



COLORADO

Department of Health Care
Policy & Financing

**Meeting Minutes
Individual Residential Support Services (IRSS) Stakeholder Meeting
Department of Health Care Policy and Financing**

Colorado Department of Health Care and Financing
303 E. 17th Avenue, 7th Floor Conference Room 7ABC
Denver, CO 80203

Wednesday, July 25, 2018

1:15 p.m. to 2:45 p.m.

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Agenda Items

1. Welcome and Introductions: Colin Laughlin, Candace Bailey

Colin Laughlin introduced himself and explained that he oversees the Benefits and Services Management Division. The division oversees Home and Community Based Services (HCBS) waivers, nursing facilities, and other aspects of HCBS.

Colin Laughlin said this meeting will be the first of several meetings. The Department wants to make sure everyone is represented here at the stakeholder meeting. Colin asked people to share names of people who also should attend, and the Department will add them to the invitation lists.

Colin Laughlin concluded his introductory remarks thanking everyone for joining the Department today. He said it is critical to have a well-represented and engaged group of people in attendance.

Candace Bailey introduced herself and explained she is the section manager for the Community Options Benefits Section, which manages HCBS benefits within the Benefits and Services Management Division. Today the meeting will go over Individual Residential Support Services (IRSS) proposed regulation changes. Candace showed a slide outlining the mission of the Department, which includes improving health outcomes for members.

Candace Bailey said that she would like to go around and introduce everyone at the meeting. However, the large group of attendees might take up the whole time for the meeting. She also mentioned there are 70 people joining the meeting on the phone. Candace moved to go forward with the meeting without formal introductions.

2. Meeting Expectations: Candace Bailey

Our mission is to improve health care access and outcomes for the people we serve
while demonstrating sound stewardship of financial resources.
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Candace Bailey emphasized that this meeting includes a very large group. There are significant numbers of passionate members who want to speak. Expectations include all participants are considered equal. Please treat each other with respect. Put any personal differences aside so everyone can work together. One person can speak at one time. Please raise your hand to speak.

Candace Bailey said she will also ask people on the phone and webinar to speak up as well. Please strive to see each other's point of view. The Department wants to hear all perspectives to build policy. However, there will not be 100% agreement, and participants should disagree respectfully. Let's stick to the topics on the meeting agenda.

Candace Bailey shared that people can also submit public comments at the end of the meeting. Cassandra Keller will share the email address at the end of the meeting.

3. Timeline for Project and Revisions: Candace Bailey

Candace Bailey shared the timeline for revisions for IRSS regulations. The Department must stick within its statutory authority, but the Department does have authority to modify these regulations by clarifying and modifying some language.

Candace Bailey emphasized that the first draft is the initial take on changes. Meeting participants should have received a copy. The first draft will help with starting our conversation today. In September, the Department will review all the comments received about IRSS regulation changes. Then, the Department will hold another stakeholder meeting to discuss the comments.

Candace Bailey shared that the plan is to have a second draft ready for the stakeholder meeting in September. In October and November, the Department will review the revisions and discussions. In December, there will be a public comment period. In January 2019, the Department will present the revisions to the medical services board (MSB.)

Candace Bailey asked if there were any questions. She also clarified that the timeline is not set in stone.

4. Historical Review of IRSS: Candace Bailey

House Bill 18-1376 would have defined an IRSS provider in statute. IRSS would have adopted Housing and Urban Development (HUD) housing quality standards. The state had a horrific, tragedy that occurred, and it came to attention of our legislators. The point is to help prevent future tragedy, that's the Department's goal.

A stakeholder asked if the Department invited Colorado State Rep. Don Pabon to this meeting. Colin Laughlin replied that he sent Rep. Pabon's representative an email. Colin



said the email went out to as many host home providers possible, as well as Community-Centered Boards (CCBs). Colin said he is happy to add names to the list if requested and that all individuals should send names of interested parties to Candace.

A stakeholder asked if there is any wording in the first draft that refers to local Fire Departments. Candace Bailey answered that the Department did not specifically put that in this draft.

A stakeholder asked if there are other documents floating out there that refer to this issue. Candace Bailey answered there is nothing issued by the Department. If there is something it would be old or from a different agency.

5. High Level Review of Proposed Changes: Candace Bailey

Candace outlined the first draft of changes, which was about Program Approved Service Agencies (PASAs) conducting a survey of each IRSS location every quarter. This edit specifies how often the IRSS sites are surveyed. The edit includes a review of fire exits and fire extinguishers, as well as a review of safety plans. The survey includes examining such aspects as the presence of fire extinguisher and first aid supplies on site.

