

Mary Lee Fay
Authorized Signature

Number: SPD-IM-10-068
Issue Date: 9/2/2010

Topic: Developmental Disabilities

Subject: Enrollment into Support Service Brokerages

Applies to (check all that apply):

- | | | | |
|-------------------------------------|-------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | All DHS employees | <input 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): Support Service Brokerage Directors |

Message:

Recent budget events have created some confusion as it relates to the enrollment into support service brokerages of adults with developmental disabilities eligible for and choosing that service. This Transmittal is to help clarify the current status of enrollments into Support Service Brokerages.

On 6/16/2010 SPD issued an Actions Request (SPD-AR-10-052) outlining a new protocol for enrollment into brokerages for the specific time period of July 1, 2010 through September 30, 2010.

This transmittal is to inform you that effective 10/1/10 we will be reverting to the enrollment requirements, expectations, and processes initially established at the beginning of this biennium. This information was outlined in an Action Request distributed on 6/4/2009. That specific Transmittal can be accessed at the web address below:

<http://www.dhs.state.or.us/policy/spd/transmit/ar/2009/ar09017.pdf>

Attached to this communication is the specific piece of that 2009 Transmittal that relates to enrollments of adults into support service brokerages. We have, however, updated some aspects of that initial policy/procedure statement for the sake of clarity.

Should you have questions about the information contained in this transmittal please contact the SPD Liaison to the Brokerage(s) operating in your area.

If you have any questions about this information, contact:

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POLICY/PROCEDURE STATEMENT



Seniors & People with Disabilities
Office of Developmental Disability Services

Program Area: Support Services for Adults
Content/Subject: Brokerage Enrollments
Date: 6/1/09
Effective Date: 7/1/09
Revised: 8/30/10

Policy/Procedure Statement:

I. Brokerage Enrollments

Receipt of Support Services begins with a request for brokerage services and leads to an enrollment in the service. The date of the request and the date of the enrollment are both important for monitoring compliance with the Staley Lawsuit Settlement Agreement.

Each Brokerage must carefully monitor their overall current and expected enrollments and compare them to their contracted capacity. In order for referrals to be made by a CDDP to an available brokerage, this information will have to be communicated to a designated staff person at each of the CDDPs within the brokerage's geographic area, on an on-going basis. Community Developmental Disability Programs and Support Service Brokerages will implement the following process.

II. Eligibility for Support Services Enrollment:

Individuals must:

- be at least 18 years old and eligible for DD services, regardless of school enrollment (including "DD only" up to the age of 22 who may not have had adult eligibility determined);

- have made an informed decision to request supports from a brokerage following an annual review meeting with a CDDP;
- not be enrolled in a comprehensive service; and
- not meet one or more of the crisis risk factors listed in 411-320-0160(2)(a-f).

III. Counseling and information that must be provided by a CDDP to prospective brokerage enrollees include:

- A detailed enough explanation of brokerage services and associated participant responsibilities that an individual can make an *informed decision* about requesting to receive brokerage services.
- The Roadmap To Support Services.
- Contact information for available brokerages.
- Any written information provided by brokerages to share with prospective customers.

While it is important to thoroughly explain brokerage services and to share all available information, it is also important that a CDDP not provide:

- assurances about any specific services besides case management.
- assurances that any particular person, agency or business will be paid to provide supports (including family).
- assurances about access to any benefit levels or access to supplemental benefits.

Questions around these issues should be directed to brokerage staff for responses.

IV. Timelines and necessary steps for enrollment into Support Services:

A. A brokerage request may be made when the conditions below are met.

The individual:

- Has a determination of DD eligibility (such as for an adult new to the Oregon DD system),
- Is no more than 90 days from reaching their 18th birthday (for an individual who is eligible for DD services at 18 years old)

AND

- Has made an informed choice to receive support services

AND

- Has selected a brokerage from those available.
 - A brokerage is not considered available if an enrollment will cause it to exceed its contracted, total capacity. If no brokerage is available at the time that the other conditions are met, a brokerage request (not to a particular brokerage) may still be made. A specific brokerage can be identified as soon as one is available.
 - If an individual elects to wait for an unavailable brokerage to become available, the date the selected brokerage becomes available will be considered the request date.

- B. The enrollment date for an individual is negotiated and agreed upon by the CDDP and the selected, available brokerage.

The enrollment date should be as soon as practical but must be **no later than 90 days** after a request for support services is made. See [SPD-IM-09-089](#) for the specific procedures to manage the request and enrollment dates within eXPRS.

Consideration should be given to:

- overall brokerage capacity (across counties),
- county-wide enrollment needs, and
- an individual's circumstance (e.g. need for continuity of care, crisis prevention, etc.). Transfers from outside the geographic area of the sending brokerage should be prioritized for referral in order to maintain uninterrupted services.

- C. The CDDP should assist the individual to access available benefits through referral to Medicaid and Social Security as soon as possible after DD eligibility is determined (and/or after the 18th birthday).

- D. The CDDP will complete the TXIX Waiver form (DHS 0520) prior to or upon enrollment into the brokerage (not before the 18th birthday), but not more than 30 days before enrollment. In cases when the TXIX Waiver form is not completed prior to enrollment, the CDDP will complete it as soon as possible after enrollment. This is for all individuals enrolling into support services, regardless of Medicaid eligibility.
- E. The CDDP completes the DD Eligibility/Enrollment/Update form (DHS 0337) and sends it to SPD along with the DHS 0520 TXIX Waiver form (preferred practice is to send them together).
- F. In the case of someone turning 18 with on-going support needs:
- See Kids Turning 18 Enrollment to Brokerage matrix included in SPD-AR-09-017

V. Documentation to be sent to the brokerage at the time of referral:

The enrollment packet should contain:

- A current application or referral on the Department mandated application or referral form;
- A copy of the eligibility statement for developmental disability services;
- Copies of financial eligibility information;
- Copies of any legal documents such as guardianship papers, conservatorship, civil commitment status, probation and parole, etc.;
- Copies of relevant progress notes;
- A copy of any current plan(s);
- Copies of records used in determining eligibility;
- Other current information (annual plans, behavior support plans, educational records, medical assessments related to the developmental disability, psychological evaluations, and adaptive assessments) that might aid in the development of a support plan; and
- Information related to current providers (if applicable).

A brokerage should receive, when completed:

- A copy of the Title XIX Waiver form (DHS 0520);
- The most complete version of DHS 0337, which documents the waiver status and eligible service category codes.

VI. Referral when more than one brokerage is available to a prospective enrollee:

The choice of available brokerage is up to the individual. The CDDP should provide impartial information about the brokerages available to prospective referrals. Eligible individuals should be made aware of all the brokerages providing services within the CDDP's geographic service area, including any without capacity to accept enrollments at the time.

VII. Refusal of brokerage services:

An eligible individual who refuses brokerage services can request brokerage services at any time and must be enrolled within 90 days of the request. The CDDP must offer brokerage services, and document the offer, at least annually.

VIII. Difficulty in meeting expected enrollment timelines:

Should there be situations where the enrollment timelines cannot be met due to limitations on brokerage contracted capacity, SPD should be alerted so strategies for obtaining needed capacity can be developed.