

# Appendix B: Participant Access and Eligibility

## Appendix B-1: Specification of the Waiver Target Group(s)

a. **Target Group(s).** Under the waiver of Section 1902(a)(10)(B) of the Act, the State limits waiver services to a group or subgroups of individuals. *In accordance with 42 CFR §441.301(b)(6), select one waiver target group, check each subgroup in the selected target group that may receive services under the waiver, and specify the minimum and maximum (if any) age of individuals served in each subgroup:*

SELECT ONE WAIVER TARGET GROUP	TARGET GROUP/SUBGROUP	MINIMUM AGE	MAXIMUM AGE	
			MAXIMUM AGE LIMIT: THROUGH AGE –	NO MAXIMUM AGE LIMIT
<input type="checkbox"/>	<b>Aged or Disabled, or Both - General</b>			
	<input type="checkbox"/> Aged (age 65 and older)			<input type="checkbox"/>
	<input type="checkbox"/> Disabled (Physical)			
	<input type="checkbox"/> Disabled (Other)			
<input type="checkbox"/>	<b>Aged or Disabled, or Both - Specific Recognized Subgroups</b>			
	<input type="checkbox"/> Brain Injury			<input type="checkbox"/>
	<input type="checkbox"/> HIV/AIDS			<input type="checkbox"/>
	<input type="checkbox"/> Medically Fragile			<input type="checkbox"/>
	<input type="checkbox"/> Technology Dependent			<input type="checkbox"/>
<input checked="" type="checkbox"/>	<b>Intellectual Disability or Developmental Disability, or Both</b>			
	<input type="checkbox"/> Autism			<input type="checkbox"/>
	<input checked="" type="checkbox"/> Developmental Disability	0		<input checked="" type="checkbox"/>
	<input type="checkbox"/> Intellectual Disability			<input type="checkbox"/>
<input type="checkbox"/>	<b>Mental Illness (check each that applies)</b>			
	<input type="checkbox"/> Mental Illness			<input type="checkbox"/>
	<input type="checkbox"/> Serious Emotional Disturbance			

b. **Additional Criteria.** The State further specifies its target group(s) as follows:

All waiver participants must meet the DDA’s criteria for developmental disability in accordance with Annotated Code of Maryland, Health-General Article, § 7-101(f), which is comparable to the federal definition found at 42 CFR § ~~1385.31325.3~~.

In addition, to enroll in this waiver, all participants shall meet the following criteria:

1. Be a resident of Maryland;
2. Have a professionally appropriate evaluation using accepted professional standards that identify a developmental disability;
3. Need support when school is not in session, if the participant is in school based on services requested in the Person-Centered Plan;
4. Be assessed for their level of service need with consideration of available natural and community support to determine if waiver services will support their health and safety needs; and
5. Not be enrolled in another Medicaid 1915(c) waiver or PACE (a Medicaid capitated managed

State:	
Effective Date	

care program that includes long-term care).

Participants who are still eligible to receive services through the Individuals with Disabilities Education Act (IDEA) shall have a portion of their daily support and supervision needs covered by the school system. The waiver does not provide services during school hours.

c. **Transition of Individuals Affected by Maximum Age Limitation.** When there is a maximum age limit that applies to individuals who may be served in the waiver, describe the transition planning procedures that are undertaken on behalf of participants affected by the age limit (*select one*):

<input checked="" type="radio"/>	Not applicable. There is no maximum age limit
<input type="radio"/>	The following transition planning procedures are employed for participants who will reach the waiver’s maximum age limit. <i>Specify:</i>

## Appendix B-2: Individual Cost Limit

a. **Individual Cost Limit.** The following individual cost limit applies when determining whether to deny home and community-based services or entrance to the waiver to an otherwise eligible individual (*select one*). Please note that a State may have only ONE individual cost limit for the purposes of determining eligibility for the waiver:

<input checked="" type="radio"/>	<b>No Cost Limit.</b> The State does not apply an individual cost limit. <i>Do not complete Item B-2-b or Item B-2-c.</i>	
<input type="radio"/>	<b>Cost Limit in Excess of Institutional Costs.</b> The State refuses entrance to the waiver to any otherwise eligible individual when the State reasonably expects that the cost of the home and community-based services furnished to that individual would exceed the cost of a level of care specified for the waiver up to an amount specified by the State. <i>Complete Items B-2-b and B-2-c.</i> The limit specified by the State is ( <i>select one</i> ):	
<input type="radio"/>	%	A level higher than 100% of the institutional average Specify the percentage:
<input type="radio"/>	Other ( <i>specify</i> ):	
<input type="radio"/>	<b>Institutional Cost Limit.</b> Pursuant to 42 CFR 441.301(a)(3), the State refuses entrance to the waiver to any otherwise eligible individual when the State reasonably expects that the cost of the home and community-based services furnished to that individual would exceed 100% of the cost of the level of care specified for the waiver. <i>Complete Items B-2-b and B-2-c.</i>	
<input type="radio"/>	<b>Cost Limit Lower Than Institutional Costs.</b> The State refuses entrance to the waiver to any otherwise qualified individual when the State reasonably expects that the cost of home and community-based services furnished to that individual would exceed the following amount specified by the State that is less than the cost of a level of care specified for the waiver. <i>Specify the basis of the limit, including evidence that the limit is sufficient to assure the health and welfare of waiver participants. Complete Items B-2-b and B-2-c.</i>	

State:	
Effective Date	

The cost limit specified by the State is <i>(select one)</i> :	
<input type="radio"/>	<b>The following dollar amount:</b> Specify dollar amount:
The dollar amount <i>(select one)</i> :	
<input type="radio"/>	<b>Is adjusted each year that the waiver is in effect by applying the following formula:</b> Specify the formula:
<input type="radio"/>	<b>May be adjusted during the period the waiver is in effect. The State will submit a waiver amendment to CMS to adjust the dollar amount.</b>
<input type="radio"/>	<b>The following percentage that is less than 100% of the institutional average:</b>
<input type="radio"/>	<b>Other:</b> <i>Specify:</i>

**b. Method of Implementation of the Individual Cost Limit.** When an individual cost limit is specified in Item B-2-a, specify the procedures that are followed to determine in advance of waiver entrance that the individual’s health and welfare can be assured within the cost limit:

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**c. Participant Safeguards.** When the State specifies an individual cost limit in Item B-2-a and there is a change in the participant’s condition or circumstances post-entrance to the waiver that requires the provision of services in an amount that exceeds the cost limit in order to assure the participant’s health and welfare, the State has established the following safeguards to avoid an adverse impact on the participant *(check each that applies)*:

<input type="radio"/>	<b>The participant is referred to another waiver that can accommodate the individual’s needs.</b>
<input type="radio"/>	<b>Additional services in excess of the individual cost limit may be authorized.</b> Specify the procedures for authorizing additional services, including the amount that may be authorized:
<input type="checkbox"/>	<b>Other safeguard(s)</b> <i>(Specify):</i>

State:	
Effective Date	

## Appendix B-3: Number of Individuals Served

- a. Unduplicated Number of Participants.** The following table specifies the maximum number of unduplicated participants who are served in each year that the waiver is in effect. The State will submit a waiver amendment to CMS to modify the number of participants specified for any year(s), including when a modification is necessary due to legislative appropriation or another reason. The number of unduplicated participants specified in this table is basis for the cost-neutrality calculations in Appendix J:

<b>Table: B-3-a</b>	
<b>Waiver Year</b>	<b>Unduplicated Number of Participants</b>
<b>Year 1</b>	15411
<b>Year 2</b>	15572
<b>Year 3</b>	15733
<b>Year 4</b>	15894
<b>Year 5</b>	16055

- b. Limitation on the Number of Participants Served at Any Point in Time.** Consistent with the unduplicated number of participants specified in Item B-3-a, the State may limit to a lesser number the number of participants who will be served at any point in time during a waiver year. Indicate whether the State limits the number of participants in this way: *(select one)*:

<input checked="" type="radio"/>	<b>The State does not limit the number of participants that it serves at any point in time during a waiver year.</b>
<input type="radio"/>	<b>The State limits the number of participants that it serves at any point in time during a waiver year.</b>

- c. Reserved Waiver Capacity.** The State may reserve a portion of the participant capacity of the waiver for specified purposes (e.g., provide for the community transition of institutionalized persons or furnish waiver services to individuals experiencing a crisis) subject to CMS review and approval. The State *(select one)*:

<input type="radio"/>	<b>Not applicable. The state does not reserve capacity.</b>
<input checked="" type="radio"/>	<p><b>The State reserves capacity for the following purpose(s).</b></p> <p>Purpose(s) the State reserves capacity for:</p> <p>Emergency; Court Involvement; Military Families, Families with Multiple Children on Waiting List, Previous DDA Waiver Participants with New Service Need; Family Supports Waiver Participant with Increased Needs; Community Supports Waiver Participant with Increased Needs; Psychiatric Hospital Discharge; State Funded Conversions; Money Follows the Person; Waiting List Equity Fund; and Transitioning Youth.</p>

State:	
Effective Date	

**Table B-3-c**

Name of Reserved Capacity Category: Emergency

Purpose: The purpose of this reserved capacity category is to support individuals in immediate crisis or other situations that threatens the life and safety of the person.