Candace continued that the Department is thinking about making the IRSS site notify the Fire Department about each room where a person who needs help to evacuate resides. Candace asked stakeholders for feedback on the edit.

A stakeholder shared that there are IRSS agencies who are doing more than this. For example, they are performing surveys monthly. They also check for working, operable windows. Some IRSS agencies also require fire drills for individuals in services. Fire drills allow agencies to see how long it takes, who panics, and who needs hands-to-hand assistance. The stakeholder asked if there any agencies not doing anything at all.

Candace Bailey said the Department knows that there are lots of agencies that currently do this. This key edit here was to add a minimum of how often agencies need to be visited.

A stakeholder asked if the Department is looking at doing a standardized template. Candace Bailey answered that the Department contracts out with the Colorado Department of Public Health and Environment (CDPHE) to perform onsite surveys. They go out to a certain number of PASAs, and pull a sample of surveys, and do a review of agency documentation. That check and balance will remain in place. The second part, as far as a standardized assessment, the Department has not done anything at this time.



A stakeholder shared that she worked for Rocky Mountain Human Services (RMHS) a long time ago, and that agency had a template.

Another stakeholder shared that she has a son in a host home. She had a very unpleasant experience with a host home provider. She asked how the Department terminates homes, and how the Department handles non-compliance.

Candace Bailey said that is a great question. The Department needs to look at adding additional specifications on non-compliance. The Department will need to work with CDPHE on their timelines and how they conduct recommendations.

A stakeholder asked if some providers should be terminated. She said she is new to all this. She has seen providers who are allowed to continue, with not enough oversight.

Candace Bailey explained that IRSS providers are typically contracted with a PASA. However, if there are clear violations, the PASA will be held liable. The Department can recommend that a PASA terminate their contracts. The Department can make a recommendation to the CCB to switch agencies.

The same stakeholder pointed out that parents are not allowed to switch homes on behalf of their adult children unless they have guardianship. She is now a guardian for her 28-year-old son.

A stakeholder pointed out there were a lot of failures that went beyond that in the tragedy that prompted the legislation. In that case, there were locked doors with no keys. As a PASA, sending in a person who is not trained as a fire personnel will make them miss some things. They should have an annual fire department visit, because they are the experts. The agencies need to have the fire department in, and the families should be able to see that as public record.

Candace Bailey shared that the recommendation is an annual, onsite assessment by the Fire Department.

Jennifer Larsen shared a question from the webinar. A stakeholder asked what training PASA personnel will receive to make sure they are knowledgeable.

Candace Bailey said she doesn't have the answer on that. The Department would have to figure out the training piece, and will certainly look at how we want to address the training.

Jennifer Larsen shared a comment from the webinar. A stakeholder said that Denver County will not flag homes from the Fire Department.



Another stakeholder shared that in Boulder County and Broomfield County fire departments won't come out to residential homes unless the resident has already had a house fire. It's more of a waste of a resources for them.

Candace Bailey said the Department cannot mandate the fire departments to do this because it is not within the Department's statutory authority to manage county fire departments.

A stakeholder said that if the Department writes rules that has that included, then they could run legislation next year.

Colin Laughlin said the goal isn't necessary to create a regulatory framework. The Department is looking at creating a robust option. We had Life Safety involved last Spring during the legislative stakeholder process with some fire chiefs from Arvada County. Colorado has different local controls, and a lot of different jurisdictions that lay on top of each other. At the end of the day, we would need statute to do that. There are some things that the Department can't do wholesale right now, but keep in mind what the Department can do. Those things are going to be best practices, but we don't have the full authority to do those things now. The Department might not be able to push the wholesale fix.

A stakeholder clarified that IRSS means talking about a residential setting, not an institutional setting. People need to moderate expectations to a home setting. The meeting is talking about a home-based setting, just bearing that in mind that the Department doesn't want to make unreasonable demands.

Candace Bailey agreed that these are individuals who are providing services within their homes. The Department wants to make sure they remain in homes in the community.

A stakeholder suggested that under item B4, the second sentence, it would make sense to extend the language there. Adding that visits are not pre-scheduled and are unannounced. There was another tragedy in Boulder County where three individuals were being abused and neglected. The monthly onsite visits were scheduled, and it was never noticed because it covered it up for the site visit. The IRSS homes should be subject to inspection at any time without notice. These individuals would have to be more tuned into serving vulnerable populations.

