



COLORADO

Department of Health Care Policy & Financing

Consumer Directed Attendant Support Services

Home and Community Based Services Supported Living Services Waiver

Task Group Recommendations and Department Response

In October 2014, the Department of Health Care Policy and Financing (the Department) solicited stakeholders to participate in a task group charged with developing policy recommendations for the implementation of Consumer Directed Attendant Support Services (CDASS) in the Home and Community Based Services Supported Living Services (HCBS-SLS) waiver. The Task Group concluded their work with a report consisting of eight policy recommendations for the implementation of the CDASS service delivery option into the HCBS-SLS waiver. This report was submitted to the Department on February 12, 2015 for review and consideration. The Department reviewed the recommendations submitted by the Task Group and considered the financial and systemic impact of each recommendation. Based on these considerations, the Department developed responses to each recommendation developed by the Task Group. The Department acknowledges, with appreciation, the time and dedication of the Task Group members in developing these recommendations.

Task Group Members:

Christy Blakely--Family Member
David Bolin—Participant-Directed Program Policy Collaborative (PDPPC) Member
Pat Carney—Foothills Gateway, Inc
Katherine Carol—Family Member
Steve Hemelstrand—Family Member
Chris Klotzback—Family Member-resigned
Rhyann Lubitz— Participant-Directed Program Policy Collaborative (PDPPC) Member
Rick Noll-Family Member
Laurie Phipps--Family Member
Hanni Raley—Arc of Aurora
Bonnie Silva—Developmental Pathways, Inc
Linda Skafren—Arc of Adams County
Charlene Willey—Family Member

Task Group Recommendations and the Department's Responses:

Task Group Recommendation

1. Inclusion of Respite Service

Respite Services may be provided on a short-term basis due to the absence or need for relief of the primary caregiver of the person receiving services². Task Group members strongly recommend that Respite Services be available through the CDASS service delivery option during this waiver and rule amendment.

Department Response

Respite Services will be available as a consumer directed service delivery option in the redesigned waiver currently being developed by the Waiver Redesign Work Group.

A fiscal impact analysis will be completed as part of the work to determine if implementing self-direction for respite will increase costs. If costs are projected to increase, funds must be requested and approved through the annual administrative and legislative process.

Task Group Recommendation

2. Inclusion of Protective Oversight in Personal Care Services

Personal Care Services as defined within the Home and Community Based Services waivers which currently include CDASS also include Protective Oversight. Protective Oversight is, "when the client requires supervision to prevent or mitigate disability related behaviors that may result in imminent harm to people or property."³ Personal Care Services within the HCBS-SLS waiver does not include Protective Oversight and would not be available to participants choosing to receive the CDASS service delivery option through the HCBS-SLS waiver. Task Group members recommend that Personal Care Services within the HCBS-SLS waiver include Protective Oversight.

Department Response

Protective Oversight in the HCBS-SLS waiver for CDASS requires adding it for all participants. Adding this option for all participants requires a fiscal impact analysis to account for additional expenditures and to request needed funds through the required administrative and budget processes. When available to all waiver participants, utilization will increase; increasing cost in turn.

² C.C.R. 2505-10, 8.500.94.12

³ C.C.R. 2505-10, 8.510.3.B.2.1.

Protective Oversight will be considered for the redesigned HCBS waiver. It will not be included in the amendment adding CDASS to the HCBS-SLS waiver

Task Group Recommendation

3. Inclusion of all HCBS-SLS Services

In addition to the above recommendations, the Task Group recommends that all services which are currently available through the HCBS-SLS waiver also be available through the CDASS service delivery option. Currently, CDASS includes Personal Care Services, Homemaker Services, and Health Maintenance Activities, however, the ability to self-direct additional services would greatly benefit individuals receiving services in the HCBS-SLS waiver by providing choice in providers and supports.

Department Response

All HCBS-SLS waiver services will be self-directed in the redesigned waiver, to the degree possible within statutory and regulatory requirements. A fiscal impact analysis must be completed to account for additional expenditures and to request needed funds through the required administrative and legislative budget processes.

