



# COLORADO

Department of Health Care  
Policy & Financing

## Adult IDD Waiver Redesign Stakeholders: Draft Service & Coverage Standards *Personal Supports*

Commented [SR1]: Consider consolidating CPE and PSS

### Disclaimer: Deliberative Document

This **working draft document** is provided for policy development and discussion purposes only. The notes, discussions, comments, suggestions, and recommendations made in this document should not be seen as, or be interpreted as, having any effect or change whatsoever in the current or future waiver services as currently or ultimately written; neither should they be seen as representative of the positions, comments, or feelings of all or a majority of the State of Colorado, the Department of Health Care Policy & Financing, the Office of Community Living, the Policy, Innovation & Engagement Division, or the Service Development & Evaluation Unit, individually or collectively. The service and coverage standards detailed below are subject to change and may change significantly over the course of the project.

Service Development & Evaluation Unit  
Policy, Innovation & Engagement Division  
Office of Community Living  
Updated: ~~April 25, May 29, 2019~~ 2019

# Personal Supports

## Service Specifications

### Definition

1. Personal Supports offer a range of supports that ensure the member's health, safety, and welfare and supports that assist the member to live and participate successfully in their community.

### Eligibility Access

—To the extent that a member does not meet the needs-based criteria for Residential Services, the member may have access to Personal Supports.

- 1.

### Covered Services

1. Personal Support may take the form of supervision (whether general or task-related), hands-on assistance (supporting a person in performing a task), cuing to prompt member to perform a task, or support (i.e. support is any task performed for the member, where learning is secondary or incidental to the task itself, or an adaptation is provided), and which are essential to daily community living. Specifically, such services may be provided across the following areas:
  - a. Supportive Supervision as provided in the member's Person-Centered Support Plan to ensure the health, safety, and welfare of the member.
  - b. Activities of Daily Living (ADLs), which include basic self-care activities of mobility, transferring, bathing, dressing, toileting, and eating. Components of these ADLs may include such activities as grooming, hygiene, walking, support for maintaining continence, administering medications, and administering gastrostomy tubes (g-tubes) services.
  - c. Instrumental Activities of Daily Living (IADLs), which include activities related to independent living, including, but not limited to, preparing meals, managing money, shopping for groceries or personal items, performing housework, and communication. Components of these IADLs may include such activities as daily planning, decision-making, problem-solving, transportation management, shopping, communication devices and techniques, service animal care, laundry.

**Commented [SR2]:** Less medical model terminology and focus more on community based language throughout the document

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**Commented [SR3]:** Empowerment, self-advocacy, and independence – Department to wordsmith, define terms in the glossary

**Commented [SR4]:** 1.Important for – add or not add  
2.Objection to this language, noted for consensus process, this is covered with health safety and welfare  
3.Important to  
4.Instead refer to person-centered plan

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**Commented [SR5]:** Add "incremental" or "least intrusive"

**Commented [SR6]:** These services are individually planned and coordinated through the member's Person-Centered Support Plan. The frequency, duration, and scope of these services are determined by the member's needs identified in the Person-Centered Support Plan.

**Commented [SR7]:** More detail and supports for things like healthy lifestyles, etc.

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**Commented [SR8]:** Needs to match language in the definition including the suggested empowerment, self-advocacy, and independence language

**Commented [SR9]:** Consider adding "Characterized by independent living and community living options available to non-HSBC participants"

**Commented [SR10]:** Continue to track Nurse Practice Act, follow sunset and any new terminology. Add J-tubes for now

**Commented [SR11]:** Need to note the complexities of feeding tubes

**Commented [SR12]:** Concerns around current homemaker providers and HHC licensure

**Commented [SR13]:** Consider taking out "service" and just having animal care

d. Self-advocacy training, which may include training to assist in expressing personal preferences, increasing self-representation, increasing self-protection from and reporting of abuse, neglect and exploitation, advocating for individual rights and making increasingly responsible choices.

e. Emergency assistance training includes developing responses in case of emergencies, prevention planning, and training in the use of equipment or technologies used to access emergency response systems in so far as providing the training does not require qualifications beyond those of the Personal Support provider or attendant.

f. Implementation of recommended follow-up counseling, behavioral or other therapeutic interventions by staff, under the direction of a professional. Implementation of physical, occupational or speech therapies delivered under the direction of a licensed or certified professional in that discipline. Services are aimed at increasing the overall effective functioning of the member.

g. Assistance with routine health-related tasks in a person's home and community. For the purposes of this service, health-related tasks include those that an otherwise eligible Personal Supports provider is authorized to perform as exempted under state law or as delegated by a Registered Nurse. Medical and health care services that are integral to meeting the daily needs of the member (e.g., routine administration of medications or tending to the needs of members who are ill or require attention to their medical needs on an ongoing basis).

