

**DATE:** September 3, 2015

**OPERATIONS MEMORANDUM #15-09-01**

**SUBJECT:** Denial process and notice changes for individuals applying for Home and Community Based Services (HCBS) in an Office of Long Term Living (OLTL) Waiver

**TO:** Executive Directors

**FROM:** Inez Titus  
Director  
Bureau of Operations

**PURPOSE**

To provide policy and procedures to County Assistance Offices (CAO) in reference to changes in functional denials for individuals applying for HCBS services in an OLTL waiver.

**BACKGROUND**

A settlement was reached between the Department of Human Services (DHS) and the Disability Rights Network (DRN) on July 20, 2012, to implement new procedures regarding approvals, denials, and transfers of OLTL waivers. In addition to process changes outlined in [OPS 121203](#), there will be new responsibilities for CAOs, OLTL, and the Pennsylvania Independent Enrollment Broker (PA IEB), currently Maximus, as a result of this settlement.

**DISCUSSION**

Currently, the CAO receives an application for HCBS with a Pending Home and Community Based Services Eligibility/Ineligibility/Change form (PA 1768.1), or a Home and Community Based Services Eligibility/Ineligibility/Change form (PA 1768), requests all documentation for financial eligibility from the applicant, and pends the application for the functional determination from the PA IEB. The application is then disposed of accordingly, based on the information received.

Effective July 1, 2015, OLTL will transmit final decision notices for functional denials only. The attached "Office of Long Term Living Home and Community Based Services Eligibility Determination" form will be sent to the applicant and may be sent to the CAO if OLTL determines the applicant does not meet specific functional criteria for the program. If the applicant wants to apply for Medical Assistance (MA) the PA IEB

will forward the application and the OLTL HCBS eligibility determination form or PA 1768 which includes the comment “OLTL to generate notice” to the CAO for review of other MA. Receipt of either form verifies that OLTL determined the individual functionally ineligible and that OLTL is responsible to send the OLTL HCBS eligibility determination form to all involved parties. The CAO then follows current procedures and policy.

The following OLTL waivers are affected:

- Attendant Care Waiver (40)
- COMMCARE Waiver (59)
- Independence Waiver (42)
- OBRA Waiver (79)
- 0192 AIDS Waiver (80)

## **PROCEDURES**

### **PA IEB/OLTL Responsibilities:**

1. IEB will forward to the CAO the PA 600L and one of the following:
  - the PA 1768 verifying OLTL’s functional eligibility decision; or
  - either the PA 1768 indicating functional ineligibility and including the comment “OLTL to generate notice” or a copy of the OLTL HCBS eligibility determination with appeal rights to verify functional ineligibility; or
  - the PA 1768.1 including the comment “OLTL to generate notice if information is not received by day 86” if OLTL is unable to verify functional eligibility by day 40.
  
2. OLTL will send the OLTL HCBS eligibility determination with appeal rights to the individual, individual’s representative and the PA IEB when OLTL determines the individual functionally ineligible.
  - A copy may be sent to the CAO as a follow-up to a PA 1768.1, in place of a PA 1768, if items indicated on a PA 1768.1 were not provided or completed.

CAO Responsibilities:

1. If an application for HCBS is received with the appropriate PA 1768 indicating OLTL's decision of functional eligibility for services, follow current policy and procedures.
2. If an application for HCBS is received with either a PA 1768 including the comment "OLTL to generate notice" or a copy of the OLTL HCBS eligibility determination form, scan the document(s) to the record. Review for MA eligibility if the individual is not a current MA recipient.
3. If an application for HCBS is received with a PA 1768.1 including the comment "OLTL to generate notice if information is not received by day 86", begin the financial review process as outlined in OPS 121203. Once a completed PA 1768 verifying functional ineligibility or OLTL HCBS eligibility determination form is received in the CAO, scan it to the record and review for MA eligibility if the individual is not a current MA recipient. If a completed PA 1768 verifying functional eligibility is received then scan it to the record and follow current policy and procedures.

**NOTE:** This will apply to all pending applications and determinations which have a notice sent on or after July 1, 2015, regardless of receipt or eligibility date.

**NEXT STEPS**

1. Review this Operations Memorandum with appropriate staff.
2. Contact your Area Manager if you have any questions.

Attachments:

[Office of Long Term Living Home and Community Based Services Eligibility Determination Form](#)