Describe how the amount of reserved capacity was determined: Reserved capacity is based on historical data and Maryland's General Assembly approval.

The capacity that the State reserves in each waiver year is specified in the following table:

Year	Capacity Reserved
1	200
2	200
3	200
4	200
5	200

Name of Reserved Capacity Category: Court Involvement

Purpose: The purpose of reserved capacity is to provide community services to individuals identified through the Maryland court system.

Describe how the amount of reserved capacity was determined: The amount is based on historical data and approval from the Maryland General Assembly.

The capacity that the State reserves in each waiver year is specified in the following table:

Year	Capacity Reserved
1	10
2	10
3	10
4	10
5	10

Name of Reserved Capacity Category: Families with Multiple Children on Waiting List

Purpose: The purpose of this reserved capacity category is to support families seeking supports that have more than one child on the DDA Waiting List.

Describe how the amount of reserved capacity was determined: Initial estimate is based on the number of families with more than one child on the DDA Waiting List or Future Needs Registry.

The capacity that the State reserves in each waiver year is specified in the following table:

Year	Capacity Reserved
1	10
2	10
3	10

State:	
Effective Date	

4	10
5	10

Name of Reserved Capacity Category: Military Families

Purpose: Military Families category is based on legislation (Senate Bill 563) passed during the Fiscal Year 2015 session to support individuals’ reentry into services after returning to the State. The U.S. Department of Defense has provided information and fact sheets related to eligibility requirements and lengthy waiting lists hindering military families from obtaining supports and services for members with special needs during critical transitions periods. There are national efforts to allow service members to retain their priority for receiving home and community-based services.

Describe how the amount of reserved capacity was determined: Initial estimate assumes 10 of the families on the DDA Waiting List will need comprehensive services.  
The capacity that the State reserves in each waiver year is specified in the following table:

Year	Capacity Reserved
1	10
2	10
3	10
4	10
5	10

Name of Reserved Capacity Category: Previous Waiver Participants with New Service Need

Purpose: Previously enrolled DDA waiver participants for whom the waiver service needs were met will exit the waiver. If a new service need develops at a later time, they may reapply to the waiver.

Describe how the amount of reserved capacity was determined: Initial estimate to be reassessed with waiver renewal.

The capacity that the State reserves in each waiver year is specified in the following table:

Year	Capacity Reserved
1	10
2	10
3	10
4	10
5	10

Name of Reserved Capacity Category: Family Supports Waiver Participant with Increased Needs

Purpose: Family Supports Waiver Participant with ongoing increased needs that cannot be met within the capped waiver.

Describe how the amount of reserved capacity was determined: Initial estimate to be reassessed with waiver renewal.

State:	
Effective Date	

The capacity that the State reserves in each waiver year is specified in the following table:

Year	Capacity Reserved
1	50
2	50
3	50
4	50
5	50

Name of Reserved Capacity Category: Community Supports Waiver Participant with Increased Needs

Purpose: Community Supports Waiver Participant with ongoing increased needs that cannot be met within the capped waiver.

Describe how the amount of reserved capacity was determined: Initial estimate to be reassessed with waiver renewal.

The capacity that the State reserves in each waiver year is specified in the following table:

Year	Capacity Reserved
1	50
2	50
3	50
4	50
5	50

Name of Reserved Capacity Category: Psychiatric Hospital Discharge

Purpose: Individuals with developmental disabilities that transition from an inpatient mental health facilities need community supports and services. Transitions from an inpatient mental health facility is not covered under the federal Money Follows the Person grant. The State has identified this group as a priority and therefore is establishing reserved capacity.

Describe how the amount of reserved capacity was determined: Reserved capacity is based on projected transitions.

The capacity that the State reserves in each waiver year is specified in the following table:

Year	Capacity Reserved
1	10
2	10
3	10
4	10
5	10

Name of Reserved Capacity Category: State Funded Conversions

Purpose: State Funded Conversions refers to individuals receiving ongoing services funded with 100 percent State general funds including prior year waiver year participants that lost waiver eligibility. Some individuals may leave the waiver for various reasons such as entering a hospital or rehabilitation facility to meet their needs at that time. If the individual is unable to transition out prior to the end of the waiver year, their space in the waiver is no longer available. The State has supported these individuals with 100 percent State General Funds for services instead of placing them on a waiting list if they do not meet any of the reserved capacity priority

State:	
Effective Date	

categories. By establishing this priority category, the State can provide additional waiver services to meet needs and maximize State General Funds to support additional individuals in the waiver.

Describe how the amount of reserved capacity was determined: Reserved capacity is based on current number of individuals meeting waiver level of care with ongoing State only funding for services. There are approximately 1200 individuals that are receiving ongoing State only funding for services who were left the waiver during fiscal years 2000 - 2015. The State projects to support 300 individuals per year.

The capacity that the State reserves in each waiver year is specified in the following table:

Year	Capacity Reserved
1	300
2	300
3	300
4	300
5	300

Name of Reserved Capacity Category: Money Follows the Person

Purpose: As per Maryland Statute, Health General Article 5–137, reserved waiver capacity is for eligible individuals moving out of institutions under the Money Follows the Individual Accountability Act.

Describe how the amount of reserved capacity was determined: Estimate based transitions under the Money Follows the Person federal grant.

The capacity that the State reserves in each waiver year is specified in the following table:

Year	Capacity Reserved
1	20
2	20
3	20
4	20
5	20

Name of Reserved Capacity Category: Waiting List Equity Fund

Purpose: As per Maryland Statute, Health General Article 7-205, the Waiting List Equity Fund is to support individuals who are in crisis and need emergency services, individuals on the waiting list, and individuals transitioning from a State Residential Center.

Describe how the amount of reserved capacity was determined: Reserved capacity is determined based on historical data and equity achieved through transitions of people leaving a State Residential Center as approved by the Maryland General Assembly and shared with the Community Supports Waiver.

State:	
Effective Date	



The capacity that the State reserves in each waiver year is specified in the following table:

Year	Capacity Reserved
1	20
2	20
3	20
4	20
5	20

Name of Reserved Capacity Category: Transitioning Youth

Purpose: Individuals transitioning from educational services including public school system, nonpublic school placements, and the foster care system. The purpose is to transition the most vulnerable youth from the education system into the adult developmental disabilities system to prevent loss of skills and abilities and to support employment and community integration before skills become dormant.

Describe how the amount of reserved capacity was determined: Reserved capacity is based on historical data on students transitioning and approval of funding by the Maryland General Assembly and split with the Community Supports Waiver.

The capacity that the State reserves in each waiver year is specified in the following table:

Year	Capacity Reserved
1	225
2	225
3	225
4	225
5	225

State:	
Effective Date	

d. **Scheduled Phase-In or Phase-Out.** Within a waiver year, the State may make the number of participants who are served subject to a phase-in or phase-out schedule (*select one*):

<input checked="" type="radio"/>	<b>The waiver is not subject to a phase-in or a phase-out schedule.</b>
<input type="radio"/>	<b>The waiver is subject to a phase-in or phase-out schedule that is included in Attachment #1 to Appendix B-3. This schedule constitutes an <i>intra-year</i> limitation on the number of participants who are served in the waiver.</b>

e. **Allocation of Waiver Capacity.**

*Select one:*

<input checked="" type="radio"/>	<b>Waiver capacity is allocated/managed on a statewide basis.</b>
<input type="radio"/>	<b>Waiver capacity is allocated to local/regional non-state entities. Specify: (a) the entities to which waiver capacity is allocated; (b) the methodology that is used to allocate capacity and how often the methodology is reevaluated; and, (c) policies for the reallocation of unused capacity among local/regional non-state entities:</b>

f. **Selection of Entrants to the Waiver.** Specify the policies that apply to the selection of individuals for entrance to the waiver:

Individuals are prioritized for entrance to the waiver based on: (1) reserved capacity categories described in subsection c. above; and (2) the Waiting List and its priority categories established in the Code of Maryland Regulations (COMAR) 10.22.12.

