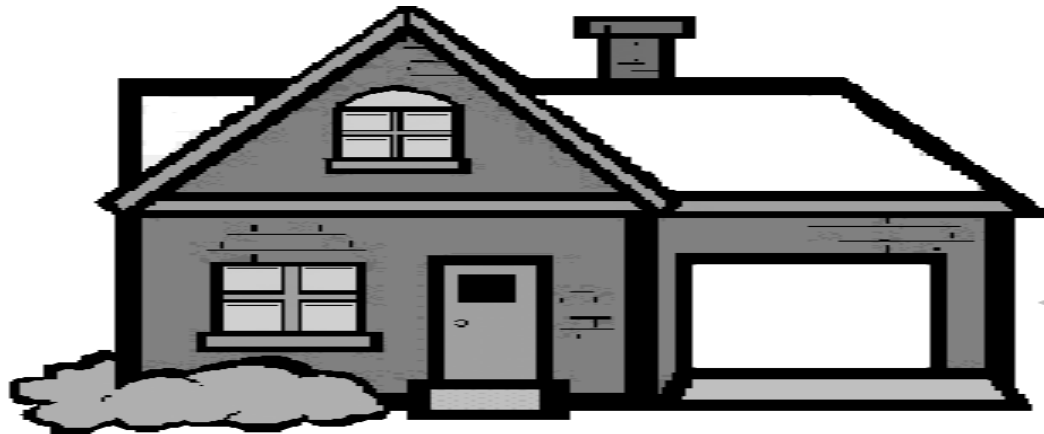


# Virginia Medicaid Waivers



Care Connection for Children  
Children's Hospital of The King's Daughters  
(757) 668-8519 or [Sandra.Hermann@chkd.org](mailto:Sandra.Hermann@chkd.org)  
November 19, 2020

Materials developed by the Endependence Center in consultation with DMAS and DBHDS. 75% of the funding to develop this product was provided by the VBPD under the federal DD and Bill of Rights Act. Contact VBPD at 800-846-4464, [www.vaboard.org](http://www.vaboard.org).

# *Medicaid*

## **PURPOSE**

- Health care for certain groups of people who have low income

## **FLEXIBILITY**

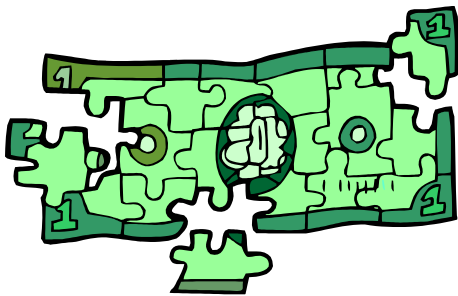
- States design programs within federal standards

# *Virginia Medicaid*

- ◆ General Assembly determines State funding

**\$ 11.8 Billion in Fiscal Year 2019**

**(includes Federal and State funding)**



**50%** from state funds

**50%** from federal funds

# *Federal & State Roles*

- ◆ Centers for Medicare & Medicaid Services
  - Federal agency
  - CMS
  - [cms.hhs.gov](http://cms.hhs.gov)
- ◆ Department of Medical Assistance Services
  - State agency
  - DMAS
  - [www.dmas.virginia.gov](http://www.dmas.virginia.gov)

# *Medicaid Mandated Services*

*All States*

- ◆ EPSDT
- ◆ Family Planning
- ◆ Health Clinics
- ◆ Home Health (if eligible for nursing facility)
- ◆ Hospital Services
- ◆ Lab and X-Ray Services
- ◆ Medicare Premiums
- ◆ Nurse-Midwife Services
- ◆ Nurse Practitioner
- ◆ Nursing Facilities
- ◆ Physician Services
- ◆ Transportation

# *Medicaid Optional Services*

*Selected by Virginia*

- ◆ Case Management
- ◆ Home and Community Based Waivers
- ◆ Home Health (everyone)
- ◆ Hospice
- ◆ ICF-DD
- ◆ Mental Health Services
- ◆ Optometry
- ◆ PT, OT, Speech Therapy
- ◆ Podiatry
- ◆ Prescribed Drugs
- ◆ Prosthetics
- ◆ Psychology

# *Early and Periodic Screening, Diagnosis and Treatment (EPSDT)*

*Medicaid benefits for children under the age of 21*

- *Must be eligible for Medicaid*
- *Monitor to prevent health and disability conditions from occurring or worsening*
- *Treatment to “correct or ameliorate conditions,” including maintenance services*

