

Stark County Board of Developmental Disabilities

Policy 2.14 Delivering Necessary Residential Supports via HCBS Waivers	Effective: 5/24/16
Chapter 2: Agency Administration	Page 1 of 4

DELIVERING NECESSARY RESIDENTIAL SUPPORTS VIA HCBS WAIVERS

POLICY

All County Boards of Developmental Disabilities (DD) are mandated to provide Service and Support Administration (SSA) services to individuals who are eligible for services. County Boards of DD must provide SSA to the following: 1) each individual who applies for, or is enrolled in, a Home and Community Based Services (HCBS) waiver, 2) each individual, three years of age or older, who requests (or a person on the individual's behalf requests) SSA, or 3) an individual residing in an Intermediate Care Facility and moving to a community setting.

The specific responsibilities assigned to SSA are described in Ohio Administrative Code (OAC) 5123:2-1-11, "Service and Support Administration". As prescribed in the OAC as well as Ohio Revised Code, Service and Support Administration supports individuals in determining and pursuing goals and maintains the individual as the focus while coordinating services across multiple systems. The following responsibilities are uniquely assigned to SSA: eligibility determination, assessment, Individual Service Plan (ISP) development, budgeting for services, provider selection, service coordination, monitoring ISP implementation, and emergency intervention. Among these, delivering necessary residential supports via Medicaid HCBS waivers is most dependent on SSA *assessment*.

OAC 5123:2-1-08, "Waiting Lists", establishes the authority for County Boards of DD to create waiting lists when available resources are not sufficient to meet the needs of all individuals who request HCBS. It further describes the order in which individuals placed on waiting lists will be offered services. Managing the order in which individuals are removed from waiting lists is dependent on SSA assessment. Individuals who are assessed to meet *emergency status* must be offered services first when resources become available. When there are no individuals who are assessed to meet *emergency status*, and if there are available resources, then individuals who are assessed to meet other *priority categories* may be offered services. Whether an individual meets either emergency status or a priority category is determined through SSA assessment.

The Stark County Board of DD (Stark DD) utilizes information gathered from assessments to coordinate services in the following ways:

1. Utilization of community resources through service coordination and linkage with area agencies.
2. Relief from critical situations by providing support for individuals who present with the most emergent needs. This includes assessing for alternatives to HCBS waiver enrollment. These alternatives may include the utilization of natural supports, other

Stark County Board of Developmental Disabilities

Policy 2.14 Delivering Necessary Residential Supports via HCBS Waivers	Effective: 5/24/16
Chapter 2: Agency Administration	Page 2 of 4

Medicaid funding, and/or community resources. In the absence of alternatives, and when “emergency status” is met and the necessary resources are available, Stark DD will seek to enroll the individual on an appropriate HCBS waiver. Emergency status is defined in OAC 5123:2-1-08 as occurring when “an individual is facing a situation that creates for the individual a risk of substantial self-harm or substantial harm to others if action is not taken within thirty days.” The SSA department follows a procedure for responding to requests for emergency status HCBS waivers. The procedure provides a framework for Stark DD to fairly and consistently address the needs of those individuals who request a waiver based on emergency status, while giving consideration to Stark DD’s financial capacity.

3. Based on available resources Stark DD may, from time to time, pursue initiatives to reduce the number of individuals on the waiver services waiting list by providing services based on waiting list priority groups.

4. Stark DD does not initiate long term locally funded residential supports. Refinancing is used to obtain HCBS waivers for individuals, whose situations are assessed to meet Emergency Status, and are being funded solely by local tax dollars. See Policy 2.19, “Utilizing County Tax Dollars As A Last Resort”.