**Reserved Capacity**

In addition, reserved capacity is established for discrete groups of individuals as noted in subsection c. above including: (1) Emergency; (2) Court Involvement; (3) Military Families, (4) Families with Multiple Children on Waiting List, (5) Previous DDA Waiver Participants with New Service Need; (6) Family Supports Waiver Participant with Increased Needs; (7) Community Supports Waiver Participant with Increased Needs; (8) Psychiatric Hospital Discharge; (9) State Funded Conversions; (10) Money Follows the Person; (11) Waiting List Equity Fund; and (12) Transitioning Youth

**Waiting List**

The DDA prioritizes individual’s placement on the Waiting List into one of three categories based on each individual’s needs: (1) crisis resolution; (2) crisis prevention; and (3) current request.

Crisis Resolution - To qualify for this category, the applicant shall meet one or more of the following criteria. The applicant shall be:

1. Homeless or living in temporary housing;
2. At serious risk of physical harm in the current environment;
3. At serious risk of causing physical harm to others in the current environment; or
4. Living with a caregiver who is unable to provide adequate care due to the caregiver's impaired health, which may place the applicant at risk of serious physical harm.

Crisis Prevention - To qualify for this category, the applicant:

State:	
Effective Date	

1. Shall have been determined by the DDA to have an urgent need for services;
2. May not qualify for services based on the criteria for Category I; and
3. Shall be at substantial risk for meeting one or more of the criteria for Crisis Resolution within 1 year, or have a caregiver who is 65 years old or more.

Current Request - To qualify for this category, the applicant shall indicate at least a current need for services.

When funding becomes available, individuals in the highest priority level of need (crisis resolution) receive services, followed by crisis prevention, and then current request. Determination of and criteria for each service priority category is standardized across the State as set forth in DDA's regulations and policy.

State:	
Effective Date	

## Appendix B-4: Medicaid Eligibility Groups Served in the Waiver

a. **1. State Classification.** The State is a (*select one*):

<input checked="" type="radio"/>	§1634 State
<input type="radio"/>	SSI Criteria State
<input type="radio"/>	209(b) State

**2. Miller Trust State.**

Indicate whether the State is a Miller Trust State (*select one*).

<input checked="" type="radio"/>	No
<input type="radio"/>	Yes

b. **Medicaid Eligibility Groups Served in the Waiver.** Individuals who receive services under this waiver are eligible under the following eligibility groups contained in the State plan. The State applies all applicable federal financial participation limits under the plan. *Check all that apply:*

<i>Eligibility Groups Served in the Waiver (excluding the special home and community-based waiver group under 42 CFR §435.217)</i>	
<input type="checkbox"/>	Low income families with children as provided in §1931 of the Act
<input checked="" type="checkbox"/>	SSI recipients
<input type="checkbox"/>	Aged, blind or disabled in 209(b) states who are eligible under 42 CFR §435.121
<input checked="" type="checkbox"/>	Optional State supplement recipients
<input type="checkbox"/>	Optional categorically needy aged and/or disabled individuals who have income at: ( <i>select one</i> )
<input type="radio"/>	100% of the Federal poverty level (FPL)
<input type="radio"/>	% of FPL, which is lower than 100% of FPL Specify percentage:
<input type="checkbox"/>	Working individuals with disabilities who buy into Medicaid (BBA working disabled group as provided in §1902(a)(10)(A)(ii)(XIII) of the Act)
<input checked="" type="checkbox"/>	Working individuals with disabilities who buy into Medicaid (TWWIIA Basic Coverage Group as provided in §1902(a)(10)(A)(ii)(XV) of the Act)
<input type="checkbox"/>	Working individuals with disabilities who buy into Medicaid (TWWIIA Medical Improvement Coverage Group as provided in §1902(a)(10)(A)(ii)(XVI) of the Act)
<input type="checkbox"/>	Disabled individuals age 18 or younger who would require an institutional level of care (TEFRA 134 eligibility group as provided in §1902(e)(3) of the Act)
<input type="checkbox"/>	Medically needy in 209(b) States (42 CFR §435.330)
<input checked="" type="checkbox"/>	Medically needy in 1634 States and SSI Criteria States (42 CFR §435.320, §435.322 and §435.324)
<input checked="" type="checkbox"/>	Other specified groups (include only the statutory/regulatory reference to reflect the additional groups in the State plan that may receive services under this waiver) <i>specify:</i>

State:	
Effective Date	

All other mandatory and optional eligibility groups as specified in the Maryland Medicaid State Plan that meet the waiver targeting criteria.	
<i>Special home and community-based waiver group under 42 CFR §435.217) Note: When the special home and community-based waiver group under 42 CFR §435.217 is included, Appendix B-5 must be completed</i>	
<input type="radio"/>	<b>No.</b> The State does not furnish waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217. Appendix B-5 is not submitted.
<input checked="" type="radio"/>	<b>Yes.</b> The State furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217. <i>Select one and complete Appendix B-5.</i>
<input checked="" type="radio"/>	All individuals in the special home and community-based waiver group under 42 CFR §435.217
<input type="radio"/>	Only the following groups of individuals in the special home and community-based waiver group under 42 CFR §435.217 ( <i>check each that applies</i> ):
<input type="checkbox"/>	A special income level equal to (select one):
<input type="radio"/>	300% of the SSI Federal Benefit Rate (FBR)
<input type="radio"/>	% A percentage of FBR, which is lower than 300% (42 CFR §435.236) Specify percentage:
<input type="radio"/>	\$ A dollar amount which is lower than 300% Specify percentage:
<input type="checkbox"/>	Aged, blind and disabled individuals who meet requirements that are more restrictive than the SSI program (42 CFR §435.121)
<input type="checkbox"/>	Medically needy without spend down in States which also provide Medicaid to recipients of SSI (42 CFR §435.320, §435.322 and §435.324)
<input type="checkbox"/>	Medically needy without spend down in 209(b) States (42 CFR §435.330)
<input type="checkbox"/>	Aged and disabled individuals who have income at: ( <i>select one</i> )
<input type="radio"/>	100% of FPL
<input type="radio"/>	% of FPL, which is lower than 100%
<input type="checkbox"/>	Other specified groups (include only the statutory/regulatory reference to reflect the additional groups in the State plan that may receive services under this waiver) <i>specify</i> : Members of coverage groups under 42 CFR § 435.217 and members of 42 CFR Part 435 Subpart D without spend down who meet the maximum age limit and meet the waiver targeting criteria.

**Appendix B-5: Post-Eligibility Treatment of Income**

*In accordance with 42 CFR §441.303(e), Appendix B-5 must be completed when the State furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217, as indicated in Appendix B-4. Post-eligibility applies only to the 42 CFR §435.217 group.*

State:	
Effective Date	

**a. Use of Spousal Impoverishment Rules.** Indicate whether spousal impoverishment rules are used to determine eligibility for the special home and community-based waiver group under 42 CFR §435.217.

*Note: For the five-year period beginning January 1, 2014, the following instructions are mandatory. The following box should be checked for all waivers that furnish waiver services to the 42 CFR §435.217 group effective at any point during this time period.*

<input checked="" type="radio"/>	Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group. In the case of a participant with a community spouse, the State uses <i>spousal</i> post-eligibility rules under §1924 of the Act. <i>Complete Items B-5-e (if the selection for B-4-a-i is SSI State or §1634) or B-5-f (if the selection for B-4-a-i is 209b State) and Item B-5-g unless the state indicates that it also uses spousal post-eligibility rules for the time periods before January 1, 2014 or after December 31, 2018.</i>
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*Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018 (select one).*

<input type="radio"/>	Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group. In the case of a participant with a community spouse, the State elects to ( <i>select one</i> ):
<input type="radio"/>	Use <i>spousal</i> post-eligibility rules under §1924 of the Act. <i>Complete Items B-5-b-2 (SSI State and §1634) or B-5-c-2 (209b State) and Item B-5-d.</i>
<input type="radio"/>	Use <i>regular</i> post-eligibility rules under 42 CFR §435.726 (SSI State and §1634) ( <i>Complete Item B-5-b-1</i> ) or under §435.735 (209b State) ( <i>Complete Item B-5-c-1</i> ). <i>Do not complete Item B-5-d.</i>
<input checked="" type="radio"/>	Spousal impoverishment rules under §1924 of the Act are not used to determine eligibility of individuals with a community spouse for the special home and community-based waiver group. The State uses regular post-eligibility rules for individuals with a community spouse. <i>Complete Item B-5-c-1 (SSI State and §1634) or Item B-5-d-1 (209b State). Do not complete Item B-5-d.</i>

