

DATE: June 8, 2016

OPERATIONS MEMORANDUM #16-06-01

SUBJECT: 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 notice changes for individuals applying for HCBS in an OLTL waiver.

BACKGROUND

A settlement of a lawsuit known as Mosley v. Alexander was reached between the Department of Human Services (DHS) and the Disability Rights Network (DRN) on July 20, 2012. The settlement requires DHS to implement new procedures regarding approvals, denials, and transfers of OLTL waivers. One condition of the settlement is to revise the notice text on the PA162 which is issued by the CAO for approval in any OLTL waiver. There will be no change in CAO procedures detailed in [OPS15-09-01](#).

DISCUSSION

There are three main changes being implemented effective June 20, 2016 due to the Mosley v. Alexander settlement.

New OLTL text on current notices:

As a condition of the settlement, additional text will be added to eligibility notices for the following **OLTL waivers**:

- Aging Waiver (38)
- Attendant Care Waiver (40)
- COMMCARE Waiver (59)
- Independence Waiver (42)

- OBRA Waiver (79)

This additional text states:

“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.”

This text will be populated on the system generated notices when one of the affected OLTL waiver codes is entered on the waiver screen in eCIS. This is to include the system generated eligibility notices 986A/B/C/D/F/G/H, and the expiration of a penalty period, 996K. The new text will not be part of the TENG table; however, it will be dynamically populated on the notice.

The new Mosley text will need to be added to all manual notices sent for authorizing HCBS in one of the affected waivers; or when granting an Undue Hardship in one of the affected waivers; or when processing the expiration of a penalty period in one of the affected waivers. Please refer to LTC Handbook Appendices F and G for additional information regarding the use of the new text.

Creation of system generated notices for all waivers:

Effective June 20, 2016, system generated notices will be issued when an individual is adding, changing, or end-dating a waiver. Even though the Living Independence for the Elderly (LIFE) waiver is administered by OLTL, it follows the non-OLTL requirements due to managed care involvement. This enhanced process will produce the flexibility to trigger one of eight different reason/option code scenario combinations, based on the presence and type of waiver. The system generated notices will dynamically populate the special OLTL text in the below instances when an OLTL waiver is entered on eCIS:

- An OLTL waiver code is added to an existing budget and there is no change to category
- A non-OLTL waiver code is added to an existing budget and there is no change in category
- An OLTL waiver code is changed to a non-OLTL waiver code on an existing budget and there is no change in category

- An OLTL waiver code is changed to a different OLTL waiver code on an existing budget and there is no change in category
- A non-OLTL waiver code is changed to another non-OLTL waiver code on an existing budget and there is no change in category
- A non-OLTL waiver code is changed to an OLTL waiver code on an existing budget and there is no change in category
- An OLTL waiver code is end dated
- A non-OLTL waiver code is end dated

With the Mosley OLTL waiver initiative, the caseworkers will no longer be required to manually generate notices to recipients regarding addition of, changes to or closure of waivers. Once the data entry of information in eCIS is complete and the case is committed, the new logic will trigger a system generated notice in the above scenarios. This is to include adding, changing or end-dating a waiver in SSI budgets (A, J, M). Please see the attachment for notice/option code text.

NOTE: If a system notice fails, the CAO must send a manual notice to all involved parties. See the OLTL waiver notice text attachment for the appropriate text and citations.

Systematic end-dating of waiver codes:

When a MA or Cash budget with an active waiver code is closed, additional logic will be in place to automatically end date the waiver record if it was not end-dated by the CAO. The system will generate either a 3 day confirming or 15 day advance notice, based on the reason for closure. For all HCBS Programs except LIFE (LIFE waiver code 96) and the Adult Community Autism Program (ACAP waiver code 51) the waiver end date will match the budget close date for the closing MA or Cash budget. Since the LIFE and ACAP waivers use a monthly capitated rate, the end dates for these programs will default to the last day of the calendar month in which the confirming or advance notice falls. For all waivers, including LIFE and ACAP, the verification code will default to “E-Electronically Verified” and the discharge code will default to “Other”. This will be the only instance that the verification code of “E-Electronically Verified” is acceptable as verification of discharge. This will occur in all instances when the individual has a waiver code in eCIS and their MA or Cash budget closed, except for intercounty transfers (ICT). The CAO is to follow current policy for all ICT in LTC Handbook 423.63.

PROCEDURES

CAO Responsibilities:

1. If an application for HCBS is received with the appropriate HCBS Eligibility/Ineligibility/Change form (PA 1768) indicating functional eligibility for services, follow current policy and procedures.
2. If a PA 1768 is received by the CAO for a recipient of MA or Cash requesting HCBS, the CAO is to determine financial eligibility for HCBS and add the appropriate HCBS code on the CAMWAI screen, if eligible.
 - a. A manual PA 162 is no longer necessary.
 - b. eCIS will generate a notice based on the HCBS code.
3. If the CAO receives a PA 1768 indicating a transfer or end date for a current HCBS recipient, follow current policy and procedures.
 - a. A manual PA 162 is no longer necessary.
 - b. eCIS will generate a notice based on the HCBS code.
4. If the CAO closes the MA or Cash budget for reasons other than transfer or end date of HCBS, follow current policy and procedures.
 - a. A manual PA 162 is no longer necessary.
 - b. eCIS will end date the HCBS code effective the budget close date and send a 3 day confirming or 15 day advance notice based on closure reason.
 - i. For all HCBS Programs except LIFE and ACAP the waiver code will be automatically end-dated effective the budget close date.
 - ii. For LIFE and ACAP the waiver code will be automatically end-dated effective the last day of the calendar month in which the budget ends.

NEXT STEPS

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

Attachments:

[OLTL Waiver Notice Text](#)