

Title of Rule: Revision to the Medical Assistance Rule concerning Family Support Services Program (FSSP) Regulations, Section 8.613

Rule Number: MSB 19-01-08-A

Division / Contact / Phone: Benefits and Services Management / Kendall Smith / 303-866-2252

## STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The proposed regulations will create a standard method for enrollment and prioritization of those receiving services, ensuring funding goes to families who need it most. These regulations will codify roles and processes of the Family Support Council (FSC), Community Centered Boards (CCBs), and case managers. In order to provide needed clarification and structure to the program, funding limitations and exclusions are further defined. Additionally, the revisions include increased requirements for documentation of the funding, ensuring adherence to the program requirements. Prior to these proposed revisions, the Department provided guidance on the program, however the guidance provided was not enforceable. By enhancing the regulations and detailing the provisions of the program, a standardized implementation and program delivery process is created for the CCBs.

2. An emergency rule-making is imperatively necessary

- to comply with state or federal law or federal regulation and/or
- for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2018);  
25.5-10-303 and 25.5-10-306, C.R.S.

Initial Review

**04/12/19**

Final Adoption

**05/10/19**

Proposed Effective Date

**06/30/19**

Emergency Adoption

**DOCUMENT #07**

Title of Rule: Revision to the Medical Assistance Rule concerning Family Support Services Program (FSSP) Regulations, Section 8.613  
Rule Number: MSB 19-01-08-A  
Division / Contact / Phone: Benefits and Services Management / Kendall Smith / 303-866-2252

## **REGULATORY ANALYSIS**

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The proposed rule will affect persons receiving Family Support Services Program (FSSP) funding, families of persons receiving FSSP funding, those awaiting enrollment onto the FSSP, the Family Support Council (FSC), providers, and CCBs. The proposed rule will create a standard enrollment prioritization process throughout the state to ensure those most in need are served. The revisions will also affect the way CCBs are allowed to allot and spend allocations, will provide consistency across the state, will codify the duties of the FSC, and will specify the requirements of the providers.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The proposed regulations will create more consistent implementation across the state. It will create appropriate categories of services to ensure money is spent on services and supports specifically to help individuals with an Intellectual or Developmental Disability or Delay and their families when it costs more than the family would otherwise spend. FSCs and CCBs will have a clearer role than in the previous regulations, providing integrity in that manner. It provides more requirements for documentation, which will allow for better program monitoring in addition to requiring program reports and program evaluations.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

There should be no additional costs to the Department or on state revenue.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The cost of the rule change is less than the cost of inaction. Changing the rule will allow the program to reach families who are most in need and allow for the program to be used with integrity. Changing the rule will limit the uses of the program and will allow the Department to provide better oversight. It also will ensure FSCs are

Title of Rule: Revision to the Medical Assistance Rule concerning Family Support Services Program (FSSP) Regulations, Section 8.613  
Rule Number: MSB 19-01-08-A  
Division / Contact / Phone: Benefits and Services Management / Kendall Smith / 303-866-2252

properly composed and similar between CCBs. Inaction allows the program to continue as it has, operationally. Taking this action allows for better Department oversight of the FSC composition, support plan development, expenditures and services, and allows optimization of the program to better support families and reach more on the waitlist.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or intrusive methods, as less intrusive methods have been proven ineffective. For example, in the past there has been a program manual to instruct stakeholders in regard to implementation and quality, but manuals are only guidance and are not considered enforceable.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

The alternative to the proposed rule is providing more guidance. In the past, the Department has created guidance for CCBs to attempt to ensure proper use and implementation of the program, but guidance is not enforceable, which can lead to misuse and inconsistency with no way to correct the problems. This provides a solid and consistent foundation for implementation of the program to ensure those who need FSSP funds the most receive the highest quality benefits.

1 **8.613 FAMILY SUPPORT SERVICES ~~(FSS)~~ PROGRAM (FSSP)**

2 A. ADMINISTRATION

3 1. ~~The community centered board~~ Community Centered Board (CCB) shall administer the  
4 Family Support Services ~~Program~~ (FSSP), subject to available appropriations and  
5 according to the rules, regulations, policies and guidelines of the Department, local  
6 Family Support Council (FSC) and CCB community centered board.

