




MEMORANDUM

To: DDA Stakeholders
From: Bernard Simons, Deputy Secretary 
Re: DDA Amendment #3 2020 - Guidance #1 - Waiver Eligibility
Release Date: February 16, 2021
Effective: January 19, 2021

NOTE: Please inform appropriate staff members of the contents of this memorandum.

BACKGROUND

On January 19, 2021, the Centers for Medicare and Medicaid Services (CMS) approved the Maryland Department of Health (MDH) Developmental Disabilities Administration (DDA) Waiver Amendments #3 2020 with an effective date of January 19, 2021.

The purpose of this guidance is to inform stakeholders of changes to the DDA's Medicaid Home and Community-Based Services (HCBS) Waiver programs (*i.e.*, Community Pathways Waiver, Community Supports Waiver, and Family Supports Waiver) (each a "DDA Waiver program") and operations based on the approved amendments.

This guidance applies to DDA Regional Office Eligibility Staff and Coordinators of Community Services functions, processes, and related forms.

OVERVIEW

Amendment #3 of the DDA Waiver program applications substantively changed the technical eligibility criteria for obtaining and maintaining enrollment for each of the DDA Waiver programs. This guidance memorandum describes those changes and how they impact enrollment application processes.

Please note that this guidance memorandum is intended to highlight the changes in the DDA Waiver programs created by Amendment #3 - 2020. This guidance memorandum does not address all applicable DDA Waiver program requirements. To review all applicable DDA Waiver program requirements, please refer directly to Amendment #3 of the DDA Waiver program application, effective January 19, 2021.

Standards and Requirements

A. Eligibility Criteria

1. Each of the DDA Waiver programs will support a specific targeted group of individuals with a developmental disability:
 - a. Family Supports Waiver - Children up to age 21
 - 1) To be eligible for participation in this DDA Waiver program, the applicant must meet all applicable criteria for technical, medical, and financial eligibility
 - 2) The applicant's age must be from birth to 21 years
 - 3) Participants may remain on the waiver through the end of the school year that the individual turns 21 years old.
 - b. Community Supports Waiver - Individuals 18 years of age and older
 - 1) To be eligible for participation in this DDA Waiver program, the applicant must meet all applicable criteria for technical, medical, and financial eligibility.
 - 2) The applicant's age must be 18 years or older.
 - c. Community Pathways Waiver - Individuals 18 years of age or older in need of residential services
 - 1) To be eligible for participation in this DDA Waiver program, the applicant must meet all applicable criteria for technical, medical, and financial eligibility.
 - 2) The applicant's age must be 18 years or older.
 - 3) The applicant must have an assessed need for residential services unless the individual was enrolled in this Waiver program prior to January 19, 2021.
2. All current participants, regardless of age, will remain in their current Waiver program. This new eligibility criteria will only apply to new applicants as of the effective date for the Waiver amendments.
3. If a participant is disenrolled from a DDA Waiver program (*e.g.*, because the participant temporarily does not meet applicable eligibility criteria) and then reappplies, then they may be enrolled in a new Waiver program, based on established targeted criteria noted below.
 - 1) Individuals whose previous or current providers are authorized to provide services under the new Waiver program, will be considered for a new DDA Waiver program, based on established targeted criteria noted below.
 - 2) Individuals whose previous or current providers are not authorized to provide services under the new Waiver program, will be considered for their previous DDA Waiver program.

DDA Waiver Programs Targeted Groups

Effective January 19, 2021

Waiver Program	Age
Family Supports Waiver	Birth to 21 years
Community Supports Waiver	18 years or older
Community Pathways Waiver	18 years or older with assessed need for residential service

4. Participants enrolled in the Community Supports Waiver with an assessed need for residential service may request to be enrolled in the Community Pathways Waiver.
 - a. The Coordinator of Community Services (CCS) shall complete an Initial PCP for the Community Pathways Waiver and demonstrate the assessed residential service need.
 - b. The DDA will assess the need and available slots for enrollment in the Community Pathways Waiver (e.g., Emergency; Community Supports Waiver Participant with Increased Needs).

B. LTSS*Maryland* Wave Placements

1. LTSS*Maryland* is an electronic information system, developed and supported by the Maryland Department of Health, used by DDA, the CCS, and DDA Providers to create, review, and maintain records regarding an individual's eligibility status for DDA-funded services, the participant's person-centered plan, and services and funding authorized by the DDA.
2. LTSS*Maryland* Waves are the mechanism by which an individual who is currently on the waiting list is authorized to apply for a DDA Waiver Program and enter service if they are found eligible for the waiver.
3. DDA Regional Office Eligibility staff place individuals on an LTSS*Maryland* Wave as per eligibility criteria set forth in each DDA Waiver program's application.
4. When placing an individual on an LTSS*Maryland* Wave, DDA's RO Eligibility staff select eligible DDA programs for which the individual may apply based on each waiver program's eligibility and available program slots. Once placed on a Wave, LTSS*Maryland* alerts the assigned CCS to complete the DDA Waiver Application Packet.
5. Effective January 19, 2021, the following program options apply:
 - a. All children under the age of 18, shall have only the Family Supports Waiver program selected when placed on a LTSS*Maryland* Wave.
 - b. All individuals age 18 - 21 without an assessed need for residential service, shall have the Family Supports Waiver and Community Supports Waiver programs selected when placed on a LTSS*Maryland* Wave.

