



COLORADO
Department of Health Care
Policy & Financing

1570 Grant Street
Denver, CO 80203

IHSS Authorized Representative FAQ - July 2023

Purpose

This document is intended to provide information on the In-Home Support Services (IHSS) Authorized Representative (AR) role and addresses common questions and resources. Colorado Regulations, 10 CCR 2505-10 Section 8.552, outlines additional information regarding AR requirements.

Member and Authorized Representative

What is an authorized representative (AR)?

Authorized representative means an individual designated by the member, or by the parent or guardian of the member, if appropriate, who has the judgment and ability to assist the member in acquiring and receiving services as defined in Colorado regulation. The AR shall not be the eligible person's service provider. This means that the AR cannot be the member's paid attendant OR the IHSS agency.

What are the required qualifications of an AR?

If the member is required to or elects to have an authorized representative, the AR must meet the following criteria:

- The AR is at least eighteen years of age;
- They have not been convicted of any crime involving exploitation, abuse, or assault on another person; and
- They do not have a mental, emotional, or physical condition that could result in harm to the member.

Are background checks required for ARs?

No. However, the AR must attest that they meet the required qualifications when completing the Shared Responsibilities Plan.

What is the Shared Responsibilities Plan?

The [Shared Responsibilities Plan](#) outlines duties that can be shared between the member/AR and the IHSS agency. The template is available on [Consumer Direct of Colorado's \(CDCO\) website](#). Please review the form for more details.



What are the responsibilities of an AR?

The responsibilities of an authorized representative vary from member to member. Some members are close with the person they have selected to be their AR such as a parent, sibling, or other family member or friend. In these cases, the AR may be highly involved in decision-making and the day-to-day needs of the member. Many members utilize an AR for the minimum responsibilities of signing documentation and ensuring that the member is safe and receiving the care needed. It is up to the member and AR to agree on what is needed for the member.

Unlike other Participant-Directed options in Colorado, there are no payroll responsibilities for the AR. These administrative tasks are the responsibility of the IHSS agency. Collaboration between the member, AR, and IHSS agency is critical in planning how to best support the member.

Is the authorized representative the same as a Power of Attorney (POA) or a member's legal guardian?

No. The AR is a role specific to the Participant Directed service delivery options in Colorado and does not supersede the legal parameters of a POA or legal guardian.

Can an attendant be an AR?

No, the attendant cannot be the authorized representative.

Can a legal guardian or POA be an AR? Who pays the AR?

Yes. However, they cannot be paid to complete AR duties. ARs are volunteers who support the member in using IHSS.

Who can be an attendant?

Attendants for IHSS can be anyone who meets the following qualifications including family members, friends, or current caregivers. The Attendant must be hired through an IHSS agency and meet the onboarding and orientation requirements:

- Attendants must be at least 16 years of age.
- Attendants must complete a Colorado Bureau of Investigation criminal background check and Board of Nursing background check on all attendants and the attendant must pass both checks to be employable.
- Attendants must demonstrate competency in caring for the member to the satisfaction of the member or AR. Attendants must be able to perform the assigned tasks on the Care Plan.
- Your IHSS agency must follow all state and federal laws regarding hiring your attendant.



Are authorized representatives required?

For children on the Children's Home and Community-Based Services (CHCBS) waiver, ARs are required. Because children are not legally capable of making healthcare decisions themselves, an AR can safeguard the child's best interest and ensure they receive the appropriate support they need. For adults, the member's physician determines if the member has the sound judgment and ability to direct their care or if an AR is required through the [Physician Attestation of Consumer Capacity \(PACC\)](#) form. This form is required for all IHSS members. A person who does not require an authorized representative may still elect to have one for additional support.

If an authorized representative is in place, does that mean the family of the member can no longer be involved?

No. An authorized representative is specific to Participant Direction. Their responsibilities are defined in the Shared Responsibilities Plan written and agreed upon by the member, AR (if applicable), and IHSS Agency. Many members have a legal guardian or a power of attorney that is the attendant for the member. While they cannot be an attendant and authorized representative simultaneously, it does not mean that they cannot advocate for the member and participate in the decision-making process. Ultimately, the expectations of an AR are agreed upon in advance and updated as needed to meet the needs of the member. The collaborative efforts most certainly can still include the family depending on the member's preferences.