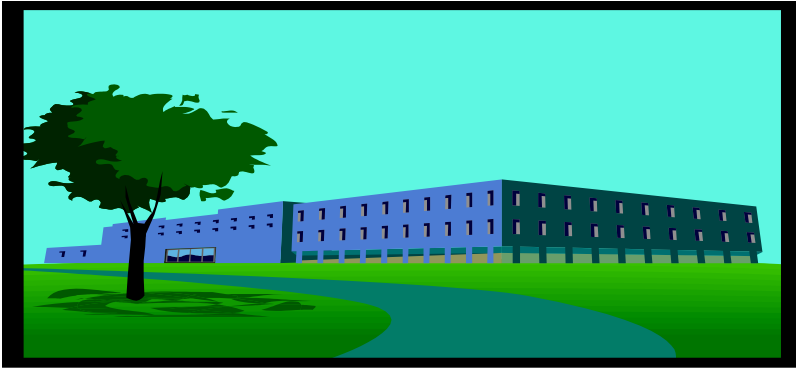
# *Medicaid Benefits*

Once enrolled in a Medicaid Waiver –

- Medicaid card
- All Waiver and State Plan (Mandatory and Optional) services
- Likely enrolled in Medicaid managed care  
Commonwealth Coordinate Care (CCC) Plus managed care



# *Institutional Placements*



- ◆ Hospitals
- ◆ Nursing facilities

## ■ ICFs/IDD - Intermediate Care Facility for people with intellectual/developmental disabilities

- institutions of 4 or more beds
- active treatment and rehabilitation
- regulated by the federal and state governments
  
- 63 ICFs/DD in Virginia
  - 2 large Training Centers (Chesapeake and Lynchburg)
  - 61 smaller ICFs/DD, ranging from 4 to 100 beds

# *Home & Community Based Care Waivers*

Waivers give States the flexibility to develop and implement **alternatives to institutionalization.**



# Virginia

## Home & Community Based Care Waivers

- *Commonwealth Coordinated Care (CCC) Plus Waiver*
  - *Previously the Elderly or Disabled with Consumer-Direction (EDCD) Waiver and the Technology Assisted Waiver*
  
- *Developmental Disabilities (DD) Waivers*
  - *Building Independence (BI) Waiver*
    - *Previously the Day Support Waiver*
  - *Community Living (CL) Waiver*
    - *Previously the Intellectual Disability (ID) Waiver*
  - *Family and Individual Support (FIS) Waiver*
    - *Previously the Individual and Family Developmental Disabilities Support (DD) Waiver*

# *Why Home & Community Based Care Waivers?*

## Initially -

- ◆ Slow the growth of Medicaid spending
- ◆ People with disabilities and advocates wanted alternatives to institutions
- ◆ Permit federal Medicaid funds to be used for community services by people who would otherwise be institutionalized

# AMERICANS WITH DISABILITIES ACT



“A public entity shall administer services, programs, and activities in the **MOST INTEGRATED SETTING** appropriate to the needs of qualified individuals with disabilities.”

28CFR Section 35.130(d)

# *SUPREME COURT RULING*



- ◆ “administer services with an even hand”
- ◆ “comprehensive, effectively working plan for placing qualified persons with disabilities in less restrictive settings”
- ◆ “waiting list that moved at a reasonable pace”
- ◆ [www.olmsteadVA.com](http://www.olmsteadVA.com)

# *Dept of Justice Settlement Agreement*

- ◆ Individual and Family Support program
  - [www.dbhds.virginia.gov/individuals-and-families/developmental-disabilities/community-support-services](http://www.dbhds.virginia.gov/individuals-and-families/developmental-disabilities/community-support-services)
- ◆ Crisis Services (REACH)
- ◆ Integrated supported employment & day activities
- ◆ Housing

# *DD Case Management*

- ◆ Development, coordination, monitoring and modification of DD Waiver supports
- ◆ Link to community resources & supports
- ◆ People with DD who do not have an intellectual disability can choose to receive case management from the CSB or from a private provider
- ◆ People with a DD that includes an intellectual disability must have their case management provided by a CSB



