

APPENDIX K: Emergency Preparedness and Response

Background:

This standalone appendix may be utilized by the state during emergency situations to request amendment to its approved waiver. 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.ⁱ This appendix may be completed retroactively as needed by the state.

Appendix K-1: General Information

General Information:

A. State: Colorado

B. Waiver Title:

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

C. Control Number:

HCBS-BI: CO.0288.R06.02
HCBS-CIH: CO.0961.R02.15
HCBS-EBD: CO.0006.R09.02
HCBS-CMHS: CO.4180.R05.20
HCBS-SLS: CO.0293.R05.21
CHCBS: CO.4157.R06.20
HCBS-CES: CO.0268.R06.02
HCBS-CLLI: CO.0450.R03.13
HCBS-CHRP: CO.0305.R05.20
HCBS-DD: CO.0007.R08.20

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. Effective July 1, 2022 through the end of the Appendix K, the Department will allow the option to provide residential services in out-of-state settings for the HCBS-BI waiver. Effective December 1, 2022 through the end of the Appendix K, the Department has implemented longevity and retention bonus for case managers for all ten (10) HCBS waivers to promote, encourage, and support case management workers during the public health emergency. Lastly, effective January 1, 2021 through the end of the Appendix K, the Department has modified the provider qualifications for the Home Delivered Meals service to remove the requirement that foreign entities (outside of Colorado) must have a physical presence within the state for delivering the items. This modification is required to increase provider capacity for this service (EBD, CMHS, CIH, SLS, BI, DD). The Department will use 9817 ARP funds for these longevity and retention bonuses.

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.

b. X Services

v. X Temporarily provide services in out of state settings (if not already permitted in the state's approved waiver). [Explanation of changes]

Beginning July 1, 2022 through the end of the Appendix K effective date, the Department of Health Care Policy and Financing (Department) will temporarily allow the option to provide residential services in out-of-state settings for the HCBS-BI waiver. Residential out-of-state services are only allowed when there is not a service provider within Colorado that is able to meet the waiver participant's needs due to specific, individualized health and safety concerns. The need for out-of-state services and out-of-state providers must be approved by HCPF. When services are provided out-of-state, the standard waiver requirements will be continued to be met per the Olmstead Letter #3 to State Medicaid Directors on July 25, 2000. These requirements include the following:

- There must be a written plan of care with the services. The plan of care must identify the services to be provided, the amount and type of each service, and the type of provider.
- Services must be furnished by a qualified provider. The provider must meet the standards for service provision that are set forth by the state where services are being provided. The host state in which services are received must have an equivalent licensure or certification as a Colorado provider for residential service.
- Colorado remains responsible for the assurance of the health and welfare of the waiver member. Oversight is performed directly by the case management agency via telehealth options and by the host state in which services are received.
- The provider of out-of-state residential services must be chosen just as freely as the provider of in-state services by the waiver member.
- The out-of-state provider must have a provider agreement with HCPF per section 1902(a)(27) of the Act and payment must be made directly to the provider per section 1902(a)(32) of the Act.

d. X Temporarily modify provider qualifications (for example, expand provider pool, temporarily modify or suspend licensure and certification requirements).

i. X Temporarily modify provider qualifications.

[Provide explanation of changes, list each service affected, list the provider type, and the changes in provider qualifications.]

Effective January 1, 2021 through the end of the Appendix K effective date, the Department has modified the provider qualifications for the Home Delivered Meals service to remove the requirement that foreign entities (outside of Colorado) must have a physical presence within the state for delivering the items. This modification is required in order to increase provider capacity for this service. (EBD,CMHS, CIH, SLS, BI, DD)

Service: Home Delivered Meals

Provider Type: Home Delivered Meals Provider

Changes in Provider Qualifications: The provider must be a legally constituted entity or foreign entity (outside of Colorado) registered with the Colorado Secretary of State Colorado with a Certificate of Good Standing to do business in Colorado. ~~Foreign entities must have a physical presence within the state for delivering the items.~~

iii. X Temporarily modify licensure or other requirements for settings where waiver services are furnished.

