

## TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 8.1

### **WAITING LIST FOR HOME AND COMMUNITY BASED SERVICES**

#### **Purpose:**

This policy sets forth requirements for the waiting list established pursuant to R.C. § 5126.042 and O.A.C. § 5123:9-04 when the Trumbull County Board of Developmental Disabilities ("the Board") determines that available resources are insufficient to enroll individuals who are assessed to need and who choose home and community-based services in department-administered home and community-based services waivers.

#### **Definitions:**

1. **"Alternative Services"** means the various programs, funding mechanisms, services, and supports, other than home and community-based services, that exist as part of the developmental disabilities service system and other service systems. "Alternative services" includes, but is not limited to, services offered through Ohio's Medicaid state plan such as home health services, services available at an intermediate care facility for individuals with intellectual disabilities, and other local resources.
2. **"Current Need"** means an unmet need for home and community-based services within twelve months, as determined by a county board based upon assessment of the individual using the waiting list assessment tool. Situations that give rise to current need include:
  - a. An individual is likely to be at risk of substantial harm due to:
    - i. The primary caregiver's declining or chronic physical or psychiatric condition that significantly limits his or her ability to care for the individual
    - ii. Insufficient availability of caregivers to provide necessary supports to the individual
    - iii. The individual's declining skills resulting from a lack of supports
  - b. An individual has an ongoing need for limited or intermittent supports to address behavioral, physical, or medical needs, in order to sustain existing caregivers and maintain the viability of the individual's current living arrangement.
  - c. An individual has an ongoing need for continuous supports to address significant behavioral, physical, or medical needs.
  - d. An individual is aging out of, or emancipating from, children's services and has needs that cannot be addressed through community-based alternative services.
  - e. An individual requires waiver funding for adult day services or employment-related supports. This applies when these supports are not otherwise available as vocational rehabilitation services (funded under section 110 of the Rehabilitation Act of 1973, 29 U.S.C. 730), or as special education or related services (as those terms are defined in section 602 of the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. 1401).

- f. An individual is living in an intermediate care facility for individuals with intellectual disabilities or a nursing facility and has a viable discharge plan.
3. **“Date of Request”** means the earliest date and time of any written or otherwise documented request for home and community-based services made prior to the effective date of this policy.
4. **“DODD”** means the Ohio Department of Developmental Disabilities.
5. **“Home and Community-Based Services (HCBS)”** has the same meaning as in section 5123.01 of the Revised Code.
6. **“Immediate Need”** means a situation that creates a risk of substantial harm to an individual, caregiver, or another person if action is not taken within thirty calendar days to reduce the risk. Situations that give rise to immediate need include:
  - a. A resident of an intermediate care facility for individuals with intellectual disabilities has received notice of termination of services in accordance with rule 5123:2-3-05 of the Administrative Code.
  - b. A resident of a nursing facility has received thirty-day notice of intent to discharge in accordance with Chapter 5160-3 of the Administrative Code.
  - c. A resident of a nursing facility has received an adverse determination in accordance with rule 5123:2-14-01 of the Administrative Code.
  - d. An adult is losing his or her primary caregiver due to the primary caregiver's declining or chronic physical or psychiatric condition or due to other unforeseen circumstances (such as military deployment or incarceration) that significantly limit the primary caregiver's ability to care for the individual when:
    - i. Impending loss of the caregiver creates a risk of substantial harm to the individual; and
    - ii. There are no other caregivers available to provide necessary supports to the individual.
  - e. An adult or child is engaging in documented behavior that creates a risk of substantial harm to the individual, caregiver, or another person.
  - f. There is impending risk of substantial harm to the individual or caregiver as a result of:
    - i. The individual's significant care needs (i.e., bathing, lifting, high demand, or twenty-four-hour care); or
    - ii. The individual's significant or life-threatening medical needs.
  - g. An adult has been subjected to abuse, neglect, or exploitation and requires additional supports to reduce a risk of substantial harm to the individual.
7. **“Intermediate Care Facility for individuals with intellectual disabilities (ICFIID)”** had the same meaning as in section 5124.01 of the Revised Code.
8. **“Locally-funded HCBS Waiver”** means the county board pays the entire nonfederal share of Medicaid expenditures in accordance with sections 5126.059 and 5126.0510 of the Revised Code.
9. **“State-funded HCBS Waiver”** means DODD pays, in whole or in part, the nonfederal share of Medicaid expenditures associated with an individual's enrollment in the waiver.
10. **“Status date”** means the date on which the individual is determined to have a

current need based on completion of an assessment of the individual using the waiting list assessment tool.