# *CCC Plus Managed Care*

- > Six Medicaid managed care organizations (MCO): Aetna, Anthem HealthKeepers, Magellan, Optima, United, Virginia Premier
- > Most people with disabilities enrolled in Medicaid receive their medical Medicaid services through this managed care model
- > Regardless of which Waiver people are enrolled in, they are probably enrolled in CCC Plus managed care (DD Waiver services not managed by the MCO)
- > Small number of people are exempt from managed care, possible due to the Health Insurance Premium Payment

# *Long-Term Care Eligibility Process*

- ◆ First - Screening
- ◆ Second - Financial Eligibility
- ◆ Screening for all Waivers must be provided without any cost to the individual

# *Long-Term Care Medicaid HCBC Waivers, PACE & Institutions*

## Must Need Long-Term Care

- Assessment / screening

## Financial Thresholds

- ◆ Monthly income limit \$2,349 (in 2020)
- ◆ Resource limit \$2,000 adults
- ◆ Parent income & resources do NOT count regardless of child's age
- ◆ Disability determination at age 18

# *Patient-Pay*

- \$ People may have to pay for some Waiver services if monthly income is over \$1,292 (in 2020)
- \$ If required, patient pay is paid each month
- \$ Some exceptions for persons who are working



# *Alternative Institutional Placement*

- ◆ Medicaid alternative institutional placement
- ◆ Same criteria used for admission to institution
  - ICF/IDD – DD Waivers
- ◆ Do not have to apply for or be placed in an institution

# *DD Waivers Redesign*

*September 2016*

- ◆ Added new services
- ◆ Encourage use of integrated services
- ◆ Combined waiting lists
- ◆ Eliminated eligibility distinctions between DD and ID
- ◆ Combined screening process

# *Waivers for People with Developmental Disabilities (DD)*

- ◆ Building Independence Waiver
  - Previously Day Support Waiver
- ◆ Community Living Waiver
  - Previously Intellectual Disability (ID) Waiver
- ◆ Family and Individual Support Waiver
  - Previously Individual and Family Developmental Disabilities (DD) Support Waiver

## **DD Waiver List of Services and Descriptions**

<http://www.dbhds.virginia.gov/library/developmental%20services/mlmc%20services%20and%20support%20options%202016%20final%206%2030%2016.pdf>

# *Developmental Disability*

- ◆ Severe chronic disability
- ◆ Attributable to a condition, other than mental illness
- ◆ Manifested before the age of 22
- ◆ Likely to continue indefinitely
- ◆ Results in substantial limitations in 3 or more areas of major life activity
  - Self-care
  - Understanding and use of language
  - Learning
  - Mobility
  - Self-direction
  - Capacity for independent living



# *Developmental Disabilities*

- ◆ Examples of disabilities that may be developmental disabilities, if the individual meets the definition of DD on the previous slide:
  - Autism
  - Brain injury
  - Cerebral palsy
  - Down syndrome
  - Epilepsy
  - Intellectual disability
  - Muscular dystrophy
  - Spina bifida

# *Virginia Individual DD Eligibility Survey*

## *VIDES*

- ◆ Screening tool used for the DD Waivers by the Community Services Board
- ◆ Repeated annually after enrolled in Waiver
- ◆ Eight areas of life activities
  - Infants must have needs in 2 or more areas
  - Children and adults must have needs in 3 or more areas

# *VIDES*

- ◆ Eight Areas of Life Activities
  - Health Status
  - Communication
  - Task Learning Skills
  - Personal/Self Care
  - Motor Skills
  - Behavior
  - Community Living Skills
  - Self Direction

# *Building Independence (BI) Waiver*

- ◆ For adults only
- ◆ Individual owns or leases their home/apartment
- ◆ Intended for people with minimal support needs

## **BI Fact Sheet with List of Services:**

<https://www.dmas.virginia.gov/files/links/625/BI%20Waiver%20Fact%20Sheet%202018%20-%20post%20in%20Jan.%202019.pdf>

# *Family and Individual Support (FIS) Waiver*

- ◆ Individual lives in their own home/apartment or with up to four unrelated individuals or with family or a licensed residence
- ◆ May include extensive supports
- ◆ May include medical and behavioral supports

## **FIS Fact Sheet with List of Services:**

<https://www.dmas.virginia.gov/files/links/624/FIS%20Waiver%20Fact%20Sheet%202018%20-%20post%20in%20Jan.%202019.pdf>