Task Group Recommendation

4. Personal Care Services not Contained within the SPAL or Waiver Cap

As previously mentioned, Task Group members noted that the cost of supports available through CDASS will not leave funds available within the Service Plan Authorization Limit (SPAL) for other HCBS services. Personal Care Services and Homemaker Services are contained within the SPAL while Health Maintenance Activities are not contained within the SPAL and are not contained within the HCBS-SLS waiver cap of \$45,500. An individual who has an increased need for CDASS Personal Care Services may not have the funding to access other HCBS-SLS services. This may result in an individual only able to receive services to meet personal care needs but additional needs may be unmet. So that an individual is able to meet all needs, Task Group members recommend that Personal Care Services be outside of the SPAL and the HCBS-SLS waiver cap.

Department Response

The Support Plan Authorization Limit (SPAL) was implemented to ensure equitable distribution of limited resources according to people's needs wherever they live in the state. It also allows for control of expenditures to ensure costs do not exceed the funds appropriated by the General Assembly. Consideration of the funds available for reimbursing Personal Care Services will require utilization analysis and budget projections to determine the projected utilization and cost of this service. This is a systemic issue

and will need to be addressed for all HCBS-SLS waiver participants. A fiscal impact analysis must be completed to account for additional expenditures and to request needed funds through the required administrative and legislative budget processes.

Task Group Recommendation

5. Choice of Case Management Agency

Consumer Directed Attendant Support Services (CDASS) is a service delivery option available within several Home and Community Based Services waivers. Single Entry Point Agencies (SEPs) provide case management for the Home and Community Based Services waivers which currently include CDASS as a service delivery option. Single Entry Point Agencies are currently the only agencies who provide case management services for CDASS. The Task Group recommends that a person who chooses to receive CDASS through HCBS-SLS also has the ability to choose a qualified Case Management Agency to provide case management for CDASS, either a SEP, Community Centered Board (CCB), or other qualified Case Management Agency.

Department Response

Case management remains with the CCB at this time. As set forth at 25.5-10-209, C.R.S., (2014) CCBs are designated to provide case management services to persons with intellectual and developmental disabilities who are receiving waiver services.

The Department recently convened a Task Group to make recommendations to the Department for Conflict Free Case Management (CFCM). These recommendations are currently under review at the Department. Additionally, new federal regulations require conflict free case management for individuals receiving services in the HCBS waiver. HB 15-1318 directs the Department to work with stakeholders to develop a plan for CFCM. The plan will incorporate the Department's responses to the CFCM Task Group recommendations. This plan will be submitted to the General Assembly no later than July 2016. Case management services for individuals choosing CDASS will align with the direction set forth in the plan.

Task Group Recommendation

6. Transparency of CDASS and HCBS-SLS Service Utilization

The current Financial Management Services (FMS) process includes providing monthly statements to participants of the CDASS service delivery option so that participants are able to track the monthly allocation spending. Task Group members expressed concerns regarding the inability to view the monthly utilization of CDASS in relation to the monthly utilization of HCBS-SLS services. Task Group members recommend that participants of consumer direction receive monthly statements of the utilization of all HCBS-SLS services. Based on the transparency needs of individuals to obtain information through an online

client portal system, Task Group members recommend that the Department provide appropriate access and support for the use of technology as needed to participants to view information regarding all HCBS-SLS waiver services.

Department Response

The Fiscal Management Service (FMS) system will provide monthly tracking of CDASS allocation spending for participants when CDASS is implemented in the HCBS-SLS waiver. The Department anticipates that Explanation of Benefits (E.O.B.) look-up functionality will be included in the new Medicaid Management Information System (MMIS), with a targeted implementation of November 2016.

Task Group Recommendation

7. Removal of SPAL and Waiver Cap Limitations

To ensure individuals have access to all services required to meet their needs, Task Group members recommend that the SPAL and Waiver Cap limitations are removed for CDASS participants as well as participants of the HCBS-SLS waiver.

Department Response

The SPAL and waiver cap limitation ensures equitable access to limited resources and allows for control of expenditures to ensure costs do not exceed the funds appropriated by the General Assembly.

Task Group Recommendation

8. Recommendations result in revisions to Waiver and Code of Colorado Regulations

Task Group members recommend that any recommendation approved by the Department is reflected through consistent changes within the waiver and the Code of Colorado Regulations.

Department Response

The Department agrees.