11. **“Waiting List Assessment Tool”** means the Ohio assessment for immediate need and current need, which shall be used for purposes of making a determination of an individual's eligibility to be added to the waiting list for HCBS defined in Section 29.4 of this policy and administered by persons who successfully complete training developed by DODD.
12. **“Waiting list date”** means either:
  - a. The date of request for an individual whose name is included on the transitional list of individuals waiting for home and community-based services; or
  - b. The earliest status date for an individual whose name is not included on the transitional list of individuals waiting for home and community-based services.
13. **“Waiting list for HCBS”** means the list established by the Board and maintained in the DODD's web-based waiting list management system which shall include the name, status date, date of request (as applicable), waiting list date, and the criteria for current need by which an individual is eligible based on administration of the waiting list assessment tool, for each individual.

### **Policy:**

#### **A. Planning for locally-funded home and community-based services waivers**

Trumbull County Board of Developmental Disabilities shall, in conjunction with development of its strategic plan described in R.C. § 5126.054 and in O.A.C. § 5123-4-01, identify how many individuals it plans to enroll in each type of locally-funded home and community-based services waiver during each calendar year, based on projected funds available to the Board to pay the nonfederal share of Medicaid expenditures and the assessed needs of the county's residents on the waiting list for home and community-based services, and establish a waiting list when resources are not available.

#### **B. Waiting list for home and community-based services**

1. An individual or the individual's guardian, as applicable, who thinks the individual has an immediate need or a current need may contact the Board to request an assessment of the individual using the waiting list assessment tool. The Board shall initiate an assessment of the individual using the waiting list assessment tool within thirty calendar days. An individual or the individual's guardian, as applicable, shall have access to the individual's completed waiting list assessment tool maintained in the department's web-based waiting list management system and upon request, shall be provided a copy by the Board.
2. The Board shall place an individual's name on the waiting list for home and community based services when, based on assessment of the individual using the waiting list assessment tool, the individual:
  - a. Is eligible for Board services per Board Policy 8.0 “Eligibility Determinations”
  - b. Has a current need which cannot be met by community-based alternative services available in the county. (Including a situation in which an

individual has a current need despite the individual's enrollment in a home and community based services waiver).

3. The Board shall not place an individual's name on the waiting list for home and community based services when the individual:
  - a. Is a child who is subject to a determination under section 121.38 of the Revised Code (the court has ordered the Board to enroll the child in a HCBS waiver) and requires home and community-based services; or
  - b. Has an immediate need, in which case the Board shall take action necessary to ensure the immediate need is met. Such action may include assisting the individual or the individual's guardian, as applicable, in identifying and accessing alternative services that are available to meet the individual's needs. If an individual who has an immediate need or the individual's guardian, as applicable, chooses to decline services available at an intermediate care facility for individuals with intellectual disabilities, the Board shall take action to ensure the individual's immediate need is met through community-based alternative services and/or enrollment in a home and community-based services waiver.
4. When a county board places an individual's name on the waiting list for home and community-based services, the Board shall:
  - a. Enter the individual's information in the department's web-based waiting list management system.
  - b. Notify the individual or the individual's guardian, as applicable, that the individual's name has been placed on the waiting list for home and community based services.
  - c. Provide contact information to the individual or the individual's guardian, as applicable, for a person at the Board who can assist in identifying and accessing alternative services that address, to the extent possible, the individual's needs.

### **C. Annual Review**

1. Review the waiting list assessment tool and service needs of each individual whose name is included on the waiting list for home and community-based services with the individual and the individual's guardian, as applicable; and
2. Assist the individual or the individual's guardian, as applicable, in identifying and accessing alternative services.
3. Under any circumstances, when the Board determines an individual's status has changed with regard to having an immediate need and/or having a current need or an individual's status date has changed, the Board shall update the individual's record in the DODD's web-based waiting list management system.

