

Licking County Board of Developmental Disabilities

Administrative Policy Manual

**Policy: Waiting Lists for Home
and Community Medicaid
Waivers**

**Board Approved: 8/00
Revised: 5/02, 2/04, 3/12, 11/13,
10/16, 9/18, 10/21, 8/24, 6/25**

Reviewed: 1/10

Section: 4.6

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I. SUBJECT

Waiting List

II. PURPOSE

The purpose of this policy is to set forth requirements for the waiting list established pursuant to section 5126.042 of the Revised Code when a county board 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 waivers.

III. POLICY ADMINISTRATION OF THE WAITING LIST ASSESSMENT TOOL

(1) A county board will administer the initial waiting list assessment tool to an individual when the individual, the individual's guardian, or a member of the individual's family:

- (a) Requests the county board administer the waiting list assessment tool;
- (b) Requests the individual be enrolled in a home and community-based services waiver or placed on the waiting list for home and community-based services; or
- (c) Identifies an unmet need.

(2) A county board will re-administer the waiting list assessment tool to an individual when the individual, the individual's guardian, or a member of the individual's family identifies a change in circumstance that may result in the individual having a current need or an immediate need.

(3) When cause for administering the waiting list assessment tool is identified in accordance with paragraph (1) or (2) above:

- (a) Explain to the individual, the individual's guardian (which may include a public children services agency), or the individual's family member, as applicable, the waiting list assessment tool process and timeframes set forth in this rule.
- (b) Identify services available to meet the individual's needs while the waiting list assessment tool is being completed.
- (c) Assess the individual using the waiting list assessment tool.
 - (i) The waiting list assessment tool will be initiated by conducting an interview with the individual and the individual's guardian, as applicable, within fifteen calendar days of the date that cause for administering the waiting list assessment tool is identified in accordance with paragraph (1) or (2) above. The county board will document extenuating circumstances related to the individual that delay conduct of the interview.
 - (ii) The waiting list assessment tool will be completed within forty-five calendar days of the date the interview with the individual and/or the individual's guardian is conducted in accordance with paragraph (3)(c)(i) above. The county board will document extenuating circumstances related to the individual that delay completion of the waiting list assessment tool.

(4) A county board will notify the individual or the individual's guardian, as applicable, of the outcome of administration of the waiting list assessment tool within ten calendar days of completion.

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- (a) The notice will include a copy of the individual's completed waiting list assessment tool and an explanation of the individual's/guardian's due process rights
 - (b) When the county board determines the individual does not require waiver enrollment or placement on the waiting list for home and community-based services because community-based alternative services are available to meet the individual's assessed needs, the notice will include:
 - (i) A list of the individual's assessed needs.
 - (ii) Specific community-based alternative services that address each assessed need.
 - (iii) The date by which the county board will follow-up with the individual/guardian to determine if the suggested community-based alternative services have been accessed.
 - (iv) Contact information for a person at the county board who can assist in identifying and accessing community-based alternative services.

IV. WAITING LIST FOR HOME AND COMMUNITY-BASED SERVICES

(1) The county board will 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) 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 services in the county where the individual resides (including a situation in which an individual has a current need despite the individual's enrollment in a home and community-based services waiver).

(2) The county board will 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 and requires home and community-based services; or
- (b) Has an immediate need, in which case the county board will take action necessary to ensure the immediate need is met. The county board will provide the individual or the individual's guardian (which may include a public children services agency), as applicable, with the option of having the individual's needs met in an intermediate care facility for individuals with intellectual disabilities or through community-based alternative services. Once an individual or individual's guardian chooses the preferred setting option, the county board will take action to ensure the individual's immediate need is met, including by enrollment in a home and community-based services waiver, if necessary. Such action may also 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.

