

Wood County Board of Developmental Disabilities

PROCEDURE

Procedure #: 02-ALL-ALL-0886 (CR)
Effective Date: 09-12-18
Person Responsible: Service Coordinator/Intake and Eligibility

Subject: Waiver Waiting List
Last Revision:

Approvals/Date:

Bartman 9/12/18
Superintendent, WCBDD Date

Amy Brinkme 9/12/18
Department Director Date

The following definitions will apply:

Adult - Means an individual who is eighteen years or older.

Alternative Services - Means the various programs, funding mechanisms, services, and supports, other than home and community-based services, that exist as part of the developmental disabilities service system and other service systems. "Alternative services" includes, but is not limited to, services offered through Ohio's Medicaid state plan such as home health services, services available at an intermediate care facility for individuals with intellectual disabilities, and other local resources.

Community-Based Alternative Services - Means alternative services in a setting other than a hospital, intermediate care facility or individuals with intellectual disabilities, or a nursing facility.

Current Needs - Means an unmet need for home and community-based services within twelve months, as determined by a county board based upon assessment of the individual using the waiting list assessment tool. Situations that give rise to current need include:

1. An individual is likely to be at risk of substantial harm due to:
 - a. The primary caregiver's declining or chronic physical or psychiatric condition that significantly limits his or her ability to care for the individual
 - b. Insufficient availability of caregivers to provide necessary supports to the individual
 - c. The individual's declining skills resulting from a lack of supports
2. An individual has an ongoing need for limited or intermittent supports to address behavioral, physical, or medical needs, in order to sustain existing caregivers and maintain the viability of the individual's current living arrangement.
3. An individual has an ongoing need for continuous supports to address significant behavioral, physical, or medical needs.
4. An individual is aging out of, or emancipating from, children's services and has needs that cannot be addressed through community-based alternative services.
5. An individual requires waiver funding for adult day services or employment-related supports. This applies when these supports are not otherwise available as vocational rehabilitation services (funded under section 110 of the Rehabilitation Act of 1973, 29 U.S.C. 730), or as special education or related services (as those terms are defined in section 602 of the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1401).

Date of Request - Means the earliest date and time of any written or otherwise documented request for home and community-based services made prior to the effective date of this policy.

DODD - Means the Ohio Department of Developmental Disabilities.

Home and Community-Based Services (HCBS) - Has the same meaning as in section 5123.01 of the Revised Code.

Immediate Need - Means a situation that creates a risk of substantial harm to an individual, caregiver, or another person if action is not taken within thirty calendar days to reduce the risk. Situations that give rise to immediate need include:

1. A resident of an intermediate care facility for individuals with intellectual disabilities has received notice of termination of services in accordance with rule 5123:2-3-05 of the Administrative Code.
2. A resident of a nursing facility has received thirty-day notice of intent to discharge in accordance with Chapter 5160-3 of the Administrative Code.
3. A resident of a nursing facility has received an adverse determination in accordance with rule 5123:2-14-01 of the Administrative Code.
4. An adult is losing his or her primary caregiver due to the primary caregiver's declining or chronic physical or psychiatric condition or due to other unforeseen circumstances (such as military deployment or incarceration) that significantly limit the primary caregiver's ability to care for the individual when:
 - a. Impending loss of the caregiver creates a risk of substantial harm to the individual; and
 - b. There are no other caregivers available to provide necessary supports to the individual.
5. An adult or child is engaging in documented behavior that creates a risk of substantial harm to the individual, caregiver, or another person.
6. There is impending risk of substantial harm to the individual or caregiver as a result of:
 - a. The individual's significant care needs (i.e., bathing, lifting, high demand, or twenty-four-hour care); or
 - b. The individual's significant or life-threatening medical needs.
7. An adult has been subjected to abuse, neglect, or exploitation and requires additional supports to reduce a risk of substantial harm to the individual.

Individual - Means person with a developmental disability

Intermediate Care Facility for Individuals with Intellectual Disabilities (ICFIID) - Had the same meaning as in section 5124.01 of the Revised Code.

Locally-funded HCBS Waiver - Means the county board pays the entire nonfederal share of Medicaid expenditures in accordance with sections 5126.059 and 5126.0510 of the Revised Code.

State-funded HCBS Waiver - Means DODD pays, in whole or in part, the nonfederal share of Medicaid expenditures associated with an individual's enrollment in the waiver.

Status date - Means the date on which the individual is determined to have a current need based on completion of an assessment of the individual using the waiting list assessment tool.

Transitional List of Individuals Waiting for HCBS - Means the list maintained in DODD's web-based individual data system which shall include the name and date of request for each individual on a list of individuals waiting for HCBS prior to the implementation of this policy, in accordance with rule 5123:2-1-08 of the Administrative Code.

Waiting List Assessment Tool - Means the Ohio assessment for immediate need and current need, which shall be used for purposes of making a determination of an individual's eligibility to be added to the waiting list for HCBS and administered by persons who successfully complete training developed by DODD.

Waiting List Date - Means either:

1. The date of request for an individual whose name is included on the transitional list of individuals waiting for home and community-based services; or
2. The earliest status date for an individual whose name is not included on the transitional list of individuals waiting for home and community-based services.

