



COLORADO

Department of Health Care Policy & Financing

Adult IDD Waiver Redesign Stakeholders: Draft Service & Coverage Standards *Personal Supports*

Disclaimer: Deliberative Document

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Service Development & Evaluation Unit
Policy, Innovation & Engagement Division
Office of Community Living
Updated: June 14, 2019

Commented [SR1]: Consider consolidating CPE and PSS

Commented [TL2R1]: Rationale for not merging C&PE with PS: The 2 services have distinctly different intents and purposes, and the inclusion of the suggested language changes from the 5/30 stakeholder meeting address the need for person-centered supports for people to live full lives.

Personal Supports: Intended for assistance with ADLs/IADLs mostly within the home (help me get ready to go out there and live an independent, full life)

Community & Personal Engagement: Intended for supports to build social capital (support me to make the connections and relationships to live that full, contributory community life)

Personal Supports

Service Specifications

Definition

1. Personal Supports assist the member to live and participate fully in their community by supporting the member in pursuing what is important to them as indicated in their Person-Centered Support Plan. Services include supporting member's empowerment, self-advocacy, and independence and the member's health, safety, and welfare.

Access

1. A member may access Personal Supports regardless of whether the member meets the needs-based criteria for Residential Services; however, if the member meets the needs-based criteria for Residential Services and chooses to utilize Residential Services, then that member shall not also access Personal Supports, as it would duplicate Residential Services.

Covered Services

1. Personal Support may take the form of services essential to daily independent home and community living, as indicated in the member's Person-Centered Support Plan, and which may be provided across the following areas:
 - a. Supportive Supervision as identified in the member's Person-Centered Support Plan.
 - b. Activities of Daily Living (ADLs), which include basic self-care activities of bathing, personal hygiene, dressing, toileting, eating, transferring and mobility.
 - c. Instrumental Activities of Daily Living (IADLs), which include activities related to independent living, including, but not limited to, preparing meals, managing money, shopping for groceries or personal items, performing housework, and communication.
 - d. Self-Advocacy support, which may include education or training in expressing personal preferences, experiencing healthy lifestyles, increasing self-representation, increasing self-protection from and reporting of abuse, neglect and exploitation, advocating for individual rights and making increasingly self-determined choices.

Commented [BM3]: Less medical model terminology and focus more on community based language throughout the document

Commented [SR4]: Less medical model terminology and focus more on community based language throughout the document

Commented [SR5]: 1.Important for – add or not add
2.Objection to this language, noted for consensus process, this is covered with health safety and welfare
3.Importance to
4.Instead refer to person-centered plan

Commented [SR6]: Empowerment, self-advocacy, and independence – Department to wordsmith, define terms in the glossary

Commented [TL7]: There was discussion about the use of the word "ensuring" in this intermittently-provided service wherein the provider does not have the same level of responsibility for oversight as in Residential Services and which has a greater capacity for "dignity of risk" allowance.

Commented [SR8]: Add "incremental" or "least intrusive"

Commented [SR9]: These services are individually planned and coordinated through the member's Person-Centered Support Plan. The frequency, duration, and scope of these services are determined by the member's needs identified in the Person-Centered Support Plan.

Commented [SR10]: More detail and supports for things like healthy lifestyles, etc.

Commented [SR11]: Needs to match language in the definition including the suggested empowerment, self-advocacy, and independence language

Commented [SR12]: Consider adding "Characterized by independent living and community living options available"

Commented [SR13]: Concerns around current homemaker providers and HCA licensure

Commented [BM14R13]: Rationale for full HCA licensure. IADLs, including homemaker, are intrinsic to

Commented [SR15]: Change to "supports – including training"

Commented [SR16R15]: "supporting self-advocacy including education"

Commented [SR17]: Is there a better word than "responsible"?

Commented [SR18R17]: "increasingly independent choices"

Commented [SR19R17]: Number of choices

Commented [BM20R17]: I've updated to "self-determined" choices.

