



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

June 7, 2024

The Honorable Guy Guzzone  
Chair  
Senate Budget and Taxation Committee  
3 West Miller Senate Office Bldg.  
Annapolis, MD 21401-1991

The Honorable Ben Barnes  
Chair  
House Appropriations Committee  
121 House Office Bldg.  
Annapolis, MD 21401-1991

**RE: 2023 Joint Chairmen’s Report (p. 129-130) - Report on Home- and Community-Based Options (Community Options) Waiver Care Plan Backlog - August 2023**

Pursuant to the requirements of the 2023 Joint Chairmen’s Report (p. 129-130), the Department of Health (Department) submits this report on the Community Options waiver care plan backlog. Specifically, the report addresses the impacts of this backlog on waiver applicants, participants and home and community-based services (HCBS) providers, such as delays in accessing HCBS and increased risk of hospitalization. The committees required the Department to submit monthly reports beginning July 1, 2023, on the progress in addressing the outstanding plan of service backlog. The report discusses current efforts underway and recommendations to address the backlog, including the feasibility of allowing medical adult day care centers (MDCs) and other HCBS nurses to temporarily review and make determinations on plans. In addition, the report details the following information by county:

- the average number of days to approve a plan;
- the total number of pending plans at the beginning of each month;
- the number of new plans received in the prior month; and
- the number of plans approved by the end of the prior month.

**Background**

The Department’s Medicaid Office of Long Term Services and Supports (OLTSS) operates and/or oversees several HCBS programs. Of importance for this Joint Chairmen's Report (JCR) is the Home and Community-Based Options Waiver (HCBOW or “Community Options Waiver”), Community First Choice (CFC), Community Personal Assistance Services (CPAS), and Increased Community Services (ICS). The four (4) aforementioned programs are impacted by the plan of service (POS) backlog reported during the 2023 legislative session.

**Plan of Service Metrics**

As requested by the committee, the average number of days to approve a plan, total number of pending plans at the beginning of each month, and the number of plans that received a decision within 30 days (one (1) month) are reported below for January 2023 through June 2023. At this

time, we are unable to provide data points by jurisdiction as we do not receive the data at this granularity from our contractor. We are reviewing options to add this to our product requests. The metrics report below are inclusive of initial, provisional, revised, and annual POS for applicants and participants in the HCBOW, CFC, CPAS, and ICS programs. The data shows that since January of 2023, there has been an increase in the amount of cases pending at the beginning of the month, with a corresponding decrease in the number of plans receiving a decision in 30 days. This trend is primarily impacted by vacant reviewer positions within Medicaid. As noted in the monthly updates on recommendations (see below), the Department continues to recruit for a number of vacant reviewer positions.

<b>Month/Year</b>	<b>Average # of days to approve a plan</b>	<b>Total # of pending plans at the beginning of the month</b>	<b># of plans receiving a decision in less than 30 days</b>
January 2023	122	12,567	445
February 2023	144	12,886	347
March 2023	187	12,914	390
April 2023	137	13,394	265
May 2023	149	13,868	339
June 2023	148	14,347	257

### **Monthly Update on Recommendations**

OLTSS continues to actively recruit for vacant positions via several social media platforms (e.g., LinkedIn, Handshake) and various stakeholder networks. OLTSS hired two (2) non-clinical plan of service reviewers in June 2023 and one (1) clinical plan of service review in July 2023. After filling those three (3) positions, there are 30 staff vacancies, in various stages of the recruitment process, within the three (3) divisions in OLTSS that support the Community Options Waiver, CFC, CPAS, ICS programs. Of those 30 vacant positions, 23 are contractual positions which are typically more difficult to hire. The remaining seven (7) vacancies are merit positions.

The expedited RFP to solicit a temporary contractor to review and render determinations on the backlogged POS is anticipated to post to eMaryland MarketPlace in September/October 2023 with vendor selection occurring in early winter 2023.

The Department’s Utilization Control Agent (UCA) contract was awarded to Maryland’s incumbent, Telligen, on June 8, 2023 with an expected implementation date of January 1, 2024. The UCA is expected to assume responsibility for rendering determinations on POS beginning January 1, 2024.

OLTSS continues its efforts to enhance the data management system to allow auto-approval (i.e., no manual review required) of annual plans meeting specified criteria. The auto-approval of annual plans is expected to be implemented in the the Department’s data management system in

spring 2024.

Additionally, OLTSS and the Eligibility Determination Division (EDD) continue to collaborate on the development of a report that will analyze pending POS and the age of an HCBOW application in order to prioritize plans for those individuals whose application is nearing the end of its six-month life cycle. This report was received in August 2023 and OLTSS is currently reviewing the data and working internally to determine the approach to prioritizing plans for review.

If you have any comments or questions about this subject, please contact Sarah Case-Herron, Director of Governmental Affairs, at [sarah.case-herron@maryland.gov](mailto:sarah.case-herron@maryland.gov)

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott".

Laura Herrera Scott, M.D., M.P.H.  
Secretary

CC: Marie Grant, Assistant Secretary for Health Policy  
Ryan Moran, DrPH, Deputy Secretary, Health Care Financing and Medicaid  
Sarah Case-Herron, Director, Office of Governmental Affairs  
Sarah Albert, Department of Legislative Services (5 copies)