

**Operations Memorandum - Medical Assistance
OPS980903**

9/11/98

SUBJECT: Office of Mental Retardation Medicaid Waiver for Infants, Toddlers and Families

TO: Executive Directors

FROM: Raymond E. Schlechter, Director Bureau of Operations

Purpose

To provide procedures for determining eligibility for early intervention services funded under the Department's Medicaid Waiver for Infants, Toddlers and Families, effective retroactively beginning July 1, 1998.

Background

The Department has received approval from the Health Care Financing Administration (HCFA) to provide early intervention services under a Medicaid Waiver for infants, toddlers and families. Services are provided to benefit the infant's/toddler's development as part of the early intervention services for infants and toddlers. These services are available retroactively beginning July 1, 1998 on a statewide basis.

This memorandum establishes the procedures County Assistance Offices (CAOs) are to follow when determining and authorizing waiver-funded services for infants and toddlers.

Discussion

This memorandum is effective with medical eligibility determinations for the Medicaid Waiver for Infants Toddlers and Families processed on and after July 1, 1998. Eligibility for waiver-funded services is a two-step process.

First, a determination of eligibility for Medical Assistance (MA) by the CAO must be completed. Second, a determination of medical eligibility by the County MH/MR Program for early intervention services is completed. A separate notice will be sent by the CAO for MA eligibility and eligibility for waiver-funded services.

County MH/MR Programs can request a retroactive date of eligibility for waiver-funded services beginning the first day of the third month prior to the date of application for MA. The effective date can be no earlier than July 1, 1998. Form No.123, titled Certification of Need for Infants, Toddlers and Families Medicaid Waiver (Form 123), will indicate the requested waiver eligibility date at the bottom right of the form.

To be eligible for services funded under the waiver, the child must:

- be eligible for MA
- be determined to need early intervention services by the County MH/MR Program
- be between birth up to age 3
- meet level of care criteria established for waiver-funded services and have waiver-funded services explained to the child's family and chosen by the family or legal guardian. (These functions are provided by the County MH/MR Program.)

Medical eligibility for services under this waiver is not transferable to any other Medicaid waiver, including the Department's Consolidated Mental Retardation Waiver or the Department's Michael Dallas Model Waiver for Technology-Dependent Children. The Consolidated Mental Retardation Waiver was formerly known as the Home and Community Based Services Waiver. Separate medical eligibility determinations are currently required for enrollment into these waivers.

Families of infants and toddlers enrolled in the Consolidated Mental Retardation Waiver prior to July 1, 1998, may choose to apply for services under the Waiver for Infants, Toddlers and Families, or continue to receive services under the waiver in which they are enrolled. The County MH/MR Program is responsible for assuring that families are informed of this option.

Following are the procedures for the waiver determination process:

The CAO will:

For Current Recipients Requesting Waiver-Funded Services:

REMINDER: A new application is not required for a child who is already enrolled in another waiver program and receiving MA or a child currently receiving MA and enrolling in the waiver for Infants, Toddlers, and Families.

1. Obtain a completed Form 123 from the County MH/MR Program, indicating that the infant or toddler is eligible for waiver-funded services based on level of care criteria.
2. Continue MA in the appropriate category (C,D,U,J,PC,TC, Healthy Beginnings) adding the identifier for participation in the waiver, facility code 70.
3. Issue a notice of eligibility for waiver-funded services. Send a copy of the waiver eligibility notice to the County MH/MR Program.
4. When an alert is sent by the Client Information System (CIS) to notify the CAO that the child is no longer eligible due to age or when the County MH/MR Program forwards a completed Form 123A indicating that the child is no longer eligible for waiver-funded services, the CAO sends an advance notice to the family to discontinue waiver services. This notice will be sent at

least 30 days prior to a child's third birthday. A copy of the advance notice is sent to the County MH/MR Program. The County MH/MR Program helps the family in transitioning services to other appropriate funding streams or programs.

5. The CAO then determines, with assistance from the County MH/MR Program, whether the child qualifies for another waiver program. The child remains eligible for MA in the current category, however facility code 70, the identifier for participation in the waiver must be removed from CIS.

6. Send a confirming notice advising the child/family if there is a change in waiver program eligibility.

For New Applicants:

1. Receive MA applications from families who have requested services for their child from County MH/MR Programs. Families may have been referred from the County MH/MR Program.

