

**Maryland Department of Health and Mental Hygiene**
201 W. Preston Street • Baltimore, Maryland 21201

Robert L. Ehrlich, Jr., Governor – Michael S. Steele, Lt. Governor – Nelson J. Sabatini, Secretary

MARYLAND MEDICAL ASSISTANCE PROGRAM
Waiver for Older Adults Transmittal No. 7

July 31, 2003

Waiver for Older Adults Assisted Living Providers
Maryland Department of Aging
Area Agencies on Aging**FROM:** Susan J. Tucker, Executive Director
Office of Health Services**NOTE:** Please ensure that appropriate staff members in your organization are
Informed of the contents of this transmittal.Limited Participation in the Waiver for Older Adults; Designated Units in
an Assisted Living Facility

Assisted living facilities have the choice of participating in Medicaid's Waiver for Older Adults at either their full licensed bed capacity (level II and III) or with specifically designated units within their licensed bed complement. The Medicaid Program (Program) enrolls assisted living facilities as providers of assisted living services in the Waiver for Older Adults at their full complement of licensed level II and III beds unless otherwise specifically requested by the assisted living facility. This transmittal informs assisted living providers of the conditions that must be met to limit their participation in the Waiver for Older Adults to specified units within their facility.

An assisted living facility that wishes to participate in the Waiver for Older Adults at less than its full complement of licensed level II and III beds must submit a written request seeking approval for limited participation from the Maryland Department of Aging. Ideally, such a request will accompany the provider application. A request may, however, be submitted at any time. To secure approval, such a request must specifically identify the unit(s) that will be made available to waiver clients. For example, a provider might choose to accept Medicaid reimbursement for residents in semi-private rooms but reserve private rooms for private pay residents. However, requests that would segregate waiver participants into one portion of the facility in units that are indistinguishable from units elsewhere in the facility will not be approved. For example, a request to designate only units in the north wing of a facility would not be



approved if the units in the north wing are essentially the same as the units in the south wing.

A copy of the assisted living facility's resident agreement must accompany the request. The resident agreement must contain provisions that:

- 1) Inform all potential residents that the facility's participation in the Waiver for Older Adults is limited to a designated unit(s) and that to access Medicaid waiver benefits the resident must reside in a designated unit.
- 2) A resident of a designated unit has a right to apply for the waiver at any time and access waiver benefits without restriction by the provider when found eligible by the Program.
- 3) A resident not in a designated unit who is otherwise eligible (or seeking eligibility) for the Waiver for Older Adults will be given first consideration and, with all other factors equal, first priority in admission to a vacant bed in a designated unit.

The provisions above may be contained in the text of the resident agreement or may be incorporated in an addendum to the resident agreement. If the latter, the addendum must have provision for the resident's signature acknowledging its presentation.

Currently participating providers that wish to request to participate in the Waiver for Older Adults with a specifically designated unit(s) within their level II and III licensed bed capacity must mail their request along with all supporting documents to:

Maryland Department of Aging
Division of Housing Services
Attn: MDoA Waiver Manager
301 W. Preston Street, Suite 1009
Baltimore, Maryland 21201-2374

Questions regarding the content of this transmittal may be directed to the Waiver Coordinator for the Waiver for Older Adults in the Department of Health and Mental Hygiene at 410-767-5220.