



OPERATIONAL MEMO

Title: Home and Community-Based Services (HCBS) Base Wage Rate Increase 2023 Attestation Final Notice	Topic: Direct Care Worker Base Wage Compliance
Audience: HCBS waiver providers	Sub-Topic: Base Wage Attestation Form
Supersedes Number: N/A	Division: Operations & Administration Division and Benefits & Services Management Division
Effective Date: October 1, 2023	Office: Office of Community Living
Expiration Date: October 1, 2025	Program Area: HCBS Services
Key Words: Benefits and Services, Home and Community-Based Services, HCBS, CHRP, Rate Increase, Base Wage, Wage Attestation, Wage Reporting, Wage Compliance	
Legal Authority: 10 CCR 2505-10, Section 8.511	
Memo Author: Cathy Fielder	
Operational Memo Number: HCPF OM 23-064	
Issue Date: October 11, 2023	
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 notify service providers, who did not submit the required base wage form for the June 30, 2023, deadline, that they will be receiving a notification through the U.S.P.S. regarding non-compliance with 10 CCR 2505-10, section 8.511. All HCBS service providers impacted by the base wage requirements were required to submit an attestation to HCPF on or before both June 30, 2022, and June 30, 2023.

Information:

This memo acts as Department of Health Care Policy and Financing's (HCPF) **final notice** to service providers, prior to the 2023 base wage financial compliance reviews beginning per 10 CCR 2505-10, section 8.511. Service providers that do not meet reporting or base wage requirements are subject to audit, corrective action, suspension of claims, and/or recoupment. For non-compliant providers, the suspension of claim payments may be imposed as early as Nov. 1, 2023. Once compliance is achieved, suspended payments will be released.

Effective Jan. 1, 2022, all impacted Direct Care Workers, employees, or independent contractors, were required to be paid at a minimum the \$15.00 per hour base wage. Effective July 1, 2023, the base wage was increased to \$15.75, and the Denver minimum wage was increased to \$17.29. Additionally, Direct Care Workers, who were paid a per diem rate, must have had their rate increased by the same percentage of the rate increase as of Jan. 1, 2022, and as of July 1, 2023.

Providers were required to complete the base wage attestation forms to report Direct Care Worker wages, and submit them to HCPF by June 30, 2022, and June 30, 2023. Both the 2022 and 2023 forms were required by their respective deadlines.

Beginning in the fall of 2023, HCPF will begin a public facing dashboard to show wage and compliance data across the state and service types. The information collected on the base wage forms is critical for public awareness, analysis, and best practices in HCPF decision-making for future changes. We have identified this as an avenue that will be helpful and useful to current policy discussions, in pinpointing areas of growth, as well as areas in need of improvement. Additionally, examining workforce trends at varying levels can aid stakeholders in recognizing trends and measuring the outcomes of recruitment and retention strategies.

Action To Be Taken:

Providers affected by the base wage and per diem increase requirements, that have not submitted the required attestation form, must complete the 2023 Wage Attestation Form and submit it to HCPF to report compliance with the requirements. Attestation forms must be submitted to HCPF_BaseWage@state.co.us no later than Oct. 23, 2023.

If your agency has already submitted the required 2023 attestation form, thank you for your timely compliance and this notice can be disregarded. Consumer-Directed Attendant Support Services (CDASS) Authorized Representatives and Employers of

Records are exempt from attestation requirements. If your agency does not have employees or is no longer providing services, please send a confirmation email to HCPF_BaseWage@state.co.us.

The services and waivers impacted by this requirement include:

- Adult Day Services - BI, CMHS, EBD, SCI
- Alternative Care Facility (ACF) - BI, CMHS
- Community Connector - CES, CHRP
- Consumer-Directed Attendant Support Services (CDASS) - BI, CMHS, EBD, SCI, SLS
- Foster Care Home - CHRP
- Group Home - CHRP • Group Residential Support Services (GRSS) - DD
- Homemaker - CES, CMHS, EBD, SCI, SLS
- Homemaker Enhanced - CES, SLS
- Host Home (participants aged 18-20) - CHRP
- Individual Residential Support Services (IRSS) - DD
- In-Home Support Services (IHSS) - CHCBS, EBD, SCI
- Job Coaching - DD, SLS
- Job Development - DD, SLS
- Mentorship - SLS
- Personal Care - BI, CMHS, EBD, SCI, SLS
- Prevocational Services - DD, SLS
- Respite - BI, CES, CLLI, CHRP, CMHS, EBD, SCI, SLS
- Specialized Habilitation - DD, SLS

- Supported Community Connections - DD, SLS
- Supported Living Program - BI

Providers must also keep true and accurate records to support and demonstrate that all Direct Care Workers are receiving at least the base wage or the increase to their per diem wage. These records must be retained for no less than six (6) years and made available to HCPF upon request.

Attachment:

None

Link:

The attestation forms can be found in the Workforce Development section of the Resources for HCBS Providers [webpage](#).

HCPF Contact:

HCPF_BaseWage@state.co.us for submitting the attestation form and for questions about the attestation form, or reporting requirements

HCPF_WageCompliance_FCU@state.co.us for compliance reviews and submitting supporting documentation.

HCPF_HCBS_Questions@state.co.us for questions about waiver services and rate increase.

HCPF_DCWorkforce@state.co.us for general questions or feedback about workforce issues.