



# Department of Public Health and Human Services

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Steve Bullock, Governor

Sheila Hogan, Director

Date: February 26, 2018

To: Montana Health Coalition Members, Ad Hoc Members, and Interested Parties

From: Marie Matthews, Medicaid State Director *Marie Matthews*

Subject: 1915(c) Home and Community Based Services Comprehensive Waiver for Individuals with Developmental Disabilities

This memo is to inform you that on or before March 31, 2018, the Department of Public Health and Human Services will submit a request to the Centers for Medicare and Medicaid Services to renew the Medicaid 1915(c) Home and Community Based Services (HCBS) Comprehensive Waiver for Individuals with Developmental Disabilities, for an effective date of July 1, 2018.

The Comprehensive Waiver is designed to provide developmentally disabled individuals a choice of receiving services in a community setting as an alternative to receiving services in an institutional setting. The waiver member must meet institutional level of care and live in Montana. The Comprehensive Waiver is currently available to serve a total of 2,880 persons statewide.

The projected annual cost of services is approximately \$40,052.02 per member. The waiver changes will be cost neutral.

## Waiver Changes

The following requested renewal changes are considered substantive as they will impact the services that waiver members receive or may receive.

## Services (Appendix C)

### 1. Day Habilitation:

- a. Combines the services of Day Activities and Supports and Job Discovery/Job Preparation into one waiver category with the intent of allowing individuals and providers greater flexibility in providing habilitative services. This is not an increase nor a decrease in service.
- b. Changes the staff qualifications from the minimum age of 18 to minimum age of 17.
- c. Rewords the training requirements to provide access to a greater range of staff training curricula.
- d. Rewords staff certification requirements to specify the certification must be current.

2. Homemaker:
  - a. Changes the staff qualifications from the minimum age of 18 to minimum age of 17.
  - b. Rewords the training requirements to provide access to a greater range of training curriculums for staff.
  - c. Rewords staff certification requirements to specify the certification must be current.
  
3. Residential Habilitation:
  - a. Adds the ability of a provider to seek reimbursement for staff supports provided to a waiver member who is hospitalized.
  - b. Changes the staff qualifications from the minimum age of 18 to minimum age of 17.
  - c. Rewords the training requirements to provide access to a greater range of training curriculums for staff.
  - d. Rewords staff certification requirements to specify the certification must be current.
  
4. Respite:

Updates the definition to reflect language DPHHS received during feedback received from CMS during the renewal of the Children’s Autism Waiver that was effective January 1, 2018. Additionally, language is included from the CMS waiver technical guide and the Wyoming approved waiver definition.
  
5. Adult Foster Support, Residential Training Support:
  - a. Changes the staff qualifications from the minimum age of 18 to minimum age of 17.
  - b. Rewords the training requirements to provide access to a greater range of staff training curricula.
  - c. Rewords staff certification requirements to specify the certification must be current.
  
6. Behavior Support Services:
  - a. Identifies the specific qualified personnel rather than referencing the Positive Behavior Supports state administrative rule.
  - b. Adds the “Board Certified Assistant Behavior Analyst” as a qualified provider.
  
7. Companion Services:
  - a. Changes the service title from Adult Companion to Companion.
  - b. Lowers the minimum age to receive this service from age 18 to age 14.
  - c. Changes the staff qualifications from the minimum age of 18 to minimum age of 17.

- d. Rewords the training requirements to provide access to a greater range of staff training curricula.
  - e. Rewords staff certification requirements to specify the certification must be current.
8. Environmental Modifications:  
Separates Environmental Modifications from Adaptive Equipment. The definition of Environmental Modifications will not change.
9. Psychological Evaluation, Counseling, and Consultation Services:  
Adds evaluations services as a component of the waiver service.
10. Specialized Medical Equipment and Supplies:
  - a. Allows equipment and supplies that are essential to the health and well-being of the waiver member under this definition of Specialized Medical Equipment and Supplies.
  - b. Removes adaptive equipment and individual goods and services as specific waiver services, replacing those services with Specialized Medical Equipment and Supplies.
11. Supported Employment – Co-Worker Support, Individualized Support, Follow-Along and Small-Group Support:
  - a. Changes the staff qualifications from the minimum age of 18 to minimum age of 17.
  - b. Rewords the training requirements to provide access to a greater range of staff training curricula.
  - c. Rewords staff certification requirements to specify the certification must be current.
12. Waiver Children’s Case Management:
  - a. Removes Waiver Children’s Case Management as an allowable service.
  - b. Identifies that all Waiver recipients, regardless of age, will receive case management through the Medicaid State Plan for Targeted Case Management. The renewal requests this change to allow case management to come into compliance with CMS waiver requirements for Conflict-Free Case Management.
  - c. Replaces all references to Waiver Children’s Case Management with Case Management.
13. Live-In Caregiver:  
Removes this service as a waiver category. It is not utilized by waiver members.

