

# Virginia Medicaid Waivers



Name, Organization  
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# *Medicaid*

## **PURPOSE**

- Health care for certain groups of people who have low income

## **FLEXIBILITY**

- States design programs within federal standards

# *Federal & State Roles*

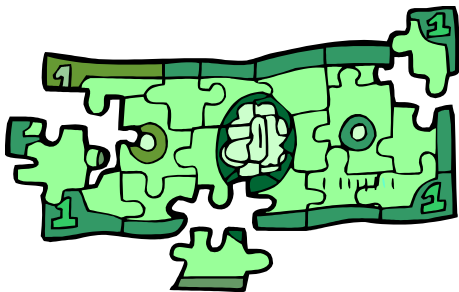
- ◆ Centers for Medicare & Medicaid Services
  - Federal agency
  - CMS
  - [cms.hhs.gov](http://cms.hhs.gov)
- ◆ Department of Medical Assistance Services
  - State agency
  - DMAS
  - [www.dmas.virginia.gov](http://www.dmas.virginia.gov)

# *Virginia Medicaid*

- ◆ General Assembly determines State funding

**\$ 7 Billion in Fiscal Year 2012**

**(includes Federal and State funding)**



**50%** from state funds

**50%** from federal funds

# *Mandated Services*

*All States*

- ◆ EPSDT
- ◆ Family Planning
- ◆ Health Clinics
- ◆ Home Health Service
- ◆ Hospital Services
- ◆ Lab and X-Ray Services
- ◆ Medicare Premiums
- ◆ Nurse-Midwife Services
- ◆ Nurse Practitioner
- ◆ Nursing Facilities
- ◆ Physician Services
- ◆ Transportation

# *Optional Services*

*Selected by Virginia*

- ◆ Case Management
- ◆ Home and Community Based Waivers
- ◆ Home Health
- ◆ Hospice
- ◆ ICF-DD
- ◆ Mental Health Services
- ◆ Optometry
- ◆ PT, OT, Speech Therapy
- ◆ Podiatry
- ◆ Prescribed Drugs
- ◆ Prosthetics
- ◆ Psychology

# *Medicaid Benefits*

Once enrolled in a Medicaid Waiver —

- Medicaid card
- All Waiver and State Plan (Mandatory and Optional) services you are eligible for

# *Early and Periodic Screening, Diagnosis and Treatment (EPSDT)*

*Medicaid benefits for children under the age of 21*

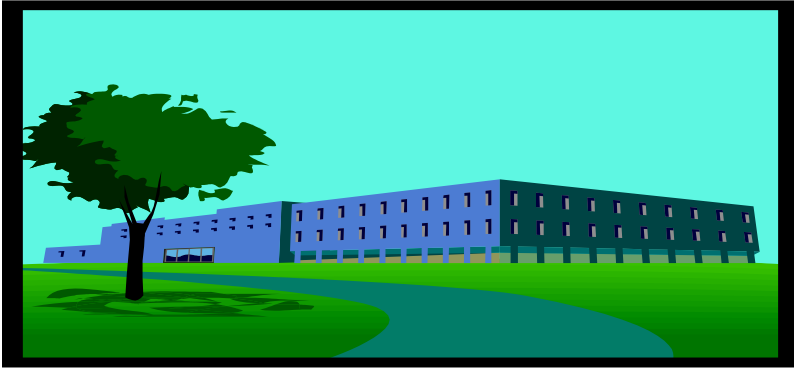
- Must be eligible for Medicaid*
- Monitor to prevent health and disability conditions from occurring or worsening*
- Treatment to “correct or ameliorate conditions,” including maintenance services*



# *EPSDT*

- ◆ Check ups and lab tests
- ◆ Dental services
- ◆ Eye glasses
- ◆ Hearing aids & implants
- ◆ Immunizations
- ◆ Mental health assessment and treatment
- ◆ Personal care, nursing services
- ◆ Other needed services, treatment and measures for physical and mental illnesses & conditions

# *Institutional Placements*



- ◆ Hospitals
- ◆ Nursing facilities

## ■ ICFs/DD - Intermediate Care Facility for people with developmental disabilities

- institutions of 4 or more beds
- active treatment and rehabilitation
- regulated by the federal and state governments
  
- 44 ICFs/DD in Virginia
  - 5 large Training Centers
  - 39 smaller ICFs/DD, ranging from 4 to 88 beds

