

# Frequently Asked Questions

This FAQ is intended to predict and answer questions as regards The Resource Exchange (TRE) decision to discontinue using independent contractors in its fiscal year 2017 and beyond. This will be updated as new questions are posed.

## 1. Why is TRE discontinuing its use of independent contractors?

There are two answers to this. First, TRE uses independent contractors (IC), in virtually all cases, for the delivery of certain Medicaid waiver and other, State General Fund services. The State Department of Health Care Policy and Financing is working on a plan, which is required by law, to address what is called Conflict Free Case Management. Most simply put, conflict free case management (CFCM) requires that any entity that provides case management *cannot* also provide services. This separation of case management and services must occur under Federal requirement, and is driving TRE's decision to discontinue using ICs to provide direct services.

The second reason for TRE's decision is the need for a change to the agency's business model. In July 2015, The US Department of Labor, Wage and Hour Division, issued guidance on how ICs are to be classified. The guidance offers clear direction on certain criterion that must be met in order for an IC to be appropriately classified as an IC. As TRE considers its business model, the agency has determined that the use of ICs is outside of the scope of the agency and should therefore be discontinued.

## 2. Why did TRE begin using ICs in the first place?

Back in 2008, out of the financial challenges that faced the State, rates for certain Supported Living Services (SLS) were cut significantly. Agencies other than TRE made decisions to discontinue providing those services. Facing the dramatic loss of service capacity for people in SLS at that time, TRE made the decision to become, in essence, the "provider of last resort" in an effort to preserve as much capacity as possible and to maintain continuity of those services for the people we serve. We believe this was the right decision.

The good news is that as rates have recovered, more agencies are now providing those same services. We are no longer worried as much about capacity, and believe that providers are doing excellent work providing high quality service.

TRE has a long history of working with some of the most talented early intervention and early childhood professionals in the State. While we have moved, in recent years, toward more staff-based therapist positions, we have continued to rely on ICs to the purpose of offering our families as much choice as possible. This has been a model of service delivery from the inception of the program.

## 3. How does TRE's decision impact ICs?

Our current ICs have received a notice that TRE intends not to renew IC Agreements when they expire and/or at date certain. This does not mean that you must discontinue being an IC. It does, however, mean that TRE will no longer be a customer for your service.

4. **Are there any other agencies in the area who are engaging ICs?**

Yes. We are aware of at least three:

Discover Goodwill of Southern and Western Colorado

**Contact:** Billie Jo Starr, [bstarr@discovermygoodwill.org](mailto:bstarr@discovermygoodwill.org)

Bridges of Colorado

**Contact:** Jennifer Kelly, [jenniferkelly@bridges.us](mailto:jenniferkelly@bridges.us)

Ariel Clinical Services

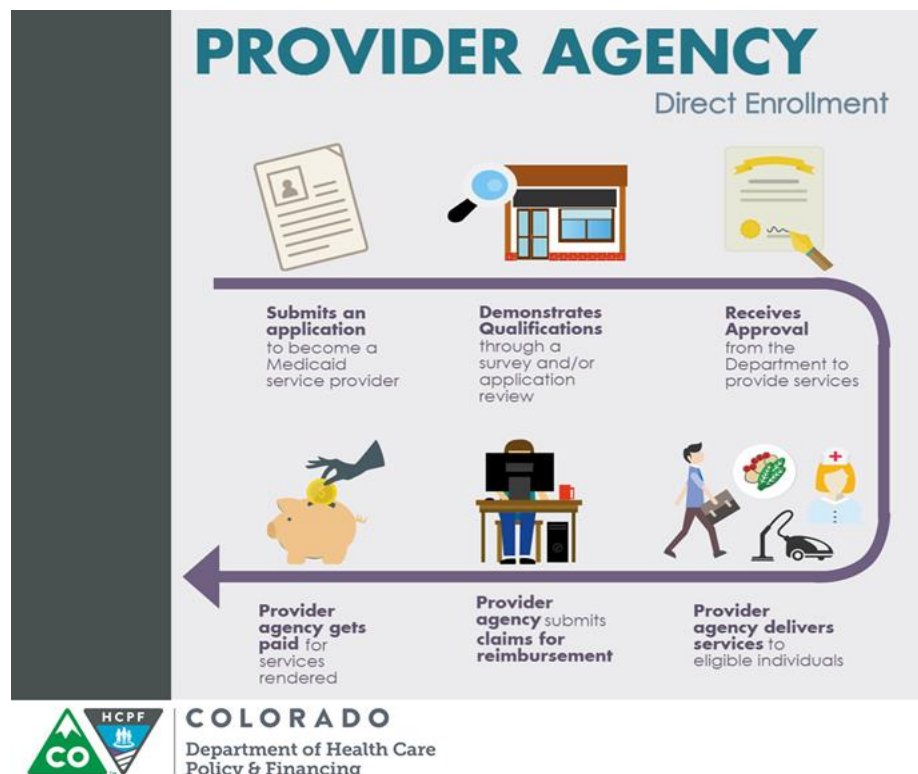
**Contact:** Shirley Lee, [slee@arielcpa.org](mailto:slee@arielcpa.org)