2. Personal Supports includes a Member-Directed option through which the member has employer authority to recruit, hire, train, supervise, and direct non-agency workers who furnish supports.
  - i. Members directing their Personal Supports services are not required to hire a nurse or other health professionals to perform skilled tasks; and
  - ii. Member-directed Personal Supports assistance and activities and Health Maintenance skilled tasks do not require orders from a physician.

## Limitations & Exclusions

1. These services are individually planned and coordinated through the member's Person-Centered Support Plan. The frequency, duration, and scope of these services are determined by the member's needs identified in the Person-Centered Support Plan.

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2. Personal Supports may be provided on an episodic or on a continuing basis at home and in the community.

Commented [SR14]: Change to "supports – including training"

Commented [SR15R14]: "supporting self-advocacy including education"

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Commented [SR16]: Is there a better word than "responsible"?

Commented [SR17R16]: "increasingly independent choices"

Commented [SR18R16]: Number of choices

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Commented [SR19]: Start here on June 18<sup>th</sup>

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3. These services are provided only when neither the member nor a Legally Responsible Person is willing and capable of performing them and has no other resources to obtain this service.
3. Waiver members ages 18 to 20 who need assistance with health-related tasks may access those services under the Waiver to the extent that the services do not duplicate a service required under Early and Periodic Screening, Diagnostic and Treatment (EPSDT) or to the extent that the Medicaid State Plan, other resources, or another Waiver service is not responsible.
4. Waiver members ages 21 and older who need assistance with health-related tasks may access those services under the waiver to the extent that the Medicaid State Plan, other resources, or another waiver service is not responsible.
5. Personal Supports is not to be delivered simultaneously during the direct provision of Caregiver Supports, Community and Personal Engagement, Employment Supports, Intensive Supports (~~Short term & Site-based~~), Residential Services, and Transition Services (~~Peer Mentorship and or Life Skills Training~~).
- 5-6. Retainer payments may be made to the Personal Supports provider when the Waiver participant is hospitalized or absent from his or her home. Retainer payments must equal the amount of paid care the support worker would have otherwise provided over the period of absence of the participant. Support Workers, whether, via an agency or member-directed, may collect retainer payments for an aggregate maximum of 30 days per year.

**Commented [BM20]:** SDE Team consulting with CMS technical assistance consultant on exceptions to this language requirement.

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## Service Requirements

[Person-Centered service requirements].

1. Per the Person-Centered Support Plan.
2. Choice
3. Autonomy
4. Community Integration
5. Protection of Rights

## Glossary of Terms

[Ensure identified terms are defined in Glossary].

Legally Responsible Person

Daily Support Time

Needs-Based Criteria

**Commented [BM21]:** NOTE; These are only the terms identified at the 5.15.19 Waiver Redesign Stakeholder Meeting. The Department will provide a full Glossary of Terms at a later date

**Commented [SR22]:** Define "important to" and "important for"  
Concern about adding "important for" could be taken as subjective and health and safety are more objective terms

Eligibility for Residential Services

Comprehensive Daily Access

Authorized Representative.

### **Disclaimer: Template Placeholder (following pages)**

All sections and content in the remaining pages of this Service and Coverage Standard are provided as a template placeholder for only contextual purposes of demonstrating the format of a full Service and Coverage Standard. All contents of the following sections should not be seen as, or be interpreted as, having any effect on the sections and deliberative content in the preceding pages of this document. Further, the following sections and content are not to be seen or interpreted as representative of the positions, comments, or feelings of the State of Colorado, the Department of Health Care Policy & Financing, or any of the Department's Offices, Divisions, Sections, or Units, individually or collectively. The following sections and content of this Service and Coverage Standard are to be developed upon the Department's deliberation, development, stakeholder collaboration, and proposed determination of the content in the preceding sections.

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## **Provider Specifications**

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### **Personal Supports: Provider Managed**

Provider Type

1. Personal Supports Provider: Agency

Certification Requirements

1. Provider agencies must be certified by the state.
2. The agency shall be currently enrolled as a Medicaid provider (i.e., not involuntarily terminated).