# *PACE*

## *Program of All-Inclusive Care for the Elderly*

- ◆ Alternative to nursing home and EDCD Waiver
- ◆ 55 years or older
- ◆ 7 sites
- ◆ Managed care of services
- ◆ [dmasva.dmas.virginia.gov/Content\\_pgs/ltc-pace.aspx](https://dmasva.dmas.virginia.gov/Content_pgs/ltc-pace.aspx)

# *Home & Community Based Care Waivers*

Waivers give States the flexibility to develop and implement **alternatives to institutionalization.**



# Virginia

## Home & Community Based Care Waivers

### State Regulations for the Waivers

<http://leg1.state.va.us/000/reg/TOC12030.HTM#C0120>

- *12 VAC-30-120-1600* Alzheimer's and Related Dementias Assisted Living Waiver (Alzheimer's Waiver)
- *12 VAC-30-120-1500* Day Support Waiver for Individuals with Intellectual Disabilities (Day Support Waiver)
- *12 VAC-30-120-900* Elderly or Disabled with Consumer Direction Waiver (EDCD Waiver)
- *12 VAC-30-120-700* Individual and Family Developmental Disabilities Support Waiver (DD Waiver)
- *12 VAC-30-120-211* Intellectual Disability Waiver (ID Waiver)
- *12 VAC-30-120-70* Technology Assisted Waiver (Tech Waiver)

# *Why Home & Community Based Care Waivers?*

- ◆ Slow the growth of Medicaid spending
- ◆ People with disabilities and advocates wanted alternatives to institutions
- ◆ Permit federal Medicaid funds to be used for community services by people who would otherwise be institutionalized

# AMERICANS WITH DISABILITIES ACT



“A public entity shall administer services, programs, and activities in the **MOST INTEGRATED SETTING** appropriate to the needs of qualified individuals with disabilities.”

28CFR Section 35.130(d)

# *SUPREME COURT RULING*



- ◆ “administer services with an even hand”
- ◆ “comprehensive, effectively working plan for placing qualified persons with disabilities in less restrictive settings”
- ◆ “waiting list that moved at a reasonable pace”
- ◆ [www.olmsteadVA.com](http://www.olmsteadVA.com)



# *Money Follows the Person*

- ◆ Transition from institutional settings
- ◆ DD and ID Waiver slots available
- ◆ [www.olmsteadva.com/mfp/](http://www.olmsteadva.com/mfp/)

# *Dept of Justice Settlement Agreement*

- ◆ Initially Central Virginia Training Center, expanded to all ICFs/DD & nursing facilities if person has DD
- ◆ Transition to community based system
- ◆ Individual and Family Support program
  - [www.dbhds.virginia.gov/documents/ODS/IFSP%20Announcement.pdf](http://www.dbhds.virginia.gov/documents/ODS/IFSP%20Announcement.pdf)
- ◆ Crisis Services (START)
  - [www.dbhds.virginia.gov/ODS-UsefulInformation.htm#START](http://www.dbhds.virginia.gov/ODS-UsefulInformation.htm#START)
- ◆ Integrated supported employment & day activities
- ◆ Housing
- ◆ Quality and risk management
- ◆ [www.dbhds.virginia.gov/Settlement.htm](http://www.dbhds.virginia.gov/Settlement.htm)

# *Waiting Lists*

- ◆ DD and ID Waivers have waiting lists
- ◆ More people need DD and ID Waiver services than money is allocated for
- ◆ Request screening so that you can be included on a waiting list
- ◆ Can't be on both the DD and ID Waiver wait lists at the same time

# *Long-Term Care*

- ◆ 27,688 people in nursing facilities
  - About 2,000 are people with DD
- ◆ 1,637 people in ICFs/DD
- ◆ 34,489 people used Waivers

Fiscal Year 2011

# *Long-Term Care Eligibility Process*

- ◆ Screening First
- ◆ Financial Eligibility Second
- ◆ Screening for all Waivers must be provided without any charge to the individual

# *Long-Term Care Medicaid HCBC Waivers, PACE & Institutions*

## Must Need Long-Term Care

- Assessment / screening

## Financial Thresholds

- ◆ Monthly income limit \$2,130
- ◆ \$2,000 resource limit
- ◆ Parent income & resources do NOT count regardless of child's age
- ◆ Disability determination at age 18

# *State Plan Medicaid*

## *Regular Medicaid*

### Categorical Criteria

- ◆ Disabled
- ◆ 65 or older
- ◆ Families with children
- ◆ Pregnant women
- ◆ Others

