



COLORADO

**Department of Health Care
Policy & Financing**

1570 Grant Street
Denver, CO 80203

Home and Community-Based Services (HCBS) Waiver Amendments and Renewals

The Department intends to submit amendments for the following Home and Community-Based Services (HCBS) waivers:

- Persons with Brain Injury (BI)
- Children's Extensive Support (CES)
- Children's Home and Community-Based Services (CHCBS)
- Children's Habilitation Residential Program (CHRP)
- Community Mental Health Supports (CMHS)
- Elderly, Blind, and Disabled (EBD)
- Supported Living Services (SLS)

The Department intends to submit renewals for the following HCBS waivers:

- Children with Life-Limiting Illness (CLLI)
- Persons with Spinal Cord Injury (SCI)

The Department will accept public comments from February 6, 2020 through March 6, 2020. The Department intends to submit the amendments and renewals to the Centers for Medicare and Medicaid Services (CMS) on March 18, 2020. The Department will request an effective date of June 30, 2020 for these waiver amendments and July 1, 2020 for the two renewals.

Explanations of changes within the waiver applications can be found below.

Public Comments will be accepted February 6 through March 6, 2020.



Summary of Changes

Update Language related to the Department of Local Affairs-Division of Housing (DOH-DOLA) Interagency Agreement (IA) Function and Oversight

- *The Department is updating the BI, CMHS, EBD, and SCI waiver applications DOH IA language.*

Summary: The Department is updating the DOH-DOLA IA function and oversight language with regards to DOLAs stakeholder meeting participation.

Removal of Point in Time Limitation

- *The Department is removing the Point-in-Time Limitation in the CLLI waiver.*

Summary: The Point in Time Limitation is utilized when entrance to the waiver is limited to a set number of individuals. The Department has Legislative approval to remove The Point in Time Limitation allowing the program to grow.

Update Youth Day Service

- *The Department is updating language regarding Youth Day services in the CES waiver per CMS request to demonstrate exemption from the Final Settings Rule and to exclude “per diem” from CES Fee for Service methodology.*

Summary: The Department received the request from CMS to update the Youth Day language in the CES waiver to demonstrate the waiver’s exemption to its Final Settings Rule by adding “short-term and temporary” to the service definition. The language is also being updated to exclude Youth Day per diem from Fee for Service methodology.

Update Supported Community Connections Service

- *The Department is the Supported Community Connections Service in the CHRP Waiver*

Summary: The Department is changing the name of the Supported Community Connections Service in the CHRP waiver to Community Connector to align with the Community Connector service in the CES waiver. The Department is also removing the five hour per week limitation on the service in exchange for a 260 hours or up to 1040 unit per service plan year cap. The Department is also including a definition of activities that shall not be reimbursed under this service.

Removal of Unnecessary Language

- *The Department is removing unnecessary language from the Respite Service Definition in the EBD waiver.*



Summary: The Department is removing the following language from the EBD Respite Service Definition “The Department has updated the Respite service definition in the waiver application with the locations respite can be provided.” This language was a copy and paste error the Department is now correcting.

Addition of New Provider Types

- *The Department is adding new provider types to services in the CHRP and CLLI waivers.*

Summary: The Department is adding the following provider types for CHRP Respite: Kinship Home, Residential Child Care Facility (RCCF), and Licensed Child Care Facilities (less than 24 hours).

The Department is changing a Habilitation Provider Type, from Group Home to Specialized Group Facilities in the CHRP waiver.

The Department is adding a new Provider Type, Medicaid Enrolled Provider to the following CLLI services: Bereavement Counseling, Expressive Therapy, Massage Therapy, and Therapeutic Life Limiting Illness Support.

Intensive Support and Transition Services In-Home Support Services Name Change

- *The Department is changing the name of CHRP In Home Support, a service offered as part of the Intensive Support and Transition Support Services, to Child and Youth Mentorship.*

Summary: The Department is changing the name of In Home Support Services, a service offered as part of the Intensive Support and Transition Support Services to Child and Youth Mentorship. This change will allow this service to be distinguished from the more commonly used service term “In Home Services and Supports” (IHSS).

Update to Provider Qualifications and Frequency of Verification in Provider Services

- *The Department is updating Provider Qualifications and the Verification of Provider Qualifications in Appendix C of the EBD waiver to reflect the change in frequency of provider verification.*

Summary: The Department is updating the frequency of verification for the following providers: Adult Day Health/Adult Day Services Center, Homemaker/Enrolled Medicaid Provider-Homemaker Agency, Homemaker/Personal Care Agency-certified to provider Homemaker services, Homemaker/Home Health Agency-certified to provider Homemaker Services, Personal Care/Home Health Agency certified to provide Personal Care, Personal Care/Enrolled Medicaid Providers-Personal Care Agencies,



Respite/Personal Care Agency, Respite/Home Health Agency, Alternative Care Facility (ACF)/Assisted Living Residences, Home Modification/Licensed Building Contractor, Home Modification/Contractor Agency, In Home Support Services (IHSS)/In Home Support Services Agency, IHSS/Home Health Agency-Certified to provide In Home Support Services, IHSS/Personal Care Agency-Certified to provide In Home Support Services, and Peer Mentorship/Peer Mentorship Provider.

Correct Provider Types in Respite

- *The Department is updating Appendix C to correctly identify authorized Respite Providers for the CLLI waiver.*

Summary: The Department is correcting the listing of Respite providers and relevant language, accordingly, to reflect those entities authorized to provide this service to CLLI participants.