- e. Emergency assistance training includes developing responses in case of emergencies, prevention planning, and training in the use of equipment or technologies used to access emergency response systems in so far as providing the training does not require qualifications beyond those of the Personal Support provider.
 - f. Implementation of recommended follow-up counseling, behavioral or other therapeutic interventions by staff, under the direction of a professional. Implementation of physical, occupational or speech therapies delivered under the direction of a licensed or certified professional in that discipline. Services are aimed at increasing the overall effective functioning of the member.
 - g. Assistance with routine health-related tasks in a person's home and community. For the purposes of this service, health-related tasks include those that an otherwise eligible Personal Supports provider is authorized to perform as exempted under state law or as delegated by a Registered Nurse. Medical and health care services that are integral to meeting the daily needs of the member (e.g., routine administration of medications or tending to the needs of members who are ill or require attention to their medical needs on an ongoing basis), including administering medications, and administering gastrostomy tubes (g-tubes) services.
2. Personal Supports includes a Member-Directed option through which the member has employer authority to recruit, hire, train, supervise, and direct non-agency workers who furnish supports.
 - i. Members directing their Personal Supports services are not required to hire a nurse or other health professionals to perform skilled tasks; and
 - ii. Member-directed Personal Supports assistance and activities and Health Maintenance skilled tasks do not require orders from a physician.

Commented [SR21]: Continue to track Nurse Practice Act, follow sunset and any new terminology. Add J-tubes for now

Commented [BM22R21]: j-tubes is not included in the statutory health task exception for DD providers. The exception only references g-tubes.

Commented [SR23]: Need to note the complexities of feeding tubes

Commented [BM24R23]: Detailed considerations or procedures around the complexities of feeding tubes may be too detailed in scope for the purposes of Service and Coverage Standards and especially the waiver definition. However, the Department will consider such detail in rule or reference procedures if they are included elsewhere in authority or medical authority.

Limitations & Exclusions

1. These services are individually planned and coordinated through the member's Person-Centered Support Plan. The frequency, duration, and scope of these services are determined by the member's needs identified in the Person-Centered Support Plan.
2. Personal Supports may be provided on an episodic or on a continuing basis at home and in the community.
3. These services are provided only when neither the member nor a Legally Responsible Person is willing and capable of performing them and has no other resources to obtain this service.
3. Waiver members ages 18 to 20 who need assistance with health-related tasks may access those services under the Waiver to the extent that the services do not

duplicate a service required under Early and Periodic Screening, Diagnostic and Treatment (EPSDT) or to the extent that the Medicaid State Plan, other resources, or another Waiver service is not responsible.

4. Waiver members ages 21 and older who need assistance with health-related tasks may access those services under the waiver to the extent that the Medicaid State Plan, other resources, or another waiver service is not responsible.
5. Personal Supports is not to be delivered simultaneously during the direct provision of Caregiver Supports, Community and Personal Engagement, Employment Supports, Intensive Supports (Site-based), Residential Services, and Transition Services (Peer Mentorship or Life Skills Training).
6. Retainer payments may be made to the Personal Supports provider when the Waiver participant is hospitalized or absent from his or her home. Retainer payments must equal the amount of paid care the support worker would have otherwise provided over the period of absence of the participant. Support Workers, whether via an agency or member-directed, may collect retainer payments for an aggregate maximum of 30 days per year.

Service Requirements

[Person-Centered and HCBS Settings Final Rule service requirements].

1. Per the Person-Centered Support Plan (What is Important TO the person)
2. Choice
3. Autonomy
4. Community Integration
5. Protection of Rights

Glossary

Term	Definition
Activities of Daily Living (ADLs),	Activities of Daily Living (ADLs), which include basic self-care activities of mobility, transferring, bathing, dressing, toileting, and eating. Components of these ADLs may include such activities as grooming, hygiene, walking, and support for maintaining continence.
Authorized Representative.	Authorized Representative means an individual designated by the client or the legal guardian, if appropriate, who has the judgment and ability to assist the client in acquiring and utilizing supports and services. (Current definition in CCR 8.500).