7 ~~2.~~ The ~~community centered board~~ shall ensure that the FSSP Family Support Services  
8 ~~(FSSP) program~~ is implemented within its designated service area.

9 ~~23.~~ The ~~community centered board~~ CCB shall designate one (1) person ~~to serve~~ as the  
10 contact for the overall implementation and coordination of the FSSP Family Support  
11 ~~Services program.~~

12 4. Referrals to the FSSP shall be made through the CCB pursuant to 10 CCR 2505-10,  
13 Section 8.607.

14 5. Nothing in these rules and regulations shall be construed as to prohibit or limit services  
15 and supports available to an individual with an Intellectual and Developmental Disability  
16 (IDD) or Developmental Delay and their families which are authorized by other state or  
17 federal laws.

18 6. The CCB, in cooperation with the local FSC, shall ensure that the FSSP is publicized  
19 within the designated service area.

20 7. The CCB shall develop written policies and procedures for the implementation and  
21 ongoing operation of the FSSP, which must be kept on file and made available to the  
22 Department or the public, upon request.

23 B. FAMILY SUPPORT COUNCIL (FSC)

24 ~~31.~~ The ~~community centered board~~ CCB shall assist its designated service area to establish  
25 and maintain an ~~Family Support Council~~ FSC pursuant to ~~S~~ section 25.5-10-304 C.R.S.

26 2. The CCB shall establish an FSC roster that includes the names of the members, type of  
27 membership and identifies the chairperson. The roster shall be available to the  
28 Department or the public, upon request. 4. The Family Support Council shall meet  
29 the responsibilities specified in section 25.5-10-304, C.R.S., and make recommendations  
30 to the community centered board regarding budget parameters for the Family Support  
31 Services program, including, but not limited to, the maximum amount any one family may  
32 receive through the Family Support Services program during any given fiscal year.

33 3. Composition of the FSC:

1           5a.    The majority of the members and the chairperson of each ~~local Family Support~~  
2           ~~Council FSC~~ shall be family members of families with a person an individual with  
3           an Intellectual and Developmental Disability (IDD) or Developmental Delay.  
4           ~~developmental disability living in the home.~~

5           6b.    New members of the ~~local Family Support Council FSC~~ shall be recruited from  
6           the service ~~area.~~ and New members shall be approved by the current ~~Council~~  
7           FSC and the board of directors of the ~~community centered board CCB.~~

8           ac.    The members of the ~~Family Support Council FSC~~ shall receive written notice of  
9           their appointment.

10          bd.    The ~~community centered board CCB~~ shall ensure an orientation and necessary  
11          training regarding the duties and responsibilities of the ~~Family Support~~  
12          ~~Council FSC~~ is available for all council members. The training and orientation  
13          shall be documented with a record of the date of the training, who provided the  
14          training, training topic, and names of attendees.

15          7e.    The size of the ~~local Family Support Council FSC~~ shall be sufficient to meet the  
16          intent and functions of the council, but no ~~fewer~~ less than five (5) persons, unless  
17          approved by the Department.

18          8f.    Each ~~Family Support Council FSC~~ shall establish the criteria for tenure of  
19          members, selection of new members, the structure of the council and, in  
20          conjunction with the ~~community centered board CCB~~, a process for addressing  
21          disputes or disagreements between the ~~Family Support Council FSC~~ and the  
22          ~~community centered board CCB~~. Such processes shall be documented in writing.  
23          Processes may include a request ing for mediation assistance from the  
24          Department.

25          4.    The FSC duties include providing guidance and assistance to the CCB on the following:

26          a.    Overall implementation of the FSSP;

27          b.    Development of the written annual FSSP report for the designated service area,  
28          as defined at ~~10 CCR 2505-10~~ Section 8.613.M;

29          c.    Development of **written** procedures describing how families are prioritized for  
30          FSSP funding;

31          d.    Development of **written** policy defining how an emergency fund is established,  
32          funded and implemented. The policy must include a definition of ~~what constitutes~~  
33          a short-term crisis or emergency and the maximum amount of funds a family may  
34          receive per event and/or year;

35          e.    ~~Make-Provide~~ recommendations on defining the "other" service category within  
36          the parameters as defined in this part;

1 f. Monitor the implementation of the overall services provided in the designated  
2 service area; and

3 g. ProvideMake recommendations on how to assist families who are transitioning  
4 out of the FSSP.