### **D. Order of Enrollment**

1. Individuals shall be selected for enrollment in **locally-funded HCBS waivers** in this order:
  - a. Individuals with immediate need who require waiver funding to address the immediate need.
  - b. Individuals who have met multiple criteria for current need for twelve or more consecutive months and who were not offered enrollment in a HCBS waiver in the prior calendar year. When two or more individuals meet the

- same number of criteria for current need, the individual with the earliest of either the status date or date of request shall be selected for enrollment.
- c. Individuals who have met multiple criteria for current need for less than twelve consecutive months. When two or more individuals meet the same number of criteria for current need, the individual with the earliest of either the status date or date of request shall be selected for enrollment.
  - d. Individuals who meet a single criterion for current need. When two or more individuals meet a single criterion for current need, the individual with the earliest of either the status date or date of request shall be selected for enrollment.
2. Individuals with immediate need and individuals with current need may be enrolled in locally-funded HCBS waivers concurrently.
  3. Meeting the criteria for immediate need and/or current need does not guarantee enrollment in a locally-funded HCBS waiver within a specific timeframe.
  4. When the Board determines an individual is eligible for enrollment in a HCBS waiver, the Board shall determine which type of locally-funded HCBS waiver is sufficient to meet the individual's needs in the most cost-effective manner.

#### **E. Change in Individual's County of Residence**

When an individual on the waiting list for home and community-based services in a county other than Trumbull County moves in to Trumbull County and the individual or the individual's guardian as applicable, notifies the Trumbull County Board of DD, the Board shall, within ninety calendar days of receiving notice, review the individual's waiting list assessment tool.

1. When the Board determines that the individual has a current need which cannot be met by community-based alternative services in the receiving county, the Board shall update the individual's county of residence in DODD's web-based waiting list management system without changing the status date or date of request assigned by the previous county board.
2. When the Board determines that the individual has a current need which can be met by community-based alternative services in the receiving county, the receiving county board shall assist the individual or the individual's guardian, as applicable, in identifying and accessing those services.

#### **F. Removal from Waiting List for HCBS**

The Board shall remove an individual's name from the waiting list for HCBS:

1. When the Board determines that the individual no longer has a current need;
2. Upon request of the individual or the individual's guardian, as applicable;
3. Upon enrollment of the individual in a HCBS waiver that meets the individual's needs;
4. If the individual or the individual's guardian, as applicable, declines enrollment in a HCBS waiver or community-based alternative services that are sufficient to meet the individual's needs;
5. If the individual or the individual's guardian, as applicable, fails to respond to attempts by the Board to contact the individual or the individual's guardian by at least two different methods, one of which shall be certified mail to the last known address of the individual or the individual's guardian, as applicable;
6. When the Board determines the individual does not have a developmental

disabilities level of care in accordance with rule 5123:2-8-01 of the Administrative Code;

7. When the individual is no longer a resident of Ohio; or
8. Upon the individual's death.

### **G. Due Process**

Due process shall be afforded per Board Policy 8.34 Complaint Resolution and Appeal Process Policy and in accordance with section 5160.31 of the Revised Code and Chapters 5101:6-1 to 5101:6-9 of the Administrative Code to an individual aggrieved by an action of a county board related to:

1. The approval, denial, withholding, reduction, suspension, or termination of a service funded by the state Medicaid program;
2. Placement on, denial of placement on, or removal from the waiting list for home and community-based services or the transitional list of individuals waiting for home and community-based services; or
3. A dispute regarding an individual's original waiting list request or current waiting list tool assessment date.

  
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 Board President

  
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 Superintendent

Adopted: 2/24/93  
 Revised: 5/26/98  
 Revised: 9/27/01  
 Revised: 12/19/02  
 Revised: 2/27/12  
 Revised: 9/24/2018  
 Revised: 7/22/2024

**Applicability:** Board Policy Manual

**Reference:** ORC 5126.042  
 OAC 5123:9-04