

Colorado Medicaid 101

For the Trailhead Community Conference

October 25-27, 2023

Presented by: Adam Tucker



COLORADO
Department of Health Care
Policy & Financing

Agenda

Two Part Presentation

1. Medicaid HCBS waivers

1. How they are structured in Colorado
2. Upcoming changes to the System

2. The HCBS Settings Final Rule

1. What is it
2. What does it mean for intentional communities



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Home and Community Based Services Waivers



February 2023

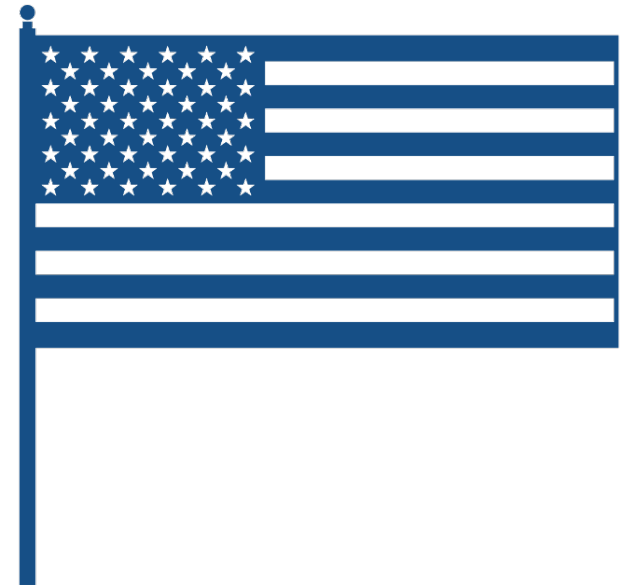
What we hope you walk away knowing today...

- Medicaid and Waiver Basics
- Accessing Waiver Services
 - Case Management Agencies
 - Eligibility
 - Enrollment
- Waivers in Colorado
- Resources



Medicaid Basics

- Created in 1965
- Health insurance for eligible low-income adults, children, pregnant women, elderly adults and people with disabilities
- Entitlement program currently covering over 80 million Americans nationwide
- States given the option to participate
 - Funded jointly with State and Federal Funding
 - Some mandatory requirements
 - Some flexibility for States to tailor their Medicaid program to their needs and population

