

Medicaid Waiver Programs and Waiting Lists:

What Individuals with Disabilities and Families Need to Know

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Medicaid

- ❑ Established in 1965
- ❑ Title XIX of Social Security Act
- ❑ Enables states to furnish...rehabilitation and other services to help families and individuals **attain** or **retain** capability for independence or self-care

Medicaid

- ❑ Medicaid pays for health care and long-term care services for people who might not be able to pay for it themselves and/or are pregnant, over 65, or have a disability.
- ❑ Medicaid is a state and federal partnership.
- ❑ In Texas, long term services and supports for people with disabilities are typically covered by Medicaid entitlements and/or Medicaid waivers.

Medicaid State Plans

- ❑ Each state must have a State Plan consistent with federal requirements
- ❑ Set of 14 Mandatory benefits a state must provide and about 34 Optional benefits a state can choose to provide
- ❑ Once in a State Plan an Optional become mandatory
- ❑ Medicaid requires that states cover all medically necessary services for those under 21, including mandatory and all optional services even those not in a state's Plan

Mandatory State Plan Services

In-patient and Out-patient Hospital Services

Physician Services

Medical, Surgical and Dental Services

Home Health Care

Skilled Nursing Visits

Home Health Aide Services

Medical Supplies

Durable Medical Equipment

Physical Therapy

Occupational Therapy

Nurse and Midwife Services

Rural Health Clinic Services

Laboratory and X-ray Services

Federally Qualified Health Care Services

Renal Dialysis

Ambulance

Early and Periodic Screening, Diagnosis and Treatment (EPSDT)

Comprehensive Care Program (CCP)

Medical Transportation

Family Planning Services/Genetics

Nursing Facility Services

Pediatric and Family Nurse Practitioner Services

Optional State Plan Services in Texas

Prescriptions (limit three per month for adults)

Prosthetic devices

Vision

Respiratory care in the home

Parenteral hyperalimentation

Emergency medical

School Health and Related Services (SHARS)

Maternity Services

Chiropractic services

Hearing aids

Podiatry

Licensed Social Work Services

Counseling by Licensed Professional Counselor
or Psychologist

Certified registered nurse anesthetists

Christian Science sanitarium

Birth center and Hospice care

Medically necessary surgery and dentistry

Advanced practice nurse and TB clinics

Physical Therapy

Community First Choice

Long Term Services and Supports

In order for people to have the lives that they want there needs to be a system of services and supports that are flexible, readily available and comprehensive

With these supports individuals can live with their families, live with others of their choosing, or live on their own

Long Term Services and Supports (LTSS) Entitlement Programs

A government program for which potential beneficiaries have a legal right when they meet eligibility requirements for the program.

The Intermediate Care Facility/Individuals with Intellectual Disabilities (ICF/IID) program is an entitlement under Medicaid and includes state supported living centers and community ICF/IID facilities.

States are not allowed to establish interest lists for entitlement programs.

State Supported Living Centers (SSLCs) & Community ICF/IID

SSLC's

- ❑ State Supported Living Centers (SSLCs) are campus-based ICF/IID facilities.
- ❑ The Texas Department of Aging and Disability Services operates SSLCs which serve individuals with intellectual and developmental disabilities (IDD) who are medically fragile or have behavioral health needs.

ICF/IID

- ❑ The majority of community-based ICF/IID are privately owned facilities that provide support services for individuals with a range of functioning and vary in size.

Home and Community-Based Services Waivers

Medicaid home and community-based service waivers afford States the flexibility to develop and implement creative alternatives to placing Medicaid-eligible individuals in hospitals, nursing facilities, or intermediate care facilities for persons with intellectual disabilities or related conditions.

Medicaid Waiver Programs

Section 1915(c) of the Social Security Act allows states to waive certain Medicaid requirements in order to furnish home and community-based services and supports that promote community living for individuals and, thereby prevent institutionalization.

Developed to provide alternatives to institutionalization

- Waive certain Medicaid rules
- 1915(c) waivers “waive off” of some institutional setting (e.g. SSLC & ICF/IID)

People are NOT “entitled” to these services

Legislative appropriations determine the availability of waiver services. \$\$



Home and Community-Based Services Waivers

- ❑ Flexible
- ❑ Wide range of services and supports possible
- ❑ Family and consumer driven
- ❑ Waiver eligibility is based on the finances of the person and not the family. For children under 18, the income of the parent is NOT considered, except for Texas Home Living
- ❑ A Waiver is mechanism for individuals to become eligible for Medicaid
- ❑ Waivers are not entitlements so there can be waiting lists

Texas Home and Community-Based Waivers

- Community Living Assistance and Support Services (CLASS)
- Deaf Blind with Multiple Disabilities (DBMD)
- Home and Community-based Services (HCS)
- Texas Home Living (TxHmL)
- STAR KIDS
- Medically Dependent Children's Program (MDCP)
- STAR+PLUS Waiver

IDD Waiver General Eligibility

Individuals must be financially eligible for Medicaid (only TxHmL considers parental income).

