

Supported Living Services (SLS) Waiver Exception Review Process

Stakeholder Engagement #3
September 13, 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.



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
- Regulatory Review
 - Changes made since Engagement #2
- Review SLS Waiver Exception Review Process Form
- Review Training Needs (Updated)
- Questions and Feedback



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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 now closed
- [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)
- [Medical Services Board \(MSB\)](#)



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Regulation Development

- Have opened up section 8.500.102 which are the SPAL regulations under the Supported Living Services (SLS) waiver
- Additional section identified for change (outside of the exceptions process)
- 8.500.102.E - Each SPAL is associated with **one of the** six support levels determined by an algorithm which analyzes a Client's level of **support** service need as determined by the SIS assessment, ~~and additional factors including~~ **which includes** exceptional medical and behavioral support needs and **whether a Client meets the definition of Public Safety Risk-Convicted**. ~~identification as a community safety risk.~~



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Regulation Development

- Have opened up section 8.500.102 which are the SPAL regulations under the Supported Living Services (SLS) waiver
- 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 **ClientMember**'s SPAL and/ or HCBS unit limitations to be exceeded in ~~certain~~ **specific** situations.

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



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Regulation Development (continued)

a. The **Client** Member must be **at risk** for seeking an emergency Developmental Disability (DD) waiver enrollment **when** due to one of the following criteria, **such as listed below**, ~~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 **ClientMember** must demonstrate current utilization of SPAL within 10% of current limitation; or
- c. The **ClientMember** must demonstrate current utilization of Home and Community-Based Services (HCBS) **up to** ~~within~~ 10% of current specific HCBS unit limitation(s).
 - i. The **Client** may demonstrate using up to the current specific HCBS unit limitation through a service plan that will exhaust units prior to their regularly scheduled monitoring.



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.



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Regulation Development (continued)

3. The 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 **Clients**~~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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Next Steps for Regulation

- Draft regulations posted on our webpage: hcpf.colorado.gov/SLS-wavier-exception-review-process
- Follow Medical Services Board (MSB) presentation schedule as found on our webpage hcpf.colorado.gov/medical-services-board (Friday October 8, 2021)



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Questions and Feedback?



The SLS Exception Review Process Form

Date Request Submitted to (Name of URC Contractor):

Client Information including:

Name, DOB, Medicaid ID

CCB Information including:

Name, CM Name, email and phone number

Anticipated Start Date of Request:

- The Client must be at risk for seeking an emergency Developmental Disability (DD) waiver enrollment when one of the following criteria such as listed below 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. Risk of 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.
- The Client must demonstrate current utilization of SPAL within 10% of current limitation; or,
 - **Current SPAL:** **Current Utilization:**

- Services (HCBS) up to current specific HCBS unit limitation(s).
 - The Client may demonstrate using up to the current specific HCBS unit limitation through a service plan that will exhaust units prior to their regularly scheduled monitoring.
 - **Services Authorized:**
 - **Anticipated Exhaustion Date:**
 - **Services Requested:**

Summary of Client's needs and situation that meet the requirements above:

- Living situation;
- Attempted interventions;
- Plans for services and/or funding if approved;
- Any other information.

Attach service plan that includes current services and supports:

Attach information for LTHH if any, and/or IHSS:

Support Level:

Any other services/supports received:



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Questions and Feedback?



Training Updates

- Case Management Agency Trainings November 2021
- Partner Organizations Trainings December 2021
 - The ARC
 - CCDC
 - Suggestions Needed
- Materials Posted to HCPF website
- Ongoing Trainings provided as needed 2022
- Technical Assistance as needed 2022





Questions?



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Thank you!