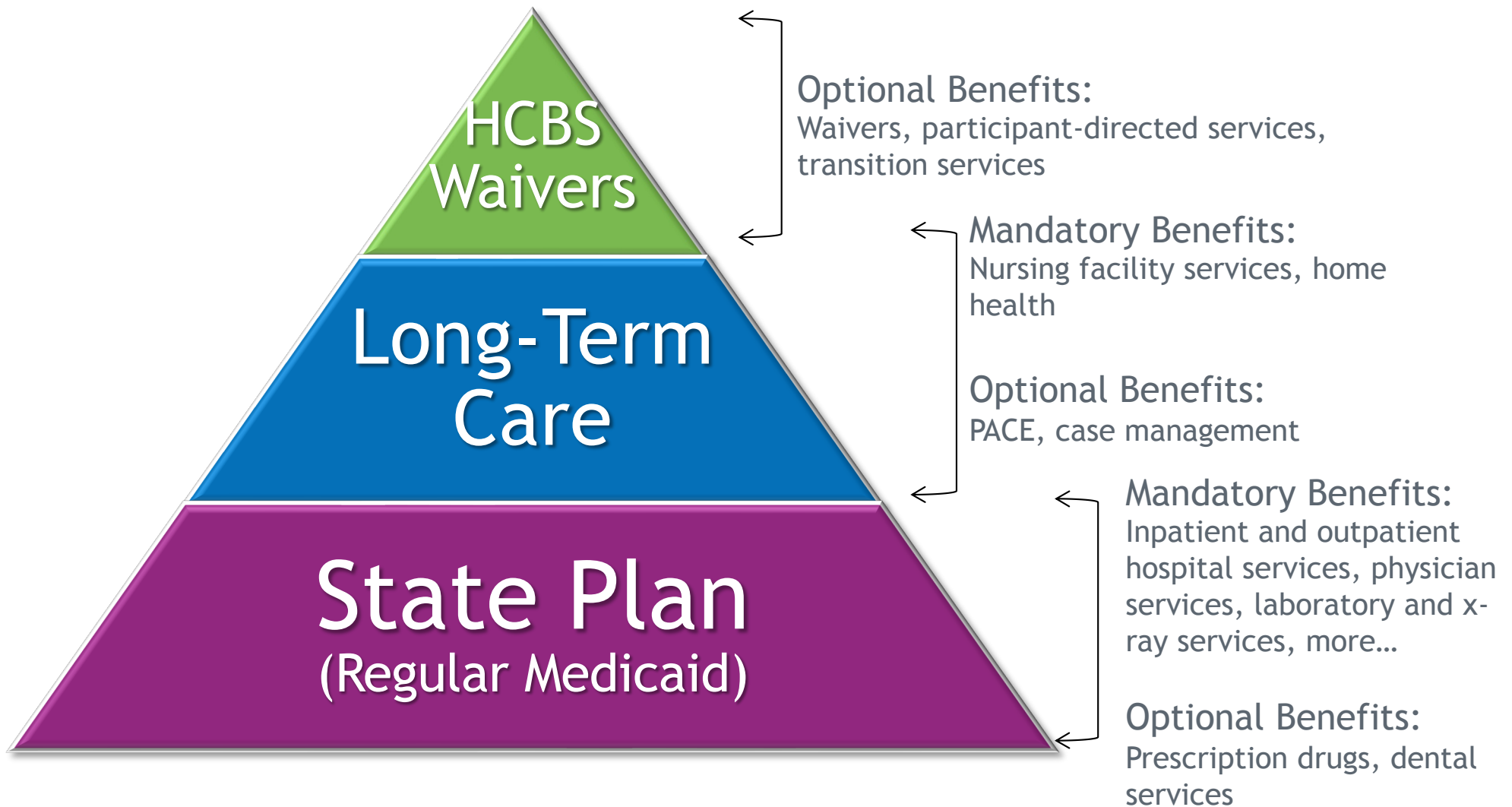


Medicaid Coverage

- Mandatory State Plan Benefits
 - Inpatient and outpatient hospital services, physician services, laboratory and x-ray services, nursing facility services, home health, and more...
- Optional Benefits
 - Prescription drugs, **case management**, physical therapy, occupational therapy, mental health services, **home and community based services**, and more...

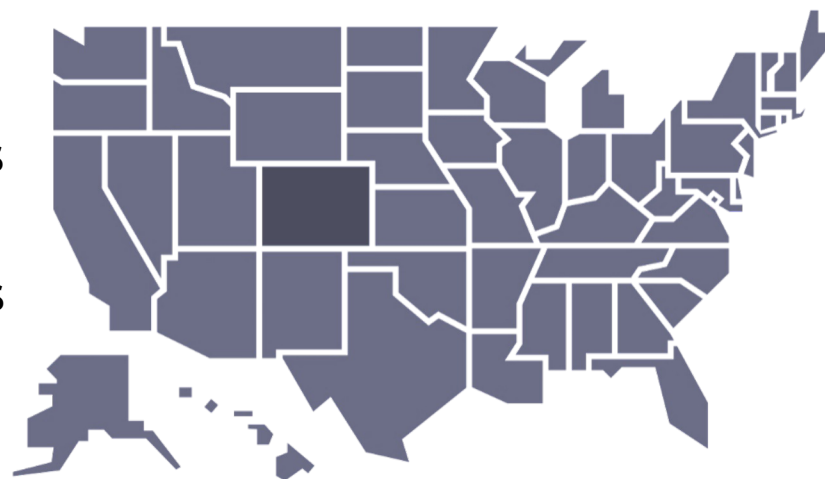


Benefits Pyramid



Home and Community Based Services (HCBS) Waivers

- Alternative to institutional care
 - Provide institutional level of care to individuals who prefer to live in their home or community
- Home and Community Based Services (HCBS) Waivers allow states flexibility to:
 - Waive certain income/eligibility criteria
 - Provide specific services to target groups or geographic regions
 - Can have waiting lists or enrollment caps
 - Provide individuals more choice and independence