There are likely to be others, and we encourage ICs to do their research.

5. **What options do ICs have?**

Options may vary depending on the types of services and the funding sources covering those services provided through TRE. There are certain ICs who, at their choosing entirely, may simply continue their business and seek other contracts from other markets.

There may be ICs who provide services under one of the Medicaid Waivers coordinated by TRE who want to transition their business models to become a Program Approved Service Agency (PASA). The Colorado Department of Public Health & Environment (CDPHE) licenses PASAs. See links below for important information available from CDPHE.



To start the process, have a look at this link: <https://www.colorado.gov/pacific/cdphe/health-facilities-licensure-and-certification>. Click on Submit a Letter of Intent for information on how to start the process. This is only step one, but is required before the State will consider an application for enrollment of a provider. (Go to this link for provider enrollment details: <https://www.colorado.gov/hcpf/provider-enrollment>.) Also, see the infographic below for a rough flowchart of the process.

We are also pleased to provide information on resources<sup>1</sup> available for ICs and other business entities who are considering a transition to become a PASA:

- A. **Split Arrow Consulting** is dedicated to supporting the development of nonprofit and IDD service organizations, whose mission is to assist organizations to create a sustainable future through capacity building. Split Arrow's principal is Richard Trebus—Mr. Trebus can be reached on 720.484.0378, or by e-mail at [rtrebus@splitarrowconsulting.com](mailto:rtrebus@splitarrowconsulting.com). Their website is [www.splitarrowconsulting.com](http://www.splitarrowconsulting.com).
- B. The Colorado Springs District office of **H&R Block** is a resource for tax and related business set-up planning. Within the office is Ms. Margaret Williams, a tax planner (and also a mom!) with applicable experience germane to the transition of ICs to businesses. Ms. Williams can be reached by e-mail at [Margaret.williams@tax.hrblock.com](mailto:Margaret.williams@tax.hrblock.com). The H&R Block District office website is: <http://www.hrblock.com/tax-offices/local-offices/index.html#!/en/office-profile/6947>

There may be others who will seek employment from a service agency in the area who supports people with IDD. (See the list of service agencies who provide services in the region at [https://docs.google.com/spreadsheets/d/1H6wku9Zgoxov\\_MoX7qD0RMu2gIFyY3T4b5Z2-JOmsg/pubhtml](https://docs.google.com/spreadsheets/d/1H6wku9Zgoxov_MoX7qD0RMu2gIFyY3T4b5Z2-JOmsg/pubhtml).)

There are many options that ICs may research and pursue.

## 6. I'm a person who receives support from an IC through TRE—what happens to my services?

There are a number of PASAs in the community who provide services that are currently provided by TRE contractors through a Medicaid waiver. Your service coordinators/case managers will support you every step of the way in making decisions on how to best continue being supported.

It is also possible that an IC for TRE may seek to become an employee of a local PASA in order to continue providing the exact same services or set of services—and, at your choosing entirely, you can 'stay' with your provider and continue to receive his/her support.

For families receiving services through Early Intervention, your Early Intervention Service Coordinator and Team will work with you to identify another appropriate service provider, based on your child's Individualized Family Service Plan if the IC currently working with your child and family decides not to continue a working relationship with TRE.

## 7. As a person receiving supports and services from TRE, do I have to stay with the same IC/provider?

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<sup>1</sup> TRE makes no endorsement of these resources, intending only to offer information as to the availability of potential support in becoming a PASA. These organizations are not affiliated in any way with TRE, and TRE expresses no opinion as to the quality of their services. TRE encourages thorough research before engaging with any third part entity or consultancy.

No. You can work with your Service Coordinator and Team to identify another appropriate provider with whom or which you can work. You certainly can stay with the same provider if that option is available, but you don't have to.