**NOTE: Items B-5-b-1 and B-5-c-1 are for use by states that do not use spousal eligibility rules or use spousal impoverishment eligibility rules but elect to use regular post-eligibility rules. However, for the five-year period beginning on January 1, 2014, post-eligibility treatment-of-income rules may not be determined in accordance with B-5-b-1 and B-5-c-1, because use of spousal eligibility and post-eligibility rules are mandatory during this time period.**

*Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.*

**b-1. Regular Post-Eligibility Treatment of Income: SSI State.** The State uses the post-eligibility rules at 42 CFR §435.726. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following allowances and expenses from the waiver participant’s income:

<b>i. Allowance for the needs of the waiver participant</b> ( <i>select one</i> ):	
<input checked="" type="radio"/>	The following standard included under the State plan
<input type="radio"/>	( <i>Select one</i> ):
<input type="radio"/>	<b>SSI standard</b>
<input type="radio"/>	<b>Optional State supplement standard</b>

State:	
Effective Date	

<input type="radio"/>	<b>Medically needy income standard</b>		
<input checked="" type="radio"/>	<b>The special income level for institutionalized persons</b> (select one):		
<input checked="" type="radio"/>	<input checked="" type="radio"/>	<b>300% of the SSI Federal Benefit Rate (FBR)</b>	
<input type="radio"/>	<input type="radio"/>	%	<b>A percentage of the FBR, which is less than 300%</b> Specify the percentage:
<input type="radio"/>	<input type="radio"/>	\$	<b>A dollar amount which is less than 300%.</b> Specify dollar amount:
<input type="radio"/>	<input type="radio"/>	%	A percentage of the Federal poverty level Specify percentage:
<input type="radio"/>	<b>Other standard included under the State Plan</b> Specify:		
<input type="radio"/>			
<input type="radio"/>	<b>The following dollar amount</b> Specify dollar amount:	\$	If this amount changes, this item will be revised.
<input type="radio"/>	<b>The following formula is used to determine the needs allowance:</b> Specify:		
<input type="radio"/>			
<input type="radio"/>	Other Specify:		
<input type="radio"/>			
<b>ii. Allowance for the spouse only (select one):</b>			
<input checked="" type="radio"/>	<b>Not Applicable</b>		
<b>Specify the amount of the allowance (select one):</b>			
<input type="radio"/>	<b>SSI standard</b>		
<input type="radio"/>	<b>Optional State supplement standard</b>		
<input type="radio"/>	<b>Medically needy income standard</b>		
<input type="radio"/>	<b>The following dollar amount:</b> Specify dollar amount:	\$	If this amount changes, this item will be revised.
<input type="radio"/>	<b>The amount is determined using the following formula:</b> Specify:		
<input type="radio"/>			
<b>iii. Allowance for the family (select one):</b>			
<input checked="" type="radio"/>	<b>Not Applicable (see instructions)</b>		
<input type="radio"/>	<b>AFDC need standard</b>		
<input type="radio"/>	<b>Medically needy income standard</b>		
<input type="radio"/>	<b>The following dollar amount:</b>	\$	

State:	
Effective Date	

	Specify dollar amount: <input style="width: 100%;" type="text"/>	The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State’s approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.
<input type="radio"/>	<b>The amount is determined using the following formula:</b> <i>Specify:</i>	<input style="width: 100%;" type="text"/>
<input type="radio"/>	<b>Other</b> <i>Specify:</i>	<input style="width: 100%;" type="text"/>
<b>iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:</b>		
a. Health insurance premiums, deductibles and co-insurance charges b. Necessary medical or remedial care expenses recognized under State law but not covered under the State’s Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses. Select one:		
<input checked="" type="radio"/>	<b>Not applicable (see instructions) Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.</b>	
<input type="radio"/>	<b>The State does not establish reasonable limits.</b>	
<input type="radio"/>	<b>The State establishes the following reasonable limits</b> <i>Specify:</i>	
	<input style="width: 100%;" type="text"/>	

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

**c-1. Regular Post-Eligibility Treatment of Income: 209(B) State.** The State uses more restrictive eligibility requirements than SSI and uses the post-eligibility rules at 42 CFR §435.735. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following amounts and expenses from the waiver participant’s income:

<b>i. Allowance for the needs of the waiver participant (select one):</b>		
<input type="radio"/>	The following standard included under the State plan (select one)	
<input type="radio"/>	The following standard under 42 CFR §435.121 <i>Specify:</i>	<input style="width: 100%;" type="text"/>
<input type="radio"/>	Optional State supplement standard	
<input type="radio"/>	Medically needy income standard	
<input type="radio"/>	The special income level for institutionalized persons (select one):	
<input type="radio"/>	300% of the SSI Federal Benefit Rate (FBR)	

State:	<input style="width: 100%;" type="text"/>
Effective Date	<input style="width: 100%;" type="text"/>



	<input type="radio"/>	%	A percentage of the FBR, which is less than 300% Specify percentage:
	<input type="radio"/>	\$	A dollar amount which is less than 300% of the FBR Specify dollar amount:
	<input type="radio"/>	%	A percentage of the Federal poverty level Specify percentage:
	<input type="radio"/>	Other standard included under the State Plan (specify):  	
<input type="radio"/>	The following dollar amount:	\$	Specify dollar amount: If this amount changes, this item will be revised.
<input type="radio"/>	The following formula is used to determine the needs allowance <i>Specify:</i>  		
<input type="radio"/>	Other (specify)  		
<b>ii. Allowance for the spouse only (select one):</b>			
<input type="radio"/>	Not Applicable (see instructions)		
<input type="radio"/>	The following standard under 42 CFR §435.121 <i>Specify:</i>  		
<input type="radio"/>	Optional State supplement standard		
<input type="radio"/>	Medically needy income standard		
<input type="radio"/>	The following dollar amount: Specify dollar amount:	\$	If this amount changes, this item will be revised.
<input type="radio"/>	The amount is determined using the following formula: <i>Specify:</i>  		
<b>iii. Allowance for the family (select one)</b>			
<input type="radio"/>	Not applicable (see instructions)		
<input type="radio"/>	AFDC need standard		
<input type="radio"/>	Medically needy income standard		
<input type="radio"/>	The following dollar amount: Specify dollar amount:	\$	The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State’s approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.
<input type="radio"/>	The amount is determined using the following formula: <i>Specify:</i>  		

State:	
Effective Date	

<input type="radio"/>	Other (specify):
<b>iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR §435.735:</b>	
a. Health insurance premiums, deductibles and co-insurance charges b. Necessary medical or remedial care expenses recognized under State law but not covered under the State’s Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses. Select one:	
<input type="radio"/>	Not applicable (see instructions) Note: If the State protects the maximum amount for the waiver participant, not applicable must be checked.
<input type="radio"/>	The State does not establish reasonable limits.
<input type="radio"/>	The State establishes the following reasonable limits (specify):

**NOTE: Items B-5-b-2 and B-5-c-2 are for use by states that use spousal impoverishment eligibility rules and elect to apply the spousal post eligibility rules.**

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

**b-2. Regular Post-Eligibility Treatment of Income: SSI State.** The State uses the post-eligibility rules at 42 CFR §435.726 for individuals who do not have a spouse or have a spouse who is not a community spouse as specified in §1924 of the Act. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following allowances and expenses from the waiver participant’s income:

<b>i. Allowance for the needs of the waiver participant (select one):</b>		
<input checked="" type="checkbox"/>	The following standard included under the State plan (Select one):	
<input type="checkbox"/>	<b>SSI standard</b>	
<input type="checkbox"/>	<b>Optional State supplement standard</b>	
<input type="checkbox"/>	<b>Medically needy income standard</b>	
<input checked="" type="checkbox"/>	<b>The special income level for institutionalized persons</b> (select one):	
<input checked="" type="checkbox"/>	<b>300% of the SSI Federal Benefit Rate (FBR)</b>	
<input type="checkbox"/>	%	<b>A percentage of the FBR, which is less than 300%</b> Specify the percentage:
<input type="checkbox"/>	\$	<b>A dollar amount which is less than 300%.</b> Specify dollar amount:
<input type="checkbox"/>	%	<b>A percentage of the Federal poverty level</b> Specify percentage:
<input type="checkbox"/>	<b>Other standard included under the State Plan</b> Specify:	