Federal Requirements



Cost Neutral



Services Provided to
Avoid Institutionalization



Protect Health &
Welfare



Person-Centered
Plan of Care

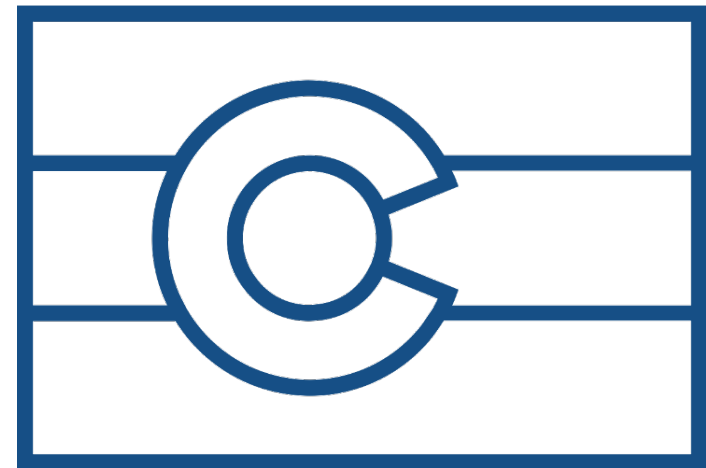
HCBS Waivers

- Provides all Health First Colorado (Colorado's Medicaid Program) State Plan benefits plus additional waiver services
- Allows participants and their families to remain integrated in the community and have decision making power over their life and health
- Participants receive services in their home and community
 - IDD Waivers - every calendar month
 - Non-IDD Waivers - every 30 days
- Participants can only be enrolled in one waiver at a time, some waivers have waiting lists



HCBS Waivers

- Waivers and services vary from state to state
- Currently there are more than 300 active HCBS waivers nationwide serving more than 1 million people
- Colorado has 10 waivers
- Waivers must go through a renewal process every 5 years



HCBS Waivers in Colorado

Adult Waivers

Brain Injury Waiver (BI)

Community Mental Health Supports Waiver (CMHS)

Complementary and Integrative Health Waiver (CIH)

Developmental Disabilities Waiver (DD)

Elderly, Blind and Disabled Waiver (EBD)

Supported Living Services Waiver (SLS)

Children's Waivers

Children's Extensive Support Waiver (CES)

Children's Home and Community Based Services Waiver (CHCBS)

Children's Habilitation Residential Program Waiver (CHRP)

Children with Life Limiting Illness Waiver (CLLI)

hcpf.colorado.gov/hcbs-waivers
hcpf.colorado.gov/long-term-services-and-supports-programs

Questions



Waiver Eligibility

Eligibility



- Financial
 - County Human/Social Services Office
 - Income and Resources
- Level of Care
 - Case Management Agency
 - ULTC 100.2 Level of Care Assessment
- Targeting Criteria
 - Case Management Agency
 - Waiver Criteria

Financial Eligibility

- Applicant's income must be less than three times (300%) of the current Supplemental Security Income (SSI) limit
 - May be a combination of different types of income such as SSI, SSDI, Social Security Survival benefits, child support, or income from a trust or employment
- The individual resource limit is \$2,000
- The couple resource limit is \$3,000



Level of Care

- Hospital Level of Care

- Participant's needs are similar to that of a person in a hospital. They have acute care needs or their condition is unstable and unpredictable.

- Nursing Facility Level of Care

- Participant's needs are similar to that of a person in a nursing facility. They require regular medical care, in home services at least once every 30 days, and oversight of a physician to maintain stability.

- Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID) Level of Care

- Participant's needs are similar to that of a person in an ICF-IID facility. They require regular medical care and rehabilitation.

10 CCR 2505-10 8.408

Case Manager Ongoing Responsibility

- Assist with development of a service plan
 - Activities of Daily Living (ADLs)
 - Community living goals
- Help participants navigate the system and understand all of their options to make informed choices
- Help connect participants with providers
- Maintain contact with participants regularly and monitor and adjust services as needed according to the participant's changing needs



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hcpf.colorado.gov/hcbs-waivers
hcpf.colorado.gov/long-term-services-and-supports-programs

Waiver Charts and Flow Charts

- Waiver Comparison Charts
 - Provide a side-by-side comparison of key components and eligibility requirements of each waiver
 - Includes program contact information
- Flow Charts
 - Provide participants and families a decision-tree to help them understand all of the program options



hcpf.colorado.gov/hcbs-waivers#Charts

Developmental Disabilities Waiver (DD)

