



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

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

MARYLAND MEDICAL ASSISTANCE PROGRAM

Medical Day Care Transmittal No. 68

Community Pathways Waiver Transmittal No. 01

New Directions Waiver Transmittal No. 01

November 20, 2008

To: Medical Day Care Centers
DDA Case Managers
DDA Resource Coordinators
Adult Evaluation and Review Services

Susan J. Tucker

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.

Re: Medical Day Care Services in the Community Pathways and New Directions Waivers

Effective July 1, 2008, medical day care was added as a covered service to both the Community Pathways and New Directions waivers. Medical day care was discontinued as a Medicaid State Plan service effective the same date. The purpose of this transmittal is to provide guidance as to: (1) how participants in these waivers who received medical day care as a State Plan service immediately prior to these changes can continue to receive medical day care as a waiver; (2) how this new waiver service can be accessed by participants of these waivers who did not receive medical day care as a State Plan service; and (3) how individuals discharged from State Residential Centers into one of these waivers can access medical day care as one of their waiver services.

Eligibility Criteria for Medical Day Care Services under the Community Pathways and New Directions Waivers:

In order to receive medical day care services under the Community Pathways or New Directions waiver, a participant of these waivers must:

1. Be determined medically eligible for a nursing facility level of care;
2. Choose to receive medical day care as one of their waiver services; and

3. Have an Individual Plan (IP) that authorizes participation in medical day care and specifies its frequency.

New Directions Waiver Budgets

New Directions Waiver participants who have an individualized budget allocation for Developmental Disabilities Administration day services will have their allocation reduced to offset the cost of medical day care participation. This is done because medical day care is reimbursed directly to providers by the Medical Assistance Program.

For Community Pathways and New Directions Waiver Participants Receiving Medical Day Care Services Prior to July 1, 2008 (Transitional Population):

The Developmental Disabilities Administration (DDA) headquarters has informed each DDA Regional Office of the participants in Community Pathways and New Directions waivers who were receiving medical day care services under the State Plan immediately prior to July 1, 2008. Regional Offices have been instructed to include medical day care as a waiver service tracked in PCIS II, once PCIS II has been updated.

Resource Coordinators and Case Managers on the Eastern Shore have been notified that each of these participants' IPs needed updating to include medical day care as a waiver service specifying the frequency of attendance. These updates were to be completed by October 1, 2008. In updating the IP, Resource Coordinators/Case Managers are to obtain:

1. A copy of the medical day care provider's Plan of Care for the participant;
2. A copy of the current physician order for service; and
3. The Continued Stay Review (CSR) date established under the State Plan service to enable proper scheduling of the annual redeterminations of medical eligibility for this service for each participant.

Finally, in updating each participant's IP, the Resource Coordinator/Case Manager worked with the participant in choosing among the waiver services that meet their needs. With regard to medical day care services, the Resource Coordinators updated the IPs to specify the frequency of medical day care services to be received and the service continued uninterrupted for these participants.

Medical day care providers serving participants of these waivers are to:

1. Provide medical day care in accordance with the periodicity specified in each participant's IP;
2. Obtain and ensure current physician orders for participants;
3. Participate in all annual IP meetings for participants they serve as scheduled by the Resource Coordinator;
4. Initiate annual redeterminations of medical eligibility in accordance with each participant's CSR date by timely submission of completed DHMH 3871Bs to KePRO (Medicaid's Utilization Control Agent);

5. Communicate the CSR determinations to the Resource Coordinator; and
6. Comply with all applicable provider requirements of COMAR 10.09.07; 10.09.36; 10.12.04; and, 10.09.26.

For Community Pathways and New Direction Waiver Participants Seeking to Access Medical Day Care Services:

Participants of the Community Pathways and New Directions waivers who are interested in accessing medical day care as a waiver service must obtain a determination that they meet a nursing facility level of care need. The role of Resource Coordinators, Adult Evaluation and Review Services (AERS), KePRO and medical day care providers are as follows.

