

DATE: December 21, 2017

OPERATIONS MEMORANDUM #17-12-03

SUBJECT: Implementation of the Community Living Waiver (CLW)

TO: Executive Directors

FROM: Inez Titus
Director
Bureau of Operations

PURPOSE

The purpose of this memorandum is to announce the implementation of the CLW by the Office of Developmental Programs (ODP), within the Department of Human Services (DHS) effective January 1, 2018. The procedures for determining eligibility and an introduction to waiver code 81 are provided in this memorandum.

BACKGROUND

At the beginning of 2017, it was announced that the Wolf Administration was committed to supporting and investing in Pennsylvanians with disabilities. In line with this goal, the fiscal year 2017-2018 proposed budget includes funding to help those with disabilities thrive in a community setting. CLW is a Home and Community-Based Services (HCBS) Medical Assistance (MA) waiver that operates under 1915(c) of the Social Security Act. ODP provides services and supports for individuals with intellectual disabilities (ID) and autism spectrum disorder (ASD) to maintain independence, and gain greater choices and opportunities to meet their unique needs. It is anticipated that CLW will provide services to 1,000 individuals. CLW services begin statewide January 1, 2018.

DISCUSSION

CLW requires that a level of care assessment be made by a county Mental Health for Individuals with Intellectual Disabilities (MH/ID) program office and that a determination of eligibility for MA be made by the County Assistance Office (CAO). CLW was built from the framework of the Person/Family Directed Support (P/FDS) Waiver, its main difference being the higher annual participant cap of \$70,000. Updates have been made to include the new waiver code, 81, on the paper and electronic versions of the HCBS Eligibility/Ineligibility/Change Form (PA 1768).

While CLW is a new HCBS waiver, there should be minimal impact on the CAOs. Policy regarding financial and non-financial eligibility is the same as other HCBS waivers already in existence, as is the processing of the new waiver in eCIS.

ELIGIBILITY CRITERIA:

- Have medical diagnosis of an Intellectual Disability (ID) and determined to need an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/ID) level of care (LOC).
- Have medical diagnosis of ASD and have Intermediate Care Facility for Persons with Other Related Conditions (ICF/ORC) LOC.
- Be age 0 through age 8 with a developmental disability and ICF/ID or ICF/ORC LOC.
- Be determined MA eligible with income and resources that meet appropriate HCBS limits.
- Have waiver eligibility code 81 indicated on the PA 1768.

SERVICES PROVIDED UNDER CLW:

- Advanced Supported Employment
- Assistive Technology
- Behavioral Support
- Benefits Counseling
- Communication Specialist
- Community Participation Support
- Companion
- Consultative Nutritional Services
- Education Support
- Family/Caregiver Training and Support
- Home Accessibility Adaptations
- Homemaker/Chore
- Housing Transition and Tenancy Sustaining Services
- In-Home and Community Support
- Life Sharing
- Music, Art, and Equine Assisted Therapy
- Participant-Directed Goods and Services
- Respite
- Shift Nursing
- Small Group Employment
- Specialized Supplies
- Supported Employment
- Supported Living
- Supports Broker
- Supports Coordination
- Therapy Services

- Transportation
- Vehicle Accessibility Adaptations

RESPONSIBILITIES OF THE CAO:

1. Review the MA Application (PA 600L and/or COMPASS) and the revised PA 1768 for completeness. Waiver code 81 must be indicated on the PA 1768 before the CAO will authorize CLW. The PA 1768 has been revised to include wavier code 81 to designate CLW.
2. Determine whether applicants, as well as current MA recipients, meet MA eligibility requirements, including look-back requirements and asset transfer requirements.
3. Reject in eCIS if the individual does not meet all MA requirements. (Excess income, excess resources, unverified requests, etc.)
4. Authorize in eCIS if the individual meets all MA requirements, being sure to enter the CLW code 81 on the Waiver Screen.
5. Send a system generated PA162 to all those listed below:
 - Individual found eligible/ineligible for CLW.
 - All representatives listed on the Application for Benefits.
 - Service and/or Enrolling Agencies listed on the PA 1768.

ADDITIONAL INFORMATION

- Dating rules for HealthChoices and Fee For Service will follow current logic.
- Individuals residing in a Long-Term Care facility, Personal Care Home or Domiciliary Care Home do not qualify for CLW.
- Renewals will be completed annually.
- Medical Assistance Estate Recovery provisions are applicable to this waiver for individuals age 55 or older.
- CLW is not part of Community HealthChoices (CHC) and thus recipients will not be enrolled in CHC managed care plans.

NEXT STEPS

1. Review this Operations Memorandum with appropriate staff.
2. Direct any questions to your Area Manager.
3. The information in this Operations Memorandum will become obsolete when this information is incorporated into the Long-Term Care Handbook.