



CO L O R A D O

Department of Health Care
Policy & Financing

1570 Grant Street
Denver, CO 80203

Home and Community-Based Services (HCBS) Waiver Amendments and Renewal – Spring 2023

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 with Life-Limiting Illness (CLLI)
- Children’s Extensive Supports (CES)
- Children’s Habilitation Residential Program (CHRP)
- Community Mental Health Supports (CMHS)
- Complementary and Integrative Services (CIH)
- Developmental Disabilities (DD)
- Elderly, Blind, and Disabled (EBD)
- Supported Living Services (SLS)

The Department intends to submit a renewal application for the following HCBS waiver:

- Children’s Home and Community-Based Services (CHCBS)

The Department will accept public comments from February 2, 2023 through March 3, 2023. The Department intends to submit the amendments to the Centers for Medicare and Medicaid Services (CMS) on March 10, 2023. The Department will request an effective date of July 1, 2023 for the waiver amendments.

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

Public Comments will be accepted from February 2, 2023 through March 3, 2023.

Summary of Changes

Peer Mentorship Provider Qualification Clarification

The Department is clarifying the language regarding Peer Mentorship provider training. The current language states Peer Mentorship training is provided by the Department but should state Peer Mentorship training is defined by the Department and provided by the agency. (BI, CMHS, DD, EBD, CIH, and SLS)



Remote Support Provider Entity Responsible for Verification Update

The Department is updating the Verification of Provider Qualifications section for Remote Support providers of Homemaker and Personal Care services to reflect that the Colorado Department of Public Health and Environment (CDPHE) is an entity responsible for verification. (BI, CIH, CMHS, EBD, SLS)

Mental Health Transitional Living Home

The Department is adding a new service to the CMHS waiver. This new service is titled Mental Health Transitional Living Home and is a residential service designed for individuals that require 24/7 care to develop skills necessary for daily living and to assist with successful integration into lower level services and/or into the community. The service encompasses assistance with training and supervision of activities of daily living and protective oversight, intensive case management, supervision, behavioral management, cognitive supports, interpersonal and social skills development, management of medical needs, non-medical transportation, medical transportation, individual activity plans, and recreational and social activities. The service also includes medication management and administration. (CMHS)

Case Management Redesign Updates

The Department is updating Appendices A and C in the waiver applications for the implementation of Case Management Redesign. The Department is working toward compliance with Conflict-Free Case Management requirements as outlined in 42 CFR § 441.301(c)(1)(vi) and in Colorado’s House Bill 21-1187. HB 21-1187 requires the Department to create “defined service areas” where case management agencies will serve all HCBS waiver members in their respective defined service areas. The implementation date of HB 21-1187 is no later than July 1, 2024.

Through stakeholder engagement and research, the Department determined it will be utilizing Targeted Case Management (TCM) for case management and will be establishing defined service areas, commencing implementation July 1, 2023 with a finalized implementation date of June 30, 2024. The establishment of defined service areas will provide individuals seeking long-term service and supports one place to obtain case management services for all HCBS waivers. Members will have the option to choose their case manager at the agency in which they are assigned. (All waivers)

Supported Employment Service Update

The Department is adding a new service under the Supported Employment Service. The new service is titled Workplace Assistance and provides support at a member’s place of employment for members with elevated supervision needs who, because of valid safety concerns, may need assistance from a paid caregiver to maintain an individual job in an integrated work setting for which the member is compensated at or above minimum wage. The aim of Workplace Assistance is to support members who have been identified as having specific needs that are above and beyond what could be regularly supported by the workplace supervisor or co-workers, and are outside the



scope of intermittent Job Coaching support. The goal of the Workplace Assistance service is to address the safety-related needs of the member in order to maintain/sustain community employment or self-employment, while promoting the member's independence and integration at the worksite. (DD, SLS)

The Department will also be removing all Supported Employment Services from the Service Plan Authorization Limit in the SLS waiver. (SLS)

Benefits Planning Service

The Benefits Planning Service is analysis and guidance by a qualified Benefits Planner to help the member and their family/support network understand the potential impact of employment on the member's public benefits, such as: Supplemental Security Income (SSI), Medicaid, Social Security Disability Insurance (SSDI), Medicare, food stamps, housing assistance, and other federal, state, and local benefits. The analysis should summarize the impact of work on the member's benefits and future financial situation. This service is intended to provide the member an opportunity to make an informed choice regarding pursuing employment or career advancement. (DD, SLS)

Home Delivered Meals Provider Qualifications Update

Effective January 1, 2021 through the end of the Appendix K effective date, the Department has modified the provider qualifications for the Home Delivered Meals (HDM) service to remove a requirement that foreign entities (outside of Colorado) must have a physical presence within the state for delivering the items. Subsequently, the Department has updated the Certificate and License section for Provider Qualifications to accommodate this modification. This is a request to make this change permanent. (EBD, CMHS, CIH, SLS, BI, DD)