- For persons living with a developmental disability who need access to services and supports 24 hours a day
 - Must be 18 years old or older and meet Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID) level of care
 - This waiver has a waiting list
 - Contact local Community Centered Board (CCB)
- Behavioral Services
 - Day Habilitation Services (Specialized Habilitation, Supported Community Connections)
 - Dental Services
 - Home Delivered Meals
 - Non-Medical Transportation
 - Peer Mentorship
 - Prevocational Services
 - Residential Habilitation Services and Supports (24-hour individual or group)
 - Specialized Medical Equipment and Supplies
 - Supported Employment
 - Transition Set Up
 - Vision Services

hcpf.colorado.gov/developmental-disabilities-waiver-dd

Elderly, Blind and Disabled Waiver (EBD)

- For elderly persons with a functional impairment (aged 65+) or persons who are blind or have a physical disability (ages 18-64), or persons diagnosed with HIV/AIDS
- Must meet nursing facility level of care
- Contact local Single Entry Point (SEP) Agency

hcpf.colorado.gov/elderly-blind-disabled-waiver-ebd

- Adult Day Services
- Alternative Care Facilities
- Consumer Directed Attendant Support Services (CDASS)
- Home Delivered Meals
- Home Modifications
- Homemaker Services
- In-Home Support Services (IHSS)
- Life Skills Training
- Medication Reminder
- Non-Medical Transportation
- Peer Mentorship
- Personal Care
- Personal Emergency Response System
- Remote Supports
- Respite Care
- Specialized Medical Equipment and Supplies
- Transition Set Up

Supported Living Services Waiver (SLS)

- For persons living with intellectual or developmental disabilities who can live independently with limited supports or who, if they need extensive supports, are receiving a high level of support from other sources, such as family
- Must be 18 years old or older and meet ICF-IID level of care
- Contact local Community Centered Board (CCB)