Candace Bailey asked for feedback on that suggestion. One stakeholder questioned whether it was necessary to drill down to that level. On the other hand, another stakeholder said the Department needs to specify that visits could be random. Another stakeholder also agreed that random visits should be spelled out in the legislation.



Candace Bailey said the Department can add language for that and wordsmith it a little. A stakeholder cautioned against being overly prescriptive. She said not every site visit should be unscheduled. When things get overly prescriptive, it starts driving up the cost of services.

A stakeholder commented that some of this would fall beyond the scope of an agency's role. For example, testing smoke alarms is not within the scope of most agencies. The agencies are sending out people to inspect nursing services.

Another stakeholder shared her experience going through the process with the fire department. She is going through that process right now. She had to go through business and zoning, and then the fire department is able to come in and do an assessment of the property.

Jennifer Larsen shared a question from the webinar. A stakeholder asked if there would be a template of what should be inspected so it is consistent across organizations.

Candace Bailey said that question is going back to the template section. She did find the HUD section, which requires a minimum of HUD Section 8 quality standard.

A stakeholder commented that Section 8 doesn't necessarily address any real fire safety concerns. Questions from Section 8 run more to if there's hot water and working electrical outlets. Section 8 covers the minimum standards for housing quality.

Candace Bailey asked for feedback on developing a template.

A stakeholder who works for Parker Personal Care Homes commented that she is not pro-template. The form PPCH uses is very, very stringent. Unless the template was from a fire safety specialist, she is against a template.

Candace Bailey suggested the Department could put in minimum standards instead of requiring the use of a template. An agency must create a template that meets the minimum standard.

A stakeholder commented that the template needs to be enforced by the Department. The checklist should be able to protect what the rule says.

Jennifer Larsen shared a question from the webinar. A stakeholder shared that they have Smart 911 in Jefferson County. The stakeholder asked if that is enough to ensure that responders have the information they need.

Candace Bailey answered that she doesn't know. Smart 911 is not statewide.



A stakeholder clarified that Smart 911 is in a lot of counties across the state, but not all. If people call Smart 911, they can register and put in information about the building or site. It's a great tool, but again it is not statewide.

Candace Bailey said if agencies have access to that tool, it would be beneficial to use it.

Jennifer Larsen shared a question from the webinar. A stakeholder asked if a PASA will have to share the results of the monitoring with the CCB or CMA.

Candace Bailey answered that the Department didn't make any changes to monitoring around the CMA. As far as requirements for the reporting to the CMA, she wonders how folks would operationalize that.

A stakeholder from The Resource Exchange asked if it is something that can be incorporated into the annual residential assessment.

Candace Baily said that's a good idea. It would be easier if there was a minimum standard template so it would be apples to apples.

Another stakeholder said it needs to be specific. Her son's host home had trash in the yard, and it was cluttered. That's another hazard. How can the Department make sure the house is safe? The response I got, was it's fine, it's just clutter.

Candace Bailey shared that if the individual is not safe, the PASA is required to remove the individual. As far as conditions such as trash, it's not necessarily specified, but we could look into adding some general language.

The stakeholder said she was given some quality standards that may be out of date. The standards spelled out that the yard isn't full of trash, and the house is clean and uncluttered. However, she doesn't see agencies doing the oversight.

Candace Bailey said the Department could add some clarifying language about the environment.

The stakeholder shared that there were several issues with her son's services.

Candace Bailey advised going to the case manager if there are problems with services. People can also file a complaint directly with CDPHE. If the house is deemed unsafe, they will recommend removal of an individual from a home.

A stakeholder wanted to make sure the CCBs are also included in the monitoring pieces. If the family has an issue, the case manager involvement is huge.



Another stakeholder shared that she also has a child in the system. Parents have placement authority with guardianship. That's one very strong weapon in the battle for placement. However, the meeting is getting in the 30,000-foot view. Maybe the Department could convene a meeting on guardianship. She also suggested contacting the Colorado Civil Rights Commission if someone's rights are not respected.

Jennifer Larsen shared a comment from the webinar. If a person moves into a home, they have thirty days for a health and safety inspection. A question from the webinar involved the kinds of requirements for foster homes.

Candace Bailey said she doesn't have those in front of her because the foster care system is run out of the Colorado Department of Human Services (CDHS.) Foster care is a different program than what the Department is talking about today.

Another stakeholder shared her experience with the foster care system. There's no escape plan posted in the foster homes, like guests see in the hotels. She would like to mandate that we have an escape plan, including information on where doors and ladders are located. She suggested at least having a map of how people are going to get out.

