



OPERATIONAL MEMO

TITLE:	ELIGIBILITY AND NOTICE OF ACTION CHANGES IN RESPONSE TO COVID-19 FOR CASE MANAGEMENT AGENCIES
SUPERSEDES NUMBER:	N/A
EFFECTIVE DATE:	MARCH 18, 2020
DIVISION AND OFFICE:	CASE MANAGEMENT AND QUALITY PERFORMANCE DIVISION, OFFICE OF COMMUNITY LIVING
PROGRAM AREA:	CASE MANAGEMENT AGENCIES
KEY WORDS:	COVID-19, CORONAVIRUS, CASE MANAGEMENT, FUNCTIONAL ELIGIBILITY ASSESSMENT, LEVEL OF CARE, CSR, ULTC 100.2, LTC-803, NOTICE OF ACTION, ADVERSE ACTION, SERVICE PLANNING, TERMINATION, DENIAL
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Purpose and Audience:

The purpose of this Operational Memo is to inform Single Entry Points (SEPs), Community Centered Boards (CCBs) and Case Management Agencies (CMAs) of temporary operational changes to case management requirements for issuing a Notice of Action (LTC-803) for a member's functional eligibility in response to the COVID-19 pandemic.

Information:

The Families First Coronavirus Response Act requires that states maintain program eligibility for all members enrolled on March 18, 2020 through the end of the month in which the public health emergency ends. The purpose of this memo is to issue operational guidance for how to implement this federal requirement.

Immediate action is required to ensure continuing program eligibility. During the COVID-19 public health emergency, SEPs, CCBs and CMAs shall not issue a Notice of Action (LTC-803) that negatively impacts an existing member's functional eligibility for their selected program, unless:

- The change is requested by the member or the member's legal representative
- The member dies, or
- The member ceases to be a resident of Colorado.

This modification to the LTC-803 requirements applies to any **adverse** action to the member's enrollment in their selected program, including but not limited to:

- Continued stay review functional eligibility denials
- 30 days without services
- Aging out of programs or services for defined age groups
- Any other program discontinuation.

If the member voluntarily elects to discontinue or change their program, the case manager is required to document the member's request in a log note and provide the member with the Notice of Action (LTC-803).

Individuals aging out of a program may be enrolled in a different program that provides at least the same amount, duration, and scope of services; however, if such a program is not available, then they may remain within their current program.

If a member is determined functionally ineligible by the Case Manager at their Continued Stay Review Assessment (or ineligible for other reasons, such as age), the Case Manager will:

- Clearly document the eligibility determination in the member's ULTC-100.2 assessment summary and log note section in the Benefits Utilization System (BUS).
- Issue a one-year approval certification in the BUS.
 - The Case Management Agency is responsible for tracking members who are issued a temporary approval and must perform immediate action to issue a Notice of Action (LTC-803) at the end of the public health emergency.
 - A one-year approval certification does not entitle the member to remain on the waiver for an entire year and is only to cover eligibility during the time of the public health emergency.
- Review the member's services and change or reduce services based on needs identified.

- Services may only be authorized if they are reflected in the person-centered service plan and based on an assessment of functional need.
- Services shall not be authorized if they are not supported by an assessed need.
- Verbally notify the member of the temporary program eligibility continuation and any changes or reductions to the services authorized.
- Issue a Notice of Action (LTC-803) for any changes or reductions to the member's services based on changes in assessed functional needs.

Program eligibility must be continued through the end of the month in which the public health emergency ends. The Department will notify SEPs, CCBs and CMAs when the public health emergency has ended at which time the case manager will issue a Notice of Action (LTC-803) for the program eligibility denial.

Immediate Action Required:

As soon as possible, but no later than **five (5) business days** from the issue date of this Operational Memo:

- A member who was functionally denied at their Continued Stay Review Assessment on or after March 18, 2020, must be reopened by the Case Manager and issued a one-year approval certification as identified above.
- Similarly, members who had their program eligibility terminated on or after March 18, 2020, should have these changes reversed.

Questions regarding this guidance can be sent to HCPF_HCBS_Questions@state.co.us.

Attachment(s):

None

Department Contact:

HCPF_HCBS_Questions@state.co.us

Department COVID-19 Webpage:

<https://www.colorado.gov/pacific/hcpf/COVID>

For specific information, please call the CDPHE Call Center at 303-692-2700.
For general questions about COVID-19: Call CO-Help at 303-389-1687 or
1-877-462-2911 or email COHELP@RMPDC.org, for answers in English and Spanish
(Español), Mandarin (普通话), and more.