

# Stark County Board of Developmental Disabilities

Policy 2.20 Medicaid Home and Community Based Services (HCBS) Waiver Waiting List	Effective: 9/22/15
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## MEDICAID HOME AND COMMUNITY BASED SERVICES (HCBS) WAIVER WAITING LIST

### POLICY

Stark County Board of Developmental Disabilities (SCBDD) recognizes the importance of and is committed to enrolling individuals onto Medicaid Home and Community Based Service (HCBS) waivers administered by the Ohio Department of Developmental Disabilities in a manner that is equitable and consistent to all who have requested the service. The availability of resources will determine the number of waivers that can be enrolled, as well as, the degree of need which can be addressed.

When individuals, their families or guardians, feel and express the need for services it is often done during an emotional or anxiety-provoking circumstance. SCBDD recognizes that individuals and families are familiar with only their own situational need and, therefore, expect the most sensitive, professional and fair consideration for their requests. Assessment of need is the responsibility of SCBDD's Service and Support Administration staff.

The purpose of the procedure pursuant to this policy is to outline the requirements for SCBDD in establishing and maintaining a waiting list for Medicaid HCBS Waiver services when the requests for services exceed the capacity determined by available resources.

<b>Historical Resolution Information</b>	Reviewer(s): Superintendent Director of SSA/Investigative Services
<b>Date</b> <b>Resolution Number</b>	
6/16/12            06-53-12	
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## **MEDICAID HOME AND COMMUNITY BASED SERVICES (HCBS) WAIVER WAITING LIST**

### PROCEDURE

#### **I. Establishing of the Medicaid HCBS Waiver Waiting List**

- 1.) The Stark County Board of Developmental Disabilities (SCBDD) shall establish and maintain a waiting list for Medicaid Home and Community Based Services (HCBS) when resources are not sufficient to meet the needs of all individuals who request these services. This procedure is pertinent only to Medicaid HCBS Waivers administered by the Ohio Department of Developmental Disabilities and currently includes services available through the Individual Options Waiver, the Level One Waiver and the Self-Empowered Life Funding (SELF) Waiver (available after 7/1/2012).
- 2.) An individual, parent or guardian may, at any time, request Medicaid HCBS Waiver services. If such services are not available based on available resources and/or other earlier requests from individuals with similar emergency status or priority status, the individual's name will be added to the Medicaid HCBS Waiver waiting list using the date of request to determine placement order.
  - a. The request, including the date and time of request, will be included in an individual's record maintained by the SSA Department of SCBDD. "Date of request" means the earliest date and time of any written or other documented request for Medicaid HCBS Waiver services. When available, documentation of the date of request will include the Ohio Department of Job and Family services Form 02399, "Request for Medicaid Home and Community-Based Services".
  - b. If more than one individual have the same date of request, with no time of request or have the same time of request, those individuals shall be considered for placement order for that date on the waiting list based on the alphabetical order of the individuals' last names.
  - c. If there is a dispute regarding the date of request used for placement order on the waiting list, an individual or person with legal authority to act on behalf of the individual may appeal under procedures set forth in section IV of this procedure.

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- d. The staff person responsible for maintaining the waiting list will:
  1. Notify the individual, parent and/or guardian of the individual's position on the waiting list and the individual's due process rights under procedures set forth in paragraph IV of this procedure.
  2. Identify the individual's immediate needs, and
  3. Assist the individual to identify and obtain alternative services that are available to meet the immediate needs, to include applying for Medicaid.

## II. Maintaining the Medicaid HCBS Services Waiting List

Annual Review – Annually, the county board will:

- 1.) Review the current status, reassess the service needs, and notify the individual and/or the individual's guardian of the individual's placement position on the waiting list; and
- 2.) Provide contact information for a person at the county board who can provide resource information to address, to the extent possible, immediate needs of the individual and who can respond to questions about the notice.

When, because of available resources, Medicaid HCBS Waiver services for which there is a waiting list become available, SCBDD shall offer the services to the individual next scheduled on the waiting list to receive the services (based on oldest request date), subject to a determination of the individual's eligibility for services. Except however, the county board shall first give consideration to the following status and/or priority considerations.