Resource Coordinators/Case Managers:

1. Verify waiver enrollment;
2. Contact AERS so that a home visit can be scheduled to evaluate the participant. The Resource Coordinator is to provide AERS with a signed consent form, the applicant's Medical Assistance number, address, phone number and caregiver/provider information;
3. Notify the participant of nursing facility level of care approval upon receipt of the 90 day certification from KePRO and work with the participant to determine how their IP will be modified to include medical day care;
4. Complete a medical day care referral form (attached) and send a copy to the DDA headquarters;
5. Assist the participant in selecting a medical day care provider. (The participant has 90 days to access medical day care services. If services are not accessed within 90 days, another DHMH 3871B must be completed by AERS and submitted to KePRO); and
6. Obtain from the medical day care provider the begin date of service and schedule an IP meeting within 30 days after the start of medical day care services to finalize the IP for the participant.

In the event the participant is denied a nursing facility level of care and wishes to appeal that decision, the Resource Coordinator is to assist the participant, as needed, with filing a fair hearing request.

NOTE: The DDA headquarters will directly notify participants of the Community Pathways and New Directions waivers seeking medical day care services of denials for this service. Resource Coordinators will receive a copy of this notice. The denial notice will inform the participants of the right to a fair hearing and how to exercise that right.

AERS:

1. Contacts the participant and schedules an appointment to conduct a DHMH 3871B assessment;
2. Forwards the DHMH 3871B assessment electronically to KePRO for a determination of medical eligibility. The submission will identify the individual as a participant of the Community Pathways or New Directions waiver; and
3. Informs the Resource Coordinator of approvals by providing a faxed copy of the decision.

KePRO:

1. Approves or denies nursing facility level of care based on the DHMH 3871B and any additional information submitted by AERS; and
2. Notifies AERS and the DDA headquarters of its decision.

Medical Day Care Providers:

1. Obtain physician orders for service;
2. Participate in development of the participant's IP;
3. Provide service in accordance with the IP; and
4. Comply with the requirements of COMAR 10.09.07; 10.09.36, 10.09.26, and 10.12.04.

For Individuals on the Waiting List for the Community Pathways and/or New Directions Waivers :

Individuals in the community who are on the waiting list for the Community Pathways or New Directions waiver (whether or not they receive State-only funded services) may seek access to medical day care services through the Medical Day Care Services Waiver (MDCSW). To do so, the process outlined in Medical Day Care Transmittal No. 62 should be followed.

Participants of the MDCSW may remain on the waiting list for either the Community Pathways or New Directions waivers until the individual:

1. Is approved for participation in either the Community Pathways or New Directions waiver (an individual can participate in only one waiver at a time and has the right to choose which waiver to participate in, if eligible for more than one);
2. Notifies the DDA that they are no longer interested in participating in the Community Pathways or New Directions waiver; or
3. Is no longer a Maryland resident.

For Community Pathways or New Directions Waiver Participants Transferring From One Medical Day Care Provider To Another:

Medical Day Care Transmittal No. 66 and the waiver services transfer procedures of the DDA are to be followed by Resource Coordinators and providers when a waiver participant wishes to change providers. However, the Medical Day Care Voluntary Consent to Transfer form is to be forwarded to the participant's Resource Coordinator, not the Division of Community Long Term Care.

For Individuals in a State Residential Center Entering the Community Pathways or New Directions Waiver:

Residents of State Residential Centers accessing the community by discharge to either the Community Pathways or New Directions waiver and seeking medical day care as a component of their IP are to have their eligibility for medical day care services determined as follows:

1. A State Residential Center nurse will complete the DHMH 3871B assessment;
2. The State Residential Center will directly submit the completed DHMH 3871B to KePRO for a medical eligibility decision;
3. Upon receipt of a decision from KePRO, the State Residential Center nurse will convey it to the individual's Resource Coordinator;
4. In addition, the State Residential Center's nurse will provide a copy to the DDA headquarters liaison; and
5. The Resource Coordinator is to follow the process previously described for new waiver participants in facilitating access to waiver services.

Questions regarding this Transmittal should be directed to the DDA Medical Day Care Liaison in the DDA headquarters office at 410-767-0151 or the staff specialist for the Medical Day Care Waiver at 410-767-1444.

Attachment