**8. Does this change impact my Case Management/Service Coordination in any way?**

No. If anything, your Service Coordinator may be more in touch and more connected with the people we serve and their families to support this transition.

**9. How is TRE notifying stakeholders of this change?**

In multiple ways, from letters to personal communication. In addition, we have posted this FAQ and an Issue Brief to our website. In addition, we will keep people posted personally and via electronic media (e.g., e-mail).

**10. TRE uses acronyms—"alphabet soup." What do all these acronyms mean?**

100.2	ULTC 100.2 (assessment)
485	HCFA-485/Plan of Care
803	Notice of Action (appeal)
AAIDD	American Association on Intellectual and Developmental Disabilities
ABLE	A Better Life Experience (PASA)
ABS	Adaptive Behavior Scale
ACLD	Association for Children with Learning Disabilities
ACF	Alternative Care Facility
ADA	Americans with Disabilities Act
ADC	Aid to Dependent Children
ADCM	Assistant Director of Case Management
ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
ADL	Activities of Daily Living
AND	State Aid to Needy and Disabled
ASHA	American Speech and Hearing Association
AwDC	Adult without Dependent Children
BI	Brain Injury

BISSP	Behavioral Individual Service and Support Plan
BOCES	Board of Cooperative Educational Services
BSOTR	Behavior Services of the Rockies (PASA)
BTTI	Bijou Treatment and Training Institute
BUS	Benefits Utilization System (HCPF data base)
CARF	Commission on Accreditation of Rehabilitation Facilities
CACCB	Colorado Association of Community Centered Boards (now dba as Alliance)
CAPRA	Colorado Association of Private Resources Agencies
CC	Community Coordinator
CCB	Community Centered Board
CCLC	Carmel Community Living Corp. (PASA)
CCMS	Community Contract and Management System (DDD data base)
CCT	Colorado Choice Transitions
CDASS	Consumer Directed Attendant Support Services
CDE	Colorado Department of Education
CDHS	Colorado Department of Human Services
CDPHE	Colorado Department of Public Health and Environment
CEC	Council for Exceptional Children
CES	Children's Extensive Support Waiver
CFR	Code of Federal Regulations
C-HCBS	Children's Home and Community Based Services (Model 200; CMW)
CHRS	Children's Health and Rehabilitation Services
CI	Community Intersections (PASA)
CICP	Colorado Indigent Care Program
CIRS	Critical Incident Reporting System
CL	Community Link (PASA)
CMA	Case Management Agency
CMBC	Colorado Medicaid Benefits Collaborative

CMD	Case Management Director
CMS	Centers for Medicare and Medicaid Services
CMS	Case Management Specialist
CNA	Certified Nursing Assistant
CNS	Central Nervous System
COI	Community Outreach Inc. (PASA)
COPAR	Colorado Progress Assessment Review
CP	Cerebral Palsy
CPCD	Community Partnership for Child Development Programs
CRS	Colorado Revised Statute
CSR	Continued Stay Review
CTAT	Colorado Technical Assistance and Training
CV	Cheyenne Village Inc. (PASA)
CWC	Connecting with Community (PASA)
DD	Developmentally Disabled or Developmentally Delayed
DDC	Developmental Disabilities Consultants (PASA)
DDD	Division for Developmental Disabilities
DDHC	Developmental Disability Health Care Collaboration
DME	Disposable/Medical Equipment
DNG	Dungarvin Colorado LLC (PASA)
DHS	Department of Human Services
DHSS	Day Habilitation Services and Supports
DVR	Division of Vocational Rehabilitation
EBD	Emotional Behavioral Disabilities
EBD	Elderly Blind and Disabled (Medicaid Waiver)
ECC	Early Childhood Connections
ECP	Emergency Control Procedure
EDC	Eligibility Determination Committee

