**Policy Clarifications – Long Term Care**

**PMN 18281-477**

**Submitted:** 11/16 **Agency:** CAOs

**Subject: Proper Notice Text when Authorizing an Office of Long Term Living (OLTL) Waiver**

**Question:**  Must the new Mosley text explained in [Ops Memo 16-06-01](http://mydhs/cs/groups/webcontent/documents/document/c_229391.docx) be included on manual notices? In what circumstances should the new Mosley notice text provided in the Ops Memo be used?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| **Response By: Division of Health Services** | **Date: 12/7/16** |

Yes, as a condition of the Mosley v. Alexander lawsuit explained in [Ops Memo 16-06-01](http://mydhs/cs/groups/webcontent/documents/document/c_229391.docx), the new Mosley text **must** be included on all system-generated and manual notices when authorizing an affected OLTL waiver. This new text explains the individual’s right to pursue enrollment in a different OLTL waiver as well as how to begin the transfer process. Effective June 20, 2016 the special Mosley text was added to the affected system generated notices and per [Ops Memo 16-06-01](http://mydhs/cs/groups/webcontent/documents/document/c_229391.docx), the new Mosley text must be added to all affected OLTL waiver manual notices sent for the following reasons:

* Authorizing Home and Community Based Services
* Granting an Undue Hardship
* Processing the expiration of a penalty period
* Transferring from a non-OLTL waiver to an OLTL waiver
* Transferring from one OLTL waiver to another OLTL waiver

The waivers impacted include:

* Aging Waiver (38)
* Attendant Care Waiver (40)
* Independence Waiver (42)
* COMMCARE Waiver (59)
* OBRA Waiver (79)

In addition to the appropriate notice text and citations found on the TENG table in CIS, notices involving the affected waivers and issued for one of the reasons listed above **must** include the following statements:

* “In the event that you desire more or different services than are available under the Office of Long Term Living (OLTL) Waiver to which you have been assigned, including any OLTL Waiver for which there is a waiting list, you or your representative can request to be transferred to another Waiver by contacting your Service Coordinator and requesting such a transfer.

For additional information regarding OLTL Waivers, please contact the OLTL Participant Hotline at 1-800-757-5042.”