hcpf.colorado.gov/supported-living-services-waiver-sls

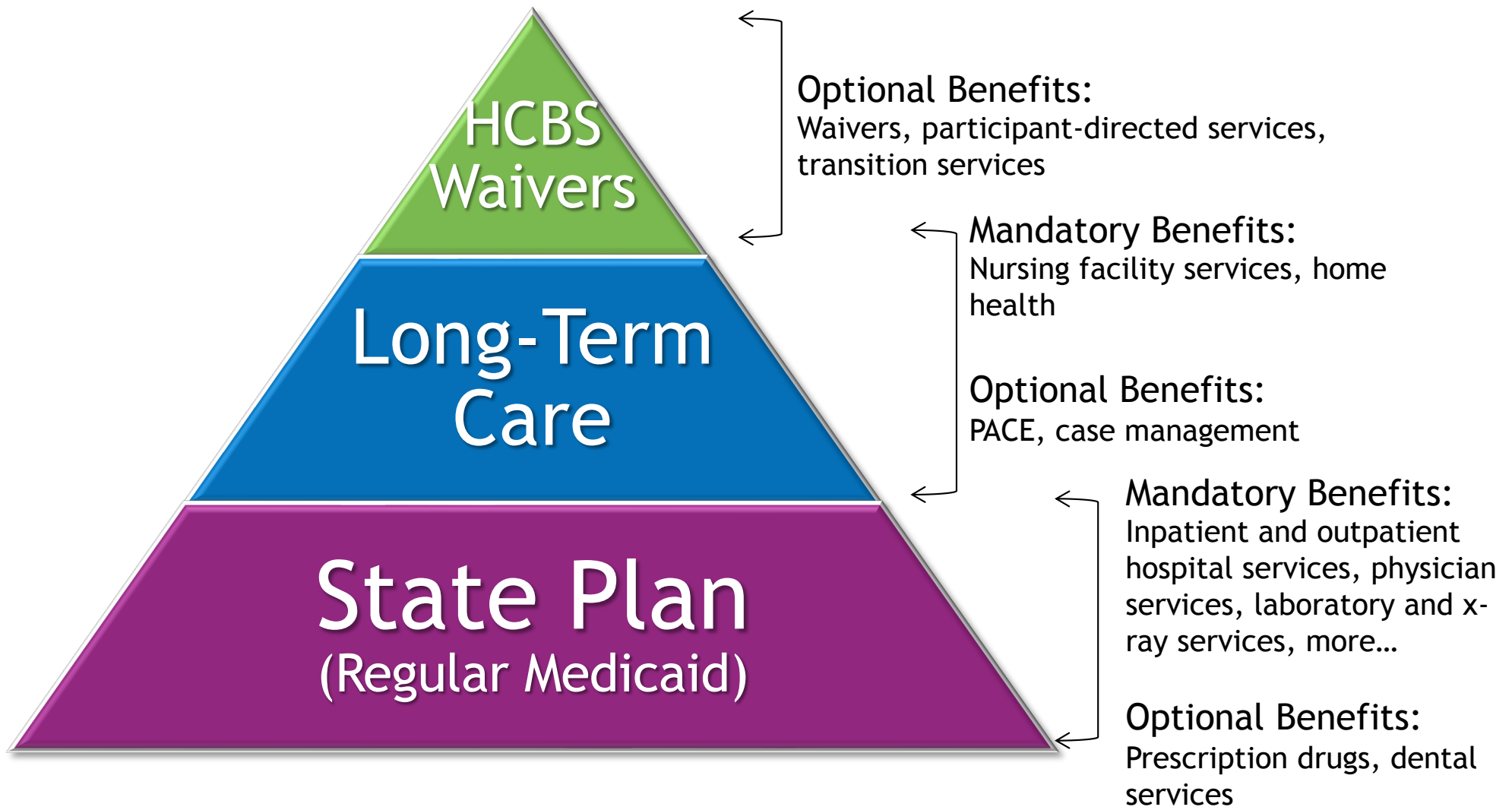
- Assistive Technology
- Behavioral Services
- Consumer Directed Attendant Support Services (CDASS)
- Day Habilitation Services (Specialized Habilitation, Supported Community Connections)
- Dental Services
- Health Maintenance Activities
- Home Delivered Meals
- Home Modification
- Homemaker Services
- Life Skills Training
- Mentorship
- Non-Medical Transportation
- Peer Mentorship
- Personal Care
- Personal Emergency Response System
- Prevocational Services
- Professional Services (Hippotherapy, Massage and Movement Therapy)
- Respite Services
- Specialized Medical Equipment & Supplies
- Supported Employment
- Transition Set Up
- Vehicle Modifications
- Vision Services

Community First Choice!!! And Future changes

- Expands who can access supports that advance community living
- Expands Colorado Consumer Direction options

What Does This Mean!!!!