Commented [BM25]: NOTE: This glossary is limited to the terms that stakeholders requested be defined at the 5.15.19 and 5.30.19 Waiver Redesign Stakeholder Meeting.

Commented [SR26]: Define "important to" and "important for"
Concern about adding "important for" could be taken as subjective and health and safety are more objective terms

Commented [TL27R26]: See definitions of these distinctions Important To/For in glossary per SDA Person Centered Thinking training

Comprehensive Daily Access	Comprehensive Daily Access is 24/7 access to supports that ensure the health, safety, and welfare of a member and those supports that assist the member in the acquisition, retention or improvement in skills necessary to support the participant to live and participate successfully in their community.
Daily Support Time	Daily Support Time is the specified type and amount of assistance in ADLs needed by the member on a daily basis.
Empowerment	
Important For	Includes Issues of health, safety, well-being and what others see as necessary to help the person be valued, and be a contributing member of their community.
Important To	Includes those things in life which helps us to be satisfied, content, comforted and happy; what matters most to the person.
Independence	
Instrumental Activities of Daily Living (IADLs)	Instrumental Activities of Daily Living (IADLs), which include activities related to independent living, including, but not limited to, preparing meals, managing money, shopping for groceries or personal items, performing housework, and communication. Components of these IADLs may include such activities as daily planning, decision-making, problem-solving, transportation management, shopping, communication devices and techniques, service animal care, laundry.
Legally Responsible Person.	Legally Responsible Person means the parent of a minor child, or the member's spouse.
Needs-Based Criteria (Residential Services)	To access Residential Services, a member must establish that they require Residential Services by demonstrating needs through the following needs-based criteria: type, frequency and duration of their daily support needs; support needs for community protection and safety; and whether their demonstrated needs require 24/7 access to supports.
Person-Centered Support Plan	A Person-Centered Support Plan means the services and supports plan developed through the Person-Centered Planning Process, an ongoing problem-solving process used to help people with disabilities plan for their future. In person centered planning, groups of people focus on an individual and that person's vision of what they would like to do in the future. This "person-centered" team meets to identify opportunities for the focus person to develop personal relationships, participate in their community, increase control over their own lives, and develop the skills and abilities needed to achieve these goals. The Person-Centered Support Plan means the

Commented [TL28]: As defined by SDA in the Person-Centered Thinking training

Commented [TL29]: As defined by SDA in the Person-Centered Thinking training

Commented [SR30]: Concerns around current homemaker providers and HHA licensure

Commented [SR31]: Consider taking out "service" and just having animal care

	written document that specifies identified and needed services and supports identified and individually tailored to support the person in addressing their identified needs, opportunities, and aims. The plan is to include Medicaid and non-Medicaid services regardless of funding source, to assist a member to remain safely in the community and developed in accordance with the department and the operating agency's rules set forth in 10 CCR 2505-10 section 8.400.
Self-advocacy	

DRAFT

Disclaimer: Template Placeholder (following pages)

All sections and content in the remaining pages of this Service and Coverage Standard are provided as a template placeholder for only contextual purposes of demonstrating the format of a full Service and Coverage Standard. All contents of the following sections should not be seen as, or be interpreted as, having any effect on the sections and deliberative content in the preceding pages of this document. Further, the following sections and content are not to be seen or interpreted as representative of the positions, comments, or feelings of the State of Colorado, the Department of Health Care Policy & Financing, or any of the Department's Offices, Divisions, Sections, or Units, individually or collectively. The following sections and content of this Service and Coverage Standard are to be developed upon the Department's deliberation, development, stakeholder collaboration, and proposed determination of the content in the preceding sections.

Provider Specifications

Personal Supports: Provider Managed

Provider Type

1. Personal Supports Provider: Agency

Certification Requirements

1. Provider agencies must be certified by the state.
2. The agency shall be currently enrolled as a Medicaid provider (i.e., not involuntarily terminated).

