



COLORADO

Department of Health Care
Policy & Financing

POLICY MEMO

POLICY MEMO NUMBER: HCPF PM 19-005

TITLE: EXCEPTION TO WAITING LIST PROTOCOL

SUPERSEDES NUMBER: N/A

ISSUE DATE: JULY 3, 2019

EFFECTIVE DATE: MAY 30, 2019

**DIVISION AND OFFICE: OFFICE OF COMMUNITY LIVING / CASE
MANAGEMENT & QUALITY PERFORMANCE DIVISION**

**PROGRAM AREA: HOME AND COMMUNITY BASED SERVICES – FOR PERSONS
WITH DEVELOPMENTAL DISABILITY WAIVER (HCBS-DD)**

APPROVED BY:

**KEY WORDS: WAITING LIST, EMERGENCY ENROLLMENT, AGING
CAREGIVER, HB 18-1407**

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Purpose and Audience: The purpose of this Policy Memo is to inform Colorado case management agencies (CMA) of the changes to the criteria found at 10 CCR 2505-10, 8.500.7 Waiting List Protocol for emergency enrollments and timelines for acceptance of offer into the Home and Community-Based Services – For Persons with Developmental Disability Waiver (HCBS-DD).

Background: House Bill 18-1407 (HB 18-1407) requires the Department of Health Care Policy & Financing (Department) to promulgate rules by June 1, 2019 regarding the criteria for reserve capacity waiver enrollments for individuals with intellectual and developmental disabilities (I/DD). The new criterion is specific to caregiver concerns and includes the age of the custodial parent or caregiver, the loss of the custodial parent or caregiver, incapacitation of the custodial parent or caregiver, any life-threatening or serious persistent illness of the custodial parent or caregiver and a threat to the health or safety that the custodial parent or caregiver places on the person with I/DD. In addition to the new criteria that was developed, the Department also updated the Homelessness criteria to more effectively capture the needs of individuals experiencing or at risk of homelessness. Timeframe regarding accepting or declining an offer of enrollment were added to the regulation as well. All additions and changes are detailed below.

Information/Policy:

As of May 30, 2019, the following will be the criteria used to determine priority emergency enrollments into the HCBS-DD waiver:

8.500.7 WAITING LIST PROTOCOL

8.500.7. F Persons whose name is on the waiting list shall be considered for enrollment to the HCBS-DD Waiver in order of placement date on the waiting list. Exceptions to this requirement shall be limited to:

1. An emergency situation where the health and safety of the person or others is endangered, and the emergency cannot be resolved in another way. Persons at risk of experiencing an emergency are defined by the following criteria:

- a. Homeless: the person will imminently lose their housing as evidenced by an eviction notice; or whose primary residence during the night is a public or private facility that provides temporary living accommodations; or any other unstable or non-permanent situation; or is discharging from prison or jail; or is in the hospital and does not have a stable housing situation to go upon discharge.
- b. Abusive or neglectful situation: the person is experiencing ongoing physical, sexual or emotional abuse or neglect in the person's present living situation and the person's health, safety or well-being is in serious jeopardy.
- c. Danger to others: the person's behavior or psychiatric condition is such that others in the home are at risk of being hurt by him/her. Sufficient supervision cannot be provided by the current caretaker to ensure safety of the person in the community.
- d. Danger to self: a person's medical, psychiatric or behavioral challenges are such that the person is seriously injuring/harming self or is in imminent danger of doing so.
- e. Loss or Incapacitation of Primary Caregiver: a person's primary caregiver is no longer in the person's primary residence to provide care; or the primary caregiver is experiencing a chronic, long-term, or life-threatening physical or psychiatric condition that significantly limits the ability to provide care; or the primary caregiver is age 65 years or older and continuing to provide care poses an imminent risk to the health and welfare of the person or primary caregiver; or, regardless of age and based on the recommendation of a professional, the primary caregiver cannot provide sufficient supervision to ensure the person's health and welfare.

As of May 30, 2019, the following will be the requirement for an individual to accept or decline an enrollment offer:

8. 500.7.1. A person shall accept or decline the offer of enrollment within thirty (30) calendar days from the date the enrollment was offered. Reasonable effort shall be made to contact the person, family, legal guardian, or other interested party.

1. Upon a written request of the person, family, legal guardian, or other interested party an additional thirty (30) calendar days may be granted to accept or decline an enrollment offer.

2. If a person does not respond to the offer of enrollment within the allotted time, the offer is considered declined and the person will maintain their order of placement date.

As of May 30, 2019, the attached Request for Emergency Enrollment Form will be in effect. All previous versions of the form should not be used and will not be accepted by the Department.

The Department will provide additional direction regarding these criteria. Information will be forthcoming.

Attachment(s):

Request for Emergency Enrollment Form

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