

# Individual Residential Support Services (IRSS) Regulation Revisions

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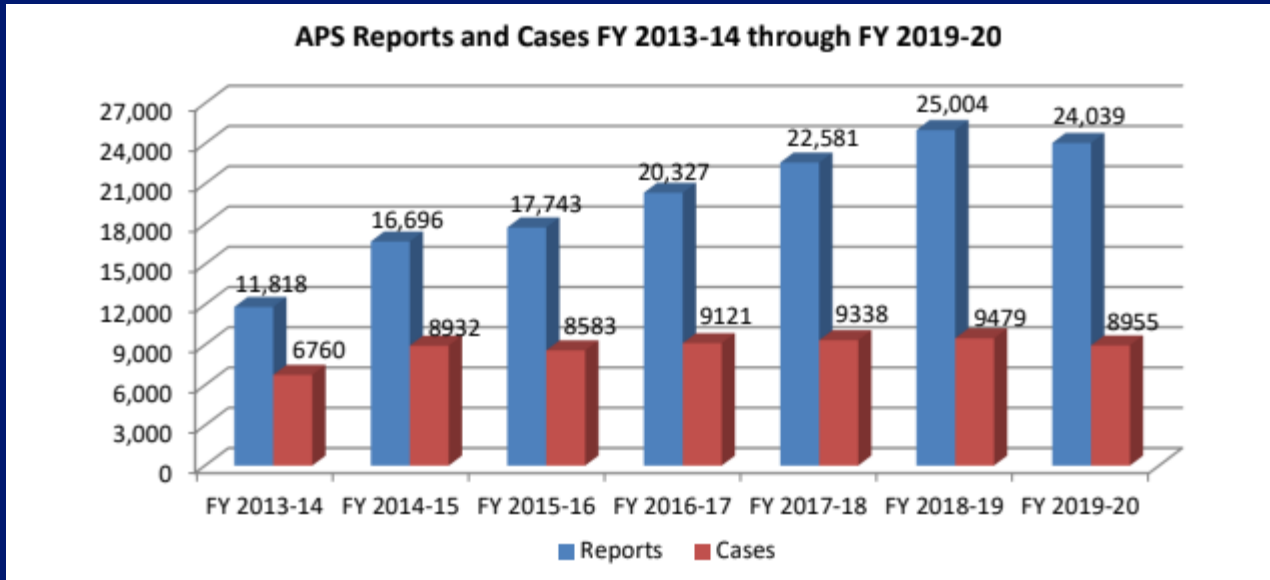
September 10, 2021

# Purpose

- The purpose of this meeting and workgroup is to discuss revisions to the Residential Habilitation and IRSS regulations.
  - Since revisions took effect in 2019, there are several areas identified where additional oversight or revision to the rules is required.
- This is the fifth meeting of the series
  - A recording of the previous meetings can be found at: [hcpf.colorado.gov/OCL-stakeholder-engagement](https://hcpf.colorado.gov/OCL-stakeholder-engagement)

# Adult Protective Services (APS) Supporting Data

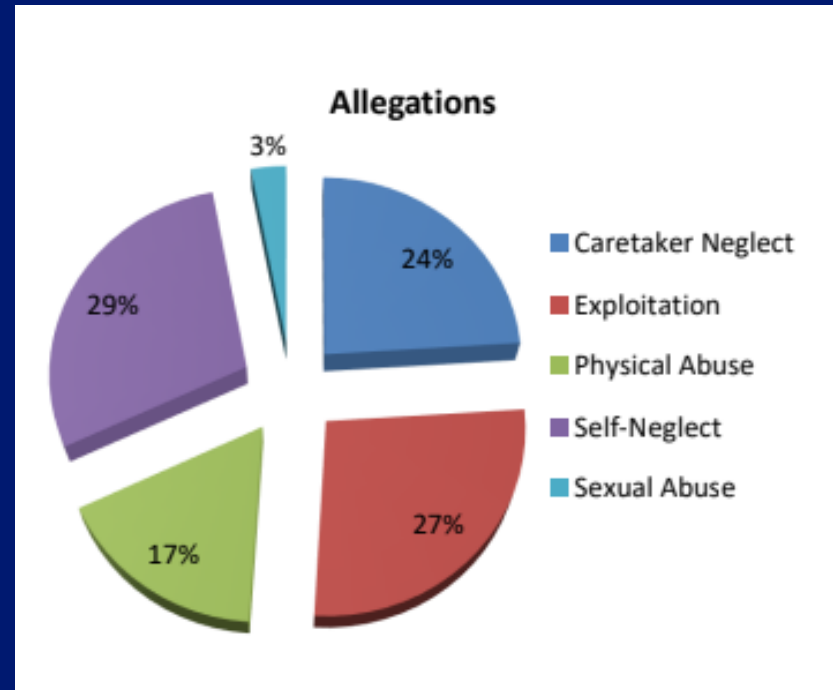
Approximately 29 percent of APS reports received in Fiscal Year 2019-20 were opened as a case