- 1.) Emergency Status
  - a. "Emergency status" means 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. Emergency status may result from, but is not limited to, one or more of the following:
    - i. Loss of present residence for any reason, including legal action;
    - ii. Loss of present caretaker for any reason, including serious illness of the caretaker, change in the caretaker's status, or inability of the caretaker to perform effectively for the individual;
    - iii. Abuse, neglect, or exploitation of the individual;

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- iv. Health and safety conditions that pose a serious risk of immediate harm or death to the individual or others; or
    - v. Change in emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker.
  - b. An individual with emergency status shall receive first priority for Home and Community-Based Services. No individual may receive priority for Home and Community-Based Services over an individual placed on a waiting list with emergency status. When two or more individuals have emergency status pursuant to this paragraph, the county board shall offer the services to such individuals in the order they are placed on the waiting list, based on their date of requested services.
- 2.) Priority Categories
  - a. When no individual meets emergency status, SCBDD based on available resources, can select individuals from the following priority groups to enroll for Medicaid HCBS Waiver services.
    - i. Refinancing of supported living and family support services. An individual who is eligible for the HCBS Waiver and meets both of the following requirements:
      - 1. The individual is twenty-two years of age or older; and
      - 2. The individual receives supported living or family support services.
    - ii. Refinancing of adult services. An individual who is eligible for the HCBS Waiver and meets both of the following requirements:
      - 1. The individual resides in the individual's own home or the home of the individual's family and will continue to reside in that home after enrollment in the HCBS Waiver; and
      - 2. The individual receives adult services from SCBDD.
    - iii. Aging caregiver or intensive needs. An individual who is eligible for the HCBS Waiver and meets either of the following requirements:
      - 1. The individual does not receive residential services or supported living, either needs services in the individual's current living arrangement or will need services in a new living arrangement, and has a primary caregiver who is sixty years of age or older; or

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2. The individual has at least one of the following service needs that is unusual in scope or intensity:
  - a. Severe behavior problems which require a behavior plan;
  - b. A mental health diagnosis for which medication has been prescribed;
  - c. A medical condition that leaves the individual dependent on life-support medical technology;
  - d. A condition affecting multiple body systems for which a combination of specialized medical, psychological, educational, or habilitation services are needed;
  - e. A condition that is determined by SCBDD to be comparable in severity to the above that places the individual at significant risk of institutionalization.
- b. None of the aforementioned priority groups has priority over any other. SCBDD can offer Medicaid HCBS Waiver services to individuals in any priority group, based on request date, after individuals meeting emergency status have been served.

### III. Removing individuals from the Medicaid HCBS Services Waiting List

Names shall be removed from waiting lists in the following situations:

- 1.) The requested Medicaid HCBS Waiver has been enrolled and the individual wishes to be removed from the list for other waiver services.
- 2.) The individual has made a written request to be removed from the waiting list.
- 3.) The individual has died.
- 4.) In the event county board staff make contact with an individual to identify their wait list position, follow up to assess needs, etc. and are unable to locate them by contact through various means for two consecutive years; they may remove them from the wait list after offering due process. SCBDD staff shall maintain an archive of this information. If an individual later makes contact and wants waiver services, they shall maintain their original wait list date and be placed back on the waiting list.

Upon any removal from the Medicaid HCBS Waiver services waiting list, the individual shall be given due process rights under procedures set forth in section IV of this procedure.

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## IV. Due Process

- 1.) Due process shall be available to an individual aggrieved by an action of SCBDD related to any of the following:
  - a. The approval, denial, withholding, reduction, suspension, or termination of a service funded by the state Medicaid program; and
  - b. The establishment or maintenance of, placement on, the failure to offer services in accordance with, or removal from a waiting list.
- 2.) Due process shall be provided in accordance with Chapters 5101:6-1 to 5101:6-9 of the Administrative Code when the service involved is funded by the state Medicaid program.
- 3.) An individual aggrieved by an action of SCBDD may attempt to informally resolve the matter through the local grievance procedure, Administrative Resolution of Complaints. The filing of such a grievance shall not affect the right of the individual to due process.
- 4.) SCBDD shall, in the manner specified in rule [5123:2-1-12](#) of the Administrative Code, give notice to each individual on the waiting list, the individual's guardian, and in accordance with section [5126.044](#) of the Revised Code, the individual's family, as applicable, of the individual's due process rights. The county board shall document that such notice was given and the content of the notice.