Individuals must meet the functional eligibility criteria for the specific waiver.

An individual may only be **enrolled** in one waiver at a time.

Services Available in All Waivers:

- Adaptive aids
- Financial management services
- Minor home modifications
- Respite
- Dental
- Nursing
- Professional therapies (OT, PT, etc)
- Unlimited prescriptions
- Supported employment
- Employment assistance

Community Living Assistance and Support Services (CLASS)

Functional Eligibility

- ICF/IDD Level of Care VIII:
 - Primary diagnosis of related condition
 - Moderate to extreme deficits in adaptive behavior

Community Living Assistance and Support Services (CLASS)

- **Other services available:**
- Support family services
- Continued family services
- Prevocational habilitation
- Specialized therapies (hippo, aquatic, massage, recreational)
- Behavioral support
- Case management (*contracted and separate from direct service provider)
- Dietary
- Residential habilitation
- Transition Assistance Services (TAS)

Deaf Blind Multiple Disability (DBMD)

Functional Eligibility

- ICF/IID Level of Care VIII:
- Primary diagnosis of a related condition such as Deaf-blindness or a condition that will result in Deaf-blindness
- Moderate to extreme deficits in adaptive behavior
- An additional disability that impairs independent functioning

DBMD

Other services available:

- Intervener
- Chore
- Orientation and Mobility
- Residential services:
 - 1-3 person home
 - 4-6 person home
- Assisted Living
- Audiology
- Case management (*DBMD provider delivers both case management and direct services)
- Dietary
- Residential habilitation
- TAS
- Day habilitation
- Behavior support

Home and Community Based Services (HCS)

Functional Eligibility

- ICF/IDD Level of Care I:
 - Full scale IQ of 69 or below or full scale IQ of 75 or below and a primary diagnosis of a related condition
 - Mild to extreme deficits in adaptive behavior

- *LOC VIII if moving from nursing facility or at imminent risk of entering a nursing facility.

HCS

Other services available:

- Residential services
 - 3 or 4 person home
 - Host home/Companion care
 - Social Work
 - Supported Home Living
 - Behavioral support
 - Day habilitation
 - Dietary
 - Audiology
- *Local authority provides service coordination

Texas Home Living (TxHmL)

Functional Eligibility:

Same as HCS

TxHmL

Other services available:

- Community Support
- Behavioral support
- Day habilitation
- Dietary
- Audiology

*Local authority provides service coordination

Medically Dependent Children Program (MDCP)

Alternative to nursing facility for children under 21

Does not consider parental income

Individual income up to 300% of SSI

MDCP

Other services available:

- Respite
- Home Modifications
- Adaptive Aids
- Flexible Family Supports
- Transition Assistance Services
- Employment Assistance
- Supported Employment

STAR KIDS

- STAR Kids Medicaid Managed Care rolled out November 1, 2016
- Children and young adults under 21 who have SSI, are receiving services from a Medicaid waiver, or who are part of Medicaid Buy-In
- Children on MDCP will get waiver services through STAR Kids Managed Care.
- Children on HCS, CLASS, DB/MD and YES can continue to get their waiver services from these waivers and their medical services from managed care.

STAR+Plus

- Alternative to nursing facility for individuals 21 or older
- Must meet the medical necessity criteria for admission to a nursing facility
- Individual income up to 300% SSI

STAR+Plus Services

- Personal Assistance Services
- Supported Employment
- Home/Vehicle Modifications
- Adaptive Aids/Medical Supplies
- Therapy – ST, OT, PT
- Home Delivered Meals
- Nursing
- Respite
- Behavioral Support including ABA
- Emergency Response Services
- Adult Foster Care
- Dental
- Transition Assistance Services
- Employment Assistance

STAR+Plus Waiver

Young adults who turn 21 and who age out of MDCP or Medicaid Private Duty Nursing move into STAR+Plus waiver with no wait

Individuals who have SSI automatically get STAR+Plus waiver services with no wait, higher income individuals enter from waiting list

There is a mechanism for individuals to leave a nursing home and move into STAR+Plus

Individuals in STAR+Plus whose needs exceed the individual cost cap can request from HHSC the ability to exceed the cost cap

Community First Choice

To be eligible for CFC services an individual must

- Be a child or an adult who is eligible for Medicaid
- Require an institutional level of care, e.g.:
 - A nursing facility
 - An institution of mental disease
 - An intermediate care facility for individuals with an intellectual disability or related condition

Community First Choice

- Community First Choice was added to the **Medicaid State Plan** on June 1, 2015 and offers personal assistance services and habilitation for individuals who qualify including individuals with developmental disabilities (**There can be no waitlist for CFC services**).
- Individual must have Medicaid and meet eligibility criteria for a nursing facility, intermediate care facility or residential treatment center.
- Children and young adults under the age of 21 contact the Department of State Health Services at 888-276-0702
- Adults 21 and over with developmental disabilities contact their local intellectual and developmental disability authority or their Managed Care Organization

CFC Services

All CFC services must be provided in the community.

CFC services are based on a person centered plan.