Update Regulation Reference Citation

- *The Department is updating reference citations to the Colorado Code of Regulations (C.C.R) in the BI waiver*

Summary: The Department is updating reference citations for the following providers in the BI waiver: Behavioral Management and Education-Behavioral Analyst, Mental Health Counseling-Licensed Professional, and Abuse Counseling-Licensed Professional

Align Preventative Basic Dental Service Span Dates to Fiscal Year

- *The Department is updating language in SLS regarding Preventative Basic Dental Service Span Dates to align with the State's Fiscal Year.*

Summary: The Department is removing language that limits Preventative/Basic Dental Services to the Service Plan year. The update will align this twelve-month span with the State of Colorado's fiscal year.

Designation of Abuse Screening Registry

- *The Department is designating the Abuse Screening Registry in the BI, CHMS, EBD, and SCI waivers.*

Summary: Statute 26-3 and State regulation 12 CCR 2518-1 30.960 state that employees providing direct care to at-risk adults must submit to a Colorado Adult Protective Services (CAPS) check. The Colorado Department of Human Services is the operating agency ensuring screening takes place and processing the CAPS checks. The Department is updating the waiver application to reflect this change.



Addition of Critical Incident and Mistreatment Reporting Participant Education

- *The Department is adding Critical Incident and Mistreatment Reporting Participant Education to the BI, CHCBS, CLLI, CMHS, EBD, SCI waivers.*

Summary: The Department is adding Critical Incident and Mistreatment Participant Education to Participant Safeguards. When requested by the participant and/or guardian, individual services and support plans can be developed to include the teaching of the participant how to protect him/herself as well as how to prevent and report abuse, neglect, and mistreatment.

Updates to Quality Improvement Strategies

- *The Department is updating the Quality Improvement Strategy for all waivers.*

Summary: The Department is updating the Quality Improvement Strategy in Appendix H for all waivers to reflect the Department's current processes.

Update Performance Measure Language

- *The Department is updating Performance Measure A.1, A.3, A.6, and G.a.6 in all waivers.*

Summary: The Department is updating the Performance Measures to reflect the Department's current processes.

Update Post Payment Review (PPR) language

- *The Department is updating the sampling methodology utilized for PPR in all waivers.*

Summary: The Department is updating the PPR sampling methodology located in Appendix I-2 to allow for a greater number of claims to be reviewed. This change will allow the PPR Contractor to conduct robust audits and to investigate trends in provider billing comprehensively.

Update Unduplicated Counts

- *The Department is updating the Unduplicated Counts in the BI, CES, CHCBS, CMHS, EBD, and SLS waivers.*

Summary: The Department is updating the unduplicated counts in the listed waivers to better forecast the utilization and expenditures for the remaining life of the waivers.



Change name of Consumer-Directed Advisory Committee to Participant-Directed Programs Policy Collaborative

- *The Department is changing any reference to Consumer-Directed Advisory Committee to Participant-Directed Programs Policy Collaborative in the BI, CMHS, EBD, SCI waivers.*

Summary: The Department is changing the name to Participant-Directed Programs Policy Committee to reflect the name currently utilized by the Committee.

Addition of Services included in the Service Plan Authorization Limit (SPAL) and SPAL increase

- *The Department is updating the combination of services included in the SPAL in the SLS waiver. The Department is also increasing the SPAL.*

Summary: The Department added Transition Set-Up, Peer Mentorship, Life Skills Training, and Home Delivered Meals to the combination of services included in the SLS SPAL. These services will abide by the SPAL budgetary limit which is being increased to \$52,938.31.

Update Critical Incident Reporting

- *The Department is updating language in the CLLI and SCI waivers to align waiver language with the contractual obligations of CCBs and CMAs in conducting these investigations and to update standards in identifying, determining and reporting critical incidents.*

Summary: The Department is clarifying the roles of Community Centered Boards (CCBs) and Case Management Agencies (CMAs) in investigating Critical Incident Reports. The updated language will align waiver language with the contractual obligations of CCBs in conducting these investigations. In addition, the Department is updating Appendix G-1-d Responsibility for Review of and Response to Critical Events or Incidents of the CLLI and SCI waiver applications to include the standard for substantiating incidents of MANE.

Update Cost Neutrality Projections

- *The Department is updating projections for expenditures in all waivers.*

Summary: The Department is updating the forecasts for expenditures to more accurately project the utilization and expenditures for the remaining life of the waivers.



Geographical Minimum Wage Language Addition

- *The Department is adding language related to geographical difference in minimum wage consideration to all waivers.*

Summary: House Bill 19-1210 allows cities and counties to set their own minimum wage. In order to account for these potential wage differences and increases by geographic region, the Department is updating rate methodology language to include a paragraph allowing for differences in rate structure by geographic region.

Spelling, grammar and language in CLLI and SCI waiver renewals.

- *The Department reviewed the CLLI and the SCI waiver applications for spelling, grammatical, and language errors and updated as appropriate.*

Summary: With the renewal of the CLLI and SCI waiver applications, the Department is correcting spelling, grammatical, and language errors when located throughout the waiver applications.

Public Comment Opportunity

The Department will post drafts of the waiver amendment applications on the Department's website at www.colorado.gov/hcpf/hcbs-waiver-transition for public comment.

- The Department will make available a draft of the Waiver Amendments for a 30-day public comment period from February 6 through March 6, 2020.
- The Department commits to incorporating comments, concerns, and suggestions when possible.
- All comments and responses will be recorded in a listening log that will be published after the public comment period ends.

To request a paper or electronic copy of the waiver amendments including the full draft waiver and/or provide public comment please do so by:

- Phone: 303-866-3684
- Email: HCPF_LTSS.PublicComment@state.co.us
- In-Person: 1570 Grant Street, Denver, CO 80203
- Postal Mail: 1570 Grant Street, Denver, CO 80203 ATTN: HCBS Waiver Amendments/Renewals
- Fax: 303-866-2786 ATTN: HCBS Waiver Amendments/Renewals

