

APPENDIX K: Emergency Preparedness and Response and COVID-19 Addendum

Background:

This standalone appendix may be utilized by the state during emergency situations to request amendments to its approved waiver, to multiple approved waivers in the state, and/or to all approved waivers in the state. It includes actions that states can take under the existing Section 1915(c) home and community-based waiver authority in order to respond to an emergency. Other activities may require the use of various other authorities such as the Section 1115 demonstrations or the Section 1135 authorities.¹ This appendix may be applied retroactively as needed by the state. Public notice requirements normally applicable under 1915(c) do not apply to information contained in this Appendix.

Appendix K-1: General Information

General Information:

A. State: Colorado

B. Waiver Title(s):

Brain Injury (HCBS-BI)
Complementary Integrative Health (HCBS-CIH)
Supported Living Services (HCBS-SLS)
Children with Life Limiting Illness (HCBS-CLLI)
Children's Habilitation Residential Program (HCBS-CHRP)
Developmental Disabilities (HCBS-DD)
Elderly, Blind, and Disabled (HCBS-EBD)
Children's Extensive Supports (HCBS-CES)
Community Mental Health Supports (HCBS-CMHS)

C. Control Number(s):

HCBS-BI: CO.0288.R06.01
HCBS-CIH: CO.0961.R02.14
HCBS-SLS: CO.0293.R05.20
HCBS-CLLI: CO.0450.R03.12
HCBS-CHRP: CO.0305.R05.19
HCBS-DD: CO.0007.R08.19
HCBS-EBD: CO.0006.R09.01
HCBS-CES: CO.4180.R05.19
HCBS-CMHS: CO.0268.R06.01

D. Type of Emergency (The state may check more than one box):

<input checked="" type="radio"/>	Pandemic or Epidemic
<input type="radio"/>	Natural Disaster
<input type="radio"/>	National Security Emergency
<input type="radio"/>	Environmental
<input type="radio"/>	Other (specify):

E. Brief Description of Emergency. *In no more than one paragraph each, briefly describe the: 1) nature of emergency; 2) number of individuals affected and the state's mechanism to identify individuals at risk; 3) roles of state, local and other entities involved in approved waiver operations; and 4) expected changes needed to service delivery methods, if applicable. The state should provide this information for each emergency checked if those emergencies affect different geographic areas and require different changes to the waiver.*

COVID-19 pandemic. This amendment will apply waiver-wide for each waiver included in this Appendix, to all individuals impacted by the virus or the response to the virus (e.g. closure of day programs, etc.). This Appendix K is additive to the previously approved Appendix K amendments. The Department will extend the temporary 2.11% rate increase to some home and community-based services to July 31, 2022 due to the COVID-19 pandemic. The 2.11% is effective between April 1, 2021 and July 31, 2022. The Department has implemented targeted rate increases between 4.43% and 112.16% effective July 1, 2022 through the end of the Appendix K for Massage Therapy (CIH, CLLI), Group Home/Foster Home (CHRP), Respite (CHRP), Non-Medical Transportation (SLS, DD), and Transitional Living Program (BI). The Department has also included a new tier for Supported Living Program (BI) service that includes a negotiated rate. The Department will use 9817 ARP funds for these rate increases and will amend the base waivers in Fall 2022 to have these rates effective beyond the Appendix K approval period.

F. Proposed Effective Date: Start Date: March 10, 2020 **Anticipated End Date:** 6 months after the conclusion of the public health emergency.

G. Description of Transition Plan.

All activities will take place in response to the impact of COVID-19 as efficiently and effectively as possible based upon the complexity of the change.

H. Geographic Areas Affected:

These actions will apply across the waiver to all individuals impacted by the COVID-19 virus

I. Description of State Disaster Plan (if available) *Reference to external documents is acceptable:*

N/A

Appendix K-2: Temporary or Emergency-Specific Amendment to Approved Waiver

Temporary or Emergency-Specific Amendment to Approved Waiver:

These are changes that, while directly related to the state's response to an emergency situation, require amendment to the approved waiver document. These changes are time limited and tied specifically to individuals impacted by the emergency. Permanent or long-ranging changes will need to be incorporated into the main appendices of the waiver, via an amendment request in the waiver management system (WMS) upon advice from CMS.

f. X Temporarily increase payment rates.

