Mail: Department of Health Care Policy & Financing, 1570 Grant Street, Denver, CO 80203, ATTN: HCBS Waiver Amendments
- Fax: 303-866-2786 ATTN: HCBS Waiver Amendments