5 ~~9. Nothing in these rules and regulations shall be construed as to prohibit or limit services~~  
6 ~~and supports available to persons with developmental disabilities and their families which~~  
7 ~~are authorized by other state or federal laws.~~

8 ~~10. The community centered board, in cooperation with the local Family Support Council,~~  
9 ~~shall ensure that the Family Support Services program is publicized within the designated~~  
10 ~~service area.~~

11 BC. Accessing the ProgramELIGIBILITY

12 ~~1. Referrals to the Family Support Services program shall be made through the community~~  
13 ~~centered board pursuant to rules and regulations enumerated in section 8.607.~~

14 ~~21. Any family who has a member individual with an Intellectual and dDevelopmental~~  
15 ~~dDisability (IDD) or Developmental Delay, as determined pursuant to Ssection 25.5-10-~~  
16 ~~211, C.R.S., living in the householdwith their family is eligible for the Family Support~~  
17 ~~Services pProgram (FSSP). Living in the household with a family means that the person's~~  
18 ~~individual's place of residence is with that family.~~

19 a. Living ~~in the household~~ with a family may include periods of time from one (1)  
20 day up to six (6) months during which time the ~~person individual~~ is not in his or  
21 her primary residence because of transition into or out of the home.

22 b. The ~~community centered board~~ CCB, in cooperation with the local Family  
23 Support Council FSC, shall determine ~~the general circumstances under which a~~  
24 ~~family is considered to be~~ what constitutes in a transition. ~~The community~~  
25 ~~centered board is responsible for making the determination on a case-by-case~~  
26 ~~basis as to whether the specific family circumstances qualify as a legitimate~~  
27 ~~period of transition.~~

28 2. The family and eligible individual shall reside in the State of Colorado.

29 3. All eligible individuals 18 and older must provide proof of lawful presence in the United  
30 States to receive FSSP funding. ~~3. Once one family member meets the Family~~  
31 ~~Support Services program eligibility criteria, the entire family living in the household~~  
32 ~~becomes eligible to receive services and supports as specified in the Family Support~~  
33 ~~Plan which are necessary to maintain the family member with a developmental disability~~  
34 ~~in the home.~~

35 ~~4. The community centered board shall, subject to available appropriations, continue~~  
36 ~~funding for the remainder of the fiscal year for the services and supports committed to by~~

1 ~~the community centered board in the Family Support Plan for eligible families who move~~  
2 ~~to another designated service area during the fiscal year.~~

3 ~~5. The community centered board shall not utilize state funds to support families who do not~~  
4 ~~reside in the State of Colorado.~~

5 ~~64.~~ Eligibility for the ~~Family Support Services program~~FSSP does not guarantee the  
6 availability of services or supports under this program.

7 D. WAITING LIST

8 ~~71.~~ The ~~community centered board~~CCB shall maintain an accurate and up-to-date waiting  
9 list of eligible individuals for whom Department funding is unavailable in the current fiscal  
10 year.

11 ~~82.~~ In cooperation with the local ~~Family Support Council (FSC), the community centered~~  
12 ~~board~~ the CCB shall develop written procedures for determining how and which  
13 individuals on the waiting list will be enrolled into the ~~Family Support Services p~~rogram  
14 ~~(FSSP).~~

15 ~~3.~~ Individuals receiving ongoing FSSP funding shall not be listed on the waiting list for the  
16 program.

17 ~~4.~~ Individuals determined to be prioritized for FSSP funding shall be served prior to  
18 individuals determined at a lower level of prioritization.

19 ~~5.~~ The CCB must inform eligible families of the program and waiting list procedures and  
20 offer assessment and enrollment onto either the waiting list or the program, based on the  
21 assessment and available appropriations. ~~Individuals shall not be placed on the FSSP~~  
22 ~~waiting list automatically; they must request to be placed on the waiting list and to be~~  
23 ~~informed of their position on the waiting list.~~

24 ~~6.~~ Any individual on the waiting list for FSSP may receive emergency funding through the  
25 CCB through the FSSP, if the needs meet the parameters set by the FSC and the CCB.