*(APS Annual Report)*

# Allegations

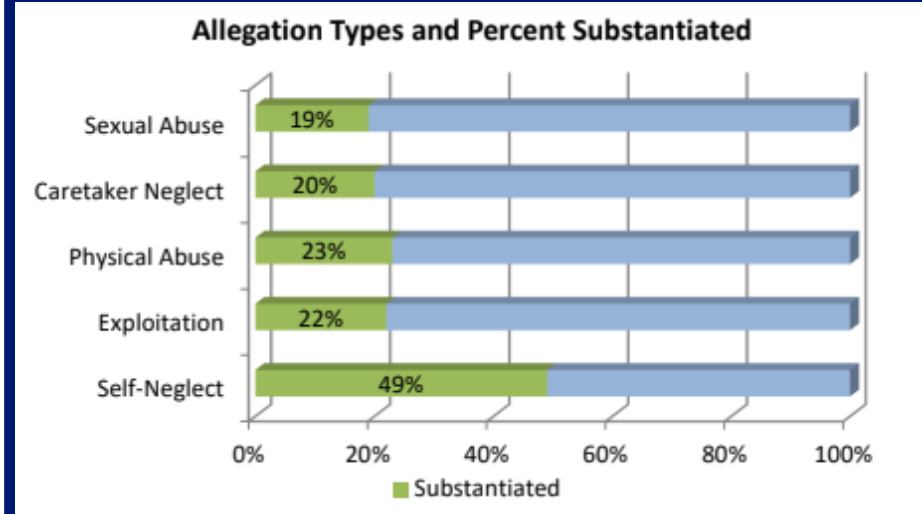
In Fiscal Year 2019-20, 29 percent of allegations were for self-neglect, that is, it was alleged that the client was not providing for their basic needs. Self-neglect was the most common allegation made.



(APS Annual Report)

# Substantiated Allegations

The majority of substantiated perpetrators identified in reports to APS programs across the state in Fiscal Year 2019-20 (70%), were either a family member or person the victim knows, such as a neighbor, friend, or acquaintance.



(APS Annual Report)

# Substantiated Allegations of MANE

- Moved to 8.609.5 in order to apply to IRSS and GRSS settings
- **Two or more** substantiated allegations of abuse, neglect, exploitation, or harmful act, as defined in Section 26-3.1-101, C.R.S., within the last 10 years by APS at a severity level of “Moderate” or “Severe” as defined in 12 CCR 2518-1 Section 30.100;
- Only substantiated allegations that have **exhausted the appeal period and come to a final disposition**, as defined as 12 CCR 2518-1 Section 30.920, shall be included in the above exclusions list.

# IRSS Settings and Host Homes

- No longer limiting the settings a participant may reside in
- The Host Home is the primary residence of the provider, which means that the Host Home provider occupies the residence **seventy-five (75) percent of the time**. The Host Home provider may not contract to provide services to more than three (3) individuals, inside or outside of the Host Home, at any given time
- **NEW:** Regardless of the setting type, the PASA is responsible for evaluating the resources and capacity of the direct care provider to ensure the needs of the individual are met. PASAs shall document evidence that such an evaluation has occurred.

# Contract and Use of Subcontractors

NEW: 8.609.7.A.8.b.xii “A clause that states the contracted IRSS provider shall not sub-contract with any entity to perform in whole the work or services required under the IRSS benefit.”

NEW: 8.609.7.A.8.c PASAs who utilizes the services of subcontractors, including contracted IRSS providers, for any of the work to be performed shall be fully responsible to the Department for the acts and omissions of their subcontractors and for the persons either directly or indirectly employed by the subcontractors. Nothing in these regulations shall create any contractual relationship between any subcontractor of the PASA and the Department.



# Next Steps

- Complete any additional changes to regulations stemming from this meeting
- Draft regulations will be posted for “Formal Public Comment”
- Regulations will go through the Clearance Process
- MSB initial - likely in December or January

# Contact Info

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Thank you!

