



**COLORADO**

Department of Health Care  
Policy & Financing

# Home and Community Based Services Waiver for Persons with a Brain Injury Amendment

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The Colorado State Department of Health Care Policy and Financing intends to submit the waiver amendment to the Centers for Medicare and Medicaid Services (CMS) on October 29, 2015. A summary of these changes are provided below.

To request a paper or electronic copy of any materials, including the full draft waiver and/or provide public comment please contact Lana Mutters at 303-866-2050,

Email: [HCBS\\_Rules\\_Submission@state.co.us](mailto:HCBS_Rules_Submission@state.co.us)

Visit 1570 Grant Street, Denver, Colorado 80203

Fax: 303-866-2786

Public comments will also be accepted at: [HCBS\\_Rules\\_Submission@state.co.us](mailto:HCBS_Rules_Submission@state.co.us). Public comments will be accepted from September 15 – October 28, 2015.

## Summary of Waiver Amendment

### Home Modification Increase

Legislation was passed during both the 2014 and 2015 legislative sessions granting the Department available funds to increase the overall lifetime maximum for the Home Modification benefit to \$14,000.

### Home Modification Interagency Agreement Language

The Department has executed an interagency agreement with the Department of Housing (DOH) in order to engage subject-matter experts to provide enhanced oversight for the home modification benefit. This partnership will result in an increase in the quality of home modifications performed through increased inspections. In addition, the Department is working with DOH to create more rigorous and standardized processes in order to improve communication with clients and streamline the home modification process.

### Quality Performance Measures

Included in the amendment are changes to the Quality Improvement Strategy (QIS) performance measures for new/revised CMS Home and Community-Based Services (HCBS) waiver assurances and sub-assurances. In order to operate a 1915(c) Home and Community Based Waiver, the state must address how it intends to meet specific

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CMS requirements known as the HCBS waiver assurances. In March 2014, CMS added/revised several assurances and sub assurances, the amendment reflects these changes.

### **In-Home Respite Targeted Rate Increase**

The Department is including an increase for the In-Home Respite service as legislation was passed during the legislative 2015 session authorizing a rate increase.

### **Spousal Impoverishment**

The Department is ensuring alignment of policies regarding spousal impoverishment with federal guidance.

### **HCBS Settings Rule Waiver Specific Transition Plan Add-Ins**

The Department has updated waiver specific transition plans with new action items, updated projected end dates, and detailed progress and status reports for action items.

### **Health and Welfare Assurance and Appeals Language for CDASS**

The Department has included specific health and welfare assurances for the Consumer Directed Attendant Support Services (CDASS). Additionally the Department has also included assurances of appeal rights for clients enrolled within CDASS.

### **Personal Care and Homemaker Targeted Rate Increase and Rate Methodology Change**

The Department is including increases for Personal Care and Homemaker Services. Legislation was passed during the 2015 legislative session authorizing a rate increase for IHSS and agency based personal care and homemaker. Note that CDASS is not included in this increase. The Department altered how the rate methodology was developed for agency based personal care and homemaker services.

### **CDASS Rate Methodology Change**

In order to account for increases to non-CDASS delivery models of personal care and homemaker, the Department is altering how the CDASS rate methodology is developed. No longer will CDASS use agency-based and IHSS forms of personal care and homemaker rates as the basis for its methodology.

### **Fiscal Management System (FMS) Change**

As of January 1, 2015 there will be a choice in FMS vendors and in delivery models for all Consumer Directed Attendant Support Services (CDASS) clients. Each vendor will offer Agency with Choice and Fiscal Employer Agent delivery models. Under Agency with Choice the client and agency are co-employers and the FMS conducts necessary payroll functions. Also, under Fiscal Employer Agent, the client is the employer of record and is responsible for paying attendants and managing employee costs.



### **Unduplicated Client Count Increase**

The Department intends to increase the overall unduplicated client count in projections of those served on the waiver due to a larger than expected growth in in people served. The Brain Injury waiver (BI) has experienced significant growth over the last year as more people become aware of the program and regulatory barriers to accessing the waiver have been removed.

### **Inclusion of Reserve Capacity**

The BI waiver requires the inclusion of the reserve capacity function within the waiver to ensure those who need access to it the most, typically in times of critical need, are able to receive services on the waiver. The BI waiver requires reserve capacity to ensure individuals who are leaving a post-acute hospital are able to access the waiver without any delays that could put their health at significant risk.

### **Removal of OT/PT Inclusion in the Supportive Living Program**

In order to accurately reflect the intent of the program and what is covered as part of the per diem, the Department must remove the inclusion of OT/PT from the offered services. This was included as a mistake at the last renewal and not included as part of the current per diem.

### **Guidelines for Submitting Comments**

- The Department will have this draft of the Waiver Amendments and Waiver Specific Transition Plans open for public comment from September 15 to October 28, 2015. The amendments and plans will be posted on the Department's website here: [www.colorado.gov/hcpf/hcbs-waiver-transition](http://www.colorado.gov/hcpf/hcbs-waiver-transition)
- Individuals may request draft Waiver Amendments and Transition Plan materials via email at [HCBS\\_Rules\\_Submission@state.co.us](mailto:HCBS_Rules_Submission@state.co.us)
- Comments regarding the draft Waiver Amendments and Waiver Specific Transition Plans can be emailed directly to [HCBS\\_Rules\\_Submission@state.co.us](mailto:HCBS_Rules_Submission@state.co.us)
- Comments can also be addressed to the following:  
ATTN: HCBS Waiver Amendments  
1570 Grant Street  
Denver, CO 80203  
303-866-2050
- All comments and responses will be maintained in a regularly updated listening log kept on the Department's website found here: [www.colorado.gov/hcpf/hcbs-waiver-transition](http://www.colorado.gov/hcpf/hcbs-waiver-transition)

The Department commits to incorporating comments, concerns, and suggestions into the proposed transition plan when possible.

