



OPERATIONAL MEMO

TITLE:	INFORMED CONSENT TEMPLATE FOR RIGHTS MODIFICATIONS
SUPERSEDES NUMBER:	N/A
EFFECTIVE DATE:	MARCH 17, 2021
DIVISION AND OFFICE:	BENEFITS AND SERVICES MANAGEMENT DIVISION, OFFICE OF COMMUNITY LIVING
PROGRAM AREA:	HOME AND COMMUNITY-BASED SERVICES (HCBS) WAIVERS
KEY WORDS:	HCBS, INFORMED CONSENT, RIGHTS MODIFICATIONS, HCBS WAIVERS
OPERATIONAL MEMO NUMBER: HCPF OM 21-032	
ISSUE DATE: MARCH 17, 2021	
APPROVED BY: COLIN LAUGHLIN	

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 Case Management Agencies (CMAs) and provider agencies of the availability of a standardized template for obtaining members' informed consent to a Rights Modification.

Information:

In 2014, the federal Centers for Medicare & Medicaid Services (CMS) published a rule establishing criteria for settings where Home and Community-Based Services (HCBS) are provided. The rule identifies rights that individuals have in HCBS settings and sets out a process for modifying those rights where appropriate in an individual case. The process includes documenting several criteria, including the individualized assessed need for the modification and the informed consent of the individual.

At the request of providers, CMAs, and other stakeholders, the Department of Health Care Policy & Financing (Department) worked with the HCBS Settings Final Rule Rights Modification Stakeholder Workgroup and participants in the HCBS Settings Final Rule Open Meeting series to develop a standardized template for documenting the

individual's informed consent to a Rights Modification. The Department provided, as an attachment to [Operational Memo 20-103](#), an informed consent template for use by all providers and CMAs as of January 1, 2021. As indicated in that memo, the template was still undergoing some revisions in response to stakeholder input. The template has now been finalized. The Department is providing, as an attachment to this Operational Memo, an informed consent template that should be used by all providers and CMAs as of March 1, 2021.

In using this template, please delete italicized text (which is intended not for members, but for the guidance of providers and case managers). As previously indicated in [Operational Memo 20-103](#), providers may begin filling out information in this template; however, the case manager is expected to review the information with the individual and ensure their understanding and informed agreement, and only the case manager may obtain the individual's signature reflecting their informed consent. CMAs should continue to maintain on file any signed informed consent materials, as before. Electronic signatures collected through appropriate methods continue to be allowed.

CMAs should continue to share with providers implementing a Rights Modification a copy of the completed materials, including the signed informed consent. A recent BUS update makes this process easier through the Print function available for each Rights Modification.

Consistent with past practice, there is no need to re-obtain informed consent documented on earlier versions of this template for Rights Modifications that are not up for review/renewal.

Attachment:

Informed Consent Template

Department Contact:

General questions and concerns:

HCPF_STP.PublicComment@state.co.us