Will an AR have access to my finances or health information?

It is up to the member how much information to disclose to the AR. While the AR does not have any financial responsibility, health information may need to be shared only as it relates to IHSS. For example, one member may involve their AR in all areas of their life and share in the decision-making process while another member may only use the AR as a coordinator of care for communication and help with paperwork.

What happens if an AR cannot be found?

Sometimes members have a hard time determining whom to select for the authorized representative role. Outside of family and friends, members may use their neighbors, local community centers, libraries, sports clubs, or place of worship to get to know people who may be a good fit for this role. The member may have no natural supports outside of their paid family or non-family attendants. If this is the case, the IHSS agency may have alternative solutions such as introducing someone from another IHSS family to share in those responsibilities. For example, if two members each need an authorized representative, but their only supports are their paid attendants, an attendant of one member may be the authorized representative for the other IHSS member.

Some members use a previous attendant whom they trust but can no longer work with them due to a schedule change or perhaps they moved out of state. Since they are no longer a paid attendant, this person is now a possible candidate for the AR role.



It is worth noting that there is no requirement for the AR to reside in Colorado. Even if a family member or friend lives in a different state, they can still fulfill the criteria to become an AR for an IHSS member.

The role of the AR is important within Participant Direction for the protection and safety of the member. Ultimately, if the member is required to obtain an AR and cannot find someone to fill that role, they should speak with their case manager so alternative service options can be provided to the member.

IHSS Agency

What are the agency responsibilities related to ARs?

The IHSS agency may not be the member's authorized representative. An IHSS agency shares the responsibilities of supporting the member, which are outlined using the Shared Responsibilities Plan.

The agency is required to complete a Shared Responsibilities Plan in collaboration with the member/AR for each IHSS member. This form is required at initial enrollment and any time there is a change in who is serving as the authorized representative. The completed form must be shared with the member's case manager.

Agencies are required to follow agreements outlined in the member's Shared Responsibilities Plan.

The agency is also responsible for reviewing the Physician Attestation of Consumer Capacity and ensuring the member has the support of an AR, if that is required. Due to conflict of interest, the agency may not fulfil the role of an authorized representative for any member they serve.

How can agencies support Members in finding an AR?

Once a member chooses an approved IHSS agency, the case manager sends the agency a referral with information regarding approved services, needed supervisory support, and supportive documentation including identifying if the member requires an AR. If a member requires an AR, they must establish one prior to starting services. There are situations where the member may already be receiving services through the agency and can receive support from the agency prior to switching to or adding IHSS. IHSS agencies can support members with obtaining an AR in the following ways:

- Provide information on the responsibilities of an AR, emphasizing the administrative and payroll support they will receive from the Agency.
- Introduce families who may not have natural supports to families with similar dynamics. One attendant may be an AR for another IHSS member so long as they are not a paid attendant for that member.



- Host support groups or events geared toward the authorized representative role (note: this could fulfill part of the [Independent Living Core Services](#) requirement for an Agency).
- Work with other agencies that may have similar needs to provide a larger pool of potential AR candidates.

Where can agencies get support with AR questions?

IHSS agencies may reach out to [Consumer Direct of Colorado \(CDCO\)](#) and/or the Department of Health Care Policy & Financing (HCPF) for additional support.

Case Management

What are case management responsibilities related to ARs?

The case manager is responsible for reviewing the Physician Attestation of Consumer Capacity (PACC) and ensuring the member has the support of an AR if that is required. This should be communicated to the Agency using the [IHSS Referral](#) form.

The IHSS Referral form is sent over to the selected IHSS agency along with the PACC, supporting documentation, and other helpful information to help the agency get to know the member's needs.

A Shared Responsibilities Plan is completed by the IHSS agency in collaboration with the member/AR. The case manager should review this plan and keep a copy in the member's file.

Where can case managers get support with AR questions?

Case managers may reach out to [Consumer Direct of Colorado \(CDCO\)](#) and/or HCPF for additional support.

IHSS Authorized Representative Resources

Several helpful resources are listed on [CDCO's](#) website:

- IHSS Resource Guide
- IHSS E-Learning (advanced registration is required through CDCO)
- Shared Responsibilities Plan

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