Candace Bailey asked if the proposal is to add a visual escape plan, or just an escape plan in general. The stakeholder answered both but include a visual plan. Candace clarified that the additional piece is to have a visual plan.

A stakeholder commented that 20 years ago, that was a requirement because it was addressed in the health and safety plans. There's still a balance that they are homes and they should look like homes. When guests go to a hotel, those are posted, but not in personal homes. This is at the one-foot level, but when CDPHE comes out and does their onsite monitoring, what they are typically requesting is to see if the home has band aids.

Candace Bailey asked if the suggestion would be to remove the language about first aid kits in the home. The stakeholder clarified that the suggestion was to remove the inspection.

A stakeholder from PASCO shared a situation where there was an emergency, the direct service provider and client were in the basement. In those situations, having obvious information posted somewhere would have been helpful. When parents have a child care provider at the house, they might have a visual plan.

Candace Bailey suggested the Department can modify the language to require a plan on each floor, to meet the Center for Medicare and Medicaid Services (CMS) rule about



homes not being institutionalized. Also ensuring the safety plan is easily accessible, and the safety plan is on each floor.

A stakeholder commented that she is a registered nurse (RN.) She asked the Department to consider bearing in mind who the rule is going to serve when passing out requirements. Is it going to make a difference in the quality of service provided? Or is it going to be a box that we will just check off on a list?

Candace Bailey said that is a great reminder why we have these regulations. Thank you for that reminder.

A stakeholder asked as a PASA, how does the PASA meet the requirement for "at all times" language. Candace Bailey said unannounced, unscheduled site visits would meet that requirement. Another stakeholder commented that "at all times" is redundant and should be removed.

Candace Bailey said the Department will remove the phrase "at all times." Thank you.

A stakeholder brought the discussion back to unannounced site visits. They were told that only the first survey would be announced, and the other ones would be unannounced. If a you are doing everything you're supposed to be doing, there should be no problem with unannounced visits.

Another stakeholder said the difficulty with all visits being unannounced is simply logistics. Staff time is inefficient. Unannounced visits should be a part of it, but the reality of ensuring visits are supervised, all unannounced visits are inefficient.

A stakeholder commented that IRSS is not institutional, but the reality is when it goes from three people to four people, its' a group home. It's created a loophole for relaxing these standards. Parents need to know that host homes are just as safe and protected as a group home. There needs to be standardization. It's a Catch 22. They are paid providers, they are providing a service. Basic standards should still be in effect.

Candace Bailey asked if there's something specific in mind from the group home regulations stakeholders would like to see here to please let the Department know. She shared there were about 15 minutes left in the meeting. She wants to put a call out for any last-minute comments or questions.

A stakeholder commented that the CCBs and case managers certainly have every right to show up unannounced. With conflict-free case management coming down the pike, how is that going to affect this. We need to look further down the road to see how it will affect IRSS.



A stakeholder commented that the Department should remember ADA compliance as well, with ramps into the home and requirements like that.

A stakeholder asked if the Department captured all the attendees and their email addresses. Candace Bailey explained that the stakeholder list doesn't include attachments. With the new memo series, the email will take you to the website and the attachments are located there. The attachment and agenda are online. Candace said the Department will figure out a way on how to get everyone's email address that would like to be in attendance.

A stakeholder commented that the attachments are not easy to find. Maybe the Department could do a direct link instead.

6. Future Meetings Timeline and Scheduling: Candace Bailey

Candace Bailey suggested talking about scheduling future meetings. This date and time conflicted with some other stakeholder meetings the Department holds. The Department will contact other stakeholder groups and make sure the meeting doesn't conflict with anything. The next meeting will probably be in September. She will get that out ASAP.

A stakeholder asked to not hold the meetings do it on the fourth Wednesday of the month.

Candace Bailey reiterated the Department will ensure it doesn't go over another standing stakeholder meeting. Next meeting the Department will incorporate some of these comments to discuss.

Candace Bailey shared the email address for specific feedback. Please submit it to the email address of ltss.publiccomment@state.co.us Please feel free to send comments to that email address. If you want to talk to me directly, email me at candace.bailey@state.co.us

7. Adjourn

Candace Bailey moved to adjourn. She thanked everyone for coming today.

Reasonable accommodations will be provided upon request for persons with disabilities. Please notify Candace Bailey at 303-866-3877 or candace.bailey@state.co.us or the 504/ADA Coordinator at hcpf504ada@state.co.us at least one week prior to the meeting to make arrangements.