26 ~~7.~~ Waiting lists shall not exist for any CCB that does not expend all FSSP direct service  
27 funds.

28 E. PRIORITIZATION FOR FAMILY SUPPORT SERVICES PROGRAM (FSSP) FUNDING

29 ~~1.~~ CCBs must ensure that families with the highest assessed needs shall be prioritized for  
30 FSSP state funding.

31 ~~2.~~ CCBs, in conjunction with the FSC, will develop written procedures that describe how  
32 families shall be prioritized and notified of the prioritization process.

33 ~~3.~~ The assessment process shall be applied equally and consistently to all families who are  
34 assessed.

1 4. CCBs must distribute the prioritization process to families in their designated service area  
 2 at the time the family requests FSSP funding, when the individual is placed on the waiting  
 3 list, or upon request.

4 5. The CCB must notify families in writing of the results of the assessment.~~6.~~  
 5 ~~Individuals receiving Home and CommunityBased Medicaid waiver shall not be~~  
 6 ~~prioritized for FSSP funding and shall not be listed as waiting for funding. eligible for~~  
 7 ~~Family Support emergency funds.~~

8 6. All fFamilies, both on the waiting list and receiving FSSP services, shall be assessed for  
 9 level of need on an annual basis or earlier if the family's circumstances change.

10 7. The assessment must contain the following components:

11 a. The qualifying individual's disability and overall care need, which includes:

12 i. The type of disability or condition and the need and complexity of  
 13 medical or personal care for the individual;

14 ii. The need for, frequency of, and amount of direct assistance required to  
 15 care for the individual; and

16 iii. The types of services needed that are above and beyond what is  
 17 typically needed for any individual.

18 b. The qualifying individual's behavioral concerns including how behaviors disrupt  
 19 or impact the family's daily life, the level of supervision required to keep the  
 20 individual and others safe, and the services and frequency required to help with  
 21 the behaviors.

22 c. The family composition, which considers obligations and limitations of the  
 23 parent(s), the number of siblings, disabilities of other family members living in the  
 24 home, and the level of stability of the family, such as pending divorce or age and  
 25 disability of parents.

26 d. The family's access to support networks, which includes the level of isolation or  
 27 lack of support networks for the family, such as not having extended family  
 28 nearby, living in rural areas or availability of providers.

29 e. The family's access to resources such as family income, insurance coverage,  
 30 HCBS waivers, and/or other private or public benefits.

31 CF. Services and SupportsDIRECT SERVICES

32 1. Services and supports available under the ~~Family Support Services P~~program (FSSP)  
 33 may be purchased from a variety of providers who are able to meet the individual needs  
 34 of the family.



- 1           2. All services must be needed as a result of the individual's Intellectual and Developmental  
2           Disability (IDD) or Developmental Delay and shall not be approved if the need is a typical  
3           age-related need. Correlation between the need and the disability must be documented  
4           in the Family Support Plan (FSP).
  
- 5           3. All services must be provided in the most cost-effective manner, meaning the least  
6           expensive manner to meet the need.
  
- 7           4. All services shall be authorized pursuant to the FSP.
  
- 8           5. Services provided to the family through the FSSP shall not supplant third party funding  
9           sources available to the family including, but not limited to, public funding, insurance, or  
10          trust funds.
  
- 11          6. CGBs shall not charge a separate fee for assisting individuals to access services  
12          identified on the FSP.
  
- 13          7. FSSP funds shall not be used for any donation; religious donations, political donations, or  
14          otherwise or activities prohibited by law.
  
- 15          8. Direct Services
  - 16               a. Assistive technology is equipment or upgrades to equipment, which are  
17               necessary for the individual with an IDD or Developmental Delay to communicate  
18               through expressive and receptive communication, move through or manipulate  
19               his or her environment, control his or her environment, or remain safe in the  
20               family home.
  