Other Standards

1. Program Management: Baccalaureate or higher Degree from an accredited college or university in the area of Education, Social Work, Psychology, or related field, and one year of successful experience in human services; or an Associate's Degree from an accredited college and two years of successful experience in human services; or four years successful experience in human services.
2. Direct Care Staff: Be at least 18 years of age, can communicate effectively, be able to complete required forms and reports, and be able to follow verbal and written instructions. Can provide services in accordance with the member's Person-Centered Support Plan. Have completed minimum training based on State training guidelines. Have necessary ability to perform the required job tasks and have the interpersonal skills needed to effectively interact with persons with developmental disabilities.
3. All direct care staff not otherwise licensed to administer medications must complete a training class approved by the Colorado Department of Public Health and Environment (CDPHE), pass a written test and a practical/competency test.

#### Staffing Requirements

1. Agency staff providing Personal Supports shall be supervised by a person who, at a minimum, has met the credentials of Program Management, as outlined above.
2. All individuals providing Personal Supports, under any service delivery option, must meet the following qualifications:
  - a. Shall be at least 18 years of age.
  - b. Shall demonstrate competency in caring for the client to the satisfaction of the client and Authorized Representative.
  - c. Shall not have had a license as a nurse or certification as a nurse aide suspended or revoked or his application for such license or certification denied.
  - d. ~~Shall be subject to a criminal background check and APS abuse registry requirements.~~ Shall be subject to and clear a criminal background check
3. Oversight of staff shall include, but not be limited to, the following activities:
  - a. Orientation of staff to agency policies and procedures.
  - b. Arrangement and documentation of training.
  - c. Informing staff of policies concerning advance directives and emergency procedures.
  - d. Oversight of scheduling, and notification to clients of changes; or close communication with scheduling staff.
  - e. Written assignment of duties on a client-specific basis.
  - f. Meetings and conferences with staff as necessary.
  - g. Supervisory visits to client's homes at least every three months, or more often as necessary, for problem resolution, skills validation of staff, client-specific or procedure-specific training of staff, observation of client's condition and care, and assessment of client's satisfaction with services. At least one of the assigned

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Personal Support staff must be present at supervisory visits at least once every three months.

- h. Following incident reporting guidelines as outlined in 8.608.6.
- i. Investigation of complaints and critical incidents within 10 working days.
- j. Counseling with staff on difficult cases, and potentially dangerous situations.
- k. Communication with the case managers, the physician, and other providers on the care plan, as necessary to assure appropriate and effective care.
- l. Oversight of record keeping by staff.

### Training Requirements

1. Staff shall be provided with orientation and training on the agency's philosophy, policies and procedures, and information concerning client rights and responsibilities
2. Agencies shall assure and document that all Personal Support staff have received at least twenty hours of training, or have passed a skills validation test, in the provision of unskilled Personal Support.
3. Training, or skills validation, shall include the areas of bathing, skin care, hair care, nail care, mouth care, shaving, dressing, feeding, assistance with ambulation, exercises and transfers, positioning, bladder care, bowel care, medication reminding, homemaking, and protective oversight.
4. Training shall also include instruction in basic first aid, and training in infection control techniques, including universal precautions.
5. Training and instruction on safety and emergency procedures.
6. Training or skills validation shall be completed prior to service delivery, except for components of training that may be provided in the client's home, in the presence of the supervisor, or as provided below for IHSS agencies.

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## Personal Supports: Member-directed

### Provider Type

1. Member-Directed Personal Support: Agency
2. Member-Directed Personal Support: Member-employed Attendant

### Certification

1. An agency providing Member-Directed Personal Support must be certified by the state. and be currently enrolled as a Medicaid provider (i.e., not involuntarily terminated)

### Provider Standards

All Personal Support attendants and individuals providing Personal Support Services, under any service delivery option, must meet the following qualifications:

1. Attendants shall be at least 18 years of age.
2. Attendants shall demonstrate competency in caring for the client to the satisfaction of the client or authorized representative.
3. Attendants shall not have had a license as a nurse or certification as a nurse aide suspended or revoked or his application for such license or certification denied.
4. Attendants shall be subject to and clear a criminal background check
5. Attendants employed under the self-direction service delivery option.
6. Attendants must have training and/or experience commensurate with the service or support being provided.

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