Waiver Slot Enrollment Plan Report

As Required by 2020-21 General Appropriations Act, House Bill 1, 86th Legislature, Regular Session, 2019 (Article II, Health and Human Services Commission, Rider 20)

Health and Human Services

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1. Introduction

The Waiver Slot Enrollment Plan is submitted in compliance with 2020-21 General Appropriations Act, House Bill 1, 86th Legislature, Regular Session, 2019 (Article II, Health and Human Services Commission [HHSC], Rider 20).

HHSC operates Medicaid waiver programs to provide home and community-based services and supports to individuals as an alternative to institutional living and to enhance quality of life, functional independence, and health and well-being. The 86th Legislature appropriated funding for the following Medicaid waiver programs to increase enrollment and reduce interest lists:

- Community Living and Assistance Support Services (CLASS);
- Deaf-Blind with Multiple Disabilities (DBMD);
- Home and Community-based Services (HCS); and
- the Medically Dependent Children Program (MDCP).

Rider 20 directs HHSC to submit a plan for slot enrollment for CLASS, DBMD, HCS, and MDCP by October 1, 2019. This report describes HHSC’s plan to use the extra funding for new slots for individuals on interest lists. This plan identifies:

- the number of persons enrolled in each type of slot;
- planned enrollment for the remainder of the 2020-21 biennium;
- any issues with enrollment identified by the agency; and
- how the agency plans to address those issues to achieve targets by the end of the fiscal year 2021.

Subsequent progress reports will be submitted March 1, 2020; September 1, 2020; and March 1, 2021 and will also include this information as well as reports on the agency’s progress enrolling eligible individuals.
2. Background

Texas has multiple Medicaid waiver programs that offer services in the community as an alternative to services in an institution. To receive waiver services a person must:

- live in Texas;
- be eligible for Medicaid;
- have a need for services offered in the program;
- have a service plan or plan of care within the program’s cost requirements;
- meet program-specific eligibility requirements; and
- have a slot.

Waivers operate on a slot-based system and the number of slots is based on the agreement with the Centers for Medicare and Medicaid Services (CMS) and available funding. A person who is interested in receiving services from the program requests to place their name on the program’s interest list. Individuals are removed from the interest list for eligibility determinations on a first-come, first-served basis when funding or program attrition create an available slot. In the event no funds are available for new slots, programs may use attrition, or people leaving the program, to bring new people into the program. The HCS waiver program has specific plans for using attrition slots to serve people with the most immediate needs (see Appendix B).

Waiver programs offer an array of services, specific to the population served. Some services are available in all waiver programs, such as service coordination or case management, while other services are unique to the respective waivers. Individuals who are eligible for these programs are also eligible for a benefit through the Medicaid program called Community First Choice (CFC). CFC offers attendant care to help with activities of daily living, such as bathing, eating, or getting dressed. Habilitation, or assistance for someone to perform activities of daily living through hands-on assistance, prompting or queuing, and emergency response services are also available through CFC.
Information about specific eligibility criteria and services for waiver programs for which the Legislature appropriated additional funds is available in Appendix A.
Enrollment Plan for the 2020-2021 Biennium

Enrollment Process

HHSC maintains an interest list for each waiver program capturing the names of the individuals that have expressed interest in receiving the program services. Because individuals can be on multiple interest lists at the same time, HHSC coordinates slot releases for people who are coming to the top of more than one interest list by providing them with information about each of the waiver programs. The individual will be assessed for the program they choose first. If they are not eligible for that program, HHSC will begin the assessment process for the individual’s second-choice waiver program, if he or she is still interested. This process will allow an individual to choose which program they are assessed for first and allow HHSC to maximize resources by only starting an assessment process if the individual has not started the enrollment process for a different program. The process to establish eligibility and complete enrollment into a program may take several months.

Senate Bill 1207 (86th Legislature, Regular Session, 2019) requires HHSC to change what is considered in the enrollment process for the MDCP and DBMD programs. This legislation also requires HHSC to permit an individual who is no longer eligible for MDCP to be placed either at the top of the MDCP interest list or be placed on another interest list using the date he or she originally applied for the MDCP interest list. HHSC is working to implement the requirements of this law, including seeking permission from CMS. Future progress reports for will provide further implementation updates.

