

Marylee Fey

**Authorized Signature**

**Number:** SPD-IM-04-053

**Issue Date:** 06/25/04

**Topic:** Developmental Disabilities

**Subject:** Title XIX Waiver Form: Frequently Asked Questions # 2

**Applies to (check all that apply):**

- |  |   |
|--|---|
| <input type="checkbox"/> All DHS employees                     | <input checked="" type="checkbox"/> County Mental Health Directors                            |
| <input type="checkbox"/> Area Agencies on Aging                | <input type="checkbox"/> Health Services  |
| <input type="checkbox"/> Children, Adults and Families         | <input type="checkbox"/> Seniors and People with Disabilities                                 |
| <input checked="" type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): DD Quality Assurance Coordinators |

**Message:**

This is the second document to address frequently asked questions regarding the Title XIX Waiver Form. Some of the questions are new, and some clarify information published in the first document. A sample of the Title XIX Waiver form is attached. A new Title XIX Waiver Form is expected to be developed by summer, 2004.

The Title XIX Waiver form is used for two purposes: (1) documents the need for ICF/MR level of care (LOC), and (2) documents services received by each individual eligible for DD services. Once the need for ICF/MR LOC has been confirmed by the state diagnosis and evaluation coordinator - and as long as the individual remains financially and LOC eligible, the State of Oregon receives federal Title XIX funds for the cost of services. It is critical that these forms be accurate, and that they be processed uniformly across the state.

- In question #13 on the Title XIX Form, Fair Hearing Request, does a “yes” check mark indicate that the individual is requesting a fair hearing, or that the information regarding a fair hearing was offered and the Applicable Rules and Laws form was provided?**  
Past practice was a “NO” response meant that a Fair Hearing was not requested, and the date documented when the individual was notified of their right to a fair hearing, and that the Applicable Rules and Laws Form was provided.

SPD intends to change the form to read “Fair Hearing Notification” which would then change the intent of a response. A “YES” response would then be appropriate if materials had been provided. This information was imparted at a Basic Case Management training, but was not clarified across the state. As a result, confusion resulted in different interpretations of how to answer the question, and forms were not being processed uniformly. **Because of the confusion, SPD will revert to past practice until the new forms can be developed. Until further notice, a “yes” answer implies that an individual is requesting a fair hearing.**

**2. When should a Title XIX Waiver Form be resubmitted?**

A waiver should be submitted for any individual who is not currently on the waiver, but is currently or intended to receive imminent waiverable services. If an individual is not going to receive waiverable services, a Title XIX waiver form does not need to be submitted.

If the individual is on either the DD Comprehensive Service Waiver (DDC) or the DD Support Services waiver (DDS) and intends to change services, a new waiver is **not** necessary. Update the current waiver form in your file.

The ICF/MR Level of Care Approval date, signed by the Diagnosis and Evaluation Coordinator is valid for one year. A waiver may be denied if a person is not receiving waiverable services, is not Title XIX eligible, or situations change within a year of the level of care approval date. A call to Angel Bringelson at 503-945-9775 with the new information will facilitate placement on the waiver.

Resubmission of the waiver is only necessary if:

- The waiver was denied and now the reasons for the denial are no longer valid, denial was based on financial eligibility, **and** the level of care approval date is more than one year old;
- The previous waiver has been terminated;
- The individual has turned 18 and is moving in to waiverable adult services;
- The individual is moving to or from Children's In-Home Intensive Services (CIIS);
- The individual may no longer need ICF/MR level of care.

**3. Is Choice of Service Offered once or every year?**

The Choice of Service is offered when placed on the waiver. If an individual were offered choice as a child, that individual would again be offered the choice as an adult at age 18. If an individual goes off of the waiver for a year or more, and then becomes re-eligible for waived services, the offer of Choice would again be offered, as that person would be re-entering the waiver. **The Choice of Service is not to be offered every year.**

**4. Is the borderline or above level of functioning recognized as a level of retardation for eligibility purposes?**

Yes, if the patterns of IQ are 70-75 paired with significantly impaired adaptive levels of functioning. The borderline category should not be crossed off of the Title XIX Waiver form.

**5. Can signature dates be month and year only (not include the date)?**

No. The date must include the numerical date as well as the month and the year.

**6. Who receives the completed Waiver?**

Angel Bringelson will continue to receive the completed waiver forms.

**7. When an individual transfers to another county, who gets the original waiver?**

The original waiver form should be sent to the county to which the individual is moving.

**8. For children turning 18 who have waivers and are going into a waiverable service, how does SPD handle the waiver tag for the young adult?**

It is critical that the 18-year-old (or their legal representative) signs the Title XIX Waiver form. Additionally, it is imperative that Service Coordinators send in the updated waiver form on the 18<sup>th</sup> birthday, or as soon afterward as possible. Do not send the new waiver form before the 18<sup>th</sup> birthday. SPD will keep the individual on the waiver until the new waiver is received, and then adjust for lag days. Because time is of the essence in assuring the Title XIX dollars, Service Coordinators can fax the form to Angel Bringelson, and follow with a hard copy via mail.

**9. When would a person be terminated from the waiver?**

A person should be removed from the waiver if **any** of the following qualifications are no longer valid.

- The individual is no longer receiving waiverable services and isn't expected to access waived services for more than a year;
- The individual is no longer eligible for Title XIX (they no longer have a state issued medical card).
- The individual no longer needs ICF/MR level of care (this should be reviewed with the Diagnosis and Evaluation Coordinator).
- The individual is deceased.

Waiver terminations are completed by filling out the waiver termination box on the waiver form, including the reason for termination and the effective date. A copy, not the original, of the waiver should sent to Angel Bringelson at 500 Summer St. NE, E10, Salem, Oregon 97301.

*If you have any questions about this information, contact:*

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