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To: Developmental Disabilities System

From: Sharon Jacksi

Subject: Update on Support Level Work Group and Process for Resolving Disputes with Assigned Levels

Date: December 8, 2008

This memo provides an update to the developmental disabilities system regarding the work of the Support Level Work Group and the process that will be used to dispute an individual's assigned support level. In a memo to the system last spring, the Division for Developmental Disabilities (DDD) relayed that it was aware of concerns being raised regarding some individuals who the Community Centered Boards/Case Management Agencies (CCB/CMA) believed were misplaced into the new support levels. In response to those concerns a Support Level Work Group was convened in March 2008, made up of staff from DDD, HCPF, CCB/CMA and a provider agency. The Support Level Work Group was asked to identify any other factors or variables that may have been missed in the construction of the Human Services Research Institute (HSRI) algorithm that is used to assign a Support Level to persons in the HCBS-DD Waiver. The goal was to identify and add new factors to the algorithm in order to increase its accuracy in assigning appropriate levels to a greater percentage of individuals. The Work Group was also tasked with developing a review process for remaining disputes that would not be resolved through changes to the algorithm.

## Progress Update on the Support Level Work Group

1. The Work Group surveyed all CCB/CMA to identify all individuals who they perceived to be in the incorrect level. CCBs reported approximately 560 individuals that they and providers believed to be misplaced. This is approximately 15% of all HCBS-DD Waiver recipients. Therefore, CCB/CMA believe approximately 85% of all individuals are in the correct support level. The range of percentages of individuals perceived to be misplaced by CCB/CMA was from a low of 0% at one CCB to a high 31% at one CCB. The majority of CCB/CMA (11) reported less than 10% of individuals were perceived to be misplaced.
2. The Work Group gathered significant data and completed numerous analyses in search of additional factors to add to and improve the HSRI algorithm. Much of the analysis was reassuring in that it

validated the "correctness" of the HSRI algorithm for the vast majority of individuals. The Work Group identified three changes to be made to the algorithm. The first two changes were to correct anomalies in the algorithm, and the second change was to add a new factor defined as *Extreme Safety Risk to Self*. These changes to the algorithm changed levels for close to 200 individuals. There are still individuals who are perceived to be misplaced as they were not affected by these changes in the algorithm.

3. The Work Group also reviewed and recommended a process for individually reviewing disputed support levels.
4. Finally, the Work Group reviewed and recommended a process for review of individuals with Interim Tier 7 rates. Interim Tier 7 rates do NOT change on January 1, 2009, but rather will stay in effect until July 1, 2009. This will impact approximately 130 individuals who currently have an interim Tier 7 rate. Therefore, these individuals will be reviewed after the above disputes are resolved.

### **Process for Resolving Disputes of Assigned Support Levels**

1. The survey mentioned above is the basis for which individuals will be considered through the dispute process. If a person not already on this list is believed to be in an incorrect level, this should be brought to the attention of the case manager. An IDT should be held in order to determine if a dispute of the level should be requested.
2. CCB Case Management Directors will be required to submit a packet of information for each person for whom a dispute is filed. A copy of the Request for Support Level Re-determination form and the list of all required information is being sent to all CCB Executive Directors and Case Management Directors.
3. Several panels, generally composed of three people, will review all dispute packets and approve or deny the requested level change. Panels will be made up of staff from DDD and CCB/CMA representatives from the Support Level Work Group. These representatives have extensive knowledge and experience with the Supports Intensity Scale (SIS), in the Levels developed through the HSRI algorithm, in case management and in community comprehensive services. The Panel's decisions will be final and will be transmitted by letter to the CCB.
4. For any levels that are changed, the change will be retroactive back to January 1, 2009. CCBs and service providers billing directly through the Medicaid Management Information System (MMIS) will be provided with instructions regarding how to rebill.
5. DDD will manage the number of packets that CCB/CMAs can submit at any one time so that each CCB /CMA will have a similar percentage of packets reviewed within the same timeframe. DDD anticipates asking CCB/CMAs to submit a total of approximately 170 packets in early January and another 100 to 150 at regular intervals until all have been reviewed. CCB/CMAs will be asked to prioritize the individuals they send in and to consider such factors as how much of a difference there will be between the current assigned level and the level that is being requested, what hardships may be incurred if the dispute is not heard earlier in the process, what cash flow issues may occur for a provider while waiting for the dispute to be resolved, etc.
6. DDD hopes to complete these reviews by the end of March 2009. After these disputes are finished, the Panels will review individuals who have an Interim Tier 7 rate and who want to dispute their new assigned level. Interim Tier 7 rates are remaining in effect until July 1, 2009, which will allow for time to complete these reviews.

All service agencies, staff and families are encouraged to work closely with the CCB/CMAs and the involved case managers to insure that clear and complete packets are assembled to support any request to change an assigned level. Incomplete packets will not be reviewed. Kerry Stern has been assigned the lead for coordinating this process, please refer any questions you may have to her 303-866-7463 or [kerry.stern@state.co.us](mailto:kerry.stern@state.co.us)