



COLORADO

Department of Health Care
Policy & Financing

1570 Grant Street
Denver, CO 80203

BA-07: Community Based Access to Services

Fact Sheet

What does this budget request do?

The Department requests funding, and legislation, to implement several key initiatives in response to findings identified by the Department of Justice (DOJ). The initiatives are focused on providing more information to members on their options to prevent unnecessary institutionalization, providing effective transition services out of the nursing facilities, expanding access to the community-based service system including implementing Community First Choice, and increasing access to integrated community-based housing opportunities. Specifically this request would:

- Provide case management services for members at risk of institutionalization
- Implement diversion and rapid reintegration activities
- Create community options, outreach materials and trainings
- Provide In-Reach counseling services to give members information on their options to transition to the community
- Increase the number of transition coordination units
- Increase the Transition Set Up Cost maximum
- Expedite eligibility activities
- Expand Presumptive Eligibility to members with disabilities
- Implement the Community First Choice (CFC) 1915(k) waiver option
- Add Housing Navigation services for members at risk of institutionalization
- Align Home Modification budget resets across all waivers
- Provide administrative resources to address the DOJ findings

Through CFC specifically, the Department can expand access to community-based services and transition services while saving the state money.

Why is this budget request needed?

In March 2022, the Department of Justice (DOJ) issued a findings letter stating that Colorado is violating Title II of the Americans with Disabilities Act (ADA) by “administering its long-term care system in a way that unnecessarily segregates individuals with physical

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disabilities in nursing facilities and places others with physical disabilities at serious risk of unnecessary institutionalization.” The letter suggested four main areas for improvement:

- Provide Information to Prevent Unnecessary Institutionalization,
- Provide Effective Transition Services,
- Expand Access to Colorado’s Community-Based Service System, and
- Increase Access to Integrated Community-Based Housing Opportunities

In order to address these findings, align with stakeholder feedback, implement positive change within each of the recommended areas identified by the DOJ and avoid litigation, the Department needs funding to invest in the identified areas.

What legislation is needed to support this request?

Legislation is needed to establish CFC in the Colorado Revised Statutes alongside other home and community-based services offered through Health First Colorado. In addition to establishing CFC in statute, the implementation of CFC requires several technical changes to existing home and community-based services which would be addressed in the bill.

Additional activities identified in the BA-07 can be implemented within existing statutory authority or require additional research to determine whether or not statutory changes are necessary, as is the case for Presumptive Eligibility.

What are the consequences if this budget request isn’t funded?

Without this funding, the Department will not meet the solutions proposed to address the DOJ findings, nor will the Department have the ability to provide additional support to members transitioning to the community from nursing facilities or expand services to current Home and Community Based Services program members and those who are not currently utilizing services. Additionally, the State will not be able to realize over \$30M in net annual savings from implementing CFC.

What is the overall fiscal impact for this budget request?

FY 2023-24 Budget Impact: \$6,341,474 Total Funds, including \$175,000 General Fund

FY 2024-25 Budget Impact: \$17,294,701 Total Funds, including \$8,125,994 General Fund

FY 2025-26 Budget Impact: \$91,453,194 Total Funds, including a reduction of \$34,259,187 General Fund

For more information contact

Iris Hentz (Iris.Hentz@state.co.us) , Sr. Legislative Analyst

Jo Donlin (Jo.Donlin@state.co.us) , Legislative Liaison