Benefits Pyramid

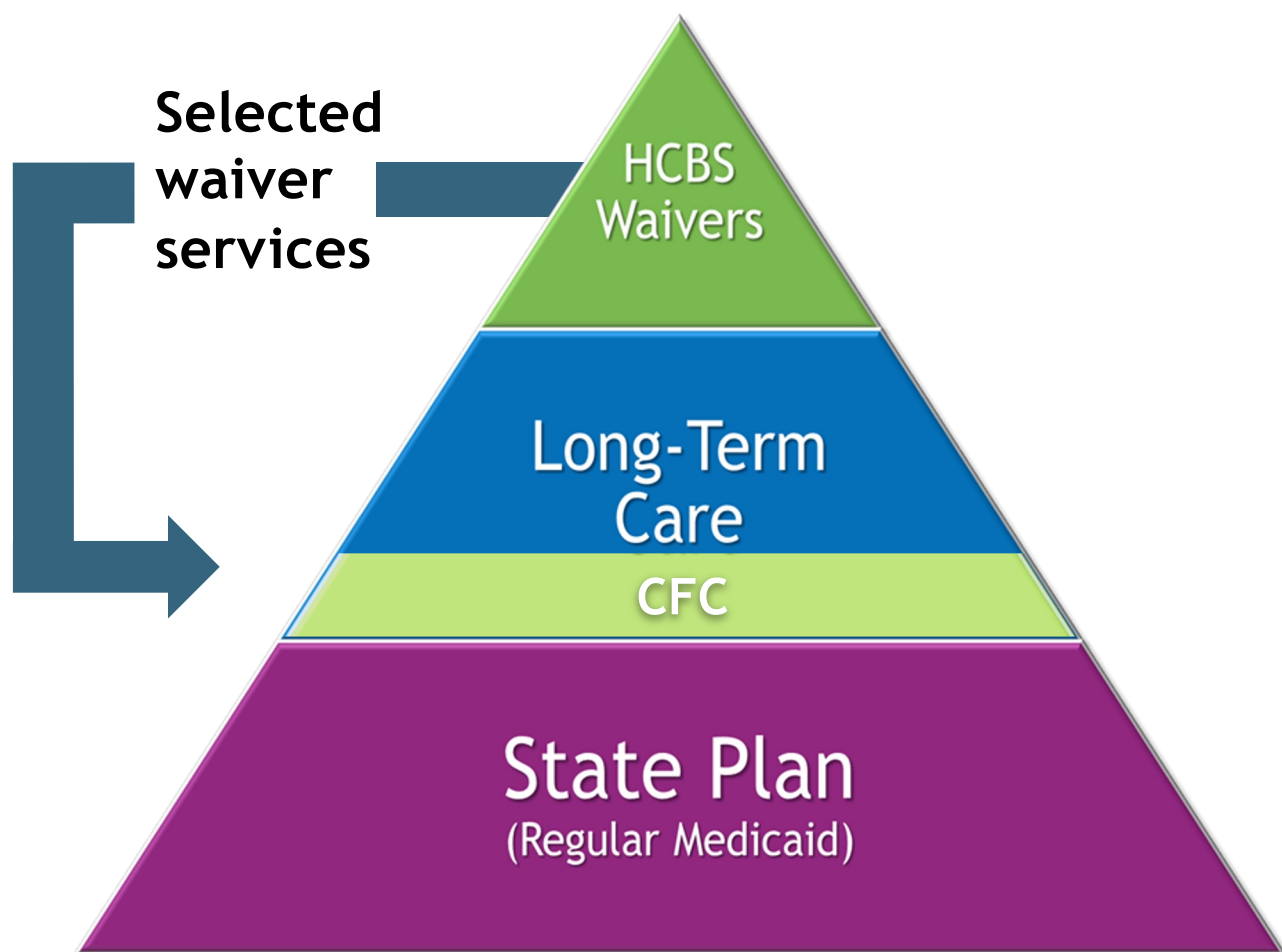


Community First Choice

*Goal of CFC: Making HCBS accessible for more Medicaid members with expanded options and availability for **self-directed care***

Mandatory and Select Optional Services:

- Homemaker
- Personal Care
- Health Maintenance Activities
- Acquisition, Maintenance, and Enhancement of Skills (new federally required service)
- Remote Supports
- Remote Supports Technology
- Life Skills Training
- Transition Services
- Electronic Monitoring
- Personal Emergency Response System
- Medication Reminders
- In-Home Support Services
- Consumer Directed Attendant Support Services



Waiver Charts and Flow Charts

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hcpf.colorado.gov/hcbs-waivers#Charts

CFC vs. Waiver Services

SLS/DD/CFC - table of services

SLS	DD	CFC - These services require an assessed need to receive outside of the bundled rate through Day Habilitation)
<ul style="list-style-type: none"> • Assistive Technology • Behavioral Services • Day Habilitation Services • <i>Personal Care</i> • <i>Health Maintenance Activities</i> • Dental Services • Home Modifications • Life Skills Training • Mentorship • Non-Medical Transportation • Prevocational Services • Professional Services • Remote Supports • Respite Services • Specialized Medical Equipment & Supplies • Supported Employment • Vehicle Modifications • Vision Services 	<ul style="list-style-type: none"> • Behavioral Services • Day Habilitation • <i>Personal Care</i> • <i>Health Maintenance Activities</i> • Dental Services • Non-Medical Transportation • Peer Mentorship • Prevocational Services • Residential Habilitation Services • <i>Personal Care</i> • <i>Health Maintenance Activities</i> • Specialized Medical Equipment & Supplies • Supported Employment • Vision Services 	<ul style="list-style-type: none"> • IHSS • <i>Personal care</i> • <i>Homemaker Services</i> • <i>Health Maintenance Activities</i> • CDASS • <i>Personal care</i> • <i>Homemaker Services</i> • <i>Health Maintenance Activities</i> • Home Delivered Meals • Transition Set Up

