

# Understanding Medicaid Home and Community Based Waivers for People with Disabilities

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# About PHLP

The Pennsylvania Health Law Project (PHLP) is a statewide, nonprofit law firm. We provide free legal services to help Pennsylvanians get or keep publicly-funded healthcare coverage and services.



# Our Services

- Statewide Helpline
  - Call 1-800-274-3258
  - Open Mondays & Wednesdays beginning at 8 AM
- Legal advice and representation
- Policy advocacy
- Community education
  - Monthly newsletter ([sign up here](#)) and other alerts
  - Resource Library: [www.phlp.org/en/resource-library](http://www.phlp.org/en/resource-library)

# When to Call PHLP

- Help with Medicaid and Waiver eligibility
- Help with loss of Medicaid or Waiver coverage
- Understanding how Medicaid works with private insurance and/or Medicare
- Understanding how to get physical and behavioral health care with Medicaid insurance coverage
- Help with denial or reduction of Medicaid or Waiver services

# Part One: Waiver Basics

# Medicaid Home & Community Based Services (“Waivers”)

- Medicaid Waivers are programs to assist individuals with various disabilities to live in the community and avoid living in a facility like a nursing home.
- Waiver programs provide medical and non-medical services to support people living in their homes.
- Can pay for items and services not otherwise covered by Medicaid insurance.
- Different waivers offer different package of services.

# The Importance of Waiver Programs

- Kids on Medicaid can get very broad package of physical health and behavioral health services with Medicaid (EPSDT).
- BUT those services end when youth turns 21.
- School services for kids with disabilities end when they turn 22.
- Waiver programs fills in the gap by covering more services than traditional Medicaid, and offering full Medicaid insurance.

# PA's Waiver Programs

In PA, there are six waivers total, each serving different populations:

- Three (3) waivers for people with Intellectual Disability diagnosis and/or Autism diagnosis
- One (1) waiver for adults with Autism
- One (1) waiver for adults with physical disabilities
- One (1) waiver for adults ages 18-20 with developmental physical disabilities



# Part Two: ID Waivers

# PA's ID Waiver Programs

1. Person/Family Directed Support (P/FDS) waiver
2. Community Living waiver
3. The Consolidated waiver
  - Run by the Office of Developmental Programs (ODP)
  - Diagnosis and age requirements:
    - Individuals of any age with ID or autism
    - Children under age 9 with a developmental disability and high probability of resulting ID or autism diagnosis
    - Children under age 22 with a developmental disability due to a medically complex condition

## PA's ID Waiver Programs (cont.)

### Additional clinical criteria:

- ID diagnosis with full scale IQ of 70 or below; **OR**
- Autism diagnosis; **OR**
- Developmental disability with high likelihood of ID or Autism diagnosis before age 9; **OR**
- Developmental disability due to a medically complex condition diagnosed before age 22

# PA's ID Waiver Programs (cont. 2)

## Additional clinical criteria continued:

- Must also have substantial adaptive skill deficits in 3 or more life activities of:
  1. Self-care
  2. Understanding and use of language
  3. Learning
  4. Mobility
  5. Self-direction
  6. Capacity of independent living

# PA's Three ID Waiver Programs (cont. 3)

Clinical criteria continued:

- And be recommended for intermediate level of care/ other related condition (ICF/ORC) by a medical evaluation.

# ID Waiver Service Caps

- **P/FDS Waiver** = spending cap on services is \$41,000 per fiscal year
- **Community Living Waiver** - spending cap on services is \$85,000 per fiscal year
- **Consolidated Waiver** – no spending cap on services

# Covered Services in ID Waivers

- Most services are the same with three ID waivers and include a wide range such as:
  - Assistive technology
  - Behavioral supports
  - Employment services
  - Homemaker/chore
  - In-home & community support
  - Respite
  - Shift nursing
  - Physical, occupational and speech therapies
  - Many more services...

# Covered Services in ID Waivers (cont.)

- P/FDS waiver and Community Living waiver Do NOT provide Residential Habilitation.
- Only Consolidated waiver provides Residential Habilitation. (often referred to as Group Homes)



# Applying for ID Waivers

- ID waivers are managed by the County ID offices.
- Contact County Office of Intellectual Disability to start the ID waiver application process.
- County ID Office is the “Administrative Entity/AE” of the waivers by contract with the state Office of Developmental Programs/ODP.
- AE responsible for the level of care determination.
- AEs use common PUNS tool to assess and prior

# ID Waiver Waiting Lists

- All ID waivers have waiting lists
- AEs use a common tool called the PUNS (prioritization of urgency of need for services) to determine status on the waiting list
- Waiting list categories: Emergency Needs; Critical Needs; Planning Needs
- Total current waiting list over 13,000 people ☹️
- [www.pawaitinglistcampaign.org](http://www.pawaitinglistcampaign.org)

# OBRA Waiver

- The OBRA waiver covers individuals aged 18 - 59 who:
  - Have a Developmental disability
  - That occurred before the age of 22
  - And is likely to continue indefinitely, and
  - Has been assessed to require intermediate care facility level of need

# OBRA Waiver (cont.)

- Clinical criteria (cont.)
  - Developmental disability results in “substantial functional limitations” in at least 3 of the following:
    - Self-care
    - Understanding and use of language
    - Learning
    - Mobility
    - Self-direction
    - Capacity for independent living
- To qualify for OBRA, you cannot have a primary diagnosis of ID or major mental illness

# OBRA Waiver Services

- Broad range of services
  - Employment related services
  - Personal assistance services
  - Residential habilitation services
  - Respite
  - Structured day habilitation
  - Occupational, physical and speech therapies
  - Specialized medical equipment and supplies
  - Home adaptations
  - Vehicle modifications
  - And more...