State:	
Effective Date	

<input type="radio"/>	<b>The following dollar amount</b> Specify dollar amount:	\$	If this amount changes, this item will be revised.
<input checked="" type="radio"/>	<b>The following formula is used to determine the needs allowance:</b> Specify: For waiver participants in Community Living – Group Home or Community Living – Enhanced Supports, the monthly maintenance needs allowance is 100% of the current Social Security Federal Benefit Rate plus an \$85 earned income deduction plus 50% of the remaining earned income. For waiver participants in non-residential programs, the monthly maintenance needs allowance is 300% of the current Social Security Federal Benefit Rate.		
<input type="radio"/>	<b>Other</b> Specify:		
<b>ii. Allowance for the spouse only (select one):</b>			
<input checked="" type="radio"/>	<b>Not Applicable</b>		
<input type="radio"/>	<b>The State provides an allowance for a spouse who does not meet the definition of a community spouse in §1924 of the Act. Describe the circumstances under which this allowance is provided:</b> Specify:		
<b>Specify the amount of the allowance (select one):</b>			
<input type="radio"/>	<b>SSI standard</b>		
<input type="radio"/>	<b>Optional State supplement standard</b>		
<input type="radio"/>	<b>Medically needy income standard</b>		
<input type="radio"/>	<b>The following dollar amount:</b> Specify dollar amount:	\$	If this amount changes, this item will be revised.
<input type="radio"/>	<b>The amount is determined using the following formula:</b> Specify:		
<b>iii. Allowance for the family (select one):</b>			
<input checked="" type="radio"/>	<b>Not Applicable (see instructions)</b>		
<input type="radio"/>	<b>AFDC need standard</b>		
<input type="radio"/>	<b>Medically needy income standard</b>		
<input type="radio"/>	<b>The following dollar amount:</b> Specify dollar amount:	\$	The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State’s approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.
<input type="radio"/>	<b>The amount is determined using the following formula:</b> Specify:		

State:	
Effective Date	

<input type="radio"/>	<b>Other</b> <i>Specify:</i>
<b>iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:</b>	
a. Health insurance premiums, deductibles and co-insurance charges b. Necessary medical or remedial care expenses recognized under State law but not covered under the State’s Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses. Select one:	
<input type="radio"/>	<b>Not applicable (see instructions)</b> <i>Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.</i>
<input type="radio"/>	<b>The State does not establish reasonable limits.</b>
<input checked="" type="radio"/>	<b>The State establishes the following reasonable limits</b> <i>Specify:</i> For medical and remedial services, the State deducts the fee Medicaid pays for the same item or service. For items or services for which Medicaid has not established a fee schedule, the actual charge is deducted.

*Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.*

**c-2. Regular Post-Eligibility Treatment of Income: 209(B) State.** The State uses more restrictive eligibility requirements than SSI and uses the post-eligibility rules at 42 CFR §435.735 for individuals who do not have a spouse or have a spouse who is not a community spouse as specified in §1924 of the Act. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following amounts and expenses from the waiver participant’s income:

<b>i. Allowance for the needs of the waiver participant (select one):</b>	
<input type="radio"/>	The following standard included under the State plan <i>(Select one):</i>
<input type="radio"/>	<b>The following standard under 42 CFR §435.121:</b> <i>Specify:</i>
<input type="radio"/>	<b>Optional State supplement standard</b>
<input type="radio"/>	<b>Medically needy income standard</b>
<input type="radio"/>	<b>The special income level for institutionalized persons</b> <i>(select one):</i>
<input type="radio"/>	<b>300% of the SSI Federal Benefit Rate (FBR)</b>
<input type="radio"/>	<b>% A percentage of the FBR, which is less than 300%</b>

State:	
Effective Date	

			Specify the percentage:
<input type="radio"/>	\$		<b>A dollar amount which is less than 300%.</b> Specify dollar amount:
<input type="radio"/>		%	<b>A percentage of the Federal poverty level</b> Specify percentage:
<input type="radio"/>	<b>Other standard included under the State Plan</b> Specify:		
<input type="radio"/>	<b>The following dollar amount</b> Specify dollar amount:	\$	If this amount changes, this item will be revised.
<input type="radio"/>	<b>The following formula is used to determine the needs allowance:</b> Specify:		
<input type="radio"/>	<b>Other</b> Specify:		
<b>ii. Allowance for the spouse only (select one):</b>			
<input type="radio"/>	<b>Not Applicable</b>		
<input type="radio"/>	<b>The State provides an allowance for a spouse who does not meet the definition of a community spouse in §1924 of the Act. Describe the circumstances under which this allowance is provided:</b> Specify:		
<b>Specify the amount of the allowance (select one):</b>			
<input type="radio"/>	<b>The following standard under 42 CFR §435.121:</b> Specify:		
<input type="radio"/>	<b>Optional State supplement standard</b>		
<input type="radio"/>	<b>Medically needy income standard</b>		
<input type="radio"/>	<b>The following dollar amount:</b> Specify dollar amount:	\$	If this amount changes, this item will be revised.
<input type="radio"/>	<b>The amount is determined using the following formula:</b> Specify:		
<b>iii. Allowance for the family (select one):</b>			
<input type="radio"/>	<b>Not Applicable (see instructions)</b>		
<input type="radio"/>	<b>AFDC need standard</b>		

State:	
Effective Date	

<input type="radio"/>	<b>Medically needy income standard</b>	
<input type="radio"/>	<b>The following dollar amount:</b> Specify dollar amount:	\$ <input type="text"/> The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State’s approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.
<input type="radio"/>	<b>The amount is determined using the following formula:</b> <i>Specify:</i>	
<input type="radio"/>	<b>Other</b> <i>Specify:</i>	
<b>iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:</b>		
a. Health insurance premiums, deductibles and co-insurance charges b. Necessary medical or remedial care expenses recognized under State law but not covered under the State’s Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses. Select one:		
<input type="radio"/>	<b>Not applicable</b> ( <i>see instructions</i> ) <i>Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.</i>	
<input type="radio"/>	<b>The State does not establish reasonable limits.</b>	
<input type="radio"/>	<b>The State establishes the following reasonable limits</b> <i>Specify:</i>	

*Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.*

**d. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules**

The State uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care if it determines the individual’s eligibility under §1924 of the Act. There is deducted from the participant’s monthly income a personal needs allowance (as specified below), a community spouse’s allowance and a family allowance as specified in the State Medicaid Plan. The State must also protect amounts for incurred expenses for medical or remedial care (as specified below).

<b>i. Allowance for the personal needs of the waiver participant</b> <i>(select one):</i>	
<input type="radio"/>	<b>SSI Standard</b>
<input type="radio"/>	<b>Optional State supplement standard</b>
<input type="radio"/>	<b>Medically needy income standard</b>
<input type="radio"/>	<b>The special income level for institutionalized persons</b>

State:	
Effective Date	

<input type="radio"/>	%	Specify percentage:
<input type="radio"/>	<b>The following dollar amount:</b>	\$ _____ If this amount changes, this item will be revised
<input type="radio"/>	<b>The following formula is used to determine the needs allowance:</b> <i>Specify formula:</i>	
<input type="radio"/>	<b>Other</b> <i>Specify:</i>	
<p><b>ii. If the allowance for the personal needs of a waiver participant with a community spouse is different from the amount used for the individual’s maintenance allowance under 42 CFR §435.726 or 42 CFR §435.735, explain why this amount is reasonable to meet the individual’s maintenance needs in the community.</b> Select one:</p>		
	<b>Allowance is the same</b>	
<input checked="" type="radio"/>	<b>Allowance is different.</b> <i>Explanation of difference:</i>	
	The allowance is greater for participant not receiving Community Living – Group Home or Community Living – Enhanced Supports to account for items and services included in these residential services.	
<p><b>iii. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR §435.726:</b></p>		
<p>a. Health insurance premiums, deductibles and co-insurance charges b. Necessary medical or remedial care expenses recognized under State law but not covered under the State’s Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses. <i>Select one:</i></p>		
<input type="radio"/>	<b>Not applicable (see instructions)</b> <i>Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.</i>	
<input type="radio"/>	<b>The State does not establish reasonable limits.</b>	
<input type="radio"/>	<b>The State uses the same reasonable limits as are used for regular (non-spousal) post-eligibility.</b>	

**NOTE: Items B-5-e, B-5-f and B-5-g only apply for the five-year period beginning January 1, 2014. If the waiver is effective during the five-year period beginning January 1, 2014, and if the state indicated in B-5-a that it uses spousal post-eligibility rules under §1924 of the Act before January 1, 2014 or after December 31, 2018, then Items B-5-e, B-5-f and/or B-5-g are not necessary. The state’s entries in B-5-b-2, B-5-c-2, and B-5-d, respectively, will apply.**

