



INFORMATIONAL MEMO

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| TITLE: | HCBS SETTINGS FINAL RULE—VIDEOS FOR MEMBERS |
| SUPERSEDES NUMBER: | N/A |
| EFFECTIVE DATE: | AUGUST 24, 2022 |
| DIVISION AND OFFICE: | STRATEGIC OUTCOMES DIVISION, OFFICE OF COMMUNITY LIVING |
| PROGRAM AREA: | HCBS WAIVERS |
| KEY WORDS: | HOME- AND COMMUNITY-BASED SERVICES, HCBS, HCBS SETTINGS FINAL RULE, RIGHTS, RIGHTS MODIFICATIONS, VIDEOS |
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HCPF Memo Series can be accessed online: <https://www.colorado.gov/hcpf/memo-series>

Purpose and Audience:

The purposes of this Informational Memo are to inform stakeholders of the availability of videos for members and families, and to instruct case managers to show these videos to members and families as part of discussions regarding whether to consent to a proposed rights modification. In addition to case management agencies (CMAs), interested stakeholders may include participants in Home and Community-Based Services (HCBS) waivers, relatives and guardians of participants, advocates, and providers serving individuals enrolled in the HCBS waivers.

Information:

In 2014, CMS published a [rule](#) requiring HCBS to be provided in settings that meet certain standards. Under these standards, settings must ensure that people are able to exercise a variety of rights. They also must ensure that any modifications to these rights meet several criteria, such as being based on individualized need and having the individual's informed consent. The Department of Health Care Policy & Financing (Department) codified the federal standards in a rule, [10 CCR 2505-10 section 8.484](#), that went into effect in January 2022.

The Department has developed a set of animated videos to help individuals understand their rights under the rule, as well as relevant considerations in deciding whether to consent to a proposed rights modification. The videos are available as a set in [this YouTube playlist](#) and include the following:

- [Part I: My Rights](#)
- [Part II: Rights Modifications](#)
- [Part I: My Rights \(Spanish\)](#)
- [Part II: Rights Modifications \(Spanish\)](#)

In addition, the Department has developed a resource sheet to accompany the videos. This document is available in both [English](#) and [Spanish](#). The resource sheet contains links relating to supported decision making, advocacy organizations in Colorado, self-advocacy, and relevant state agencies.

Case managers

Case managers should offer to show these videos to individuals that have been asked to consent to a proposed rights modification. In addition, case managers should offer to show these videos to parents, guardians, and other legally authorized representatives that have been asked to grant consent on behalf of a waiver member. In virtual/remote meetings, the videos may be shown via screen-sharing. Case managers should also provide the links to the videos and resource sheets for members and others who wish to review the materials at home. This may be done by email during or after in-person or remote meetings, if applicable.

Case managers should make these offers at least once for each individual with a rights modification, in connection with the first proposed rights modification to arise or to be up for review/renewal after the issuance of this Informational Memo. Before obtaining informed consent for this initial rights modification, case managers should confirm that if the individual/others wished to view the videos (including at home), they were able to do so. Thereafter, case managers should determine with each member, on an individualized basis, whether further offers or reminders would be helpful, and if so, how often.

Members and their parents/guardians/others are not required to watch the videos.

All stakeholders

Advocacy groups, providers, and others are invited to review the videos and resource sheets and to share them with anyone who may be interested.

Attachment(s):

None

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