Regional Center Reimbursement Language Correction

The Department is correcting language in Appendix I.d.3 to remove the Wheatridge Regional Center from the listing of state or local government providers receiving payment for waiver services. The Wheat Ridge Regional Center is an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID) only and does not provide DD waiver services. The Department additionally corrected minor spelling errors in this section. (DD)

Day Habilitation Service Update

The Department is implementing the option for members to utilize 1:1 for Day Habilitation - Supported Community Connections (SCC) permanently in the waiver. This implementation includes the requirement to stay within a member's annual dollar limit and the implementation of the annual dollar limit exception process. The Department added 1:1 SCC through an Appendix K amendment during the Public Health Emergency (PHE). An Appendix K is utilized by the state to allow for temporary flexibilities in HCBS services for the duration of the PHE. This allowed members to continue to receive day services, but in a safe way when being in groups was not



allowed or people did not feel comfortable. Since implementing 1:1 SCC temporarily on March 1, 2021, the Department has heard from stakeholders that they value the service and want the option to continue. The Department hosted 2 stakeholder meetings in September and October of 2022 with proposed draft rule updates to implement 1:1 SCC long term and received full stakeholder approval.

The Department is also updating the Day Habilitation Service to reflect a new tiered structure for furnishing Specialized Habilitation and Supported Community Connector. Lastly, telehealth is being added to Day Habilitation as a service delivery option. (DD, SLS)

Complementary and Integrative Health Services—Unit limitation update

The Department is removing the current single service unit limitation cap of 204 units for the Complementary and Integrative Health services in the CIH waiver including acupuncture, chiropractic, and massage therapy. The services will retain the certification period cap of 408 total units of any combination of Complementary and Integrative Health services. This change will allow members greater choice in the utilization of these services. (CIH)

Appendix D and B Language Alignment

The Department is updating the Appendix B and Appendix D Quality Improvement Discovery and Remediation sections to remove the reference to the Quality Improvement Organization (QIO) as the activities previously performed by the contractor are now managed by Department staff. (All waivers)

Case Management Monitoring Visits

The Department is updating the Case Management monitoring visit to be more person centered by allowing greater choice in engagement. The waiver will now state “Each certification period, one in person monitoring will be required with up to three (3) additional monitoring contacts either in person, on the phone, or through other technological contact based on the member preference of engagement.” (All waivers)

Complementary and Integrative Health Services -Massage Therapy Rate Increase

The Department is increasing the CIH Massage Therapy rate to \$19.97 per unit, which aligns with the rates in the SLS and CLLI waivers. This increase was approved and effective on 07/01/2022 through an Appendix K Amendment. This rate increase is being added to this CIH waiver amendment to allow the Department, upon approval, to maintain the rate after the PHE ends. (CIH)

Personal Care

During the PHE (Public Health Emergency), the Department allowed spouses to provide personal care through the Appendix K. The Department is updating the waiver to allow spouses to provide personal care after the PHE ends. (EBD, CMHS, CIH, BI)



Telehealth Options for Consultation Services

During the PHE (Public Health Emergency), the Department allowed certain services to be provided via telehealth for the delivery of consultation through the Appendix K amendment. The Department is updating the waivers to allow for consultation to be provided by telehealth modalities for Adaptive Therapeutic Recreational Fees and Equipment (CES), Assistive Technology (CES and SLS), Home Modification (EBD, CMHS, CIH, BI, SLS, CES), and Vehicle Modification (SLS, CES).

Non-Substantive Performance Measures Language Corrections

The Department will be making some non-substantive changes to the performance measure to streamline efficiencies in measuring compliance. The Department is updating PM.22 in the DD waiver to remove duplicative language. (DD). The Department is also updating B.c.2, B.c.3, D.a.1, D.a.2, D.a.3, D.c.1, D.c.2, D.d.2, D.d.4, D.d.5, and G.c.6 to reflect that the data source is collected “Continuously and Ongoing” (All waivers)

Updates to Cost Neutrality Demonstration

The Cost Neutrality Demonstration in Appendix J will be updated to reflect the inclusion of the most recent annual data/financial reporting on home and community-based services performance. The Department is also adding a level 7 to Group Home and Foster Home under the Habilitation service for CHRP. (All waivers)

Miscellaneous Corrections

The Department will make corrections for spelling errors and typos as well as revise out-of-date statutory or regulation citations in the one waiver renewal (CHCBS).

Public Comment Opportunity

The Department will post drafts of the waiver amendment applications on the Department’s [HCBS Public Comment](#) website for public comment.

- The Department will make available a draft of the waiver amendments and waiver approval for a 30-day public comment period from February 2, 2023 through March 3, 2023.
- The Department commits to incorporating comments, concerns, and suggestions whenever 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 or renewal including the full draft waiver and/or to provide public comment, please do so by:

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