### Financial Thresholds

- ◆ Low income & resources
- ◆ Amounts vary by group
- ◆ Parent income DOES count for minor children unless in a facility or receiving a Waiver

# *Special Needs Trusts*

- ◆ Maintain assets for future needs
- ◆ Protects from disqualifying for public benefits
  - [www.commonwealthcommunitytrust.org](http://www.commonwealthcommunitytrust.org)
  - [www.thearcofnova.org/ArcNVTrusts.html](http://www.thearcofnova.org/ArcNVTrusts.html)



# *HIPP*

- ◆ Health Insurance Premium Payment
- ◆ Health Insurance Premium Payment for Kids
- ◆ May pay a portion or total health insurance premium
- ◆ Application separate from Medicaid eligibility and filed with DMAS
- ◆ Call 800-432-5924

# *Medicaid Works (Medicaid Buy-In)*

- ◆ People with disabilities who work
- ◆ Available to people enrolled in Waivers
- ◆ **Enroll before income goes above \$766**
- ◆ Complete an agreement, then work –
  - Income (gross earnings) up to \$46,740 a year
  - Resources up to \$33,747

# *Patient-Pay*

- \$ People may have to pay for some Waiver services if they have income over \$1,172 per month
- \$ No patient-pay for Alzheimer's and Tech Waivers
- \$ Some exceptions for persons who are working



# *Alternative Institutional Placement*

- ◆ Medicaid alternative institutional placement
  
- ◆ Same criteria used for admission to institution
  - Nursing homes – EDCD and Tech Waivers
  - ICF/DD – DD and ID Waivers
  
- ◆ Do not have to apply for or be placed in an institution

# Screening

## Pre-Admission Screening Teams of the Department of Health & Department of Social Services OR Hospitals

- ◆ Alzheimer's Waiver
- ◆ EDCD Waiver
- ◆ Tech Waiver

## Community Services Board

- ◆ ID Waiver and Day Support Waiver

## Department of Health Local Clinics/Child Development Clinics

- ◆ DD Waiver

# *Level of Functioning (LOF)*

- ◆ Screening tool
- ◆ Day Support, DD and ID Waivers
- ◆ Seven areas of life activities

# *Individual and Family Developmental Disabilities Support (DD) Waiver*

- ◆ 6 years of age or older and have DD
- ◆ No diagnosis of intellectual disability
- ◆ Wait list – 1,300 people
- ◆ Level of Functioning survey used for screening
- ◆ Screening request
  - [dmasva.dmas.virginia.gov/Content\\_pgs/ltc-screen.aspx](http://dmasva.dmas.virginia.gov/Content_pgs/ltc-screen.aspx)

# *Developmental Disability*

- ◆ Severe chronic disability
- ◆ Attributable to a condition, other than mental illness
- ◆ Manifested before the age of 22
- ◆ Likely to continue indefinitely
- ◆ Results in substantial limitations in 3 or more areas of major life activity
  - Self-care
  - Understanding and use of language
  - Learning
  - Mobility
  - Self-direction
  - Capacity for independent living



# *DD Waiver Services*

- ◆ Adult companion (consumer directed & agency)
- ◆ Assistive technology (\$5,000 max a year)
- ◆ Crisis stabilization
- ◆ Day Support and Prevocational services
- ◆ Environmental modifications (\$5,000 max a year)
- ◆ Family/caregiver training
- ◆ Personal emergency response system (PERS)
- ◆ Personal assistance services (consumer directed & agency)
- ◆ Residential (individual's home)
- ◆ Respite care (consumer directed & agency)
- ◆ Skilled Nursing
- ◆ Supported employment
- ◆ Therapeutic consultation
- ◆ MFP Transition Services (\$5,000 lifetime max)

# *DD Waiver Emergency Criteria*

- ◆ Primary caregiver has a serious illness, has been hospitalized, or has died
- ◆ DSS determines abused or neglected and in need of immediate waiver services
- ◆ Individual demonstrates behaviors that present risk to personal or public safety
- ◆ Individual presents extreme physical, emotional, or financial burden at home, and the family or caregiver is unable to continue to provide care, or
- ◆ Individual lives in an institutional setting and has a viable discharge plan in place

# *Intellectual Disability (ID) Waiver*

- ◆ Diagnosis of ID or be under the age of 6 and at developmental risk
- ◆ Children using the ID Waiver without a diagnosis of ID at the age of 6, possible transfer to DD Waiver
- ◆ Wait list – 6,535 (3,831 urgent, 2,704 nonurgent)
- ◆ Screenings are conducted by CSB
- ◆ Level of Functioning used for screening