Other Standards

1. Program Management: Baccalaureate or higher Degree from an accredited college or university in the area of Education, Social Work, Psychology, or related field, and one year of successful experience in human services; or an Associate's Degree from an accredited college and two years of successful experience in human services; or four years successful experience in human services.
2. Direct Support Staff: Be at least 18 years of age, can communicate effectively, be able to complete required forms and reports, and be able to follow verbal and written instructions. Can provide services in accordance with the member's Person-Centered Support Plan. Have completed minimum training based on State training guidelines. Have necessary ability to perform the required job tasks and have the

interpersonal skills needed to effectively interact with persons with developmental disabilities.

3. All direct support staff not otherwise licensed to administer medications must complete a training class approved by the Colorado Department of Public Health and Environment (CDPHE), pass a written test and a practical/competency test.

Staffing Requirements

1. Agency staff providing Personal Supports shall be supervised by a person who, at a minimum, has met the credentials of Program Management, as outlined above.
2. All individuals providing Personal Supports, under any service delivery option, must meet the following qualifications:
 - a. Shall be at least 18 years of age.
 - b. Shall demonstrate competency in caring for the client to the satisfaction of the client and Authorized Representative.
 - c. Shall not have had a license as a nurse or certification as a nurse aide suspended or revoked or his application for such license or certification denied.
Shall be subject to a criminal background check and APS abuse registry requirements.
3. Oversight of staff shall include, but not be limited to, the following activities:
 - a. Orientation of staff to agency policies and procedures.
 - b. Arrangement and documentation of training.
 - c. Informing staff of policies concerning advance directives and emergency procedures.
 - d. Oversight of scheduling, and notification to clients of changes; or close communication with scheduling staff.
 - e. Written assignment of duties on a client-specific basis.
 - f. Meetings and conferences with staff as necessary.
 - g. Supervisory visits to client's homes at least every three months, or more often as necessary, for problem resolution, skills validation of staff, client-specific or procedure-specific training of staff, observation of client's condition and care, and assessment of client's satisfaction with services. At least one of the assigned Personal Support staff must be present at supervisory visits at least once every three months.
 - h. Following incident reporting guidelines as outlined in 8.608.6.
 - i. Investigation of complaints and critical incidents within 10 working days.
 - j. Counseling with staff on difficult cases, and potentially dangerous situations.
 - k. Communication with the case managers, the physician, and other providers on the care plan, as necessary to assure appropriate and effective care.
 - l. Oversight of record keeping by staff.

Training Requirements

1. Staff shall be provided with orientation and training on the agency's philosophy, policies and procedures, and information concerning client rights and responsibilities
2. Agencies shall assure and document that all Personal Support staff have received at least twenty hours of training, or have passed a skills validation test, in the provision of unskilled Personal Support.
3. Training, or skills validation, shall include the areas of bathing, skin care, hair care, nail care, mouth care, shaving, dressing, feeding, assistance with ambulation, exercises and transfers, positioning, bladder care, bowel care, medication reminding, homemaking, and protective oversight.
4. Training shall also include instruction in basic first aid, and training in infection control techniques, including universal precautions.
5. Training and instruction on safety and emergency procedures.
6. Training or skills validation shall be completed prior to service delivery, except for components of training that may be provided in the client's home, in the presence of the supervisor, or as provided below for IHSS agencies.

Personal Supports: Member-directed

Provider Type

1. Member-Directed Personal Support: Agency
2. Member-Directed Personal Support: Member-employed Attendant

Certification

1. An agency providing Member-Directed Personal Support must be certified by the state, and be currently enrolled as a Medicaid provider (i.e., not involuntarily terminated)

Provider Standards

All Personal Support attendants and individuals providing Personal Support Services, under any service delivery option, must meet the following qualifications:

1. Attendants shall be at least 18 years of age.
2. Attendants shall demonstrate competency in caring for the client to the satisfaction of the client or authorized representative.
3. Attendants shall not have had a license as a nurse or certification as a nurse aide suspended or revoked or his application for such license or certification denied.
4. Attendants shall be subject to and clear a criminal background check
5. Attendants employed under the self-direction service delivery option.
6. Attendants must have training and/or experience commensurate with the service or support being provided.