[Provide an explanation for the increase. List the provider types, rates by service, and specify whether this change is based on a rate development method that is different from the current approved waiver (and if different, specify and explain the rate development method). If the rate varies by provider, list the rate by service and by provider.]

The Department has extended the end date of the temporary 2.11% rate increase from July 1, 2022 to July 31, 2022. Effective April 1, 2021 through July 31, 2022, there will be a temporary 2.11% rate increase to the following home and community services to ensure continuity of operations and assurance of client health, safety, and welfare within waiver benefits due to the COVID-19 pandemic.

2.11% Rate Increase from 4.1.21-7.31.22

- Adult Day (EBD, CMHS, CIH, BI)
- Alternative Care Facility (EBD, CMHS)
- Community Connector (CES and CHRP)
- Day Habilitation (DD, SLS)
- Homemaker (EBD, CMHS, SLS, CES)
- In-Home Support Services (EBD, CIH, CHCBS)
- Mentorship (SLS)
- Non-Medical Transportation (EBD, DD, CMHS, SLS, SCI, BI)
- Personal Care (EBD, CMHS, SLS, CIH, BI)
- Prevocational Services (DD, SLS)
- Residential Habilitation (DD)
- Respite Care (EBD, CMHS, SLS, CHRP, CLLI, CIH, BI, CES)
- Supported Community Connections (DD, SLS)
- Supported Employment (DD, SLS)
- Supported Living Program (BI)

In addition, effective July 1, 2022 through the end of the Appendix K effective date, the Department has implemented targeted rate increases for the below Home and Community Based Services waivers. The percentage of the rate increases range from 4.43% and 112.16%. As the base wage reimbursement was initially lower for some services, the percentage increase may exceed 50% for some rates. It was necessary for the Department to increase the rates above 50% to account for the \$15 minimum wage reimbursement for all workers and to have a competitive wage for workers from different industries. The targeted rate increases include a 2% across the board increase which was passed through Colorado's 2022 Legislative session that also begins on July 1, 2022. The targeted rate increases were also passed through the same legislative session and are based on findings through the Medicaid Provider Rate Review Process that these rates were below the state benchmark.

The Department estimated the increase in rates based on the difference between the existing rates and the rates that received targeted adjustments through the American Rescue Plan act. The services targeted for these increases include the following:

Targeted Rate Increases from 7.1.22-Six Months Post PHE

- Group Home/Foster Care (CHRP)
- Massage Therapy (CIH and CLLI)
- Non-Medical Transportation (SLS and DD)
- Respite Care (CHRP)
- Transitional Living Services (BI)

Foster Home, Denver County (CHRP)

Day	Base Wage Rate: (Prior to 4.1.21)	Rates Effective: 4.1.22-6.30.22	Rates Effective: 7.1.22-End of Appendix K	Percentage Increase %
Level 1	\$56.10	\$57.50	\$77.55	38.22%
Level 2	\$90.63	\$92.90	\$126.17	39.21%

Level 3	\$110.74	\$113.51	\$155.34	40.27%
Level 4	\$134.85	\$138.22	\$190.86	41.53%
Level 5	\$154.92	\$158.79	\$221.53	42.99%
Level 6	\$194.73	\$199.60	\$281.79	44.71%

Foster Home, Outside Denver County (CHRP)

Day	Base Wage Rate: (Prior to 4.1.21)	Rates Effective: 4.1.22-6.30.22	Rates Effective: 7.1.22-End of Appendix K	Percentage Increase %
Level 1	\$56.10	\$57.50	\$74.83	33.39%
Level 2	\$90.63	\$92.90	\$121.52	34.01%
Level 3	\$110.74	\$113.51	\$149.35	34.86%
Level 4	\$134.85	\$138.22	\$183.09	35.77%
Level 5	\$154.92	\$158.79	\$212.05	36.87%
Level 6	\$194.73	\$199.60	\$268.99	38.13%

Group Home, Denver County (CHRP)

Day	Base Wage Rate: (Prior to 4.1.21)	Rates Effective: 4.1.22-6.30.22	Rates Effective: 7.1.22-End of Appendix K	Percentage Increase %
Level 1	\$82.26	\$84.32	\$135.86	65.15%
Level 2	\$108.29	\$111.00	\$164.33	51.75%
Level 3	\$127.57	\$130.76	\$187.00	46.58%
Level 4	\$150.69	\$154.46	\$214.68	42.46%
Level 5	\$166.48	\$170.64	\$237.23	42.50%
Level 6	\$196.31	\$201.22	\$278.34	41.79%

