



INFORMATIONAL MEMO

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Purpose and Audience:

The purpose of this Informational Memo is to provide clarification and guidance on identifying Risk Factors when determining Support Levels using the Supports Intensity Scale (SIS) for members enrolled in the Home and Community-Based Services (HCBS) Supported Living Services (SLS) or Developmental Disabilities (DD) waivers. The process for determining Risk Factors is outlined herein and a process flow has been created and attached for ease of reference when assessing Risk Factors.

Background:

The SIS is an assessment used by the Department of Health Care Policy & Financing (Department) to determine a member's Support Level when enrolled in HCBS-DD or HCBS-SLS waiver services. The Support Level is determined using select domains of the SIS. While the assessment accounts for activities of daily living skills, there are cases in which the assigned Support Level does not reflect needs due to behavioral patterns that put the member and/or others at risk of harm. In these cases, additional factors may be

applied which can increase the member's assigned Support Level to more accurately reflect the level of support needed. These factors are referred to as Risk Factors.

Risk Factors

Risk Factors are classified into three types:

- Public Safety Risk Convicted
- Public Safety Risk Non-Convicted
- Extreme Risk to Self

Risk Factors are designed to identify members who can only be safely served with a Rights Suspension that stipulates line-of-sight supervision or a controlled environment that limits the opportunity to engage in such behaviors. The full definition of each risk factor type can be found in 10 CCR 2505-10 8.600.4.

Risk Factor Determination

The case manager leads the Interdisciplinary Team (IDT) in gathering and evaluating the evidence to determine whether a member meets the definition of Public Safety Risk Convicted, Public Safety Risk Non-Convicted or Extreme Safety Risk to Self. The regulatory requirements that guide the process are found in 10 CCR 2505-10 8.612.3.D.

Risk Factor determination includes the requirement of line-of-sight supervision, or a controlled environment that limits the member's ability to engage in harmful behaviors. Line-of-sight supervision and/or a controlled environment, as applicable, must be clearly stipulated in the Rights Suspension documentation that has been reviewed by the Human Rights Committee (HRC). Additionally, allowing any unsupervised time without a Controlled Environment as outlined in the Rights Suspension excludes the member from Risk Factor determination.

Following the IDT's determination that a member meets the Risk Factor definition, the final decision is made by a case management supervisor. The supervisor must enter a log note in the State data system, documenting the rationale for the Safety Risk determination and the final decision. Once all steps are completed and approved (including approved implementation of the Rights Suspension), only then can the Safety Risk factor be entered into the Bridge. The case management supervisor must conduct a review at least once per year to assure that the member continues to meet the definition. The documentation requirements (log note entered by a case management supervisor, review date update in the Bridge) must be updated annually.

Risk Factors & Support Level Assignment

In the HCBS-DD waiver, all Risk Factor types impact the support level. In cases where both Risk to Self and Public Safety Risk (Convicted or Non-Convicted) are determined concurrently, the adjusted score will reflect Public Safety Risk (Convicted or Non-Convicted); there is no further change when both Risk Factors are determined. In the HCBS-SLS waiver, only the Public Safety Risk-Convicted Risk Factor type will impact the Support Level. Support Level changes through Risk Factor determination can be found in 10 CCR 2505-10 8.612.3.C.

Removing Risk Factors

The member's Risk Factors must be reviewed as appropriate, annually at a minimum. Upon review, if it is determined that the Risk Factors no longer exist, the Bridge must be updated to reflect the change.

For cases in which a member's behavior does not satisfy Risk Factor criteria or when, because of a member's improvement, Risk Factors may potentially be removed but the member's needs continue to be substantially higher than those typical of their assigned Support Level, the IDT may consider a Support Level Review (SLR) as a part of the support planning process as outlined in 10 CCR 2505-10 8.612.4.

Attachment:

Process Flow: Risk Factor Determination

Resources:

Training: Supports Intensity Scale (SIS) Requirements and Processes for Case Managers
<https://cohcpf.adobeconnect.com/plndvyf0dyno/>

Training: Individual Rights & Rights Modification
<https://hcpf.colorado.gov/home-and-community-based-services-settings-final-rule>

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