Rider 20 directed HHSC to continue promoting diversion and transition from institutions through waiver programs, and authorized HHSC to allocate funding provided for the purpose of Promoting Independence if sufficient need exists. Each waiver program has a process through the Promoting Independence initiative to help divert or transition a person from institutional settings and into the community. The descriptions below do not include a description of Promoting Independence or other reserved capacity enrollment arrangements.
Enrollment Data

Table 1 shows the enrollment plan for waiver program interest list slots, appropriated for the 2020-21 biennium. The table does not represent the total number of people enrolled these programs.

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1 The fiscal assumption is an equal rollout of slots for fiscal years 2020 and 2021. To achieve this, HHSC releases slots for the first nine months of each fiscal year to allow time to complete the enrollments before the end of each fiscal year.
Table 1. Planned Slot Enrollment, by Waiver Program, 2020-21 Biennium

<table>
<thead>
<tr>
<th>Program</th>
<th>Purpose of Slots</th>
<th>Fiscal Year (FY) 2020-21 Current Appropriated Enrollment</th>
<th>Current Number of Appropriated Offers Pending Enrollment&lt;sup&gt;2&lt;/sup&gt;</th>
<th>FY 2020 Planned Enrollment</th>
<th>FY 2021 Planned Enrollment</th>
<th>Total Appropriated Enrollment for Biennium</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLASS</td>
<td>For reducing the statewide interest list</td>
<td>240</td>
<td>0</td>
<td>120</td>
<td>120</td>
<td>240</td>
</tr>
<tr>
<td>DBMD</td>
<td>For reducing the statewide interest list</td>
<td>8</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>HCS</td>
<td>For reducing the statewide interest list</td>
<td>1,320</td>
<td>0</td>
<td>660</td>
<td>660</td>
<td>1,320</td>
</tr>
<tr>
<td>MDCP</td>
<td>For reducing the statewide interest list</td>
<td>60</td>
<td>0</td>
<td>30</td>
<td>30</td>
<td>60</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>1,628</strong></td>
<td><strong>0</strong></td>
<td><strong>814</strong></td>
<td><strong>814</strong></td>
<td><strong>1,628</strong></td>
</tr>
</tbody>
</table>

<sup>2</sup> As of August 2019
4. Conclusion

HHSC’s plan includes increasing access to community-based services by enrolling an additional 1,628 individuals across the CLASS, DBMD, HCS, and MDCP waiver programs from the interest list during the 2020-2021 biennium. Appropriations assume equal rollout of waiver slots through each year of the biennium. This means HHSC will release slots for enrollment on an ongoing basis, with half of the slots released in fiscal year 2020 and the other half in fiscal year 2021. HHSC will continue using attrition slots, in addition to appropriated slots, to meet the needs of individuals with IDD in crisis situations or transitioning from institutions into the HCS program.

HHSC will continue to monitor the progress of enrollments monthly to address barriers and ensure enrollments are completed as intended. Monitoring will also ensure waiver enrollments remain within appropriated funds. Progress reports of the waiver slot enrollment plan will also include updates about direction from CMS and the status of implementation of the provisions of Senate Bill 1207 and the results of coordinating multiple waiver offers for individuals who come to the top of more than interest list. The first progress report will be provided to the Legislature on or before March 1, 2020.
## List of Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMS</td>
<td>Centers for Medicare and Medicaid Services</td>
</tr>
<tr>
<td>HCS</td>
<td>Home and Community-based Services Program</td>
</tr>
<tr>
<td>HHSC</td>
<td>Health and Human Services Commission</td>
</tr>
<tr>
<td>ICF/IID</td>
<td>Intermediate Care Facility for Individuals with an Intellectual Disability or Related Conditions</td>
</tr>
<tr>
<td>IDD</td>
<td>Intellectual and Developmental Disabilities</td>
</tr>
<tr>
<td>LIDDA</td>
<td>Local Intellectual and Developmental Disability Authority</td>
</tr>
<tr>
<td>CLASS</td>
<td>Community Living Assistance and Support Services</td>
</tr>
<tr>
<td>DBMD</td>
<td>Deaf-Blind with Multiple Disabilities</td>
</tr>
<tr>
<td>MDCP</td>
<td>Medically Dependent Children’s Program</td>
</tr>
</tbody>
</table>
Waiver Program Eligibility and Service Descriptions

**CLASS**

CLASS provides home and community-based services to individuals with related conditions as a cost-effective alternative to an ICF/IID. To be eligible, a person must:

- be eligible for ICF/IID Level of Care VIII criteria for placement in an ICF/IID;
- have been diagnosed with a related condition manifested before the individual was 22 years of age as described in the Texas Approved Diagnostic Codes for Persons with Related Conditions; and
- have a qualifying adaptive behavior level.