CFC services include:

- Personal Assistance Services (PAS)/Habilitation (HAB)*
- Emergency Response Services (ERS)
- Support Management

In 1915(c) waivers: CFC PAS/HAB replaces Supported Home Living in HCS; Community Support in TxHmL; Habilitation in CLASS; and Residential Habilitation in DBMD with the exception of transportation.

Interest Lists/Waiting Lists



Remember:

1. Individuals are not entitled to waiver services.
2. The State Legislature determines the amount of waiver slots that are funded each biennium (every two years).

More individuals want a community based waiver than there are funded slots.

Individuals are offered slots for waiver programs on a firstcome first-served basis.

- The wait lists are statewide, and are not funded by county or local authority.

Individuals wait as long as 11 years

Targeted Waiver Slots

There are waiver slots funded by the Legislature specifically to prevent institutionalization.

Promoting Independence Slots:

- Slots for individuals moving to the community from a private ICF/IID with 9 or more beds or an SSLC
- Slots for individuals at imminent risk of institutionalization
- Slots for children aging out of foster care
- Slots for children transitioning from an ICF/IID of any size

The Numbers

People Served:

- CLASS: 4,917
- DBMD: 235
- HCS: 23,773
- TxHmL: 5,893
- MDCP: 2,332
- 13 SSLC's: 3,149
- ICF/IID: 5,027

Average yearly cost per person:

- ▣ CLASS: \$46,800.00
- ▣ DBMD: \$43,683.84
- ▣ HCS: \$48,683.66



People on Waitlist:

- ▣ CLASS: 62,476
- ▣ DBMD: 302
- ▣ HCS: 87,496
- ▣ TxHmL: 67,166
- ▣ MDCP: 18,764

*People wait as long as 11 years for various waivers

- ▣ TxHmL: \$15,719.77
- ▣ MDCP: \$16,800.00
- ▣ 13 SSLC's: \$231,729.56
- ▣ ICF/IID: \$53,756.24

The Facts

Cost Comparison	
Setting	Average Total Monthly Cost per person
State Supported Living Centers (SSLC)	\$24,334.58
Home and Community Based Services Waiver (HCS)	\$4,267.23

A Closer Look at the Numbers		
Setting	Number of People Served	Number of People Waiting
State Supported Living Centers (SSLC)	3,083	0
Home and Community Based Services Waiver Waitlists Combined (MDCP, CLASS, DBMD, HCS)	37,150	130,000 +

Waitlist/Waiver funding

Waitlist total 2015 (June)	DADS request for 2016-2017	Funded for 2016-2017	Waitlist total 2017 (February)	HHSC request for 2018-2019	Funded for 2018-2019
102,426	14,932	4,686	131,420	0	0

Targeted Waiver Slots

Program	2016-2017 (84 th Session) Decisions	Requested for 2018-2019	Funded for 2018-2019
HCS for people moving from large ICFs and SSLCs	500	500	325
HCS for youth aging out foster care	216	236	110
HCS for persons at imminent risk of entering an ICF	400	400	0
HCS for people moving from state hospitals	120	120	0
HCS for children moving from a general residence operations (GRO) facility (CPS)	25	40	0
HCS for people with IDD moving from nursing facilities (PASRR)	700	700	150
HCS for people with IDD at risk of entering a nursing facility (PASRR)	600	600	150

Rate Cuts TxHml and HCS CFC Services

Legislative budget decisions resulted in a 21% rate cut to HCS and TxHmL CFC (personal attendant and habilitation services)

- individuals in group homes and companion care are not included in these cuts because they do not receive CFC services
- individuals using the Consumer Directed Services Option are exempted from this rate cut

There is concern that these drastic cuts will force individuals into more restrictive/institutional settings

Now What?

Now what?

- Texans do have a voice in the type of services available to Texans with disabilities.
- Remember: The legislature funds services and develops laws and policies that determine how and where services are provided.
- People with disabilities and their families have made it clear where they want to live and what services they need to thrive in the community.

Now what?

- ❑ Educate decision makers such as legislators and agency staff;
- ❑ Stay informed through social media and email updates;
- ❑ Attend legislative and agency hearings, townhalls, etc;
- ❑ Brush up on your advocacy skills through trainings and webinars (there are groups that will help you advocate)
- ❑ Write your local news outlet and let them know the issues that concern you!

What can YOU do? Advocate!

Winning in politics isn't easy

In order to change policy and laws, you have to:

- Understand the process (local, state, federal).
- Understand your power.
- Know WHEN, WHY and HOW to communicate with decision makers

IT IS NOT ENOUGH TO BE RIGHT!



Who Represents You?

Texas Legislature On-Line has all the information you need!

- o Go to <http://www.legis.state.tx.us/> and look for the “Who Represents Me” box!

“We're hoping that the supporters of awful legislation will hear from their constituents — and they'll prioritize education and health and human services before their politics,” Sen. [Judith Zaffirini](#), D-Laredo.

You have power over your own representative, senator, congressman, governor, etc.



Thank you

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