  - 21               b. Environmental engineering is home or vehicle modification needed due to the  
22               individual's disability and is not a regular maintenance or modification needed by  
23               all owners. Modifications to the home or vehicle must be necessary due to the  
24               individual's IDD or Developmental Delay; or needed due to health and safety; or  
25               to allow the individual to attain more independence; and completed in a cost-  
26               effective manner. Cost-effective manner means the least expensive manner to  
27               meet the identified need. Home modifications are to be limited to the common  
28               areas of the home the individual with an IDD frequents, the individual's bedroom,  
29               and one bathroom. Other bedrooms and bathrooms shall not be modified. All  
30               devices and adaptations must be provided in accordance with applicable state or  
31               local building codes and/or applicable standards of manufacturing, design, and  
32               installation. Only homes or vehicles occupied and owned by the family where the  
33               eligible individual resides may be modified. Minor modifications may be made to  
34               rental units with the permission of the landlord. Rental modifications must be  
35               made in a way that the modification can be moved with the eligible individual  
36               during a change in residence.
  
  - 37               c. Medical and dental items prescribed by a licensed medical professional qualified  
38               to prescribe such items and are needed to maintain or attain physical health.

1 Medical, dental, and vision services, exams and procedures are available when  
2 not covered by another source.

3 i. Over the counter medications and vitamins are excluded, except as  
4 indicated ~~at~~ ~~in~~ ~~10~~ ~~CCR~~ ~~2505-10~~ Section 8.800.4.D, when prescribed by a  
5 licensed medical professional qualified to write such prescriptions.

6 d. Other: Services in this category **must be** identified in **the** FSP, are specific to the  
7 family, and are limited to:

8 i. A consultant **and/or** advocate to assist a family with accessing services  
9 outside of the CCB.

10 ii. Recreational needs of the individual with an IDD or Developmental Delay  
11 when the need of recreation is above and beyond the typical need due to  
12 the disability or delay. **The cost of family recreation passes shall be**  
13 limited to \$650 or one family pass, whichever is less, per fiscal year and  
14 shall be limited to use only at community recreation centers. **The**  
15 following items are specifically excluded under the FSSP and shall not  
16 be eligible for coverage:**The cost of recreation for family members is**  
17 excluded.

18 1) Entrance fees for zoos;

19 2) Museums;

20 3) Butterfly pavilion;

21 4) Movie, theater, concerts;

22 5) Professional and minor league sporting events;

23 6) Outdoor play structures;

24 7) Batteries for recreational items; and,

25 8) Memberships to non-community gyms.

26 iii. Specialized services as identified by the FSC and CCB, included in their  
27 written policy **and** are available to any family receiving ongoing Family  
28 Support Services Program assistance in the service area.

29 e. Parent and sibling support, **which** may include special resource materials or  
30 publications, cost of care for siblings, or behavioral services or counseling.

31 f. Professional services are services which require licensure or certification to treat  
32 a human condition other than medical, dental or vision, **and is** provided to the  
33 individual with an IDD or Developmental Delay. Professional services must be

1 provided by qualified, certified and/or licensed personnel in accordance with the  
2 standards and practices of the industry. Professional services may include  
3 related support items or activities which are recommended as part of the therapy  
4 with supporting documentation from the treating professional. Insurance  
5 expenses directly incurred by the individual with an IDD or Developmental Delay  
6 are included.

7 g. Program expenses are services related to serving multiple families and are  
8 funded through the direct service line.

9 i. This service is not identified in the individual's FSP. This service is  
10 provided by the CCB for the benefit of multiple families.

11 ii. Program expense is the maintenance, operation, or enhancement of a  
12 resource library that consists of an inventory of goods and equipment  
13 used to meet the needs of individuals with an IDD or Developmental  
14 Delay on a temporary basis.

15 iii. Program expense is the cost associated with participation with other  
16 community agencies in the development, maintenance, and operation of  
17 projects, supports or services that benefit individuals with an IDD or  
18 Developmental Delay.

19 iv. Program expense is the development or coordination of a training event  
20 for families.

21 v. Program expense is the cost of an event sponsored by the CCB for all  
22 eligible individuals and their families to meet other families to provide  
23 socialization and an opportunity to build a network of support.

