

Medi-Cal Waivers

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Topics To Cover Today

- What are Medi-Cal Waivers?
- Different Waivers in California with focus on the Home and Community-Based Services (HCBS) Waivers

Medicaid State Plan

- An agreement between a state and the federal government describing how that state administers its Medicaid program.
- Describes the nature and scope of the state's Medicaid program and includes assurances that the program will be operated in conformity with Medi-Cal Services Guide 1.4, federal statute, regulations, and other requirements.

<https://www.dhcs.ca.gov/formsandpubs/laws/Pages/CaliforniaStatePlan.aspx>

Modifications to Medicaid program

To modify a state's Medicaid program, the state must either:

- 1) submit a state plan amendment, or
- 2) seek approval to waive some provisions of the Medicaid requirements. (Centers for Medicare & Medicaid Services)

- Allows states to differ from the rules of the standard federal program.

California's Medi-Cal Waivers Include:

- Section 1915(c) Home and Community-Based Services Waiver (HCBS) Programs
- Section 1115 Waivers Research and Demonstration Projects
- Section 1915(b) Waiver Programs

Section 1915(c) Home and Community-Based Services Waiver (HCBS) Programs

HCBS Waivers

Provide an alternative to institutional care for people who qualify for placement in a Medicaid-funded facility.

Can waive three Medicaid requirements:

- Comparability (42 U.S.C. § 1396a(a)(10)(B))
- Statewideness (42 U.S.C. § 1396a(a)(1))
- Income and resources for the medically needy (42 U.S.C. § 1396a(a)(10)(C)(i)(III))

HCBS Waivers

- Enables states to tailor services to meet the needs of a particular target group. For example by age or diagnosis, such as autism, epilepsy, cerebral palsy, traumatic brain injury, or HIV/AIDS.
- Eligible individuals must demonstrate the need for a Level of Care that would meet the state's eligibility requirements for services in an institutional setting.
- States choose the maximum number of people that will be served under a HCBS Waiver program.

HCBS Waivers

State HCBS Waiver programs must:

- Demonstrate that providing waiver services won't cost more than providing these services in an institution.
- Ensure the protection of people's health and welfare.
- Provide adequate and reasonable provider standards to meet the needs of the target population.
- Ensure that services follow an individualized and person-centered plan of care.

Section 1115 Waivers Research and Demonstration Projects

Section 1115 Waivers

States can apply for program flexibility to waive certain provisions of the federal Medicaid law and test policy innovations that promote Medicaid program objectives.

- Community-Based Adult Services (CBAS)
- CalAIM

CBAS

- CBAS -an alternative to institutionalization for those individuals who are capable of living at home with the aid of appropriate health, rehabilitative, personal care, and social services.
- CBAS stresses partnership with the participant, the family and/or caregiver, the primary care physician, and the community in working toward maintaining personal independence.
- CBAS centers have a multidisciplinary team of health professionals who conduct a comprehensive assessment of each potential participant to determine and plan services needed to meet the individual's specific health and social needs.

From Dept. of Aging: https://aging.ca.gov/Providers_and_Partners/Community-Based_Adult_Services/Program_Narrative_and_Fact_Sheets/

CBAS: eligibility

Eligibility Criteria	Eligibility Requirement
Age	Individuals 18 years of age or older and meet specific medical necessity and eligibility criteria
Income	Currently eligible for Medi-Cal under a qualifying primary Medi-Cal aid code
Other	<ul style="list-style-type: none">•CBAS is a Medi-Cal managed care benefit•CBAS remains a Medi-Cal fee-for-service benefit for a small percentage of individuals who are exempt from Medi-Cal managed care enrollment•ADHC remains a non-Medi-Cal program for individuals who pay "out-of-pocket" for services in licensed ADHC centers, such as, third party payers (e.g., long-term care insurance companies, Regional Centers, or the Veterans Administration)

CBAS: Services

Services include:

- individual assessment;
- professional nursing services;
- physical, occupational and speech therapies;
- mental health services;
- therapeutic activities;
- social services;
- personal care;
- meals and nutritional counseling;
- transportation to and from the participant's residence and the CBAS center.

CBAS: How to Apply

- DHCS has information about the program here:
 - [https://www.dhcs.ca.gov/services/Pages/Community-BasedAdultServices\(CBAS\)AdultDayHealthCare\(ADHC\)Transition.aspx](https://www.dhcs.ca.gov/services/Pages/Community-BasedAdultServices(CBAS)AdultDayHealthCare(ADHC)Transition.aspx)
- More specific consumer information is available through the California Department of Aging:
https://www.aging.ca.gov/Programs_and_Services/Community-Based_Adult_Services/

Section 1915(b) Waiver Programs

Section 1915(b) Waiver

DHCS provides Specialty Mental Health Services through County Mental Health Plans through a 1915(b) Waiver - Medi-Cal Specialty Mental Health Services Waiver.

