**Policy Clarifications –**

**Long Term Care**

**PMN 18432- 489**

**Submitted: 4/11/2017 Agency: CAOs**

**Subject: Home and Community Based Services (HCBS) Mosley Text Manual Notice Templates**

**Question**: Is a manual notice template of the Mosley text explained in Ops Memo 16-06-01 available?

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| **Response By: Division of Health Services** | **Date: 4/11/17** |

Yes, a template is available in the [LTC Forms](http://docushare.dpw.lcl/docushare/dsweb/View/Collection-81766) folder in Docushare. CAOs are reminded that 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) and [PMN 18281-477](http://mydhs/cs/groups/webcontent/documents/document/c_252391.docx), Mosley text must be included on all manual notices issued for authorization of an affected Office of Long Term Living (OLTL) waiver. Templates of the most common scenarios that require the Mosley text, which are authorization of an affected waiver with Buy-In (notice reason 986A) and without Buy-In (notice reason 986B), were created and are attached to this PC and are available in Docushare. The name, address, recipient ID and all income information must be completed before issuing the notices.

In addition to authorization of the affected waivers mentioned below, manual notices for the following scenarios must also include the Mosley text:

• 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 OLTL waivers impacted include:

• Aging Waiver (38)

• Attendant Care Waiver (40)

• Independence Waiver (42)

• COMMCARE Waiver (59)

• OBRA Waiver (79)

[Attachment One: PA 162 for HCBS and Buy-In Authorization Including Mosley Text (986A)](http://mydhs/cs/groups/webcontent/documents/document/c_260251.pdf)

[Attachment Two: PA 162 for HCBS Authorization (without Buy-In) Including Mosley Text (986B)](http://mydhs/cs/groups/webcontent/documents/document/c_260252.pdf)