24 vi. Program expense is the development and coordination of group respite.

25 vii. The FSC in conjunction with the CCB shall determine the maximum  
26 amount of direct services to be used for program expenses.

27 h. Respite is the temporary care of an individual with an IDD that provides relief to  
28 the family.

29 i. Transportation is the direct cost to the family that is higher than costs typically  
30 incurred by other families because of specialty medical appointments or  
31 therapies. Specialty medical appointments or therapies are defined as  
32 appointments needed due to the individual's IDD or Developmental Delay. The  
33 direct cost is the cost of transportation, lodging, food expense, and long-distance  
34 telephone calls to arrange for or coordinate medical services which are not  
35 covered by other sources.

36 G. CASE MANAGEMENT

1 Case management is the coordination of services provided for individuals with an IDD or  
2 Developmental Delay that consists of facilitating enrollment, assessing needs, locating,  
3 coordinating, and monitoring needed FSSP funded services, such as medical, social, education,  
4 and other services to ensure non-duplication of services, and monitor the effective and efficient  
5 provision of services across multiple funding sources.

6 1. At minimum, the case manager is responsible for:

- 7 a. Determining initial and ongoing eligibility for the FSSP;  
8 b. Development, application assistance, and annual re-evaluation of the Family  
9 Support Plan (FSP); and  
10 c. Ensuring service delivery in accordance with the FSP.

11 2. Family Support Plan Requirements

- 12 a. Families enrolled into the FSSP shall have an individualized FSP which meets  
13 the requirements of an Individualized Plan, as defined in Section 25.5-10-202  
14 and 25.5-10-211 C.R.S., and includes the following information:
- 15 i. The name of the eligible individual;  
16 ii. The names of family members living in the household;  
17 iii. The date the FSP was developed or revised;  
18 iv. The prioritized needs requiring support as identified by the family;  
19 v. The specific type of service or support, how it relates to the family need  
20 and the individual's disability or developmental delay, and period which is  
21 being committed to in the FSP, including, when applicable, the maximum  
22 amount of funds which can be spent for each service or support without  
23 amending the FSP;  
24 vi. Documentation regarding cost-effectiveness of a service or support,  
25 which can include quotes, bids, or product comparisons but must include  
26 the reason for selecting a less cost-effective service or support, when  
27 applicable.  
28 vii. A description of the desired results, including who is responsible for  
29 completion;  
30 viii. The projected timelines for obtaining the service or support and, as  
31 appropriate, the frequency;  
32 ix. A statement of agreement with the plan;

- x. Signatures of a family representative and an authorized CCB representative;
- xi. The level of need;
- xii. The length of time the funds are available; and
- xiii. A description of how payment for the services or supports will be made.
- b. The FSP shall integrate with other Service Plans affecting the family and avoid, where possible, any unnecessary duplication of services and supports. One FSP, inclusive of all eligible individuals with IDD or Developmental Delay shall be maintained per family.
- c. The FSP shall be reviewed at least annually or on a more frequent basis if the plan is no longer reflective of the family's needs.
  - i. Any changes to the provision of services and supports identified in the FSP are subject to available funds within the designated service area.
  - ii. Any decision to modify, reduce or deny services or supports set forth in the FSP, without the family's agreement, are subject to the requirements in ~~10 CCR 2505-10~~ Section 8.605.

#### H. MANAGEMENT AND GENERAL ACTIVITIES

Management and general activities are the financial and corporate administration of the CCB specific to FSSP Family Support Services Program requirements by the Department.

##### D. Family Support Plan

- 1. Families enrolled into the Family Support Services program shall have a Family Support Plan (FSP) which meets the requirements of an Individualized Plan and also provides the following information:
  - da. The length of time the funds are available; and
  - b. A description of how payment for the services or supports will be made; and,
  - c. When applicable, the maximum amount of funds which can be spent for each service or support without amending the Family Support Plan.
- 2. The Family Support Plan shall integrate with other Individual Service Plans affecting the family and avoid, where possible, any unnecessary duplication of services and supports. One FSP shall be maintained per family or multiple Family Support Plan or service plans for families.