[https://www.dhcs.ca.gov/services/MH/Pages/1915%28b%29
Medi-cal Specialty Mental Health Waiver.aspx](https://www.dhcs.ca.gov/services/MH/Pages/1915%28b%29Medi-cal%20Specialty%20Mental%20Health%20Waiver.aspx)

Section 1915(c) HCBS Waivers – a closer look

Section 1915(c) – Home and Community-Based Services Waivers

<u>WAIVER NAME</u>	<u>TARGET POPULATION</u>	<u>SERVICE AREA</u>
<u>AIDS Medi-Cal Waiver Program</u>	Individuals with HIV/AIDS	Statewide
<u>Assisted Living Waiver (ALW)</u>	Disabled, 21 & Over	15 Counties; Waiting list
<u>Home and Community-Based Alternatives (HCBA) Waiver (formerly NF/AH Waiver)</u>	Disabled, All Ages	Statewide; Waiting list
<u>Home and Community-Based Services Waiver for the Developmentally Disabled (HCBS-DD) Waiver</u>	Individuals with Intellectual or Developmental Disabilities who are Regional Center clients, All Ages	Statewide
<u>Multipurpose Senior Services Program (MSSP)</u>	Aged, 65 and older	46 Counties; Waiting list
<u>Self-Determination Program</u>	Has a developmental disability and receives services from a Regional Center	2500 slots Statewide during 2018-2021. July 1 2021 opens statewide

HCBS Waiver for Individuals with Developmental Disabilities

- No waitlist
- Administered by Department of Developmental Services (DDS) through Regional Centers
- Not required to be on the Waiver in order to receive Regional Center Services
- <https://www.dds.ca.gov/initiatives/hcbs/>

DD Waiver eligibility

1. Be an active regional center consumer
2. Have full-scope Medi-Cal benefits
3. Qualify for care in an intermediate care facility DD
4. Not be concurrently enrolled in another HCBS Waiver
5. Choose to receive services through the Waiver and to reside in a community setting

Qualifying for Medi-Cal - Institutional Deeming

The Main purpose of DD waiver is to keep you out of an institution and in the community

➤ **Institutional deeming**

- Medi-Cal will not count your parents' or spouse's income in the Medi-Cal eligibility evaluation, and
- Will evaluate you as if you lived in an institution, not with your parents or spouse

➤ The Process

DD Waiver rights and protections

- DD Waiver services you receive cannot be limited
 - Cannot use Purchase of Service (POS) Guidelines to limit services
- Extra vehicle exemption
 - A vehicle that has been modified to accommodate your physical or medical needs
- Children have extra protections
 - If child no longer qualifies for DD waiver, Medi-Cal has to evaluate whether the child is eligible for another Medi-Cal program before terminating eligibility
 - Continuing Eligibility provisions-Medi-Cal must provide services up to 12 months after the child no longer qualifies for Medi-Cal

DD Waiver service categories

Behavioral intervention
Community living arrangement
Day service
Homemaker
Prevocational
Respite care
Supported employment
Dental
Home health aide
Occupational therapy
Optometric/optician
Physical therapy
Prescription lenses and frames
Psychology
Speech, hearing, and language services
Financial management
Chore
Communication aides
Community-based training

Environmental accessibility adaptations
Family support
Family and consumer training
Housing access
Non-medical transportation
Nutritional consultation
Personal emergency response systems
Skilled nursing
Specialized medical equipment and supplies
Transition/set up expenses
Vehicle modifications and adaptations

DD Waiver: requesting services

- Meet the “medical necessity” standard
 - Reasonable** and **necessary** for the treatment of the disability or developmental condition
- Service must be **specific, effective, and skilled**

DD Waiver: recertification

- Eligibility reviewed at least annually
- Regional Center reevaluates consumer's level of care and needs
- Recertification of eligibility determined by a “Qualified Mental Retardation Professional” (QMRP)

Self Determination Waiver for Individuals with Developmental Disabilities

- This program offers individuals the freedom to self-direct all services that they qualify to receive. Participants have employer authority and budget authority. 2,500 slots, and a waitlist of 7,500+ individuals. The program is set to go statewide in July 2021.
- <https://www.dds.ca.gov/initiatives/sdp/>
- <https://gtindependence.com/wp-content/uploads/2020/04/California-HCBS-Waiver-and-Self-Determination-Program-FACT-SHEET.pdf>