# *ID Waiver Services*

- ◆ Adult companion (consumer directed & agency)
- ◆ Assistive technology (\$5,000 max a year)
- ◆ Crisis stabilization
- ◆ Day Support and Prevocational services
- ◆ Environmental modifications (\$5,000 max a year)
- ◆ Personal emergency response system (PERS)
- ◆ Personal assistance services (consumer directed & agency)
- ◆ Residential support (individual's home or congregate)
- ◆ Respite care (consumer directed & agency)
- ◆ Skilled Nursing
- ◆ Supported employment
- ◆ Therapeutic consultation
- ◆ Transition Services (\$5,000 lifetime max)

# *ID Waiver Waiting Lists*

## *Urgent and Non-urgent*

- ◆ CSBs and Dept of Behavioral Health and Developmental Services maintain wait lists
- ◆ CSB provides written notice if placed on wait list and any change to other wait list
- ◆ CSB Slot Assignment Committee determines who is most urgent
- ◆ Non-urgent = meet criteria for the ID Waiver, but not Urgent criteria
- ◆ Only after all Urgent needs are met statewide will Non-urgent needs be served

# *ID Waiver Urgent Criteria*

- ◆ Primary caregivers are both 55 yrs or older (or if 1, is 55 or older)
- ◆ Living with a primary caregiver who is providing the service voluntarily and without pay and they can't continue care
- ◆ There is a clear risk of abuse, neglect, or exploitation
- ◆ Primary caregiver has chronic or long term physical or psychiatric condition significantly limiting ability to provide care
- ◆ Individual is aging out of a publicly funded residential placement or otherwise becoming homeless, or
- ◆ Individual lives with the primary caregiver and there is a risk to the health or safety of the individual, primary caregiver, or other individual living in the home because:
  - Individual's behavior presents a risk to himself or others OR physical care or medical needs cannot be managed by the primary caregiver even with generic or specialized support arranged or provided by the CSB

# *Day Support Waiver*

- ◆ For people on the ID Waiver waiting list
- ◆ Available to 300 people
- ◆ Day Support, Prevocational and Supported Employment services
- ◆ Case Management
- ◆ People could transition to the ID Waiver

# *Uniform Assessment Instrument* *(UAI)*

- ◆ Used for nursing home placement and the Alzheimer's, EDCD, and Tech Waivers
- ◆ Assess social, physical health and functional abilities



# *Criteria for Nursing Home and Alternative Waivers*

## ◆ Functional Needs Category

- Combination of -
  - Activities of daily living
  - Behavior and orientation
  - Mobility
  - Joint motion
  - Medication administration

## ◆ Nursing or Medical Needs Category

**MUST MEET BOTH CATEGORIES**

# *Elderly or Disabled with Consumer Direction (EDCD) Waiver*

- Individuals seeking Waiver services are eligible if disabled or 65 or older
- Must meet nursing home criteria
- Screening is conducted by the Preadmission Screening Team using the UAI

# *EDCD Waiver Services*

- Adult Day Health Care
- Personal Care Services (CD or Agency)
- Personal Emergency Response System (PERS)
- Respite (CD, Agency, or Skilled)
  
- For people transitioning from a nursing facility
  - Assistive Technology (\$5,000 during the year in MFP)
  - Environmental Modifications (\$5,000 during the year in MFP)
  - Transition Services (\$5,000 lifetime max)
  - Transition Coordination

# *Technology Assisted Waiver*

- ◆ Individual may be eligible if they need both a medical device to compensate for the loss of a vital body function and substantial and ongoing skilled nursing care
- ◆ DMAS reviews individual's private insurance policy for private duty nursing benefits
- ◆ Case management provided by DMAS

# *Tech Waiver Services*

- Private duty nursing up to 16 hours per day, except -
  - individuals under age 21 can receive nursing services 24 hours a day during the first 30 days they receive Tech Waiver services
- Respite care
- Personal care (adults only)
- Environmental Modifications (\$5,000 max a year)
- Assistive Technology (\$5,000 max a year)
- MFP Transition Services (\$5,000 lifetime max)

# *Case Management*

- ◆ Development, coordination, monitoring and modification of Waiver supports
- ◆ Links to other community resources & supports
- ◆ Tech Waiver - Provided by DMAS
- ◆ Intellectual Disability Waiver - Provided by CSB
- ◆ Developmental Disability Waiver - Individual selects the organization

