



Response to Comments on Proposed Changes to Rate Methodology in Four Home and Community Based Services (HCBS) Waivers

Background

In Senate Bill 15-234 (the Fiscal Year 2015-2016 Long Appropriations Bill), which Governor Hickenlooper signed on April 24, 2015, the General Assembly appropriated funding for a targeted increase in the rates for personal care and homemaker services to \$17 per hour. In consultation with Joint Budget Committee staff, the Colorado Department of Health Care Policy & Financing (HCPF) determined that this funding covered such services when provided in the In-Home Support Service (IHSS) and agency-based models, but not when provided through the Consumer Directed Attendant Support Services (CDASS) model.

On September 15, 2015, HCPF publicly noticed proposals for renewing its Spinal Cord Injury (SCI) Waiver and amending its Elderly, Blind, and Disabled (EBD), Community Mental Health Supports (CMHS), and Brain Injury (BI) Waivers. For each waiver, HCPF proposed to:

- Change the way the IHSS and agency-based rates for personal care and homemaker services are calculated by taking into account recent cost data, as opposed to historical figures.
- Implement the legislatively authorized targeted increase to rates for IHSS and agency-based personal care and homemaker services.
- Alter the way in which the CDASS rate is developed in order to account for the above increases without increasing CDASS rates—as to which the legislature had not provided funding for an increase. Until now, CDASS rates have been based on IHSS and agency-based rates for personal care, homemaker, and health maintenance rates. HCPF proposed that if CMS were to approve the targeted rate increases above, HCPF would use the base, pre-increase rates for purposes of the CDASS rate calculation.



Public Comments

HCPF received a total of 35 comments on the proposed waiver renewal and amendments.

Twenty-three of these comments have expressed support for implementing the rate increase for IHSS and agency-based personal care and homemaker services as soon as possible.

Six comments have expressed opposition to the overall package of rate changes. In the view of these commenters, rates for personal care and homemaker services should be increased across the board. They fear that increasing rates only within the IHSS and agency-based models will make it harder for clients who receive services through the CDASS model to hire quality workers at competitive pay rates. They also expressed other concerns, including as to the procedures by which the appropriation was made and the waiver proposals developed prior to being released for public comment.

One comment observed that if CMS were to disapprove the rate changes, all of the adult waivers would be denied and have to be re-submitted without those changes.

Five comments raised issues that HCPF has addressed separately from this paper.

HCPF Response Regarding Rate Changes

HCPF appreciates the input of all 35 commenters and, as urged by 23 commenters so far, it will seek to implement the rate increase for IHSS and agency-based personal care and homemaker services as soon as possible.

HCPF understands the concerns expressed by those opposing the current set of rate change proposals. However, HCPF cannot increase CDASS rates without funding from the legislature. HCPF cannot unilaterally contravene clear legislative direction and defer authorized, funded increases for IHSS and agency-based rates, which virtually all stakeholders agree are overdue. It is in the best interests of clients receiving personal care and homemaker services through the IHSS and agency-based models for the pay available to their attendants to increase as soon as possible. Therefore, HCPF is not changing its proposed rate plan.

HCPF expects case managers to continue to work with CDASS clients on ways to design and update Attendant Support Management Plans so that they best serve each individual client's needs.

HCPF has reviewed the procedural and other concerns expressed by commenters and does not believe that they warrant any changes to the rate change proposals.



Availability of Materials

- The draft waiver renewal and amendments were open for public comment until October 28, 2015. The amendments and plans are posted on the Department's website here: www.colorado.gov/hcpf/hcbs-waiver-transition
- To request a paper or electronic copy of any materials, including the full draft waiver renewal and amendments, please contact Lana Mutters at 303-866-2050, Email: HCBS_Rules_Submission@state.co.us
Visit or mail: 1570 Grant Street, Denver, Colorado 80203
Fax: 303-866-2786
- All comments and responses can be found in a listening log on the Department's website: www.colorado.gov/hcpf/hcbs-waiver-transition