14. Personal Care:

- a. Changes the staff qualifications from the minimum age of 18 to minimum age of 17.
- b. Rewords the training requirements to provide access to a greater range of staff training curricula.
- c. Rewords staff certification requirements to specify the certification must be current.

15. Personal Supports:

- a. Changes the staff qualifications from the minimum age of 18 to minimum age of 17.
- b. Rewords the training requirements to provide access to a greater range of staff training curricula.
- c. Rewords staff certification requirements to specify the certification must be current.

16. Retirement Services:

- a. Changes the staff qualifications from the minimum age of 18 to minimum age of 17.
- b. Rewords the training requirements to provide access to a greater range of staff training curricula.
- c. Rewords staff certification requirements to specify the certification must be current.

17. Transportation:

- a. Changes the staff qualifications from the minimum age of 18 to minimum age of 17.
- b. Rewords the training requirements to provide access to a greater range of staff training curricula.
- c. Rewords staff certification requirements to specify the certification must be current.

**18. Participant-Centered Planning and Service Delivery (Appendix D)**

Plan of Care: Specifies the plan of care is developed by the targeted case manager and the planning process used in the Personal Supports Plan.

The following changes have also been proposed in this renewal. These changes will not impact the eligibility or delivery of waiver services.

- 1. Quality Improvement Specialists are replaced with Quality Assurance Personnel throughout the waiver.

## 2. Waiver Administration and Operation (Appendix A)

Changes the section pertaining to the use of contracted entities to reflect the changes in item 3.d. below.

## 3. Participant Access and Eligibility (Appendix B)

Changes the following information in the Selection of Entrants to the Waiver section:

- a. Number of Individuals Served:
  - i. Reserves capacity for individual transitioning from institutional settings into the waiver.
  - ii. Removes the specific reference to the Montana Developmental Center.
  - iii. Does not change the number of slots reserved for individuals transitioning from an institutional setting to a home and community-based setting.
- b. Number of Individuals Served:
  - i. Reserves capacity for individuals in the custody of the Department's Child and Family Services Division.
- c. Number of Individuals Served:
  - i. Removes language regarding emergency selection criteria as this is identified in the state administrative rules.
  - ii. Reserves 20 waiver selections for individuals who meet the emergency selection criteria outlined in state administrative rule.
- d. Evaluation/Reevaluation of Level of Care:
  - i. Removes the requirement for a RN to participate in the initial level of care review.
  - ii. Identifies that initial determination and subsequent reviews are completed by DPHHS quality assurance personnel. This change will not impact eligibility for services nor the availability of any waiver services for waiver recipients.
- e. Evaluation/Reevaluation of Level of Care:
  - i. Clarifies the eligibility section to reflect the current eligibility requirements as specified in state administrative rule.
- f. Removes or updates sub-assurances that reference the RN.
- g. Updates Access to Services by Limited English Proficient Persons to reflect current departmental information.

The currently approved Comprehensive Waiver and the Comprehensive Waiver renewal application may be reviewed at <http://dphhs.mt.gov/dsd/developmentaldisabilities/ddpmedicaidwaivers>. The state, upon request, will make available hard copies.

We invite your comments and questions on the above State Plan and Waiver amendments postmarked **through March 27, 2018**. You may direct comments to Mary Eve Kulawik, Medicaid State Plan Amendment and Waiver Coordinator, at (406) 444-2584 or [mkulawik@mt.gov](mailto:mkulawik@mt.gov); or Director's Office, PO Box 4210, Helena, MT 59604-4210.