# *Consumer Involvement*

- ◆ Person-centered practices
- ◆ Involve people of your choice in planning
- ◆ Choose services
- ◆ Choose providers
- ◆ Decide how & when services will be provided
- ◆ Agree to and monitor services
- ◆ Quarterly and Annual Review of service plans
- ◆ Right to appeal areas of disagreement

# *Planning for Services*

- ◆ Who will participate in your meeting
- ◆ Prepare list of needed supports & services
- ◆ Honest & frank
- ◆ Collect documentation
  - vocational evaluations
  - IEPs
  - school evaluations
  - medical documentation



# *Decision Making*

- ◆ Person receiving services
- ◆ Power of Attorney
- ◆ Durable Power of Attorney
- ◆ Guardianship
- ◆ Authorized Representative (for CSB services)
- ◆ Representative Payee (Social Security funds)

# *Consumer Directed Services*

- ◆ Staff hired by the person with a disability
- ◆ Staff not employed by an agency
- ◆ Choice and control remains with the individual, and sometimes their family
- ◆ [www.CDsupport.info](http://www.CDsupport.info)

# *Consumer Directed Services*

- Developmental Disabilities Waiver  
Personal Care, Respite, Companion
- Elderly or Disabled with Consumer Direction Waiver  
Personal Care, Respite
- Intellectual Disability Waiver  
Personal Assistance, Respite, Companion

# *Consumer Directed Services*

- ◆ Individual receiving services (or someone acting on their behalf)
  - Employer of record with the IRS
  - Hires, supervises, trains and fires employees
  - Must use provided documentation for employment process
  - Approves timesheets for employees to be paid
- ◆ Service Facilitator
  - Document needs and monitors services
  - Training on the employment process
  - Provide info as needed
- ◆ PPL (Medicaid contractor)
  - Enrolls employer with IRS
  - Pays for background checks
  - Pays employees based on approved timesheets
  - Manages tax documentation and unemployment insurance

# *Consumer Directed Employee Qualifications*

- ◆ 18 years or older
- ◆ Skills to perform job duties
- ◆ Social Security number
- ◆ Criminal history check and CPS for children
- ◆ TB screening

# *Consumer Directed Employees*

- ◆ Employees may not be
  - Parents of minor children or spouses of the individual receiving services
  
- ◆ If the employee lives with the person receiving services
  - Objective written documentation why there is no one else available to be hired

# *Personal and Attendant Care*

- ◆ Assistance with ADLs and IADLs
- ◆ Can be provided in any environment
- ◆ Supervision for up to 8 hours a day when the primary caregiver(s) are working or going to school for all ages (EDCD Waiver)
- ◆ Supervision for children (DD and ID/MR Waivers)
- ◆ Consumer Directed and Agency service
- ◆ Nurse delegation of skilled services is allowed

# *Respite*

- ◆ Must have a primary caregiver
- ◆ Caregiver does not have to live with the individual receiving Waiver services
- ◆ Can be provided in any environment
- ◆ 480 hours a year (Tech Waiver 360 hours)
- ◆ Year starts July 1 and ends June 30
- ◆ Consumer Directed and Agency service



# *Companion*

## *DD and ID Waivers*

- ◆ Cannot provide hands on support
- ◆ Limited to 8 hours in a 24 hour period
- ◆ Provided in any environment
- ◆ Consumer Directed and Agency service
- ◆ Person must be -
  - 18 years or older
  - Unable to be alone

# *Residential Services*

## *DD and ID Waivers*

- ◆ Skill building training and supports
  
- ◆ Variety of settings:
  - Individual's or family's home or apartment (DD and ID Waivers in-home residential)
  - Home or apartment with up to 4 unrelated people receiving services (DD and ID Waiver in-home residential)
  - Sponsored residential placement (ID Waiver congregate)
  - Group home (ID Waiver congregate)

# *Supported Employment*

## *DD, Day Support and ID Waivers*

- ◆ First exhaust IDEA and Rehab options
- ◆ Up to 8 hours a day
- ◆ Rates adjusted resulting in more providers
- ◆ Competitive employment
- ◆ Not sheltered workshops

# *Prevocational*

## *DD, Day Support and ID Waivers*

- ◆ Preparing for paid or unpaid employment
- ◆ Not job-task oriented
- ◆ Skills such as attendance, task completion, problem solving and safety
- ◆ Must first exhaust IDEA and Rehab options
- ◆ Limited to 8 hours a day