*Note: The following selections apply for the five-year period beginning January 1, 2014.*

- e. Regular Post-Eligibility Treatment of Income: SSI State and §1634 state – 2014 through 2018.** The State uses the post-eligibility rules at 42 CFR §435.726 for individuals who do not have a spouse or have a spouse who is not a community spouse as specified in §1924 of the Act. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following allowances and expenses from the waiver participant’s income

State:	
Effective Date	

<b>i. Allowance for the needs of the waiver participant</b> (select one):			
<input checked="" type="radio"/>	The following standard included under the State plan (Select one):		
<input type="radio"/>	SSI standard		
<input type="radio"/>	Optional State supplement standard		
<input type="radio"/>	Medically needy income standard		
<input checked="" type="radio"/>	The special income level for institutionalized persons (select one):		
<input checked="" type="radio"/>	300% of the SSI Federal Benefit Rate (FBR)		
<input type="radio"/>	%	A percentage of the FBR, which is less than 300% Specify the percentage:	
<input type="radio"/>	\$	A dollar amount which is less than 300%. Specify dollar amount:	
<input type="radio"/>	%	A percentage of the Federal poverty level Specify percentage:	
<input type="radio"/>	Other standard included under the State Plan Specify:		
<input type="radio"/>	The following dollar amount Specify dollar amount:		\$ If this amount changes, this item will be revised.
<input type="radio"/>	The following formula is used to determine the needs allowance: Specify:		
<input type="radio"/>	Other Specify:		
<b>ii. Allowance for the spouse only</b> (select one):			
<input checked="" type="radio"/>	Not Applicable		
<input type="radio"/>	The State provides an allowance for a spouse who does not meet the definition of a community spouse in §1924 of the Act. Describe the circumstances under which this allowance is provided: Specify:		
Specify the amount of the allowance (select one):			
<input type="radio"/>	SSI standard		
<input type="radio"/>	Optional State supplement standard		
<input type="radio"/>	Medically needy income standard		
<input type="radio"/>	The following dollar amount: Specify dollar amount:		\$ If this amount changes, this item will be revised.

State:	
Effective Date	



<input type="radio"/>	<b>The amount is determined using the following formula:</b> <i>Specify:</i>	
<b>iii. Allowance for the family</b> <i>(select one):</i>		
<input checked="" type="radio"/>	<b>Not Applicable</b> <i>(see instructions)</i>	
<input type="radio"/>	<b>AFDC need standard</b>	
<input type="radio"/>	<b>Medically needy income standard</b>	
<input type="radio"/>	<b>The following dollar amount:</b> Specify dollar amount:	\$ <input type="text"/> The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State’s approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.
<input type="radio"/>	<b>The amount is determined using the following formula:</b> <i>Specify:</i>	
<input type="radio"/>	<b>Other</b> <i>Specify:</i>	
<b>iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:</b>		
a. Health insurance premiums, deductibles and co-insurance charges		
b. Necessary medical or remedial care expenses recognized under State law but not covered under the State’s Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses.		
Select one:		
<input checked="" type="radio"/>	<b>Not applicable</b> <i>(see instructions)</i> <i>Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.</i>	
<input type="radio"/>	<b>The State does not establish reasonable limits.</b>	
<input type="radio"/>	<b>The State establishes the following reasonable limits</b> <i>Specify:</i>	

*Note: The following selections apply for the five-year period beginning January 1, 2014.*

**f. Regular Post-Eligibility: 209(b) State – 2014 through 2018.** The State uses more restrictive eligibility requirements than SSI and uses the post-eligibility rules at 42 CFR §435.735 for individuals who do not have a spouse or have a spouse who is not a community spouse as specified in §1924 of the

State:	
Effective Date	

Act. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following amounts and expenses from the waiver participant’s income:

<b>i. Allowance for the needs of the waiver participant (select one):</b>			
<input type="radio"/>	The following standard included under the State plan (Select one):		
<input type="radio"/>	<b>The following standard under 42 CFR §435.121:</b> Specify:		
<input type="radio"/>	<b>Optional State supplement standard</b>		
<input type="radio"/>	<b>Medically needy income standard</b>		
<input type="radio"/>	<b>The special income level for institutionalized persons</b> (select one):		
<input type="radio"/>	<b>300% of the SSI Federal Benefit Rate (FBR)</b>		
<input type="radio"/>	%	<b>A percentage of the FBR, which is less than 300%</b> Specify the percentage:	
<input type="radio"/>	\$	<b>A dollar amount which is less than 300%.</b> Specify dollar amount:	
<input type="radio"/>	%	<b>A percentage of the Federal poverty level</b> Specify percentage:	
<input type="radio"/>	<b>Other standard included under the State Plan</b> Specify:		
<input type="radio"/>	<b>The following dollar amount</b>	\$	If this amount changes, this item will be revised.
<input type="radio"/>	Specify dollar amount:		
<input type="radio"/>	<b>The following formula is used to determine the needs allowance:</b> Specify:		
<input type="radio"/>	<b>Other</b> Specify:		
<b>ii. Allowance for the spouse only (select one):</b>			
<input type="radio"/>	<b>Not Applicable</b>		
<input type="radio"/>	<b>The State provides an allowance for a spouse who does not meet the definition of a community spouse in §1924 of the Act. Describe the circumstances under which this allowance is provided:</b> Specify:		
<b>Specify the amount of the allowance (select one):</b>			
<input type="radio"/>	<b>The following standard under 42 CFR §435.121:</b>		

State:	
Effective Date	

	<i>Specify:</i>	
<input type="radio"/>	<b>Optional State supplement standard</b>	
<input type="radio"/>	<b>Medically needy income standard</b>	
<input type="radio"/>	<b>The following dollar amount:</b> Specify dollar amount:	\$ <input type="text"/> If this amount changes, this item will be revised.
<input type="radio"/>	<b>The amount is determined using the following formula:</b> <i>Specify:</i>	
<b>iii. Allowance for the family (select one):</b>		
<input type="radio"/>	<b>Not Applicable (see instructions)</b>	
<input type="radio"/>	<b>AFDC need standard</b>	
<input type="radio"/>	<b>Medically needy income standard</b>	
<input type="radio"/>	<b>The following dollar amount:</b> Specify dollar amount:	\$ <input type="text"/> The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State’s approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.
<input type="radio"/>	<b>The amount is determined using the following formula:</b> <i>Specify:</i>	
<input type="radio"/>	<b>Other</b> <i>Specify:</i>	
<b>iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:</b>		
a. Health insurance premiums, deductibles and co-insurance charges b. Necessary medical or remedial care expenses recognized under State law but not covered under the State’s Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses. Select one:		
<input type="radio"/>	<b>Not applicable (see instructions) Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.</b>	
<input type="radio"/>	<b>The State does not establish reasonable limits.</b>	
<input type="radio"/>	<b>The State establishes the following reasonable limits</b> <i>Specify:</i>	

State:	
Effective Date	

Note: The following selections apply for the five-year period beginning January 1, 2014.

**g. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules – 2014 through 2018**

The State uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care. There is deducted from the participant’s monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the State Medicaid Plan. The State must also protect amounts for incurred expenses for medical or remedial care (as specified below).

<b>i. Allowance for the personal needs of the waiver participant</b> (select one):			
<input type="radio"/>	SSI Standard		
<input type="radio"/>	Optional State supplement standard		
<input type="radio"/>	Medically needy income standard		
<input checked="" type="radio"/>	The special income level for institutionalized persons		
<input type="radio"/>	%	Specify percentage:	
<input type="radio"/>	The following dollar amount:	\$	If this amount changes, this item will be revised
<input type="radio"/>	The following formula is used to determine the needs allowance: Specify formula:		
<input type="radio"/>	Other Specify:		
<b>ii. If the allowance for the personal needs of a waiver participant with a community spouse is different from the amount used for the individual’s maintenance allowance under 42 CFR §435.726 or 42 CFR §435.735, explain why this amount is reasonable to meet the individual’s maintenance needs in the community.</b> Select one:			
<input checked="" type="radio"/>	Allowance is the same		
<input type="radio"/>	Allowance is different. Explanation of difference:		
<b>iii. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR §435.726:</b>			
a. Health insurance premiums, deductibles and co-insurance charges			
b. Necessary medical or remedial care expenses recognized under State law but not covered under the State’s Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses.			
Select one:			
<input checked="" type="radio"/>	Not applicable (see instructions) Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.		
<input type="radio"/>	The State does not establish reasonable limits.		
<input type="radio"/>	The State uses the same reasonable limits as are used for regular (non-spousal) post-		

