



## COLORADO

Department of Health Care  
Policy & Financing

1570 Grant Street  
Denver, CO 80203

# Home and Community-Based Services (HCBS) Waiver Amendments Fact Sheet

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July 2023

The Department of Health Care Policy & 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)
- Children's Home and Community-Based Services (CHCBS)
- Community Mental Health Supports (CMHS)
- Complementary and Integrative Services (CIH)
- Developmental Disabilities (DD)
- Elderly, Blind, and Disabled (EBD)
- Supported Living Services (SLS)

The Department will accept public comments from July 6, 2023, through August 4, 2023. The Department intends to submit the amendments to the Centers for Medicare and Medicaid Services (CMS) on August 11, 2023. The Department will request an effective date of November 11, 2023, for the amendments.

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

**Public Comments will be accepted from July 6, 2023, through August 4, 2022.**

## Summary of Changes

### Mental Health Transitional Living Home

As allowed by the passage of HB 22-1303, the Department is adding a new service type, Mental Health Transitional Living (MHTL), to the CMHS waiver. MHTL is a residential service provided only to individuals who reside in the community and require 24/7 care to develop skills necessary for daily living and to assist with successful integration into the community. MHTL will provide appropriate, supportive intervention services by specially trained and certified staff. This service is provided in a new setting type, the Mental Health Transitional Living Home (MHTLH), as detailed below. (CMHS)



## Updates to Attachment #2: Home and Community-Based Settings Waiver Transition Plan and Appendix C-5: Home and Community-Based Settings, including Addition of a New Setting

In connection with the end of the transition period, and at CMS's instruction, the Department has deleted the language formerly contained in Attachment #2: Home and Community-Based Settings Waiver Transition Plan. (CMHS.)

In addition, the Department is updating language in Appendix C-5: Home and Community-Based Settings in the CMHS waiver to describe, for the settings that were previously public noticed and approved through the [Statewide Transition Plan](#), (i) the services offered at each setting and (ii) the process for ongoing monitoring for compliance with HCBS Settings Final Rule requirements. These settings include Adult Day Service centers, Alternative Care Facilities (ACFs), participants' personal homes, and various locations in the community where participants wish to go (e.g., grocery store, park, events).

The Department is also updating language in Appendix C-5 to note that effective November 11, 2023, the Department is adding a new service to the CMHS waiver, Mental Health Transitional Living (MHTL), that will be provided in the new setting of Mental Health Transitional Living Homes (MHTLHs). The Department will ensure initial compliance with the HCBS Settings Final Rule requirements for the MHTLHs by verifying these providers in the same way it verifies prospective ACF providers. The Colorado Department of Public Health & Environment (CDPHE) surveys prospective HCBS providers before it recommends them to HCPF for certification as Medicaid waiver providers. Provider types subject to certification include ACFs and now MHTLHs. CDPHE's initial certification surveys address compliance with the HCBS Settings Final Rule, among other requirements.

Ongoing monitoring for MHTLHs for compliance with HCBS Settings Final Rule requirements includes the following measures:

- CDPHE surveys will be completed for compliance with HCPF's regulations (in addition to CDPHE's own licensure requirements) at least once every 3 years. A facility may be inspected more frequently should CDPHE receive a complaint.
- Case Managers engage in quarterly monitoring contacts with members.
- At any time, members can escalate questions or concerns as detailed in the dedicated Ask a Question/Report a Concern section of the Department's settings rule website.

### Addition of Provider Type

As allowed by the passage of SB 22-219, the Department is adding the Dental Assistant provider type to the SLS and DD waivers with the appropriate updates regarding provider certification standards and limitations. (SLS, DD)

### Rate Increases

The Department is updating Appendix J Average Cost/Unit to reflect rate increases approved during the recent legislative session through the Long Bill, SB 23-214. The rate includes a 3% increase, a base wage increase for services outside Denver County to



\$15.75/hour, a minimum wage increase to \$17.29/hour for services inside Denver County, and Targeted Rate Increases (TRI) for Non-Medical Transportation in the DD and SLS waivers and Group Residential Support Services in the DD waiver. The increases will be effective on 07/01/2023 through an Appendix K Amendment. The State is updating Appendix J to reflect the Appendix K approval and for permanent ongoing approval in the waiver. [View the Department's provider rate sheet](#) which reflects these increases for all waivers.

## Public Comment Opportunity

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

- **The Department will make available a draft of the waiver amendments for a 30-day public comment period from July 6, 2023, through August 4, 2023.**
- **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](mailto: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