CLASS offers:

- Adaptive aids
- Auditory integration/enhancement training
- Behavioral support
- Cognitive rehabilitation therapy
- Continued family services
- Dental treatment
- Dietary services
- Employment assistance
- Transportation-habilitation
- Minor home modifications
- Nursing
- Occupational and physical therapy
- Prevocational services
- Respite (in and out-of-home)
- Specialized therapies
- Speech and language pathology
- Support family services
- Supported employment
- Transition assistance services

**DBMD**

DBMD services help people live in a community-based setting instead of in an institution. People enrolled in the program live in residential settings such as their homes, their family’s home, or a licensed assisted living facility. To be eligible, a person must:
• have one or more diagnosed related conditions and, as a result:
  o have deafblindness;
  o have been determined to have a progressive medical condition that will result in deafblindness; or
  o function as a person with deafblindness; and
  o have one or more additional disabilities that result in impairment to independence;
• have related conditions manifested before the individual became 22 years of age as described in the Texas Approved Diagnostic Codes for Persons with Related Conditions; and
• be eligible for Level of Care VIII.

DBMD offers:

• Residential habilitation
• Respite (in or out-of-home)
• Nursing
• Day habilitation
• Dental services
• Behavioral support
• Occupational, physical, or speech therapy
• Dietary services
• Audiology
• Minor home modification
• Adaptive aids
• Transportation – Residential Habilitation
• Employment Assistance
• Supported Employment
• Chore Services
• Orientation and Mobility
• Intervener services
**HCS**

HCS provides home and community-based services and supports to help people live as independently as possible. To be eligible, a person must:

- have a primary diagnosis of an intellectual disability, or an intelligence quotient of 75 or below and a related condition as described in the Texas Approved Diagnostic Codes for Persons with Related Conditions; and
- be eligible for Level of Care I or VIII.

HCS offers:

- Residential services
- Day habilitation
- Dental
- Behavioral support
- Social work
- Occupational and physical therapy
- Speech/language pathology therapy
- Dietary services
- Audiology
- Minor home modification
- Adaptive aids
- Transition assistance

**MDCP**

MDCP offers community-based services for people who need the level of care provided in a nursing home but would like to remain in the community. To be eligible, a person must:

- be age 20 or younger; and
- need the level of care provided by a nursing facility.

MDCP offers:

- Respite
- Flexible Family Support Services
- Adaptive aids
- Minor home modifications
- Transition assistance
- Employment assistance
- Supported employment
- Financial management services
Attrition Slot Utilization for HCS

Attrition slots are created when previously funded HCS slots are permanently discharged by an individual after enrollment. HHSC will use attrition slots in the 2020-21 biennium to address specific target groups listed in the HCS waiver that did not receive allocated funding. Staff will meet frequently to distribute any attrition slots available.

Attrition slots will be distributed based on the date, time, and order received. Any requests for slots received above the monthly attrition allotment will be evaluated by HHSC staff based on the time of the request with the intent to release an HCS slot for as many as possible.

If enough attrition slots are not available to cover the number of slots needed, the request for slots will be held until the next month’s meeting. Any attrition slots available after the meeting will be held for distribution at the next meeting. If a surplus of attrition slots accumulates after a six-month period, staff may make recommendations for some of the surplus of attrition slots to be released to individuals on the HCS interest list.

Attrition slots will be utilized for the following target groups:

- Crisis Diversion
- Nursing Facility Transition
- Nursing Facility Diversion
- Nursing Facility Transition for Children
- State Supported Living Center (SSLC) Promoting Independence
- Child Protective Services (CPS) Aging Out of Conservatorship
- HCS Interest List Reduction