Hardin County Board of Developmental Disabilities
POLICY

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Title: Home and Community-Based Services Waivers -Waiting List		
Regulatory Authority: OAC 5123-9-04, ORC 5126.042		
Effective Date: 2/19/19		
Reviewer/Job Title: Superintendent or Designee		

HOME AND COMMUNITY-BASED SERVICES WAIVERS-WAITING LIST

(A) PURPOSE

This policy sets forth requirements for the waiting list established pursuant to ORC 5126.042 and OAC 5123:9-04 when the Hardin County Board of Developmental Disabilities (HCBDD) determines that available resources are insufficient to enroll individuals who are assessed to need and who choose home and community-based services in department-administered home and community-based services (HCBS) waivers.

(B) DEFINITIONS

The terms contained herein shall have the same meaning as set forth in ORC 5126.042 and OAC 5123:9-04.

(C) PLANNING FOR LOCALLY-FUNDED HOME AND COMMUNITY-BASED SERVICES WAIVERS

The HCBDD shall identify how many individuals it plans to enroll in each type of locally-funded home and community-based services waiver during each calendar year, based on projected funds available to the HCBDD to pay the nonfederal share of Medicaid expenditures and the assessed needs of the county's residents on the waiting list for home and community-based services, and establish a waiting list when resources are not available.

(D) WAITING LIST FOR HOME AND COMMUNITY-BASED SERVICES

1. An individual or the individual's guardian, as applicable, who thinks the individual has an immediate need or a current need may contact HCBDD to request an assessment of the individual using the waiting list assessment tool. HCBDD shall initiate an assessment of the individual using the waiting list assessment tool within thirty calendar days. An individual or the individual's guardian, as applicable, shall have access to the individual's completed waiting list assessment tool maintained in the department's web-based

waiting list management system and upon request, shall be provided a copy by HCBDD.

2. HCBDD shall place an individual's name on the waiting list for home and community-based services when, based on assessment of the individual using the waiting list assessment tool, the individual:

   (a) Is eligible for HCBDD services

   (b) Has a current need which cannot be met by community-based alternative services available in the county. (Including a situation in which an individual has a current need despite the individual's enrollment in a home and community-based services waiver).

3. HCBDD shall not place an individual's name on the waiting list for home and community-based services when the individual:

   (a) Is a child who is subject to a determination under section 121.38 of the Revised Code (the court has ordered the Board to enroll the child in a HCBS waiver) and requires home and community-based services; or

   (b) Has an immediate need, in which case HCBDD shall take action necessary to ensure the immediate need is met. Such action may include assisting the individual or the individual's guardian, as applicable, in identifying and accessing alternative services that are available to meet the individual's needs. If an individual who has an immediate need or the individual's guardian, as applicable, chooses to decline services available at an intermediate care facility for individuals with intellectual disabilities, HCBDD shall take action to ensure the individual's immediate need is met through community-based alternative services and/or enrollment in a home and community-based services waiver.

4. When a county board places an individual's name on the waiting list for home and community-based services, HCBDD shall:

   (a) Enter the individual's information in the department's web-based waiting list management system.

   (b) Notify the individual or the individual's guardian, as applicable, that the individual's name has been placed on the waiting list for home and community-based services.

(c) Provide contact information to the individual or the individual's guardian, as applicable, for a person at HCBDD who can assist in identifying and accessing alternative services that address, to the extent possible, the individual's needs.

(E) ANNUAL REVIEW

1. Annually, the HCBDD will review the waiting list assessment tool and service needs of each individual whose name is included on the waiting list for home and community-based services with the individual and the individual's guardian, as applicable; and
2. Assist the individual or the individual's guardian, as applicable, in identifying and accessing alternative services.

(F) ORDER FOR ENROLLMENT IN HCBS WAIVERS

1. 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.

2. Individuals with immediate need and individuals with current need may be enrolled in locally-funded HCBS waivers concurrently.

3. Meeting the criteria for immediate need and/or current need does not guarantee enrollment in a locally-funded HCBS waiver within a specific timeframe.

4. When an individual is identified as next to be enrolled in a locally-funded HCBS waiver, HCBDD shall determine the individual's eligibility for enrollment in a HCBS waiver. When HCBDD determines an individual is eligible for enrollment

in a HCBS waiver, HCBDD shall determine which type of locally-funded HCBS waiver is sufficient to meet the individual's needs in the most cost-effective manner.

(G) REMOVAL FROM THE WAITING LIST

1. HCBDD shall remove an individual's name from the waiting list for HCBS:

   (a) When the HCBDD determines that the individual is no longer eligible for HCBDD services

   (b) When the HCBDD determines that the individual no longer has a current need

   (c) Upon request of the individual or guardian

   (d) Upon enrollment in a HCBS waiver

   (e) If the individual or 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 guardian fails to respond to attempts by the HCBDD to contact the individual or guardian by at least two different methods, one of which shall be certified mail to the last known address

   (g) When the county board determines that the individual does not have a developmental disabilities level of care in accordance with rule 5123:2-8-01 of the OAC

   (h) When the individual is no longer a resident of Ohio

   (i) Upon the individual's death

(H) DUE PROCESS

1. Due process shall be afforded to an individual aggrieved by an action of the HCBDD 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 for home and community-based services or the transitional list of individuals waiting for home and community-based services

(c) A dispute regarding an individual's date of request or status date.

2. Due process shall be provided in accordance with section 5160.31 of the ORC and Chapters 5101:6-1 to 5101:6-9 of the OAC.