



March 4, 2019

To: Members of the Colorado Medical Services Board
From: Ellen Jensby, Senior Director of Public Policy & Operations, Alliance
Re: **Support for rule numbers 18-11-16-A and 19-01-02-A**

Dear Members of the Medical Services Board,

Alliance is pleased to offer its support for the two rulemaking packets you are considering for initial adoption on March 8th. These two rules are timely and necessary to implement House Bill 18-1407, "Access to Services and a Stable Workforce." This law did three things:

- Funded 300 new enrollments from the DD waiver waiting list to assist those who have been waiting the longest and are most likely to have aging caregivers;
- Expanded the criteria by which people on the waiting list can access an emergency DD waiver enrollment to include concerns related to their caregiver's ability to continue to provide support, requiring HCPF to make the proposed changes to rule in **18-11-16-A**; and
- Allocated a 6.5% rate increase to most services on the three waivers serving people with intellectual and developmental disabilities (IDD), the funds from which providers must use to increase compensation for Direct Support Professionals (DSPs). This resulted in the new rules in **19-01-02-A**.

As the primary driver of HB 18-1407, Alliance has worked closely with the Department and other stakeholders to help craft these two rule packets and ensure that they fulfill the legislative intent of the law while addressing stakeholder questions and concerns. We believe that they do just that.

Aging Caregiver Rules – 18-11-16-A

The changes to Colorado's waiting list protocol now include a section allowing for emergency enrollment when a person's caregiver is no longer available to provide support due to a variety of concerns, including moving out of the residence (*e.g.*, into a health facility), a chronic, long-term condition, or the inability to continue to provide sufficient supervision to ensure the person's health and welfare. These are precisely the types of concerns that led us to pursue HB18-1407 in order to ensure that people experiencing caregiver concerns can access a waiver enrollment *prior to* ending up in a crisis situation or becoming homeless. The rule also creates a timeline within which people must indicate acceptance or declination of a waiver enrollment, which will help expedite the enrollment process, reduce wait times, and hopefully minimize unnecessary reversions.

DSP Compensation Rules – 19-01-02-A

When crafting HB 18-1407, we knew it was imperative that the law and its implementing regulations strike a careful balance between creating a robust accountability mechanism for the 6.5% rate increase and providing sufficient flexibility to represent the diverse landscape of



Colorado's IDD providers, which range from large organizations with hundreds of employees to small mom-and-pop providers serving just a handful of individuals. This was no easy task, and creating these rules required close examination of a variety of issues relating to both employer concerns and service issues like increasing people's service plan limits to ensure they don't lose access to supports.

We are grateful for the Department's stakeholder work with the provider community to make sure that each of these issues was addressed in turn and that questions and concerns received timely follow-up and clarification. We believe that the final product of this collaborative effort strikes the perfect balance between accountability and flexibility to ensure we meet our shared goal: maximizing compensation increases for the ground-level workforce that is the backbone of our IDD service system and, ultimately, improving IDD service access and quality. With Colorado and the nation experiencing a crisis in recruiting and retaining DSPs, we have heard loud and clear the excitement and relief from providers who struggle to compete in Colorado's strong economy. We have already seen providers do amazing things in anticipation of this enhanced funding, including providing significant hourly wage increases, purchasing better health coverage for their employees, and planning to create retirement savings programs for the first time ever. We have begun to receive letters of thanks from DSPs who are no longer looking to find a new job, who were able to quit their second or third job in order to spend time with their young children, or who were able to replace a failing vehicle to continue to perform their jobs.

We know that this effort will not solve all of our system's financing and workforce issues, but it is a significant first step – one which we hope will lead to the beginning of a stabilization in Colorado's direct support workforce which, in turn, will provide stability and enhanced continuity of support for Coloradans with IDD. In closing, Alliance strongly supports both of these rules and urges their swift adoption to ensure successful implementation of this critically important legislation.

Sincerely,

A handwritten signature in black ink that reads "Ellen M. Jensby". The signature is written in a cursive, flowing style.

Ellen Jensby, JD
Senior Director of Public Policy & Operations
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