Home and Community-Based Alternatives (HCBA) Waiver

- 8000 slots, up for renewal in 2022
- Enrollment prioritized for individuals who have been living in a facility for more than 90 days and young adults turning 21. In addition, children who need to be placed on the Waiver to become eligible for Medi-Cal (called “institutional deeming”) will get “priority review” and should not be placed on a waitlist.
- Institutional deeming
- Current Waitlist: approximately 507

HCBA Waiver Services

Include:

- Facility respite, family/caregiver training
- Medical equipment operating expense
- Personal Emergency Response System (PERS) - installation and testing
- Private duty nursing including home health and shared services
- Transitional case management for medically fragile and technology dependent individuals of any age.

HCBA Services *(continued)*

- Case management/coordination
- Habilitation
- Home respite
- Waiver Personal Care Services (WPCS)
- Community transition
- Continuous nursing and supportive services
- Environmental accessibility adaptations

<https://www.dhcs.ca.gov/services/Pages/Medi-CalWaivers.aspx>

HCBA Waiver – How to Apply?

- Submit Waiver Application to the Waiver Agency
- In Alpine; Imperial; Inyo; Marin; Mendocino; Mono; Napa counties submit to DHCS/In-Home Operations
- [https://www.dhcs.ca.gov/services/ltc/Pages/Home-and-Community-Based-\(HCB\)-Alternatives-Waiver.aspx](https://www.dhcs.ca.gov/services/ltc/Pages/Home-and-Community-Based-(HCB)-Alternatives-Waiver.aspx)
- Enrollment priority in Covid-19 hotspots

Assisted Living Waiver

- Provides assisted living (including personal care) care coordination and other benefits in either a Residential Care Facility for the Elderly or Subsidized Housing.
- Eligibility: Full-scope Medi-Cal; over age 21, no share of cost; Meet Nursing Facility Level of Care; willing to live in an assisted living setting as an alternative to a Nursing Facility; able to reside safely in an assisted living facility or public subsidized housing.
- 5090 enrolled, 4307 on the waiting list.
- Alameda, Contra Costa, Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Clara, and Sonoma counties.

Assisted Living Waiver Services

Services include:

- personal care services (including assistance with ADLs and IADLs as needed), chore services,
- companion services,
- medication oversight,
- therapeutic social and recreational programming provided in a home-like environment. This service includes 24-hour on-site direct care staff to meet scheduled or unpredictable needs in a way that promotes maximum dignity and independence, and to provide supervision, safety, and security.
- Individual Service Plans (ISPs) developed
- <https://www.dhcs.ca.gov/services/ltc/Pages/AssistedLivingWaiver.aspx>

Assisted Living Waiver: How to Apply

Call Care Coordination Agencies (CCA):

- <https://www.dhcs.ca.gov/services/ltc/Documents/Care-Coordination-Agencies.pdf>
- Covid-19 Hot spot Flexibility—priority enrollment
- <https://www.dhcs.ca.gov/services/ltc/Pages/AssistedLivingWaiver.aspx>

Multi-Purpose Senior Services Program (MSSP)

- Provides services to eligible individuals who are 65 years or older and disabled, as an alternative to nursing facility placement.
- Available to who, but for the provision of such services, would require the Nursing Facility level of care.
- Individuals must reside in a county with an MSSP Site:
[https://aging.ca.gov/Programs and Services/Multipurpose Senior Services Program/](https://aging.ca.gov/Programs_and_Services/Multipurpose_Senior_Services_Program/)

MSSP

Services include:

- linkages to other needed services
- Care management
- Adult day care
- Minor home repair/maintenance
- Supplemental in-home chore, personal care, and protective supervision services
- Respite services
- Transportation services
- Counseling and therapeutic services
- Meal services
- Communication services
- Goal is to keep people at home.

AIDS Waiver

Provides comprehensive case management and direct care services to persons living with HIV as an alternative to nursing facility care or hospitalization. Participants must:

- (1) have a written diagnosis of HIV/AIDS,
- (2) have a health status to make home care appropriate,
- (3) be Medi-Cal eligible on date of enrollment and each month thereafter, and
- (4) have been certified to meet the Nursing Facility Level of Care or higher.

How to find a provider: [MCWP provider list \(PDF\)](#).

How to apply: Office of AIDS

https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OA_care_mcwp.aspx

Questions?