

Medicaid Home and Community Based Services: Federal Precepts



Ellen Blackwell, MSW

Health Insurance Specialist

Center for Medicaid, CHIP and Survey & Certification

Centers for Medicare & Medicaid Services

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The Question: “Could You Explain Waivers?”

- ❖ How are home and community-based services (HCBS) provided through the Federal government?
- ❖ What are HCBS?
- ❖ How do states provide HCBS?
- ❖ How do I obtain HCBS?

How HCBS Are Provided through the Federal Government

- ❖ Long-term services and supports (LTSS) are inclusive of HCBS
- ❖ Many HCBS are provided through the Medicaid program
- ❖ Medicaid is a state-Federal partnership
- ❖ States receive matching dollars, at least 50%, for the cost of LTSS

More on Medicaid

- ❖ Some services in Medicaid are mandatory, and some are optional
- ❖ HCBS are optional services
- ❖ Medicaid enrolled children may receive different or more services than adults
- ❖ Medicaid pays for many services provided in schools

Medicaid History

- ❖ When the Medicaid law was passed in 1965 it mostly provided physical health services
- ❖ Some States offer particular LTSS (e.g. home health, personal care, nursing) to everyone enrolled in Medicaid
- ❖ By the 1980s Medicaid began to provide additional LTSS as an alternative to costly and less preferred institutional services

Why HCBS?

- ❖ Institutional care (e.g. Nursing Facilities) is the only mandatory long-term care residential service in Medicaid
- ❖ HCBS cost less than institutional care
- ❖ The Americans with Disabilities Act and the Supreme Court's *Olmstead* decision support services in integrated community settings

What are HCBS?

Scope of HCBS

- Case management
- Homemaker/Home Health Aide Services
- Personal Care Services
- Adult Day Health
- Habilitation Services
- Respite Care
- Services for people with chronic mental illness (day treatment, partial hospitalization, psychosocial rehabilitation, and clinic

“Other” HCBS Examples

- Environmental modifications
- Transition services
- Employment supports
- Art therapy
- Home-delivered meals
- Vehicle modifications
- Dental care
- Assisted living
- Adult companion services
- Chore services
- Nutritional counseling

How Do States Provide HCBS?

- ❖ States use different sections of the Medicaid law to provide HCBS
- ❖ Almost all the states use section 1915(c) HCBS “waivers”
- ❖ Different waiver types provide a way for the HHS Secretary to waive the usual rules
- ❖ The rules change according to the Medicaid statutory authority selected by the state

What Steps Do States Take to Provide HCBS?

- ❖ State Medicaid Agencies must complete applications for their programs and submit to CMS
- ❖ CMS staff in Baltimore and its ten Regional Offices review applications within specified timeframes
- ❖ CMS can ask for changes & approve or disapprove applications
- ❖ All waivers are approved only for certain periods - usually 2, 3, or 5 years
- ❖ States can “amend,” or change waivers during their operational period

The HCBS Waiver Application

- ❖ States have a lot of flexibility - where, who, what, how, how many, etc.
- ❖ The State Medicaid Agency (SMA) or another operating agency may operate the HCBS waiver
- ❖ The SMA is always in charge of the waiver
- ❖ People participating in HCBS waivers must be at “institutional level of care” and meet other eligibility criteria

Elements of the HCBS Waiver Application

- ❖ Target Group, including age
- ❖ Cost neutrality – measured against cost of institutional care – NF/ICF-MR/Hospital
- ❖ Cost limit – individual or aggregate
- ❖ Service array and provider qualifications
- ❖ Self-direction – hiring and/or budget authority
- ❖ Health and safety arrangements

Additional Ways States Can Provide HCBS

- ❖ After 2005 states can offer HCBS without a waiver through optional section 1915(i) State plan coverage
- ❖ States can target services to certain groups
- ❖ States must provide the services throughout the state
- ❖ States cannot have waiting lists for the services
- ❖ States can also serve people who are not at institutional level of care, unlike HCBS waivers

What Delivery Systems Do States Use for HCBS?

- ❖ Most states pay providers on a fee for service basis (hour, unit, day, month)
- ❖ Many States are also using or investigating the use of managed care delivery systems to save money, improve care coordination, and project costs
- ❖ Managed LTSS (MLTSS) means a health plan receives a capitated monthly rate to provide the needed services

Other Waiver Authorities for MLTSS

- ❖ Section 1115 Demonstration Programs – AZ, VT, HI, TN, RI
- ❖ Section 1915(b) Waivers – can attach managed care delivery system to HCBS waiver, restrict providers, and add some services through cost savings – MN, WI, TX, MA, FL
- ❖ Section 1915 (a) contract – voluntary arrangement between the state and the provider that outlines services and the monthly payment rate – PA, CA

How Can I Understand More About My State?

- ❖ Review your state's Medicaid program Website:
<https://www.cms.gov/MedicaidEligibility/downloads/ListStateMedicaidWebsites.pdf>
- ❖ Review your state's developmental disabilities agency Website:
<http://www.nasddd.org/MemberAgencies/index.shtml>
- ❖ Read and understand your state's waivers :
https://www.cms.gov/MedicaidStWaivProgDemoPGI/08_WavMap.asp

How Can I Obtain HCBS?

- ❖ Remember - HCBS are not mandatory in Medicaid
- ❖ Understand the differences between your state's HCBS waivers
- ❖ Understand the waiting list process for HCBS in your state
- ❖ Advocate for HCBS support in your state
- ❖ Sign up for emails from your state's developmental disabilities agency

Plan Ahead!

- ❖ Autism is a lifelong condition
- ❖ School services end at age 21
- ❖ People with ASD are served by states through the same disability system as others with disabilities
- ❖ Waiting lists do not transfer from state to state as Medicaid programs are unique
- ❖ Explore the Social Security eligibility process early

Really Plan Ahead!

- ❖ Medicaid does not pay for rent or food
- ❖ Social Security Income is low - \$674/month for an individual in 2011
- ❖ Fully understand appropriate legal options when your family member becomes an adult at age 18
- ❖ Always maximize self-determination and choice
- ❖ A home of one's own in the community is very important

Time Flies!

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