3. ~~The Family Support Plan shall be reviewed at least annually or on a more frequent basis if the plan is no longer reflective of the family's needs.~~

a. ~~Any changes to the provision of services and supports identified in the Family Support Plan are subject to available funds within the designated service area.~~

b. ~~Any decision to modify, reduce or deny services or supports set forth in the Family Support Plan, without the family's agreement, are subject to the requirements of section the requirements in 10-8.605.1.~~

I. EMERGENCY FUND

1. Each CCB shall establish an emergency fund that may be accessed by any individual eligible for the FSSP when needed due to an unexpected event that has a significant impact on the individual or family's health or safety and impacts the family's daily activities.

2. Any individual with an IDD or Developmental Delay determined by the CCB and living with family shall be eligible to receive emergency funds regardless of the enrollment status of the family.

3. The CCB in conjunction with the Family Support Council shall develop written policies and procedures regarding the Emergency Fund. At a minimum the policies and procedures must:

a. Define the purpose of the emergency fund;

b. Define an unexpected event and significant impact;

c. Describe the process for accessing emergency funds;

d. Describe how funding determination is made;

e. Give a timeline of the determination of the request;

f. Define the maximum funding amount per family or per event; and

g. Describe how families will be notified of the decision in writing.

EJ. Billing and Payment Procedures BILLING AND PAYMENT PROCEDURES

1. The CCB shall develop and implement policies, procedures, and practices for maintaining documentation for the FSSP and reporting information in the format and timeframe established by the Department.

42. Families shall maintain and provide either receipts or invoices a signed statement to the community centered board CCB documenting how funds provided to the family through the FSSP Family Support Services program were expended. The CCB shall maintain

1 supporting documentation capable of substantiating all expenditures and reimbursements  
 2 made to providers and/or families, which shall be made available to the Department upon  
 3 request.

4 a. When the CCB purchases services or items directly for families, the CCB shall  
 5 maintain receipts or invoices from the service provider and documentation  
 6 demonstrating that the provider was paid by the CCB. Receipts or invoices must  
 7 contain, at a minimum, client and/or family name, provider name, first and/or last  
 8 date of service, item(s) or service(s) purchased, item(s) or service(s) cost,  
 9 amount due or paid.

10 b. When the CCB reimburses families for services or items, the CCB shall ensure  
 11 the family provides the CCB with receipts or invoices prior to reimbursement. The  
 12 CCB shall maintain receipts or invoices from the families, and documentation  
 13 demonstrating that the family was reimbursed by the CCB. The CCB must  
 14 ensure all receipts or invoices provided by the families contain, at a minimum,  
 15 client and/or family name, provider name, first and/or last date of service, item(s)  
 16 or service(s) purchased, item(s) or service(s) cost, amount paid.

17 c. When the CCB provides funding to the families for the purchase of services or  
 18 items in advance, the CCB shall notify the families that they are required to  
 19 submit invoices or receipts to the CCB of all purchases made prior to the close of  
 20 the State Fiscal Year. The CCB must ensure that all receipts or invoices are  
 21 collected and maintained from the family, as well as documentation  
 22 demonstrating that the family received funding from the CCB. The CCB must  
 23 ensure all receipts or invoices provided by the families contain, at a minimum,  
 24 client and/or family name, provider name, first and/or last date of service, item(s)  
 25 or service(s) purchased, item(s) or service(s) cost, amount paid.

26 23. The ~~community centered board~~CCB shall submit to the Department, on a form and  
 27 frequency prescribed by the Department, information which outlines individual family use  
 28 of the ~~Family Support Services program~~FSSP.

29 4. The CCB shall report only FSSP expenditure data in the format and timeframe as  
 30 designated by the Department.

31 FK. ~~Program Evaluation~~PROGRAM EVALUATION

32 1. The ~~community centered board~~CCB, in cooperation with the local Family Support  
 33 Council, shall be responsible for evaluating the effectiveness of ~~the Family Support~~  
 34 ~~Services Pprogram~~FSSP within its designated service area on an annual basis.