# *Community Living (CL) Waiver*

- ◆ Individual lives in their own home/apartment or with up to four unrelated individuals or with family or a licensed residence
- ◆ May include extensive supports
- ◆ May include medical and behavioral supports
- ◆ Only Waiver with segregated group home and sponsored residential services

## **CL Fact Sheet with List of Services:**

<https://www.dmas.virginia.gov/files/links/623/CL%20Waiver%20Fact%20Sheet%202018%20-%20post%20in%20Jan.%202019.pdf>

# *DD Waivers Waiting List*

- ◆ Only DD Waivers (BI, CL, FIS Waivers)
- ◆ One waiting list for all 3 DD Waivers
- ◆ Must be screened to be included on a waiting list
- ◆ Community Services Boards (CSBs) manage the process of assigning slots to people on the DD Waivers waiting list

# *Waiting List for DD Waivers*

- ◆ 13,000 people on the DD Waivers waiting list
- ◆ About 35% of people on DD Waivers waiting list are enrolled in the CCC Plus Waiver
- ◆ More people need DD Waivers services than money is allocated for



# *DD Waivers Waiting List*

- ◆ Old DD and ID Waivers waiting lists combined into one list in 2016
- ◆ CSB case managers decide which Priority
- ◆ CSB manages Priority setting process
- ◆ Individual can contact CSB if needs change
- ◆ Priority 1
  - Services needed within one year and meet specific criteria
- ◆ Priority 2
  - Services needed in 1-5 years and meet specific criteria
- ◆ Priority 3
  - services not needed in the next five years

# *DD Waivers Waiting List*

- ◆ Slot Assignment Committees make decisions about who receives slots based on documentation submitted by CSB
  - CSB support coordinators develop documentation to describe the situations of people with the highest needs
  - Documentation submitted to Slot Assignment Committee for their recommendations
- ◆ Awarded to people with highest priority needs

# *Slots Available Autumn 2020*

- ◆ 125 CL Waiver Slots awarded based on priority needs
- ◆ Plus 20 CL for people transitioning from an institution
- ◆ Plus 10 CL reserved for emergencies
- ◆ 635 FIS Waiver Slots awarded based on priority needs
- ◆ Plus 5 FIS for people transitioning from an institution
- ◆ Plus 5 FIS reserved for emergencies

# *Consumer Directed Services*

- ◆ Staff hired by the person with a disability, or someone acting on their behalf (employer of record)
- ◆ Staff not employed by an agency
- ◆ Choice and control remains with the individual, and sometimes their family

# *Consumer Directed Services*

- Electronic Visit Verification (EVV)
- Community Living (CL) & Family and Individual Support (FIS) Waivers
  - \* Companion
  - \* Personal Care
  - \* Respite
- Hourly pay rate
  - \* \$12.78 northern Virginia
  - \* \$9.87 rest of the state

# *Who does what?*

- ◆ MCO Health Care Coordinator
  - Medicaid health care
- ◆ DD or ID Case Manager
  - Not just Waiver services
- ◆ Services Facilitator
  - Training
  - Troubleshooting
  - Monitor & Assess: 30, 60, 90 days – then every 90
  - Not required, individual performs duties

# *Accessing Providers*

- ◆ List of qualified providers given to you
- ◆ Right to choose providers
- ◆ Right to visit, interview and research providers
- ◆ You decide when, where and how you want approved services provided (with some limitations)
- ◆ Switch providers if you choose to
- ◆ Shortage of some providers
- ◆ If you have a case manager –
  - ◆ They will assist you in locating and choosing providers
  - ◆ They will contact providers to initiate services

# *Medicaid Appeals*



- ◆ Right to challenge decisions and actions regarding Medicaid
- ◆ Appeal must be requested within 30 days of the decision or action
- ◆ Decision should be issued by the Hearing Officer within 90 days
- ◆ If enrolled in CCC Plus Waiver with a managed care organization (MCO), must appeal first through the MCO



# *Medicaid Fraud*

*1-866-486-1971*

*recipientfraud@dmas.virginia.gov*

- ◆ Billing for services not provided
- ◆ Inappropriate services rendered
- ◆ Failing to comply with DMAS documentation requirements
- ◆ Misrepresentation or withholding of information
- ◆ Inaccurate reporting of household circumstances