HCBS Final Setting Rule



Introduction to the HCBS Settings Final Rule

- In 2014, the federal Centers for Medicare & Medicaid Services (CMS) published a rule requiring home- and community-based services (HCBS) to be provided in settings (locations) that meet certain criteria.
- The criteria ensure that HCBS participants have access to the benefits of community living and live and receive services in integrated, non-institutional settings.
- To meet the criteria, settings (locations) where people live or receive HCBS must ensure that people are able to exercise a variety of rights.
- They also must ensure that any modifications to these rights meet several criteria, such as being based on individualized need and having the individual's informed consent.

This presentation is based on [Colorado's codification of the federal rule](#). Other states may have codified the rule differently. For more information, please see [Colorado's HCBS Settings Final Rule website](#).



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Basic Criteria (Rights) for All HCBS Settings

People have rights to live and receive HCBS in settings that:

- Are integrated in, and support full access to, the greater community.
 - This includes ensuring that people have control over their personal resources.
- Are selected by them from among various options, including non-disability specific settings, and (for residential settings) an option for a private unit.
- Ensure privacy, dignity, respect, and freedom from coercion and restraint.
- Optimize individual initiative, autonomy, and independence.
- Facilitate individual choice regarding services and supports, and who provides them.

All of these rights apply at all settings where people live or receive HCBS—even settings that are not owned or controlled by providers.



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Additional Criteria (Rights) for Certain Settings (1 of 2)

Provider-owned or -controlled residential settings must meet additional criteria, including that:

- For residential settings, the person has a lease giving them the same responsibilities and protections from eviction as other tenants in the area, or they have a written residential agreement giving them comparable protections.
- People have privacy in their unit:
 1. They can lock their doors. This includes having a key to their home, their own key to their bedroom, lockable bathroom doors, and a lockable place for their belongings.
 2. They can choose their roommates/housemates (if any).
 3. They can furnish and decorate as they like.
- People have the freedom and support to control their own schedules and activities, including methods of accessing the greater community.
- People have access to food at any time & visitors of their choosing at any time.
- The setting is physically accessible.



Additional Criteria (Rights) for Certain Settings (2 of 2)

In Colorado, all of these additional criteria except for the first one (relating to protections against eviction) also apply at residential settings that are not provider-owned or -controlled, such as personal/family homes, if anyone receiving 24-hour residential services and supports resides there.

Some of these additional criteria are also relevant to nonresidential settings.

- Provider-owned or -controlled nonresidential settings must protect all of the additional rights other than the first (relating to protections against eviction) and second (relating to privacy in one's unit). So, for example, an adult day center must ensure that people have access to food at any time.
- Other kinds of nonresidential settings where people receive services, like a public library, may restrict things like eating/drinking and other additional rights, so long as they treat HCBS participants the same as other individuals.



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Heightened Scrutiny

- Under the federal rule, any setting that
 - (i) “is located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment,” or
 - (ii) is located “in a building on the grounds of, or immediately adjacent to, a public institution,” or
 - (iii) otherwise “has the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS,”is “presumed to be a setting that has the qualities of an institution unless [CMS] determines through heightened scrutiny, based on information presented by the State or other parties, that the setting does not have the qualities of an institution and . . . does have the qualities of home and community-based settings.”
- The standard for compliance is not higher than/different from the standard for other settings.
- CMS just wants to take closer look at the evidence to be sure these settings comply with the rule.



What Does All of This Mean for Intentional Communities?

- The basic rights apply there, assuming anyone receives Medicaid-funded HCBS.
 - Whether the additional rights apply depends on the circumstances (e.g., whether it is a provider-owned or -controlled residential setting).
- The rule does not prohibit intentional communities.
- The rule does not necessarily subject such communities to heightened scrutiny, although that is a possibility depending on the characteristics of the setting, including whether it is potentially isolating for residents with IDD.
 - Are residents supported to access the community to the same degree as their neighbors?
 - Do others in the community view it as “the place where everyone with IDD lives”?
- Like all settings where people live or receive HCBS, intentional communities must ensure people are supported in being fully integrated with the broader community.
- In addition, intentional communities should ensure that individuals have a choice of providers for any HCBS they may need.
- “Past performance is not a guarantee of future results!”