EI	Early Intervention
EIS	Early Intervention Specialist
EPSDT	Early and Periodic Screening; Diagnosis and Treatment
FAPE	Free Appropriate Public Education
FCA	Family Caregiver Act
FS	Family Support
FSC	Family Support Coordinator
FSSP	Family Service and Support Program
GJRC	Grand Junction Regional Center
GRSS	Group Residential Services and Supports
GW	Goodwill Industries of Colorado Springs (PASA)
GW R&L	Goodwill Rec and Leisure
HCA	Home Care Allowance
HCB-DD	Home and Community Based Services for the Developmentally Disabled
HCBS	Home and Community Based Services
HCFA	Health Care Financing Administration (federal agency responsible for Medicaid funding)
HCP	Health Care Program
HCPF	Health Care Policy and Finance
HHP	Host Home Provider
HI	Hearing Impaired
HIPAA	Health Insurance Portability and Accountability Act
HRC	Human Rights Committee
HUD	Housing and Urban Development
IC	Independent Contractor
IC	Informed Consent
ICF/MR	Intermediate Care Facility for the Mentally Retarded
IDEA	Individuals with Disabilities Education Act
IDT	Interdisciplinary Team

IEP	Individualized Education Program
IFSP	Individual Family Service Plan
IP	Individualized Plan (previous wording-now known as Service Plan or SP)
IPCS	Individual Plan Cover Sheet
IQ	Intelligence Quotient
IR	Incident Report
IRSS	Individual Residential Services and Supports
IRWE	Impairment Related Work Expense
ISSP	Individual Service and Support Plan
JBC	Joint Budget Committee
JTPA	Job Training and Partnership Act
JWB	Jon W. Baker Inc. (PASA)
LCSW	Licensed Clinical Social Worker
LD	Learning Disabled
LPN	Licensed Practical Nurse
LRE	Least Restrictive Environment
LTC	Long Term Care
LTHH	Long Term Home Health
MANE	Mistreatment, Abuse, Neglect, Exploitation Allegations
MCD	Medicaid
MCR	Medicare
MH/MI	Mental Health / Mental Illness
MOS	Mosaic (PASA)
MR	Mentally Retarded / Mental Retardation
MSO	Managed Service Organization
MSW	Master of Social Work
NFARR	Nursing Facility Annual Resident Review
NKA	No Known Allergies

OAC	Office of Administrative Court
OBRA	Omnibus Budget Reconciliation Act
OBSS	OBRA Specialized Services
OHCDs	Organized Health Care Delivery System
OSC	Office Support Coordinator
OT	Occupational Therapy / Therapist
PAR	Prior Authorization Request
PASA	Provider Approved Service Agency
PASARR	Preadmission Screening and Annual Resident Review
PASS	Plans for Achieving Self- Support
PC	Perceptual Communicative Disorder
PC	Personal Care
PCP	Person Centered Planning
PCP	Primary Care Physician
PDN	Private Duty Nursing
PEAK	Parent Education and Assistance for Kids
PERS	Personal Emergency Response System
PETI	Post Eligibility Treatment of Income
PIQ	Performance Intelligence Quotient
PMIP	Professional Medical Information Page
PPS	Program Plan Specialist
PRC	Pueblo Regional Center
PRS	Person Receiving Services
PT	Physical Therapy / Therapist
QEC	Quality Enhancement Coordinator
QES	Quality Enhancement Specialist
QET	Quality Enhancement Team
RC	Resource Coordination

RFP	Referral Profile
RMOLTC	Rocky Mountain Options for Long Term Care
ROM	Range of Motion
RN	Registered Nurse
RRR	Redetermination (Annual Medicaid Eligibility)
SANE	Sexual Assault Nurse Exam (Forensic Rape Kit)
SC	Service Coordinator
SCC	Supported Community Connections (Day Habilitation)
SCP	Safety Control Procedure
SE	Supported Employment
SEP	Single Entry Point
SEM	Standard Error of Measure
SIED	Significant Identifiable Emotional Disorder
SIS	Supports Intensity Scale
SLIC	Significantly Limited Intellectual Capacity
SLP	Speech and Language Pathologist
SLS	Supported Living Services
SKSF	Special Kids Special Families/ I-CAN (PASA)
SN	Skilled Nursing
SP	Service Plan
Spec Hab	Specialized Habilitation
SRC	Senior Resource Center (PASA)
SSA	Social Security Administration
SSDI	Social Security Disability Income
SSI	Supplemental Security Income
ST	Speech Therapy
TBI	Traumatic Brain Injury
TCM	Targeted Case Management

TDD	Telecommunications Devices for the Deaf
TRE	The Resource Exchange
TTY	Telephone Typewriter (for the hearing impaired)
VI	Visually Impaired
VIQ	Verbal Intelligence Quotient
VOC	Vocational Training or Program
WAIS-R	Wechsler Adult Intelligence Scale – Revised
WISC	Wechsler Intelligence Scale for Children
WRC	Wheatridge Regional Center
WS	Work Services