Waiting list for HCBS - Means the list established by WCBDD and maintained in the DODD's web-based waiting list management system which shall include the name, status date, date of request, waiting list date, and the criteria for current need by which an individual is eligible based on administration of the waiting list assessment tool, for everyone.

1. Wood County Board of Developmental Disabilities (WCBDD) shall, in conjunction with development of its annual and strategic plans, identify how many individuals the county board plans to enroll in each type of locally-funded HCBS waiver during each calendar year. Planned enrollment numbers will be based on (1) projected funds available to the county board to pay the nonfederal share of Medicaid expenditures and (2) the assessed needs of the county's residents on the waiting list for HCBS.

2. Waiting List Process

- A. The designated Service Coordinator will accept requests for Home and Community Based Waiver Services (HCBS) and assess individuals on the Transitional Waiting List.
 - a. Individuals on the Transitional List who receive SSA services will be assessed at their next ISP Review.
 - b. Individuals on the Transitional List who do not receive SSA services will be assessed by December 31, 2020.
- B. The designated Service Coordinator will initiate the waiting list assessment tool within 30 calendar days of the request to determine if a current or immediate need exists.
- C. The designated Service Coordinator will enter and save the waiting list assessment details in our local system which will be sent to DODD's web-based waiting list system.
- D. The designated Service Coordinator shall provide the individual or individual's guardian access to the completed waiting list assessment tool when requested to provide a copy.
- E. The designated Service Coordinator shall place an individual's name on the waiting list for HCBS when the individual:
 - a. Has been determined to have a condition that is:
 - i. Attributable to a mental or physical impairment or combination of mental and physical impairments, other than an impairment caused solely by mental illness;
 - ii. Manifested before the individual is age twenty-two; and
 - iii. Likely to continue indefinitely; and
 - b. Has a current need which cannot be met by community-based alternative service (including a situation in which an individual has a current need despite the individual's enrollment in a HCBS waiver).
- F. The designated Service Coordinator shall not place an individual's name on the waiting list for HCBS when the individual:
 - a. Is a child who is subject to a determination under section 121.38 of the Revised Code and requires HCBS; or
 - b. Has an immediate need, in which case WCBDD shall take action necessary to ensure the immediate need is met.
 - i. Service Coordinator shall provide the individual or the individual's guardian with the option of having the individual's needs met in an ICFIID or through community-based alternative services.
 - ii. Once an individual or individual's guardian chooses the setting in which he or she prefers to receive services, the Service Coordinator shall act to ensure the individual's immediate need is met, including enrollment in a HCBS waiver, if necessary.
 - iii. Such action may also include assisting the individual or the individual's guardian in identifying and accessing alternative services that are available to meet the individual's needs.
- G. When the designated Service Coordinator places an individual's name on the waiting list for HCBS Waivers, Service Coordinator shall:
 - a. Record, in DODD's web-based waiting list management system:
 - i. The individual's status date; and
 - ii. For an individual included in the transitional list of individuals waiting HCBS, the individual's date of request.
 - b. Notify the individual or the individual's guardian, as applicable, that the individual's name has been placed on

the waiting list for HCBS.

- c. Assigned Service Coordinator will assist the individual or the individual's guardian in identifying and accessing alternative services that address the individual's needs.
- H. Annually the designated Service Coordinator will:
 - a. Review the waiting list assessment tool and service needs of everyone whose name is included on the waiting list for HCBS with the individual and the individual's guardian, as applicable; and
 - b. Assist the individual or the individual's guardian, as applicable, in identifying and accessing alternative services.
- I. Under any circumstances, when the assigned Service Coordinator determines an individual's status has changed regarding having an immediate need and/or having a current need. They will notify the designated Service Coordinator who will update the individual's waiting list assessment for entry in DODD's web-based system.

3. Order of Enrolling

- A. Individuals shall be selected for enrollment in **locally-funded HCBS waivers** in this order:
 - a. Individuals with immediate need who require waiver funding to address the immediate need.
 - b. Individuals who have met multiple criteria for current need for twelve or more consecutive months and who were not offered enrollment in a HCBS waiver in the prior calendar year. When two or more individuals meet the same number of criteria for current need, the individual with the earliest of either the status date or date of request shall be selected for enrollment.
 - c. Individuals who have met multiple criteria for current need for less than twelve consecutive months. When two or more individuals meet the same number of criteria for current need, the individual with the earliest of either the status date or date of request shall be selected for enrollment.
 - d. Individuals who meet a single criterion for current need. When two or more individuals meet a single criterion for current need, the individual with the earliest of either the status date or date of request shall be selected for enrollment.
- B. Individuals with immediate need and individuals with current need may be enrolled in locally-funded HCBS waivers concurrently.
- C. Meeting the criteria for immediate need and/or current need does not guarantee enrollment in a locally-funded HCBS waiver within a specific timeframe.
- D. When an individual is identified as next to be enrolled in a locally-funded HCBS waiver, WCBDD shall determine the individual's eligibility for enrollment in a HCBS waiver.
- E. When WCBDD determines an individual is eligible for enrollment in a HCBS waiver, WCBDD shall determine which type of locally-funded HCBS waiver is sufficient to meet the individual's needs in the most cost-effective manner.