<p>Historical Resolution Information</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Date</th> <th style="text-align: left;">Resolution Number</th> </tr> </thead> <tbody> <tr> <td>9/9/04</td> <td>09-98-04</td> </tr> <tr> <td>3/23/13</td> <td>03-24-13</td> </tr> <tr> <td>5/24/16</td> <td>05-24-16</td> </tr> </tbody> </table>	Date	Resolution Number	9/9/04	09-98-04	3/23/13	03-24-13	5/24/16	05-24-16	<p>Reviewer(s):</p> <p>Director of SSA/ Investigative Services</p>
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Stark County Board of Developmental Disabilities

Policy 2.14 Delivering Necessary Residential Supports via HCBS Waivers	Effective: 5/24/16
Chapter 2: Agency Administration	Page 3 of 4

DELIVERING NECESSARY RESIDENTIAL SUPPORTS VIA HCBS WAIVERS

PROCEDURE

In developing a plan that appropriately responds to an individual's potentially emergent situation, Stark DD completes the following process.

1. When an SSA becomes aware of a situation that may create the risk of substantial harm to the individual or others, if action is not taken within thirty days, the SSA completes a documented assessment of the individual's current status and potential for risk.
2. If the SSA assessment confirms the potential for substantial risk, and if there are no natural supports or community resources available to address the risk, the SSA completes an Emergency Status Waiver Request documenting the need.
3. If the SSA assessment does not confirm the potential for substantial risk, but the individual wishes to request a waiver based on emergency status, the SSA assists the individual in completing the Emergency Status Waiver Request. (If the request is being made by the individual, or someone on his/her behalf, and there is currently no SSA involved with the individual, an SSA is assigned.)
4. The completed Emergency Status Waiver Request and current ISP (if there is one) are forwarded to the Specialized Services SSA Supervisor.
5. The Specialized Services SSA Supervisor facilitates a meeting to review the request. (These review meetings are held weekly and participants include supervisors from all units in the SSA and Investigative Services Department.)
6. The following information is reviewed from either the Emergency Status Waiver Request and/or by direct input from the assigned SSA:
 - a. Individual's diagnoses;
 - b. Areas of functional limitation;
 - c. Current living situation;
 - d. Current support system, natural supports, paid supports, day service providers, mental health counselors, case managers or other involved parties;
 - e. Anticipated risk, i.e., threats to health and/or safety that are likely to develop if no action is taken within thirty days;
 - f. Prior attempts/efforts to alleviate risk;
 - g. Supports being requested; and
 - h. Supports being (or that have been) refused.

Stark County Board of Developmental Disabilities

Policy 2.14 Delivering Necessary Residential Supports via HCBS Waivers	Effective: 5/24/16
Chapter 2: Agency Administration	Page 4 of 4

7. The review team reviews the aforementioned information and considers the following:
 - a. Is the situation acute or chronic?
 - b. Are there natural supports that could provide assistance to mitigate the risk?
 - c. Is there assistance that can be provided to the natural supports that enables them to provide necessary care?
 - d. Are there alternative appropriate residential supports available, i.e., an ICF or mental health system group home? (Note: Individuals are not asked to move to a location that interferes with continued family involvement, necessitates the need to change school system involvement, interrupts an established work or day program, or causes separation from a familial home.)
 - e. Are there alternative resources that the individual is entitled to and eligible for?
 - f. Are there medical or psychiatric issues that have not been addressed?
8. If it is assessed that there is substantial risk, action is taken to mitigate the risk while alternative resolutions are investigated and a decision about the waiver request is pending. This is typically achieved by using Level One emergency funds (if available) or county board funded respite. These services are temporary in nature and are reapproved on a monthly basis.
9. In order to be fiscally responsible, it is important that Stark DD consider all alternative options prior to requesting waiver capacity based on emergency status. It is intended that all requests for HCBS waiver services are reviewed in a timely fashion, but it is imperative that all other alternatives are thoroughly reviewed in seeking a long-term resolution that meets the individual's needs.
10. If no appropriate alternative resolutions are identified and the individual's circumstances are assessed to meet the rule-based criteria for emergency status, and if resources are available, waiver capacity is requested. A letter is directed to the individual notifying him/her of the review team's decision.
11. If the individual's circumstances are not found to meet emergency criteria, no waiver capacity will be requested as a result of this process. A letter is directed to the individual notifying him/her of the review team's decision and advising the individual of his/her due process rights.
12. The SSA communicates the status of the request to the individual throughout the review process.