35 2. The evaluation may be based upon a family satisfaction survey and shall address the  
 36 following areas:

37 a. Effectiveness of outreach/public awareness including:

1 i. The demographics of participants in comparison to demographics of the  
2 service area; and-

3 ii. How well the program integrates with other community resources.

4 b. Satisfaction and program responsiveness to include:

5 i. Ease of access to the program;

6 ii. Timeliness of services;

7 iii. Effectiveness of services;

8 iv. Availability of services;

9 v. Responsiveness to family concerns;

10 vi. Overall family satisfaction with services; and

11 vii. Recommendations.

12 c. Effective coordination and utilization of funds to include:

13 i. Other local services and supports utilized in conjunction with the FSSP;  
14 and

15 ii. Efficiency of required documentation for receipt of the FSSP.

16 23. The ~~community centered board~~CCB, and participating families as requested, shall  
17 cooperate with the Department regarding statewide evaluation and quality assurance  
18 activities, which includes, but is not limited to providing the following information:

19 a. The maximum amount any one family may receive through the FSSP during the  
20 fiscal year; and

21 b. The total number of families to be served during the year.

22 L. ~~Performance and Quality Review~~ PERFORMANCE AND QUALITY REVIEW

23 1. The Department shall conduct a Performance and Quality Review of the FSSP to ensure  
24 that it complies with the requirements set forth in these rules.

25 2. A CCB found to be out of compliance with these rules through the results of the  
26 Performance and Quality Review, shall be required to develop a corrective action plan,  
27 upon written notification from the Department. A corrective action plan must be submitted  
28 to the Department within ten (10) business days of the receipt of the written request from  
29 the Department. A corrective action plan shall include, but not limited to:



- a. A detailed description of the action to be taken, including any supporting documentation;
- b. A detailed time frame specifying the actions to be taken;
- c. Employee(s) responsible for implementing the actions; and
- d. The implementation timeframes and a date for completion.

3. The CCB shall notify the Department in writing, within three (3) business days if it will not be able to present the Corrective Action Plan by the due date. The agency shall explain the rationale for the delay and the Department may grant an extension, in writing, of the deadline for the agency's compliance.

a. Upon receipt of the corrective action plan, the Department will accept, modify or reject the proposed corrective action plan. Modifications and rejections shall be accompanied by a written explanation.

b. In the event that the corrective action plan is rejected, the agency shall re-write the corrective action plan and resubmit along with the requested documentation to the Department for review within five (5) business days.

c. The agency shall implement the corrective action plan upon acceptance by the Department.

d. If corrections are not made within the requested timeline and quality specified by the Department, funds may be withheld or suspended.

#### M. FAMILY SUPPORT SERVICES PROGRAM (FSSP) ANNUAL REPORT

1. Each CCB shall submit an annual FSSP report to the Department by October 1 of each year. The report will contain two sections.

a. The first section **must** describe how the CCB plans to spend the FSSP funds in the current fiscal year and will include:

i. Description of the outreach/public awareness efforts for the coming year;-

ii. Description of anticipated special projects or activities under the Program Expense service category; **and**

iii. Goals with measurable outcomes for any changes to the FSSP.

b. The second section of the annual report will describe how the FSSP funds were spent in the previous year and **must** contain:

- 1                    i. The program evaluation outcomes for the previous year as described in
- 2                    this section;
- 3                    ii. The total amount of funds expended by service category;
- 4                    iii. The total number of families served and the total number of families
- 5                    placed on the waiting list;
- 6                    iv.#. Detailed information for the Program Expense service category to
- 7                    include:
  - 8                    1) The total number of families that utilized services under the
  - 9                    Program Expense category;
  - 10                    2) The specific services provided; resource library, special projects,
  - 11                    training events, social events, or group respite;
  - 12                    3) How these services enhanced the lives of families in the
  - 13                    community and the total number of families who participated in
  - 14                    each project; and
  - 15                    4) The report shall include the total number of staff, total of staff
  - 16                    cost, and other costs associated with the Program Expense
  - 17                    service category.
- 18                    iv. A description of how the annual FSSP report was distributed to eligible
- 19                    families; and
- 20                    v. The signature of Family Support Council (FSC) members, the FSSP
- 21                    Coordinator, and the CCB Executive Director.