4. There are three possible outcomes of administration of the waiting list assessment tool:

- A. WCBDD determines the individual has an immediate need.
- B. WCBDD determines the individual has a current need, in which case WCBDD shall use community-based alternative services in the county to meet the individual's needs or if the individual's needs cannot be met by community-based alternative services in the county, the county board shall add the individual's name to the waiting list for HCBS; or
- C. WCBDD determines the individual has neither an immediate need nor a current need.

5. Change in the Individual's County of Residence:

- A. When an individual transfers from Wood County to another county, the assigned Service Coordinator will provide the receiving county with the waiting list assessment so the receiving county can review the individual's waiting list assessment tool.
- B. When an individual transfers from another county to Wood County, the designated Service Coordinator shall review the individual's waiting list assessment tool within 90 calendar days of receiving waiting list assessment.
 - a. When the designated Service Coordinator determines that the individual has a current need which cannot be met by community-based alternative services (including a situation in which an individual has a current need despite the individual's enrollment in a HCBS Waiver), the designated Service Coordinator shall update the individual's county of residence in DODD's web-based waiting list management system without changing the status date or date of request assigned by the previous county board.
 - b. If the designated Service Coordinator determines that the individual has a current need which can be met by community-based alternative services the SSA shall assist the individual or the individual's guardian in identifying and accessing those services.

6. Removal from the waiting list for HCBS:

- A. The designated Service Coordinator will remove individuals from the waiting list for HCBS when:
 - a. The individual no longer has a condition described in section (5)(a) of these procedures
 - b. The individual no longer has a current need
 - c. Upon request of the individual or the individual's guardian
 - d. Upon enrollment of the individual on a HCBS waiver that meets the individual's needs
 - e. If the individual or the individual's guardian declines enrollment in a HCBS waiver or community-based alternative services that are sufficient to meet the individual's needs
 - f. If the individual or the individual's guardian fails to respond to attempts by WCBDD to contact the individual or the individual's guardian by at least two different methods, one of which shall be certified mail to the last known address of the individual or the individual's guardian, as applicable

- g. When WCBDD determines the individual does not have a developmental disabilities level of care in accordance with rule 5123:2-8-01 of the Administrative Code
- h. When the individual is no longer a resident of Ohio
- i. Upon the individual's death.

7. Advancement from transitional list of individuals waiting for HCBS to waiting list for HCBS:

- A. DODD shall maintain the transitional list of individuals waiting for HCBS as defined in this policy until December 31, 2020. WCBDD shall administer the waiting list assessment tool to everyone residing in the county whose name is included on the transitional list of individuals waiting for HCBS.
 - a. WCBDD shall administer the waiting list assessment tool to everyone residing in the county whose name is included on the transitional list of individuals waiting for HCBS who receives Service and Support Administration (SSA) services when the individual's service plan is next scheduled for review following the effective date of this policy.
 - b. WCBDD shall administer the waiting list assessment tool to everyone residing in the county whose name is included on the transitional list of individuals waiting for HCBS who does not receive SSA services no later than December 31, 2020. A county board may request, and the department may aid to identify, locate, contact, or administer the waiting list assessment tool to individuals residing in the county but unknown to the county board
 - c. Once the waiting list assessment tool has been administered to an individual whose name is included on the transitional list of individuals waiting for HCBS and a determination made, WCBDD shall notify DODD and DODD shall remove the individual's name from the transitional list of individuals waiting for HCBS.

8. WCBDD or DODD shall attempt to contact everyone whose name is included on the transitional list of individuals waiting for HCBS or the individual's guardian, as applicable, by at least two different methods, one of which shall be certified mail to the last known address of the individual or the individual's guardian, as applicable. DODD shall remove an individual's name from the transitional list of individuals waiting for home and community-based services when the individual or the individual's guardian, as applicable:

- A. Fails to respond to attempts by WCBDD or DODD to establish contact; or
- B. Declines an assessment of the individual using the waiting list assessment tool.

9. Due Process shall be afforded to an individual aggrieved by an action of WCBDD related to:

- A. The approval, denial, withholding, reduction, suspension, or termination of a service funded by the state Medicaid program;
- B. Placement on, denial of placement on, or removal from the waiting list HCBS or the transitional list of individuals waiting for HCBS; or
- C. A dispute regarding an individual's date of request or status date.

Due process shall be provided in accordance with section 5160.31 of the Revised Code and Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

References: OAC: 5123:2-1-08, 5123-9-04, Chapters 5101:6-1 to 5101:6-9, 5123:2-3-05, 5160-3, 5123:2-14-01, 5123:2-8-01
 ORC: 5160.31, 5126.042, 5123.01, 5124.01, 5126.059, 5126.0510, 121.38

Forms: OAC 5123-9-04 Appendix

Laws: Rehabilitation Act of 1973, 29 U.S.C.730; 602 of the Individual with Disability Education Improvement Act 2004, 20 U.S.C.1401.

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