2. Determine eligibility for the child applying the appropriate eligibility requirements (PC/TC, Healthy Beginnings). If the child is found eligible, authorize appropriate category with Facility Code 70.

3. If the child is determined ineligible for MA (PC, TC, Healthy Beginnings) due to excess income:

- Count only the income of the child. Exclude the income listed in Chapter 389, Appendix A and the SSI-related exclusions of Chapter 350, Income. Use Appendix C-1, Chapter 318 for the income limit (100% of the Federal Poverty Income Guidelines (FPIG)). FPIGs - \$671 per month.
- If the child meets the income limitation, the CAO will authorize PS (with Program Status Code 95 and Facility Code 70) presumptively pending a disability determination. See Section 305.26, Presumptive Eligibility.

REMINDER: The income and resources of the child's parent are not counted when determining eligibility for a child with a disability. Only the child's income is counted. Resources of a child are excluded.

4. Notify the family of the eligibility/ineligibility decision for MA by sending a 162 Notice of Eligibility. A copy of the 162 authorizing MA is not needed by the County MH/MR Program.

5. Issue a separate 162 notice of eligibility to families for waiver-funded services for applicants determined eligible for MA based on receipt of completed Form 123 from the County MH/MR Program. Send a copy of the waiver eligibility notice to the County MH/MR Program.

6. When an alert is sent by the Client Information System (CIS) to notify the CAO that the child is no longer eligible due to age or when the County MH/MR Program forwards a completed

Form 123A indicating that the child is no longer eligible for waiver-funded services, the CAO sends an advance notice to the family to discontinue waiver services. This notice will be sent at least 30 days prior to a child's third birthday. A copy of the advance notice is sent to the County MH/MR Program. The County MH/MR Program helps the family in transitioning services to other appropriate funding streams or programs.

7. The CAO then determines, with assistance from the County MH/MR Program, whether the child qualifies for another waiver program. The child remains eligible for MA in the current category, however facility code 70, the identifier for participation in the waiver must be removed from CIS.

8. Send a confirming notice advising the child/family if there is a change in waiver program eligibility.

The County MH/MR Program will:

1. Determine that a child needs early intervention services. The County determination of need for early intervention is made in accordance with the Department's early intervention criteria, which is currently established under Mental Retardation (MR) Bulletin #00-94-08, titled: Definition and Procedures for Infants and Toddlers with Developmental Disabilities.

2. Assist the family in applying for MA, and in preparing documentation, including the PA 600 or PA 600C and other verification the CAO may require.

3. Offer the family the choice of waiver services. Notice of the family's choice is retained by the County MH/MR Program and signed by the family using Form No. 456, titled Certification of Choice for Infants, Toddlers and Families Medicaid Waiver. A copy of this form is not needed by the CAO.

4. Determine level of care eligibility with a qualified professional. Notice of the County MH/MR Program's level care determination is formally issued to the CAO by forwarding to CAO a signed Form 123.

If a family does not choose services funded under the waiver for their child, the County MH/MR Program can terminate the eligibility process based on a Form 456, indicating that the family does not chose waiver- funded services, signed by the family.

5. Authorize services based on the CAO eligibility notice and family choice of services.

6. Perform an annual review and recertification to determine if the child continues to meet the level of care criteria to qualify for waiver-funded services and inform the family. If it is determined that the child is no longer eligible for waiver-funded services based on level of care criteria, the County MH/MR Program will complete Form 123A and forward this determination to the CAO. The CAO will issue a 162 Advance notice to terminate waiver-funded services. A copy will be sent to the County MH/MR Program.

Note: The County MH/MR Program is authorized to complete a recertification review at any time when a question of eligibility arises. The County MH/MR Program is responsible for notifying the CAO of a determination of ineligibility for waiver services based on an interim assessment conducted outside the annual recertification cycle.

7. Notify the CAO of any change in the child's income which may affect the child's eligibility for benefits under Medical Assistance.

Note: County MH/MR Programs follow the process and instructions contained the MR Bulletin titled "Eligibility and Freedom of Choice in Medicaid Waiver for Infants, Toddlers and Families."

Next Steps

1. Review this Operations Memorandum.
2. This Operations Memorandum becomes obsolete upon receipt of corresponding Handbook pages.