

Difficulty of Care Overview

Presented by:

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Department of Health Care
Policy & Financing



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.



What We Do

The Department of Health Care Policy & Financing administers Health First Colorado (Colorado's Medicaid program), Child Health Plan *Plus* (CHP+) and other health care programs for Coloradans who qualify.

Level Setting

We are not Federal or IRS employees and cannot provide answers to tax questions.

This overview is not intended for state or federal tax guidance.

Attached to this slide deck is a link to the IRS website.

It is recommended to utilize the IRS website and/or seek a tax professional to assist you.



Difficulty of Care Overview

The Department created this overview to assist members and eligibility sites on when Difficulty of Care (DOC) income payments should be exempt for paid caregivers seeking Medical Assistance coverage.



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Difficulty of Care Definitions

- Home and Community Based Services (HCBS): These services are available to support waiver recipients with Activities of Daily Living to support members to remain living in their homes and communities.
- Consumer-Directed Attendant Support Services (CDASS) and In-Home Support Services (IHSS): Attendants provide personal care, homemaker, and health maintenance activities to HCBS Waiver recipients.

As the Care Recipient, you are empowered to select, train, and manage attendants to best fit your unique needs.

- CDASS: Manage attendants of your choice rather than working through an agency
- IHSS: May delegate these responsibilities to an authorized representative.



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Difficulty of Care Definitions

- **Difficulty of Care payments-** Payments made to a qualified Care Provider under a state Medicaid HCBS waiver.
- **Home Health Agency-** Is a certified Medicaid provider, who employs Care Providers to provide personal care and supportive services to eligible individual(s).
- **Care Provider-** Is the person who may have certain income qualify as Difficulty of Care payments for specific HCBS Waiver services to a Care Recipient.
- **Care Recipient-** Is the person who receives certain HCBS Waiver services from a Care Provider. In this context, the Recipient must be a Medicaid member.



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DOC Eligible HCBS Waivers

CDASS

- Brain Injury (BI)
- Community Mental Health Supports (CMHS)
- Elderly, Blind and Disabled (EBD)
- Complementary and Integrative Health (CIH)
- Supported Living Services (SLS)

IHSS

- Children's Home and Community-Based Services (CHCBS)
- Complementary and Integrative Health (CIH)
- Elderly, Blind and Disabled (EBD)



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What criteria needs to be met for the Care provider's income to be exempt as a DOC payment for certain Medical Assistance programs?

The applicant/member who is the Care Provider and applying for Medical Assistance must meet ALL three requirements to receive a DOC payment exemption:

- ✓ The Care Provider must provide care for a recipient approved and enrolled in an HCBS waiver program and
- ✓ The applicant/member who is the Care Provider must live in the same home as the Care Recipient and
- ✓ The applicant/member who is the Care Provider should receive payments through one of the following Waiver service providers:
 - In-Home Supportive Services (IHSS) paid through an agency, or
 - Consumer Directed Attendant Support Services (CDASS), or
 - Home Care or Home Health Agency, or a Program Approved Service Agency (PASA)



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During the Public Health Emergency, my income was previously exempt, what changed?

- For the duration of the Public Health Emergency (PHE), if an individual's income went above the income limit during the member's eligibility period, they were locked into their current Medical Assistance program receiving continuous coverage.
- During the PHE Unwind, at renewal, the Care Provider's income was reevaluated and started counting correctly if they did not meet all DOC payment eligibility criteria.



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Helpful Links

- [IRS Certain Medicaid Waiver Payments that may be excludable from income](#)
- [IRS Notice 2014-7](#)
- [DOC Overview](#)
- [HCPF Training Topics, Reference Documents, and Guides](#)



Contact Info

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Questions?



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Thank you!