Group Home, Outside Denver County (CHRP)

Day	Base Wage Rate: (Prior to 4.1.21)	Rates Effective: 4.1.22-6.30.22	Rates Effective: 7.1.22-End of Appendix K	Percentage Increase %
Level 1	\$82.26	\$84.32	\$131.84	60.72%
Level 2	\$108.29	\$111.00	\$159.27	47.01%
Level 3	\$127.57	\$130.76	\$180.97	41.86%
Level 4	\$150.69	\$154.46	\$207.44	37.66%
Level 5	\$166.48	\$170.64	\$228.67	37.36%

Level 6	\$196.31	\$201.22	\$267.61	36.32%
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Massage (CIH)

	Base Wage Rate: (Prior to 4.1.21)	Rates Effective: 4.1.22-6.30.22	TRI 7.1.22-End of Appendix K	Percentage Increase %
15 Minutes	\$14.56	\$14.56	\$19.97	37.16%

Massage (CLLI)

	Base Wage Rate: (Prior to 4.1.21)	Rates Effective: 4.1.22-6.30.22	TRI: 7.1.22-End of Appendix K	Percentage Increase %
15 minutes	\$18.06	\$18.51	\$19.97	10.58%

Transitional Living Program (BI) New tier/negotiated rate*

	Base Wage Rate: (Prior to 4.1.21)	Rates Effective: 4.1.22-6.30.22	Targeted Rate Increase: 7.1.22-End of Appendix K
Day	-----	-----	\$669.60

Respite (CHRP)

	Base Wage Rate: (Prior to 4.1.21)	Rates Effective: 4.1.22-6.30.22	Rates Effective: 7.1.22-7.31.22	Rates Effective: 8.1.22-End of Appendix K	Percentage Increase %
Individual 15 Minute	\$5.35	\$6.12	\$6.56	\$6.44	20.37%
Individual Day/Group	\$211.58	\$238.99	\$268.62	\$263.74	21.95%

Non-Medical Transportation (SLS)

	Base Wage Rate: (Prior to 4.1.21)	Rates Effective: 4.1.22-6.30.22	Rates Effective: 7.1.22-7.31.22	Rates Effective: 8.1.22-End of Appendix K	Percentage Increase %
Mileage Band 1	\$6.58	\$6.88	\$9.64	\$9.64	46.50%
Mileage Band 2	\$13.77	\$14.40	\$14.68	\$14.38	44.30%
Mileage Band 3	\$20.97	\$21.93	\$22.36	\$21.91	44.80%
Mileage- Not in Day Program	\$6.58	\$6.88	\$13.96	\$13.96	112.16%

Non-Medical Transportation (DD)

	Base Wage Rate: (Prior to 4.1.21)	Rates Effective: 4.1.22-6.30.22	Rates Effective: 7.1.22-7.31.22	Rates: 8.1.22-End of Appendix K	Percentage Increase %
Mileage Band 1	\$6.58	\$6.88	\$9.64	\$9.64	46.50%
Mileage Band 2	\$13.77	\$14.40	\$14.68	\$14.38	4.43%
Mileage Band 3	\$20.97	\$21.93	\$22.36	\$21.91	4.48%

*The Department has also created a new tier for the Supported Living Program service (SLP) under the Brain Injury (BI) waiver to include the ability for a negotiated rate.

The Department will amend the base waivers in Fall 2022 to have these rates effective beyond the Appendix K approval period.

The Department will use 9817 ARP funds for the above rate increases. Minimum wage rate increases will be funded using ARP funds through April of 2023 and then through the state general fund that was approved by legislation starting in April of 2023.

Contact Person(s)

A. The Medicaid agency representative with whom CMS should communicate regarding the request:

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Title: Deputy Director of the Office of Community Living
Agency: Department of Health Care Policy and Financing
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Fax Number 303-866-4411

8. Authorizing Signature

Signature: /S/
State Medicaid Director or Designee

Date: August 24, 2022

First Name: Cristen
Last Name Bates
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Agency: Colorado Department of Health Care Policy and Financing
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