[Provide explanation of changes, description of facilities to be utilized and list each service provided in each facility utilized.]

Effective January 1, 2021 through the end of the Appendix K effective date, the Department has modified the provider qualifications for the Home Delivered Meals (HDM) service to remove a requirement that foreign entities (outside of Colorado) must have a physical presence within the state for delivering the items. Subsequently, the Department has updated the Certificate and License section for Provider Qualifications to accommodate this modification. (EBD,CMHS, CIH, SLS, BI, DD)

Service: Home Delivered Meals

License: The following language has been included under this section in order for entities outside of Colorado to be licensed within their home state:

“The provider shall have all licenses required by the State of Colorado Department of Public Health and Environment (CDPHE) for the performance of the service or support being provided, including necessary Retail Food License and Food Handling License for Staff; **or be approved by Medicaid as a home delivered meals provider in their home state.**”

Each state varies in terms of required food licensing (e.g. retail, catering). By requiring providers to be approved as a Medicaid HDM provider in their state, they are meeting the qualifications in place.

Certificate: This section has been updated to replace the current citation for General Certification Standards, §8.487.20 (10 CCR 2505-10), to §8.487.10 (10 CCR 2505-10). The current citation requires an on-site survey by the Department of Public Health and Environment. The updated citation refers to the General Certification Standards which does not require an on-site survey.

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].

Effective December 1, 2022 through the end of the Appendix K effective date, the Department has implemented longevity and retention bonuses to qualified case management workers for all ten (10) HCBS waivers to promote, encourage, and support case management for the HCBS waivers during the public health emergency and Case Management Redesign. These bonuses will not exceed \$500 dollars per bonus and are available up to three (3) times. Bonuses are not to exceed \$1,500 per case manager, case manager aid or case manager supervisor. The case manager, case manager aid, or case manager supervisor will receive 100% of the gross bonus amount.

Bonuses are available starting in December 2022. To be eligible for the first-round bonuses, the case management agency staff will have been employed at the case management agency for at least six (6) months, have completed the necessary training required, and are in good standing with performance standards.

To be eligible for the second-round bonuses, the case management agency staff will have been employed at the case management agency for at least six (6) months if they were not eligible for the first bonus and employed (9) months if they did receive the first-round bonus. The case management staff will also need to have completed the necessary training required and will be in good standing with performance standards regardless of employment length.

To be eligible for the third-round bonuses, the case management agency staff will have been employed at the case management agency for at least six (6) months if they were not eligible for the first or second round bonuses, employed (9) months if they were not eligible for the first-round bonuses, and employed for twelve (12) months if they received the first and second round bonus. The case management staff will also need to have completed the necessary training required and will be in good standing with performance standards regardless of employment length.

First Round Bonus Eligibility

- Employed at least 6 months, required training, good standing in performance

Second Round Bonus Eligibility

- Employed at least 6 months, required training, good standing in performance
- Employed at least 9 months if received 1st round bonus, required training, good standing in performance

Third Round Bonus Eligibility

- Employed at least 6 months, required training, good standing in performance
- Employed at least 9 months if received 2nd round bonus, required training, good standing in performance
- Employed at least 12 months if received 1st and 2nd round bonus, required training, good standing in performance

The Department will use 9817 ARP funds for the longevity and retention bonuses.

Contact Person(s)

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

First Name: Colin
Last Name Laughlin
Title: Deputy Director of the Office of Community Living
Agency: Department of Health Care Policy and Financing
Address 1: 1570 Grant Street
Address 2: Click or tap here to enter text.
City Denver
State CO
Zip Code 80128
Telephone: 303-866-2549
E-mail Colin.Laughlin@state.co.us
Fax Number 303-866-4411

8. Authorizing Signature

Signature:

Date: September 02, 2022

/s/
State Medicaid Director or Designee

First Name: *Adela*
Last Name *Flores-Brennan*
Title: Medicaid Director
Agency: Department of Health Care Policy and Financing
Address 1: 1570 Grant Street
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