- c. All individuals age 22 and older without an assessed need for residential service, shall have the Community Supports Waiver program selected when placed on a LTSSMaryland Wave.
- d. All individuals age 18 - 21 with a potential assessed need for residential service, shall have the Community Supports Waiver and the Community Pathways Waiver programs selected when placed on a LTSSMaryland Wave.
- e. All individuals age 18 and older with an assessed need for residential service, shall have the Community Pathways Waiver programs selected when placed on a LTSSMaryland Wave.

LTSSMaryland Wave - Program Selection

Effective January 19, 2021

LTSSMaryland Wave Program Selection			
Age	Family Supports Waiver	Community Supports Waiver	Community Pathways Waiver
All children under the age of 18	✓		
Individuals age 18 to 21 without an assessed need for residential service	✓	✓	
Individuals age 22 and older without an assessed need for residential service		✓	
Individuals age 22 and older with a potential assessed need for residential service		✓	✓
Individuals age 18 and older with an assessed need for residential service			✓

- C. Individual Cost Caps for the Family Supports Waiver and Community Supports Waiver**
 - 1. The individual cost caps for the Family Supports Waiver and Community Supports Waiver (*i.e.*, \$12,000, and \$25,000 respectively) have been removed and no longer apply.
 - 2. **Discontinued Processes and Forms:**
 - a. **Waiver Budget Form**
 - 1) The DDA Waiver Service Budget form used to estimate the annual cost of services is no longer applicable and therefore discontinued.
 - 2) Reference: DDA Waiver Service Budget form in Appendix A
 - b. **DDA Regional Office Family Supports Waiver and Community Supports Waiver Individual Cost Limit Exception Form**

- 1) The DDA Regional Office Family Supports Waiver and Community Supports Waiver Individual Cost Limit Exception Form used to recommend authorization for funding in excess of the individual cost cap for that DDA Waiver program, is no longer applicable and therefore discontinued.
 - 2) Reference: The DDA Regional Office Family Supports Waiver and Community Supports Waiver Individual Cost Limit Exception Form in Appendix B
3. *LTSSMaryland* Change
- a. Current *LTSSMaryland* functionality includes an alert when the CCS clicks submit for a PCP with a cost total that exceeds the previous cost caps.
 - b. The alert does not prevent the CCS from submitting the PCP.
 - c. Future changes to *LTSSMaryland* may include the removal of this alert to reflect that individual cost caps no longer apply.

Applicable Resources:

[Family Supports Waiver Amendment #3 2021, Effective January 19, 2021](#)

[Community Supports Waiver Amendment #3 2021, Effective January 19, 2021](#)

[Community Pathways Waiver Amendment #3 2021, Effective January 19, 2021](#)

Appendix B

The DDA Regional Office Family Supports Waiver and Community Supports Waiver Individual Cost Limit Exception Form - Discontinued

**DDA Regional Office
Family Supports Waiver and Community Supports Waiver
Individual Cost Limit Exception Form**

Person: _____ LTSS ID#: _____ Date: _____

Waiver Program: ___ Family Supports Waiver ___ Community Supports Waiver

Person-Centered Plan Type: ___ Revised ___ Annual (check one) Created Date: _____

Findings: (Please check all that apply and summarized and cite specific supporting information)

<input checked="" type="checkbox"/>	Criteria for DDA Authorization of Funding in Excess of Individual Cost Limit	Summarize and cite specific parts of PCP or MSFPR that support that decision
	1. The participant's condition or circumstances post-entrance to the waiver have resulted in the provision of services in an amount that exceeds the cost limit in order to meet the participant's life trajectory goals, or the participant's health and safety.	
	2. There are no other services available from the State, or federal services that meet the Waiver participant's health and safety needs and life trajectory goals.	
	3. The PCP or Modified Service Request ("MSFPR") includes information that such alternative services and funding sources have been fully explored.	
<input checked="" type="checkbox"/>	Criteria for Denying Authorization	Summarize and cite specific parts of PCP, MSFPR or other source that support that decision
	1. Service needs are not met with available natural and community supports; or individual cost limit is exceeded in a waiver in which the Waiver participant is currently enrolled;	
	2. Service needs are not met under the Medicaid State Plan or other state or federal funding source;	
	3. Service needs are met with available natural and community supports;	
	4. Service(s) requested are not covered under the FSW or CSW in which the Waiver participant is currently enrolled;	
	5. Lack of documentation to demonstrate an assessed need for the service(s) requested; or	
	6. Other reason the Waiver participant's request does not meet the criteria for authorization listed above.	

DDA Regional Staff Name: _____ Date: _____