State:	
Effective Date	

	eligibility.
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## Appendix B-6: Evaluation / Reevaluation of Level of Care

*As specified in 42 CFR §441.302(c), the State provides for an evaluation (and periodic reevaluations) of the need for the level(s) of care specified for this waiver, when there is a reasonable indication that an individual may need such services in the near future (one month or less), but for the availability of home and community-based waiver services.*

**a. Reasonable Indication of Need for Services.** In order for an individual to be determined to need waiver services, an individual must require: (a) the provision of at least one waiver service, as documented in the service plan, and (b) the provision of waiver services at least monthly or, if the need for services is less than monthly, the participant requires regular monthly monitoring which must be documented in the service plan. Specify the State’s policies concerning the reasonable indication of the need for waiver services:

<b>i.</b>	<b>Minimum number of services.</b>	The minimum number of waiver services (one or more) that an individual must require in order to be determined to need waiver services is:
	1	
<b>ii.</b>	<b>Frequency of services.</b>	The State requires (select one):
	<input type="radio"/>	<b>The provision of waiver services at least monthly</b>
	<input checked="" type="radio"/>	<b>Monthly monitoring of the individual when services are furnished on a less than monthly basis</b>
		If the State also requires a minimum frequency for the provision of waiver services other than monthly (e.g., quarterly), specify the frequency:
		Every six months

**b. Responsibility for Performing Evaluations and Reevaluations.** Level of care evaluations and reevaluations are performed (*select one*):

<input type="radio"/>	<b>Directly by the Medicaid agency</b>
<input type="radio"/>	<b>By the operating agency specified in Appendix A</b>
<input checked="" type="radio"/>	<b>By an entity under contract with the Medicaid agency.</b>
	<i>Specify the entity:</i>
	Level of Care (LOC) evaluations and re-evaluations are performed by each Coordinator of Community Services (CCS) with review and approval by the DDA.
<input type="radio"/>	<b>Other</b>
	<i>Specify:</i>

**c. Qualifications of Individuals Performing Initial Evaluation:** Per 42 CFR §441.303(c)(1), specify the educational/professional qualifications of individuals who perform the initial evaluation of level of care for waiver applicants:

Each CCS must meet the established provider qualifications for Targeted Case Management (TCM) under the Medicaid State Plan and Appendix D-1.a. of this waiver.
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State:	
Effective Date	

Each CCS is required to participate in in-service training on assessment and evaluation, level of care determination, and waiver eligibility. The CCS is responsible for gathering information, including medical, psychological, and educational assessments, as part of the level of care determination process. The CCS must be able to critically review assessments in order to make a recommendation to DDA regarding level of care.

Final decisions regarding level of care are made by the DDA.

- d. **Level of Care Criteria.** Fully specify the level of care criteria that are used to evaluate and reevaluate whether an individual needs services through the waiver and that serve as the basis of the State’s level of care instrument/tool. Specify the level of care instrument/tool that is employed. State laws, regulations, and policies concerning level of care criteria and the level of care instrument/tool are available to CMS upon request through the Medicaid agency or the operating agency (if applicable), including the instrument/tool utilized.

All waiver participants must meet the DDA’s criteria for developmental disability in accordance with Annotated Code of Maryland, Health-General Article, § 7-101(f), which is comparable to the federal definition, originally found at 45 CFR. §1385.3, but redesignated as 45 CFR. §1325.3. found at 42 CFR § 435.1010.

As set forth at Md. Annotated Code, Health-General Article § 7-101(f), "Developmental developmental disability" means a “severe, chronic disability of an individual that:

- (a) Is attributable to a physical or mental impairment other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;
- (b) Is manifested before the individual becomes 22 years old;
- (c) Is likely to continue indefinitely;
- (d) Results in an inability to live independently without external support or continuing and regular assistance; and
- (e) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.”

In accordance with Health General Article, § 7-101(f)(5) and COMAR 10.09.26.11, in order to be eligible for the Waiver, applicants must also meet the level of care ~~criteria for~~ an ICF/IID. See 42 U.S.C. § 1396n(c); 42 CFR §441.301(b)(1)(iii). Therefore, DDA considers the level of care of an ICF/IID in its application of its statutory definition of developmental disability. In determining the level of care for an ICF/IID, DDA looks to the federal definitions of intellectual disability and related condition, set forth in 42 CFR §435.1010, as required for admission to an ICF/IID. See 42 CFR §440.150(a)(2).

The DDA requires that the CCS completes a Critical Needs List Recommendation (CNLR) form based on these criteria. The CCS uses the CNLR to make an informed recommendation to DDA on eligibility for all individuals who apply for services. The CCS submits the CNLR as well as any supporting documentation the CCS has gathered, including professional assessments and standardized tools, to the DDA Regional Office for review. The CCS verifies annually that the participant continues to meet the developmental disability eligibility determination.

- e. **Level of Care Instrument(s).** Per 42 CFR § 441.303(c)(2), indicate whether the instrument/tool used to evaluate level of care for the waiver differs from the instrument/tool used to evaluate institutional level of care (*select one*):

**The same instrument is used in determining the level of care for the waiver and for**

State:	
Effective Date	

	<b>institutional care under the State Plan.</b>
○	<p><b>A different instrument is used to determine the level of care for the waiver than for institutional care under the State plan.</b></p> <p>Describe how and why this instrument differs from the form used to evaluate institutional level of care and explain how the outcome of the determination is reliable, valid, and fully comparable.</p>

- f. Process for Level of Care Evaluation/Reevaluation.** Per 42 CFR §441.303(c)(1), describe the process for evaluating waiver applicants for their need for the level of care under the waiver. If the reevaluation process differs from the evaluation process, describe the differences:

Each CCS completes the initial Level of Care (LOC) evaluation and annual reviews.

**Initial Evaluation**

As described in subsection d. above, for the initial evaluation, the CCS completes the CNLR and forwards the CNLR, any supporting documentation, and the CCS’s recommendation to the DDA Regional Office for review. Supporting documentation may include professional assessments such as psychological, neuropsychological, and medical evaluations, special education evaluations, behavioral rating scales, autism rating scales, evaluations conducted by speech-language, physical, and occupational therapists, and social histories.

The DDA Regional Office staff review these materials and the DDA Regional Director issues a final determination on eligibility.

**Annual Re-Evaluation**

The CCS reviews a participant’s LOC eligibility on an annual basis, assessing whether there are any changes in status. The DDA insure review of all participants on an annual basis. If there are changes in a participant’s status, then the CCS completes an updated CNLR and submits the CNLR, any new supporting documentation, and the CCS’s updated recommendation to the DDA Regional Office for review.

If a participant no longer meets LOC or other eligibility requirements, the DDA will disenroll the participant from the waiver.

**Failure to Meet LOC Requirement**

~~Some applicants who have a disability but do not meet the Waiver LOC criteria, as further specified in Maryland Ann. Code, Health General Article § 7-403(c), are determined to be eligible for “Supports Only” and are not eligible for the waiver.~~

If an applicant or current participant is denied eligibility for and enrollment in the waiver, then he or she is provided a Medicaid Fair Hearing as further specified in Appendix F.

- g. Reevaluation Schedule.** Per 42 CFR §441.303(c)(4), reevaluations of the level of care required by a participant are conducted no less frequently than annually according to the following schedule (*select one*):

State:	
Effective Date	

<input type="radio"/>	<b>Every three months</b>
<input type="radio"/>	<b>Every six months</b>
<input checked="" type="radio"/>	<b>Every twelve months</b>
<input type="radio"/>	<b>Other schedule</b> <i>Specify the other schedule:</i>

**h. Qualifications of Individuals Who Perform Reevaluations.** Specify the qualifications of individuals who perform reevaluations (*select one*):

<input checked="" type="radio"/>	<b>The qualifications of individuals who perform reevaluations are the same as individuals who perform initial evaluations.</b>
<input type="radio"/>	<b>The qualifications are different.</b> <i>Specify the qualifications:</i>

**i. Procedures to Ensure Timely Reevaluations.** Per 42 CFR §441.303(c)(4), specify the procedures that the State employs to ensure timely reevaluations of level of care (*specify*):