Limits of HCPF Input

- Under federal guidance, HCPF cannot determine whether a particular setting (a) is subject to heightened scrutiny and (b) complies with the rule, until it is operating and can show how people actually experience the setting.
 - We know you want certainty in advance . . . but we cannot provide it. HCPF and CMS need to see how actual residents experience the setting, once it is operational.
- You need to comply with a number of legal authorities that HCPF does not administer. For example:
 - Do not operate an unlicensed congregate setting. Consult with the Colorado Department of Public Health & Environment (CDPHE) re: whether a particular proposed community requires licensure as a group home, assisted living residence, or other provider type.
 - Comply with housing codes, fire codes, commercial kitchen codes, etc.





Questions?

Case Management and County Contacts

- Community Centered Boards
 - hcpf.colorado.gov/community-centered-boards
- Single Entry Point Agencies
 - hcpf.colorado.gov/single-entry-point-agencies
- Private Case Management Agencies
 - hcpf.colorado.gov/single-entry-point-agencies#Private



Adult Waivers Rules

- Waiver regulations:

hcpf.colorado.gov/departments-program-rules-and-regulations

- Department Waiver Rules, Colorado Code of Regulations:

BI [10 CCR 2505-10, Section 8.515](#)

CMHS [10 CCR 2505-10, Section 8.509](#)

DD [10 CCR 2505-10, Section 8.500](#)

EBD [10 CCR 2505-10, Section 8.485](#)

SCI [10 CCR 2505-10, Section 8.517](#)

SLS [10 CCR 2505-10, Section 8.500.90](#)



Children's Waivers Rules

- Waiver regulations:

hcpf.colorado.gov/departments-program-rules-and-regulations

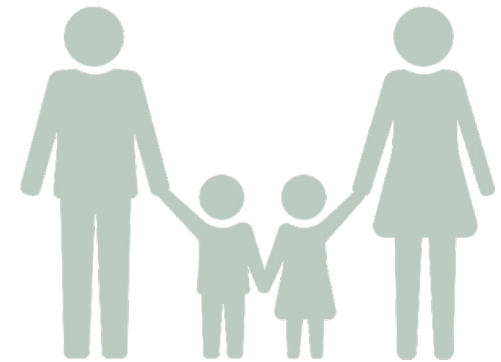
- Department Waiver Rules, Colorado Code of Regulations:

CES [10 CCR 2505-10, Section 8.503](#)

CHCBS [10 CCR 2505-10, Section 8.506](#)

CHRP [10 CCR 2505-10, Section 8.508](#)

CLLI [10 CCR 2505-10, Section 8.504](#)



Other Programs and Services

- Consumer Directed Attendant Support Services (CDASS)
 - hcpf.colorado.gov/consumer-directed-attendant-support-services
- In-Home Support Services (IHSS)
 - hcpf.colorado.gov/in-home-support-services
- Health First Colorado Buy-In Program for Working Adults and Children with Disabilities
 - hcpf.colorado.gov/medicaidbuyinprograms
- Home Health
 - hcpf.colorado.gov/home-health-program-0
- Program of All-Inclusive Care for the Elderly (PACE)
 - hcpf.colorado.gov/program-all-inclusive-care-elderly
- Nursing Facilities
 - hcpf.colorado.gov/nursing-facilities
- Supported Employment
 - hcpf.colorado.gov/supported-employment-program
- Transition Services
 - hcpf.colorado.gov/transition-services

Web Resources

- Alzheimer's Association of Colorado
 - www.alz.org/co
- Health First Colorado Member Handbook
 - www.healthfirstcolorado.com/benefits-services/#member-handbook
- Health First Colorado State Plan Benefits & Services
 - www.healthfirstcolorado.com/benefits-services
- Long-Term Services and Supports Programs Website
 - hcpf.colorado.gov/long-term-services-and-supports-programs
- Seniors Blue Book
 - seniorsbluebook.com
- Veteran-Directed Care
 - drcog.org/programs/area-agency-aging/veteran-directed-care

Questions



Contact Info

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General Home and Community-Based Questions

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Thank you!



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