



OPERATIONAL MEMO

TITLE:	NURSING FACILITY GUIDANCE ON MDS SECTION Q REFERRALS
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HCPF Memo Series can be accessed online: <https://www.colorado.gov/hcpf/memo-series>

Purpose and Audience:

The purpose of this Operational Memo is to inform Medicaid certified nursing facilities of operational instructions to meet federal requirements for resident informed choice. This memo is intended to be shared with the relevant Minimum Data Set (MDS) coordination, discharge and transition planning staff.

Information:

For the Department of Health Care Policy and Financing's (Department) implementation of Transition Services to be successful, a collaborative approach is necessary by which nursing facility residents can access information about community living options. For the past five years the Department has held contracts with local Options Counseling Agencies, also known as Local Contact Agencies (LCA), throughout the state to provide Options Counseling once a resident indicates a desire to learn more about their options for community living as per the MDS, Section Q 500B Return to Community question. Contracted options counseling agency information is available on the Department website: <https://www.colorado.gov/hcpf/transition-services-local-contact-agencies>.

Local Options Counseling Agency representatives are options counselors. They will provide options counseling in all Medicaid accepting nursing facilities for residents who have requested information about their options for living and receiving services in the community. During options counseling meetings, residents will be presented with information about Targeted Case Management - Transition Coordination, Life Skills Training, Home Delivered Meals, Peer Mentorship, Transition Setup, and Home and Community-Based Services (HCBS) waiver programs that offer other Long-Term Services and Supports to members in the community.

Options Counseling Referral Process

Referrals for options counseling can come from any source, including but not limited to, MDS Section Q, residents, family, friends, advocates, Ombudsmen, and nursing facility staff. The Department's recommended best practice for making a referral for options counseling is two (2) business days. Referrals on behalf of nursing facility residents should be sent to the local Options Counseling Agency via telephone or secure email. The local Options Counseling Agency has (10) business days to respond to the referral and conduct the options counseling meeting with the resident. It does not commit any resident to a program, nor to leaving the facility. It is simply a request for information on community-based service options. However, should the resident decide to pursue the option to transition out of the facility and into the community, the local Options Counseling Agency will make a referral to a Transition Coordination Agency (TCA), who will assist the member in the transition process. For more information on the community transition process, please go to: <https://www.colorado.gov/hcpf/transition-services>.

New Online Options Counseling Referral Form

In order to further streamline the options counseling referral process, the Department has created an online "Medicaid Member Options Counseling Referral Form" which when completed will send a secured email with the given member's information to the appropriate local Options Counseling Agency. This form will ask the following questions:

1. General information about the referral source including contact information;
2. General information about the facility in which the Medicaid member resides;
3. General member information including contacts for legal guardians and family involved in their care; and
4. Specific information regarding them member's stay in the facility.

To access the form, please go to: <https://forms.gle/ArYhCwy8Yah4aqZ37>.

The Department strongly encourages appropriate facility staff members who complete MDS Section Q to save the link to this tool for future options counseling referrals.

Federal Guidelines

Per guidelines from the Centers for Medicare & Medicaid Services (CMS), nursing facilities are required to make referrals to a local Options Counseling Agency on behalf of residents who have responded "yes" to the MDS, Section Q 500B Return to Community question and all other residents who have expressed an interest in exploring their options for transitioning out of the nursing facility and into the community, including non-MDS requests for transition information. Moreover, CMS determined that nursing facilities are required to administer the MDS upon a resident's admission to the facility, quarterly, or if there is a significant change in their condition. While there is an option within MDS to not make a referral, the Department and CMS expects and encourages nursing facilities to err on the side of referring because the member has the federal right to learn if they can live in the community and get the services and supports needed. The local Options Counseling Agency is the only contact when making these types of referrals.

State MDS Section Q Compliance Monitoring

The Department monitors MDS Section Q compliance by reviewing monthly data including: residents' names, the facility where they reside, their responses to MDS Section Q, and if the local Options Counseling Agency received a referral from the nursing facility for each member, as indicated. In addition, the Department of Public Health & Environment surveys for MDS compliance through routine inspections and interviews. Failure to comply may result in a deficiency and plan of corrective action in specific instances. The purpose for monitoring compliance is to ensure that each resident who responded "yes" on MDS Section Q receives options counseling and that community living potential is thoroughly examined. Options counseling does not guarantee that members will transition out of the facility or require a member to leave the facility if they determine that they are not ready or change their mind about moving to the community, but it does guarantee that they have access to the information they are legally entitled to receive. The Department greatly appreciates nursing facility staff support in promoting a resident's right to make an informed choice.

Attachment(s):

None

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