<p>The DDA ensures that all enrolled waiver participants obtain an annual re-evaluation of their LOC by maintaining a database.</p> <p>At least quarterly, DDA prepares reports for each licensed CCS agency to notify them of the need to obtain re-evaluations for participants. The Coordinator of Community Services completes the re-evaluation as provided in subsection f. above. The CCS completes a recertification of need form to confirm LOC is current and returns a signed copy for monitoring purposes.</p> <p>Copies of the re-certification form are kept on file with both the DDA and the CCS agency.</p>
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**j. Maintenance of Evaluation/Reevaluation Records.** Per 42 CFR §441.303(c)(3), the State assures that written and/or electronically retrievable documentation of all evaluations and reevaluations are maintained for a minimum period of 3 years as required in 45 CFR §92.42. Specify the location(s) where records of evaluations and reevaluations of level of care are maintained:

Both the DDA and each licensed CCS agency maintain records of initial evaluations and annual re-evaluations of LOC.
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**Quality Improvement: Level of Care**

*As a distinct component of the State’s quality improvement strategy, provide information in the following fields to detail the State’s methods for discovery and remediation.*

a. Methods for Discovery: **Level of Care Assurance/Sub-assurances**

***The state demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant’s/waiver participant’s level of care consistent with level of care provided in a hospital, NF or ICF/IID.***

State:	
Effective Date	



**i. Sub-assurances:**

**a. Sub-assurance: An evaluation for LOC is provided to all applicants for whom there is reasonable indication that services may be needed in the future.**

**i. Performance Measures**

**For each performance measure the State will use to assess compliance with the statutory assurance complete the following. Where possible, include numerator/denominator.**

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

<b>Performance Measure:</b>	<i>LOC – PMI Number and percent of new enrollees who have an initial level of care determination prior to receipt of waiver services. D. Total number of new waiver enrollees. Numerator = number of new enrollees who have a LOC completed prior to entry into the waiver. Denominator = number of new enrollees.</i>		
<b>Data Source (Select one) (Several options are listed in the on-line application): Other</b>			
If 'Other' is selected, specify: DDA LOC Data			
	<b>Responsible Party for data collection/generation (check each that applies)</b>	<b>Frequency of data collection/generation: (check each that applies)</b>	<b>Sampling Approach (check each that applies)</b>
	<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	X 100% Review
	X Operating Agency	<input type="checkbox"/> Monthly	<input type="checkbox"/> Less than 100% Review
	<input type="checkbox"/> Sub-State Entity	X Quarterly	<input type="checkbox"/> Representative Sample; Confidence Interval =
	<input type="checkbox"/> Other Specify:	<input type="checkbox"/> Annually	
		<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Stratified: Describe Group:
		<input type="checkbox"/> Other Specify:	
			<input type="checkbox"/> Other Specify:

State:	
Effective Date	

**b Sub-assurance: The processes and instruments described in the approved waiver are applied appropriately and according to the approved description to determine the initial participant level of care.**

**i. Performance Measures**

**For each performance measure the State will use to assess compliance with the statutory assurance complete the following. Where possible, include numerator/denominator.**

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

<b>Performance Measure:</b>	LOC – PM2 Number and percent of LOC initial determinations completed according to State policies and procedures. Numerator = number of LOC initial determinations completed according to State policies and procedures. Denominator = number of initial determinations reviewed.		
<b>Data Source</b> (Select one) (Several options are listed in the on-line application): Other			
If 'Other' is selected, specify: Participant Record Review			
	<b>Responsible Party for data collection/generation</b> (check each that applies)	<b>Frequency of data collection/generation:</b> (check each that applies)	<b>Sampling Approach</b> (check each that applies)
	<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly	<input type="checkbox"/> 100% Review
	<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly	<input checked="" type="checkbox"/> Less than 100% Review
	<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly	<input checked="" type="checkbox"/> Representative Sample; Confidence Interval =95
	<input type="checkbox"/> Other Specify:	<input type="checkbox"/> Annually	95% +/-5%
		<input type="checkbox"/> Continuously and Ongoing	<input type="checkbox"/> Stratified: Describe Group:
		<input type="checkbox"/> Other Specify:	
			<input type="checkbox"/> Other Specify:

**ii If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.**

State:	
Effective Date	

**b. Methods for Remediation/Fixing Individual Problems**

*i Describe the State’s method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.*

DDA’s Coordination of Community Services staff provides technical assistance and support on an ongoing basis to licensed CCS providers and will provide specific remediation recommendations on identified issues. Based on the identified issues, a variety of remediation strategies may be used including conference call, letter, in person meeting, and training. Remediation efforts will be documented in the provider’s file with the DDA.

*ii Remediation Data Aggregation*

Remediation-related Data Aggregation and Analysis (including trend identification)

<b>Remediation-related Data Aggregation and Analysis (including trend identification)</b>	<b>Responsible Party (check each that applies)</b>	<b>Frequency of data aggregation and analysis: (check each that applies)</b>
	<input type="checkbox"/> State Medicaid Agency	<input type="checkbox"/> Weekly
	<input checked="" type="checkbox"/> Operating Agency	<input type="checkbox"/> Monthly
	<input type="checkbox"/> Sub-State Entity	<input checked="" type="checkbox"/> Quarterly
	<input type="checkbox"/> Other: Specify:	<input type="checkbox"/> Annually
		<input type="checkbox"/> Continuously and Ongoing
		<input type="checkbox"/> Other: Specify:

**c. Timelines**

*When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Level of Care that are currently non-operational.*

X	No
○	Yes

State:	
Effective Date	

## Appendix B-7: Freedom of Choice

**Freedom of Choice.** As provided in 42 CFR §441.302(d), when an individual is determined to be likely to require a level of care for this waiver, the individual or his or her legal representative is:

- i. informed of any feasible alternatives under the waiver; and
- ii. given the choice of either institutional or home and community-based services.

**a. Procedures.** Specify the State’s procedures for informing eligible individuals (or their legal representatives) of the feasible alternatives available under the waiver and allowing these individuals to choose either institutional or waiver services. Identify the form(s) that are employed to document freedom of choice. The form or forms are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Each individual and participant is afforded Freedom of Choice in his or her:

1. ~~selection~~-Selection of institutional or community-based care;
2. ~~selection~~-Selection of service delivery model (either Self-Directed Services or Traditional Services Models); and
3. ~~ability~~-Ability to choose from qualified providers ( i.e. individuals, community-based service providers, vendors and entities based on service delivery model. .

After an individual is determined to be eligible for the waiver, but prior to determining need for specific services or entering services, the CCS informs the individual and his or her authorized representative (if any) of services available under both an ICF/IID or other institutional setting and DDA’s Home- and Community-Based Waiver programs. The CCS also provides information regarding service delivery models available under the DDA’s Waiver programs. In addition, for those individuals considering the waiver, the CCS provides the individual and his or her authorized representative with information on how to access via the internet, a comprehensive listing of DDA services and providers. If the individual or his or her authorized representative does not have internet access, the CCS will provide a hard-copy resource manual.

Then, the individual and his or her authorized representative are given the choice of receiving services in either an institutional setting or home and community-based setting. This choice must be documented in the DDA’s “Freedom of Choice” Form. The CCS presents and explains this form to the individual and his or her authorized representative and family. This form is available to CMS upon request.

The application packet is not considered complete and the individual will not be enrolled in the waiver until the Freedom of Choice form is signed by the individual or his or her authorized representative, a witness, and the CCS.

**b. Maintenance of Forms.** Per 45 CFR § 92.42, written copies or electronically retrievable facsimiles of Freedom of Choice forms are maintained for a minimum of three years. Specify the locations where copies of these forms are maintained.

The CCS provider and the DDA retain copies of the “Freedom of Choice” form.

State:	
Effective Date	

## Appendix B-8: Access to Services by Limited English Proficient Persons

**Access to Services by Limited English Proficient Persons.** Specify the methods that the State uses to provide meaningful access to the waiver by Limited English Proficient persons in accordance with the Department of Health and Human Services “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons” (68 FR 47311 - August 8, 2003):

The State provides meaningful access to individuals with Limited English Proficiency (LEP) who are applying for or receiving Medicaid services. Methods include providing interpreters at no cost to individuals, and making available language translations of various forms and documents. Additionally, interpreter resources are available for individuals who contact DDA for information, requests for assistance, or complaints. All agency staff receive training in cultural competence as it relates to health care information and interpreting services.

The Maryland Department of Health’s website contains useful information on Medicaid waivers and other programs and resources. The website will translate this information into a number of languages that are predominant in the community.

The State also provides translation services at Medicaid Fair Hearings, if necessary. If an LEP appellant attends a hearing without first requesting services of an interpreter, the Administrative Law Judge will not proceed unless there is an assurance from the appellant that they are able to sufficiently understand the proceedings. If not, the hearing will be postponed until an interpreter has been secured.

State:	
Effective Date	