(3) When a county board places an individual's name on the waiting list for home and community-based services, the county board will:

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- (a) Record, in the department'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 for home and community-based services defined in paragraph (B) (17) of this rule, 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 home and community-based services.
 - (c) Provide contact information to the individual or the individual's guardian, as applicable, for a person at the county board who can assist in identifying and accessing alternative services that address, to the extent possible, the individual's needs.
 - (4) Annually, a county board will:
 - (a) 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
 - (b) Assist the individual or the individual's guardian, as applicable, in identifying and accessing alternative services.
 - (5) Under any circumstances, when a county board determines an individual's status has changed with regard to having an immediate need and/or having a current need or an individual's status date has changed, the county board shall will update the individual's record in the department's web-based waiting list management system.

V. ENROLLMENT ORDER

Order for enrolling individuals in locally funded home and community-based services waivers.

(1) A county board will select individuals for enrollment in locally-funded home and community-based services 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 home and community-based services 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 will 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 will 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 will be selected for enrollment.
- (2) Individuals with immediate need and individuals with current need may be enrolled in locally-funded home and community-based services waivers concurrently.
- (a) Meeting the criteria for immediate need and/or current need does not guarantee enrollment in a locally-funded home and community-based services waiver within a specific timeframe.

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- (b) When an individual is identified as next to be enrolled in a locally-funded home and community-based services waiver, the county board will determine the individual's eligibility for enrollment in a home and community-based services waiver. When the county board determines an individual is eligible for enrollment in a home and community-based services waiver, the county board will determine which type of locally-funded home and community-based services waiver is sufficient to meet the individual's needs in the most cost effective manner.

Order for enrolling individuals in state-funded home and community-based services waivers

(1) The department will determine the order for enrolling individuals in state funded home and community-based services waivers.

(2) Meeting the criteria for immediate need and/or current need does not guarantee enrollment in a state-funded home and community-based services waiver within a specific timeframe.

VI. CHANGE IN AN INDIVIDUAL'S COUNTY OF RESIDENCE

When an individual on the waiting list for home and community-based services moves from one county to another and the individual or the individual's guardian, as applicable, notifies the receiving county board, the receiving county board will within ninety calendar days of receiving notice, review the individual's waiting list assessment tool.

- (1) When the receiving county board determines that the individual has a current need which cannot be met by community-based alternative services in the receiving 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), the receiving county board will update the individual's county of residence in the department's web-based waiting list management system without changing the status date or date of request assigned by the previous county board.
- (2) When the receiving county board determines that the individual has a current need which can be met by community-based alternative services in the receiving county, the receiving county board will assist the individual or the individual's guardian, as applicable, in identifying and accessing those services.

VII. REMOVAL FROM WAITING LIST FOR HOME AND COMMUNITY-BASED SERVICES

A county board will remove an individual's name from the waiting list for home and community-based services:

- (1) When the county board determines that the individual no longer has a condition described in waiting list rule (E)(1)(a).
- (2) When the county board determines that the individual no longer has a current need;
- (3) Upon request of the individual or the individual's guardian, as applicable;
- (4) Upon enrollment of the individual in a home and community-based services waiver that meets the individual's needs;
- (5) If the individual or the individual's guardian, as applicable, declines enrollment in a home and community-based services waiver or community-based alternative services that are sufficient to meet the individual's needs

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- (6) If the individual or the individual's guardian, as applicable, fails to respond to attempts by the county board to contact the individual or the individual's guardian by at least two different methods from the following list to the last known address of the individual or the individual's guardian, as applicable;
 - (a) Electronic mail;
 - (b) Traceable delivery service; or
 - (c) Personal service.
 - (7) When the county board determines the individual does not have a developmental disabilities level of care in accordance with rule 5123: 8-01 of the Administrative Code;
 - (8) When the individual is no longer a resident of Ohio; or
 - (9) Upon the individual's death.

VIII. DUE PROCESS

Due process will be afforded to an individual when a county board takes an action related to placement on, denial of placement on, or removal from the waiting list for home and community-based services.

- (1) The county board will issue and explain due process to the individual or the individual's guardian, as applicable, using a form approved by the Ohio department of job and family services.
- (2) Due process will 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.