# Applying for OBRA Waiver Services

- Contact Maximus (enrollment services) at 1-877-550-4227
- Applicant's doctor must complete a Physician Certification form indicating the person's level of need is for Intermediate Care Facility
- NO Waiting list for the OBRA Waiver!

# Adult Autism Waiver

- For individuals aged 21 and older
- Clinical criteria:
  - Autism diagnosis
  - Require intermediate care facility level of care
  - Substantial functional limitations in 3 or more life activities resulting from autism diagnosis
    - Self-care
    - Receptive and expressive language
    - Learning
    - Mobility
    - Self-direction
    - Capacity for independent living

# Adult Autism Waiver Services

- Assistive technology
- Employment related services
- Day habilitation
- Family support services
- Home modifications
- Respite
- Residential habilitation
- Behavioral specialist
- Occupational and speech therapies
- Vehicle modifications
- And more...



# Applying for Adult Autism Waiver

- Apply with Office of Developmental Programs - Bureau of Supports for Autism and Special Populations: Call 866-539-7689
- Contact can be made before age 21!
- Person placed on the “Interest List”
- Applications for Autism Waiver do not occur before an available waiver slot (and the person is 21 or older or within 30 days of 21<sup>st</sup> birthday)

# Applying for Autism Waiver (cont.)

- Individuals on Interest List as Priority 1 (higher) or 2 (lower)
  - Priority 1 – those not already getting HCBS
  - Priority 2 – those already receiving services in another state and/or federally funded waiver, nursing home, intermediate care facility, state center, etc.
- Current Autism Waiver capacity approximately 700 people

# Community HealthChoices (CHC) Waiver

- Run by the Office of Long Term Living (OLTL)
- 21 years or older with a physical disability
- Nursing Facility Clinically Eligible (NFCE) as determined by:
  - In-person clinical assessment using Functional Eligibility Determination (FED) tool
  - Applicant's doctor completing Physician Certification form indicating person is NFCE, expecting to need that level of care for 12 months or longer

# Community HealthChoices Waiver

- CHC is a managed care program – must enroll in a plan.
- Three CHC managed care plans to choose from:
  1. AmeriHealth Caritas/Keystone First
  2. PA Health and Wellness
  3. UPMC Community HealthChoices

# CHC Waiver Services

- Personal assistance services (PAS)
- Home and vehicle modifications
- Nursing services
- Home-delivered meals
- Employment related services
- Non-medical transportation
- Personal emergency response system
- Pest eradication
- Cognitive rehabilitation therapy
- PT, OT, speech therapies
- And more...

# Applying for CHC Waiver

- Contact [Maximus](#) at 877-550-4227.
- If not already on Medicaid, application must be completed first.
- Face-to-face meeting with representative from Maximus.
- Maximus sends Physician Certification form to applicant's doctor.
- Lastly, an in-person clinical assessment with Aging Well.

# OBRA Waiver and CHC Waiver

- If on OBRA waiver prior to age 21, another assessment completed.
- If new assessment determines person is NFCE, gets transferred to CHC waiver after turning 21.
- Individuals determined NFCE do not get a choice between OBRA and CHC.

# Waiver Income & Resource Limits (2024)

## **Income limit - \$2,829 per month**

- Counts only the income of the applicant, even if they have a spouse.

## **Resource Limit - \$8,000**

- Includes money in the bank, cash on hand, investments, etc.
- Does not include: the home where applicant lives, one car, prepaid funeral expenses & burial accounts
- Resource limit exclusions for married applicants



# Waiver Eligibility Challenges

- Clinical eligibility varies depending on the waiver program.
- Age requirement for eligibility also varies based on the waiver program.
- Long waiting lists for all three ID waivers and the Adult Autism Waiver ([PA Waiting List Campaign](#))
- No waiting list for CHC but must be age 21 or older.
- Deciding which waiver best meets a person's needs can be confusing and complex.

# Getting Help from PHLP

- PHLP provides advice on understanding waiver eligibility and the application process.
- We also assist with CHC and OBRA waiver eligibility and service denials.
- Statewide Helpline: 1-800-274-3258
  - Open for new client intake beginning at 8am on Mondays and Wednesdays
- Janice Meinert: 412-434-5637, [jmeinert@phlp.org](mailto:jmeinert@phlp.org)

# QUESTIONS?