# *Day Support*

## *DD, Day Support and ID Waivers*

- Recreational and social skill building and services
- Provided outside of the person's home
- Variety of settings
  - Integrated in the community
  - Segregated at a center
  - Individual or group
  - Different schedule during school year, weekends, various weekdays

# *Adult Day Health Care*

## *EDCD Waiver*

- ◆ Group setting
- ◆ Social and recreational activities
- ◆ Typically used by people who are elderly who cannot be left alone

# *Nursing*

- ◆ Skilled Nursing: through the DD and ID Waivers if not covered by EPSDT or regular Medicaid
- ◆ Private Duty Nursing: continuous care up to 16 hours a day through the Tech Waiver, if not covered by private health insurance
- ◆ Home Health nursing is provided for periodic support and maintenance (not through a Waiver)

# *Family Caregiver Training*

## *DD Waiver*

- ◆ Training and Counseling
- ◆ Provided to families and caregivers
- ◆ Provided –
  - Individually
  - Small groups
  - Conferences and Seminars



# *Therapeutic Consultation*

## *DD and ID Waivers*

- ◆ Consultation to family or providers
- ◆ Psychology, social work, rehabilitation engineering, behavioral analysis, speech therapy, occupational therapy, psychiatry, psychiatric clinical nursing, therapeutic recreation, physical therapy and behavior consultation

# *Crisis Stabilization*

## *DD and ID Waivers*

- ◆ Direct intervention for persons experiencing serious psychiatric or behavioral challenges
- ◆ Temporary intensive services and supports to avert emergency psychiatric hospitalization or institutional placement or prevent other out-of-home placement
- ◆ Stabilize individuals and strengthen the current living situations

# *Personal Emergency Response System*

## *DD, EDCD and ID Waivers*

- ◆ Can include a medication management system
- ◆ Individual must –
  - Not be able to use a phone in an emergency
  - Be 14 years or older
  - Left alone for a portion of the day
  - Have the cognitive ability to use the device

# *Assistive Technology*

- ◆ Case Manager or Transition Coordinator assists
- ◆ Process
  - Prescription for AT evaluation
  - Evaluation by qualified professional
  - Quote by Medicaid AT provider
  - Delivery after authorization
- ◆ Limited to \$5,000 per year

# *Environmental Modifications*

- ◆ Modifications to primary home
  - Ramps and other access features
  - Fences and other security measures
  
- ◆ Modifications to primary vehicle
  - Lifts, ramps, hand controls
  
- ◆ Limited to \$5,000 per year

# *Accessing Providers*

- ◆ List of qualified providers given to you
- ◆ Right to choose providers
- ◆ Right to visit, interview and research providers
- ◆ You decide when, where and how you want approved services provided (with some limitations)
- ◆ Switch providers if you choose to
- ◆ Shortage of some providers
- ◆ If you have a case manager –
  - ◆ They will assist you in locating and choosing providers
  - ◆ They will contact providers to initiate services

# *Medicaid Appeals*



- ◆ Fair Hearing
- ◆ Right to challenge decisions and actions regarding Medicaid
- ◆ Appeal must be requested within 30 days of the decision or action that you disagree with
- ◆ Decision should be issued by the Hearing Officer within 90 days

# *Waiting Lists*

ID Waiver has 2 waiting lists

Urgent and Non-urgent:

CSB Slot Assignment Committee determines who is the most urgent to receive available ID Waiver funding

DD Waiver waiting list

First come, first served with wait list numbers assigned

10% of available money allocated for emergency situations

DMAS staff determine who receives available emergency slots

No waiting list for Alzheimer's, EDCCD and Tech

Waiting lists are permissible, but waiting lists must move at a reasonable pace. What is a reasonable pace?



## *EDCD Waiver While on Wait List*

- ◆ 26% of people on ID Waiver wait list are enrolled in the EDCD Waiver
- ◆ 36% of people on DD Waiver wait list are enrolled in the EDCD Waiver

# *Waiting List Advocacy*

- ◆ State General Assembly (legislators) decide Waiver funding
- ◆ Legislators need to understand and be responsive to the need
- ◆ The Arc of Virginia
  - [www.thearcofva.org](http://www.thearcofva.org)
- ◆ Centers for Independent Living
  - [www.vacil.org](http://www.vacil.org)

# *Future Changes*

- ◆ Consolidation of DD, Day Support and ID Waivers
- ◆ Waiver Regulations
- ◆ [VaWaivers-subscribe@yahoogroups.com](mailto:VaWaivers-subscribe@yahoogroups.com)