

Public Input Needed on Changes to Waiver Programs

The passage of HB1185 changed the policy on the allocation of waiver slots. When someone's name reaches the top of the waiver waiting list, their needs will be assessed to determine which waiver will best meet their needs, rather than automatically receiving a New Opportunities Waiver (NOW) slot (for people with DD) or Elderly and Disabled Adult (EDA) slot for the population served through the Office of Aging and Adult Services (OAAS). According to the Department of Health and Hospitals (DHH), the intent of this policy is to better match each individual with the services needed, reduce the overall costs per person, and use cost savings to serve additional people from the waiting lists. Allocating the type of waiver based on need will reserve access to waivers with more comprehensive services for individuals with the most comprehensive needs. This change will not take place until rules are promulgated and the implementation details are developed.

In addition to the NOW, there are three other DD waivers – Children's Choice, Supports Waiver, and the new Residential Options Waiver (ROW) – each with a different menu of services to meet individual needs and preferences. The population served by OAAS has access to the EDA waiver and the Adult Day Health Care (ADHC) waiver.

Change is sometimes difficult and the policy on the allocation of waiver slots - was met with confusion and even anger by some individuals and families. These emotions are certainly understandable since people have been waiting for a "NOW slot" for many years. Their first thought was their NOW opportunity was being taken away and their family member's needs would not be met. In fact, some people will not receive a NOW slot, but their needs will still be met through another waiver. The upside is that money saved reportedly will be used to serve more people on the waiting list – and as a result, many others support the policy. Below, the DD Council has posted questions from families and answers from the Office for Citizens with Developmental Disabilities (OCDD) regarding this policy change to help people better understand the issue.

Regarding questions 3 and 4 below, some stakeholders have already expressed the need to advocate for fair and objective criteria to determine when a comprehensive waiver (i.e., NOW or ROW) is necessary to meet the needs of an individual whose needs may have changed and/or increased and their current waiver (i.e., Children's Choice, Supports Waiver) is no longer satisfactory. Please consider including specific suggestions for this and any other policy implementation issue so clear guidance and input into the development of these rules will reflect your concerns and recommendations. **Stakeholders are encouraged to submit suggestions on how the policy should be implemented by emailing Kevin Hill at kevin.hill@la.gov or calling 800 450-8108.**

Questions and Answers provided by OCDD

- Q1: Currently, self-direction is an option with the New Opportunities Waiver (NOW). Will the self-direction option be added to other waivers?
- A1: Self-direction is currently available with the NOW as well as the Residential Options Waiver (ROW) which became operational May 1, 2010. OCDD is in the process of amending the Children's Choice waiver to include self-direction.
- Q2: OCDD is reportedly initiating this policy because they believe the cost of children will increase to \$40,000 if they receive a NOW slot. How do they know that the average cost for a NOW slot will be \$40,000 versus the \$17,000 for a Children's Choice slot? If an individual needs assessment is done, then maybe an individual will need more than \$17,000 but not as much as \$40,000. Is \$40,000 the minimum cost for the NOW?
- A2: Forty thousand dollars (\$40,000) is not the minimum cost for the NOW. A child's needs may require services costing somewhere between \$17,000 and \$40,000 (or over \$40,000) in services. It is likely that if all children automatically go into the NOW - even with OCDD's best efforts at planning - costs will double for these individuals. And some of them can get their needs met with Children's Choice. Since the Supports Intensity Scale and Louisiana Plus (SIS/LA Plus) and the Resource Allocation Model were not designed for children, a separate needs assessment will need to be developed.
- Q3: If the assigned waiver doesn't meet the person's needs, will they be able to switch to one that would be more beneficial to them and what would it take to switch?
- A3: If an individual's needs change and the current waiver no longer meets their needs there will be a mechanism to access increased services. The specifics will have to be determined and spelled out in the rulemaking process. Individuals and families are encouraged to take part in that process.
- Q4: Children's Choice has a cap. What happens when a child's needs exceed the annual cap?
- A4: Recipients in the Children's Choice waiver are limited to the annual \$17,000 cap. Emergency funds are available for crisis situations to give families funding over their cap. Currently there is a mechanism to move a Children's Choice recipient to the NOW if certain criteria are met.
- Q5: If a child is put on the Children's Choice waiver, will they automatically be given the NOW when they turn 19?
- A5: That is the current policy. With the new policy, once a Children's Choice recipient ages out, they would be assessed and offered the best adult waiver that meets their needs - and that might not be the NOW. The ROW is going to be a really good option for a lot of people. Even though there is a cap, it is a very high cap, and includes many services that are not included in the NOW.

- Q6: Could someone who is getting NOW services currently be changed to a different waiver?
- A6: OCDD intends to only apply these new rules to new waiver recipients. However, the law is silent on this issue and the rules have not yet been developed.
- Q7: What is the timeline and ability for public input into developing waiver policy rules?
- A7: OCDD does not plan to promulgate the waiver policy rule before October 1, 2010. This will give them time to form a stakeholder group to solicit input and develop the policy.

Stakeholders are encouraged to submit suggestions on how the policy should be implemented by emailing Kevin Hill at kevin.hill@la.gov.

Please be advised that any comments submitted will be reviewed and possibly posted on the DD Council website. Summaries of comments used will be done so anonymously.

Below is a summary of some comments received to date (8/13/10).

1. I agree with the intent of new waiver allocation policy. It is another way of addressing the long standing issue of offering/awarding waiver slots based on need vs. strictly by date of application. I think it is critical that the state move towards a policy that offers waiver services based on need.

HOWEVER, I do have concern with how OCDD can/will ensure a fair, equitable and consistent method that determines which type of waiver will be offered to individuals, especially children. The development of a valid assessment tool for children will be critical. Without such a tool, I fear there will be a tendency to put children in the Children's Choice (CC) waiver, AND at the very least, there will be the perception that children are arbitrarily offered the CC waiver. I read question number 2 on the Q & A document on the Council's website, but do not find the answer sufficient. The response, "It is likely that if all children automatically go into the NOW even with OCDD's best efforts at planning - costs will double for these individuals.", doesn't really tell me anything. **What specifically** has caused OCDD officials to reach this conclusion? IF there are specifics that can be explained for this conclusion they may help provide information that will help folks feel more comfortable about how children will be addressed in this new policy.

2. I wish that there could be a means to self direct services for the Children's Choice.

3. Why can't we work for our loved one and live under the same roof? I believe there is a real need for this and it should be a choice for those of us who wish to do it.

4. Regarding Children's Choice – OCDD says: "Emergency funds are available for crisis situations to give families funding over their cap." The rules for a crisis should be changed. Families may have a crisis that is just one time and for a short while but does not meet the criteria of the Crisis Form that OCDD has created. The crisis form is only for a death of a parent, DSW, care-giver; or caregiver incapacitated, child is committed by court to DHH; no caregiver support available. It should be added that if the family has used all of the CC money because of undue circumstances that a caregiver was needed above and beyond the amount of money or if equipment was purchased and the family had to use the money from CC that should be considered an emergency.

5. Will there be a mechanism for to change waivers if someone's needs change and their assigned waiver no longer meets their need? This does not always happen with the Children's Choice waiver. One of the criteria for changing waivers should be a "dramatic change in family situation." If someone has already been assessed by the SIS and is currently receiving the NOW, will they have to be re-assessed and possibly given a different waiver?