



**COLORADO**

Department of Health Care  
Policy & Financing

## **Home and Community Based Services waiver for Persons who are Elderly, Blind, and Disabled Waiver Amendment**

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The Colorado State Department of Health Care Policy and Financing intends on submitting the waiver amendment to the Centers for Medicare and Medicaid (CMS) on 8/21/15. 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 call Lana Mutters phone: 303-866-2050, Email: [lane.mutters@state.co.us](mailto:lane.mutters@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 July 15, 2015 to August 14, 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.

#### **In-Home Support Services (IHSS)**

The Colorado Legislature passed House Bill 14-1357 that requires the Department to implement the following programmatic changes to IHSS:

1. Allow IHSS to be provided in the community.
2. Clarify that the client or the client's authorized representative is responsible for directing their care, including scheduling, managing, and supervising attendants.
3. Allow clients or the client's authorized representative to work with the IHSS agency to determine the amount of oversight by a licensed health care professional.
4. Add a spouse as an eligible family member who may act as an attendant providing IHSS.
5. Removes the 444 hour per year family member reimbursement limit for personal care and establishing a new 40 hour per week family member reimbursement limit for personal care.

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

**Early and Periodic Screening, Diagnosis and Treatment (EPSDT) State Plan Personal Care Exception**

The Department intends on expanding Personal Care services into the State Plan under EPSDT for those eligible. The Department has added clarifying language that indicates an individual eligible for Personal Care on the State Plan will receive that prior to accessing Personal Care services on the waiver.

**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.

**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.

**HCB Settings Rule Waiver Specific Transition Plan Add-Ins**

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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**

The Department is including increases for Personal Care and Homemaker Services. Legislation was passed during the 2015 legislative session authorizing a rate increase.

### **Guidelines for Submitting Comments**

- The Department will have this draft of the Waiver Amendments and Waiver Specific Transition Plans open for public comment from July 15<sup>th</sup> to August 14<sup>th</sup>. The amendments and plans will be posted on the Department's website here: <https://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  
Lana Mutters, 303-866-2050
- All comments and responses will be maintained in a regularly updated listening log kept on the Department's website found here: <https://www.colorado.gov/hcpf/hcbs-waiver-transition>

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

