

Supported Living Services (SLS) Waiver Exception Review Process

Stakeholder Engagement #2

August 17, 2021

Presented by: Lindsay Westlund



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Our Mission:

Improving health care equity, access and outcomes for the people we serve while saving Coloradans money on health care and driving value for Colorado.



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Meeting Purpose

To advise the Department as it implements an exception process for the SLS waiver specific to spending limitations and service unit limitations.



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Agenda

- Housekeeping
- Review “SLS Waiver Exception Review Process?”
- Timeline
- Waiver Amendment Language - Public Comment
- Regulatory Review
 - Parameters for eligibility or demonstration of need
- Stakeholder Response and Questions
- Next Steps and Stakeholder Engagement Opportunity #3



Housekeeping

- Mute your mic if you are not speaking
- Use the “raise your hand” feature if you’d like to ask a question before we pause for breaks; or,
- Type your question in the chat box
- If you are on the phone, unmute by pressing *6 to ask a question
- We are recording! Please do not share protected health information (PHI) during this meeting
- Send follow up questions to HCPF_HCBSwavers@state.co.us
- [SLS Waiver Exception Review Process](#) webpage



Questions?



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What is the “SLS Waiver Exception Review Process?”

- Began as a budget request put forth by the Department that requested increased flexibilities to serve individuals on the SLS waiver and was authorized through 21-22 Long Bill, [SB 21-205](#)
- This flexibility could help members who experience a life change or any other circumstance that may warrant a Developmental Disability (DD) waiver emergency enrollment request



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What is the “SLS Waiver Exception Review Process?”

- The exception process gives SLS waiver members access to services and/ or funding to be able to access the services and supports that ensure their health and safety in the community.



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Timeline

Implementation: January 1, 2022

What Needs to Happen?

- HCBS - SLS Waiver amendment to the Centers for Medicare and Medicaid Services (CMS) for approval
- Regulations developed and reviewed through the Medical Services Board (MSB) process
- Contract procured for 3rd party reviewer
- Training and Implementation



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HCBS - SLS Waiver Amendment

- CMS must approve the ability to implement this process
- Language in waiver does not outline the exception process exactly but more so allows the Department to implement an overall process:
 - “There is an exception to the authorization limit for the set of services listed above through the SLS Waiver Exception Review. This review is completed by the Quality Improvement Organization (QIO), and allows for the authorization of services to exceed limitations as stated above when the member demonstrates a need. This review may delay or eliminate the need for an individual to move onto the DD waiver, thereby allowing the member to remain in the community of their choice.”
 - Appendix C-4 Additional Limits on Amount of Waiver Services: Limits on Sets of Services
- PUBLIC COMMENT IS OPEN through September 10, 2021
- [HCBS Public Comment Opportunities](#)



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Questions?



Regulation Development

- In order for this rule to be effective by January 1, 2022, the draft rule must be ready to be presented in October 2021 to the Medical Services Board (MSB)
- [OCL Stakeholder Engagement Calendar](#)
- Focus of the rest of today's meeting



Regulation Development

- Have opened up section 8.500.102 which are the SPAL regulations under the Supported Living Services (SLS) waiver
- Currently, no changes to the existing regulation under this section
- Currently adding to this section starting with 8.500.102.G:

8.500.102.G There shall be an Exception Review Process implemented by the Department and/or Utilization Review Contractor (URC) to allow a Member's SPAL and/ or HCBS unit limitations to be exceeded in certain situations.

1. In order for a Member to be eligible for the Exception Review Process, the following shall be demonstrated:



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Regulation Development (continued)

a. The Member must be at risk for seeking an emergency Developmental Disability (DD) waiver enrollment due to one of the following criteria that are not currently being met through other Long-Term Services and Supports (LTSS) and or State Plan services:

- i. Medically fragile with skilled care needs;
- ii. Behavioral and/or Mental Health needs;
- iii. Criminal convictions and/or law enforcement involvement;
- iv. Homelessness;
- v. Mistreatment, Abuse, Neglect, Exploitation (MANE) reports with potential need to remove from home;
- vi. Extreme danger to self/others;
- vii. Caregiver capacity or;
- viii. 1:1 supervision needed.



Regulation Development (continued)

- b. The Member must demonstrate current utilization of SPAL within 10% of current limitation; or
- c. The Member must demonstrate current utilization of Home and Community-Based Services (HCBS) within 10% of current specific HCBS unit limitation.



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Regulation Development (continued)

2. When eligibility for the Exception Review Process has been identified, the Case Manager (CM) shall send the following documentation to the URC for review:
 - a. "Request for Exception Review Process" form;
 - b. Service Plan;
 - c. PAR; and,
 - d. Any documentation from current providers that demonstrate need to exceed service limitation caps for additional planned services.



Regulation Development (continued)

3. The Department or URC shall review and approve or deny the Exception Review Process requests made.
 - a. The URC shall complete a review of the submitted documentation and send notice to the CM outlining the outcome.
 - i. The outcome letter shall include the denial reason, the approval reason, and/ or any information on partial approvals or negotiated outcomes.
 - b. The URC shall complete the review in accordance with timelines as identified in their contract.



Regulation Development (continued)

4. The Exception Review Process shall not be used in place of a Support Level Review or request for a Support Intensity Scale (SIS) reassessment. Provider rates shall not be changed based on the outcome of the Exception Review Process.

5. The Exception Review Process shall be applied to Members across the state in a uniform manner but outcomes shall be based on individual needs and circumstances. The Exception Review Process outcome is not subject to appeal.



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Questions and Feedback?



Next Steps for Regulation

- Take today's feedback for incorporation
- Post draft regulations for feedback on our webpage hcpf.colorado.gov/SLS-wavier-exception-review-process
- Bring Final Draft to our next stakeholder engagement opportunity
- Follow Medical Services Board (MSB) presentation schedule:
hcpf.colorado.gov/medical-services-board



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Next Steps

- Stakeholder Engagement #3 - Review Final Draft of Process Development Map and Review Final Draft of Regulations for MSB October.
 - September 13, 2021 3:00 pm - 4:00 pm
- Identify training opportunities for community organizations for presenting in January 2022- once CMS and MSB have approved needed changes
- Training CMA's and Contractor to occur January 2022





Questions?



Contact Info

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Thank you!



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