

Home and Community Based Services (HCBS) Waiver Programs: *A manual for consumers and advocates ...*

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Home and Community Based Services Waiver Programs (Waivers)

Through Home and Community-Based Services (HCBS) Waiver Programs, Pennsylvania gets the Federal Government to waive, or not apply, existing service limits to individuals with disabilities who require health-care and supportive services in order to remain in their home or community based setting.

There are 12 Waiver Programs currently operating in Pennsylvania plus several pilot programs. They each provide different supportive services, in differing amounts, to different populations. Participation in a Waiver Program, includes receipt of supportive services and full MA coverage.

The Waiver Programs are:

1. **Department of Aging**
~~ Aging Waiver

2. **Department of Public Welfare ~ Office of Medical Assistance**
~~ AIDS Waiver
~~ Elwyn Waiver
~~ Long Term Care Capitated Waiver Program
~~ Michael Dallas Waiver

3. **Department of Public Welfare ~ Office of Social Programs**
~~ Attendant Care Waiver
~~ COMMCARE Waiver
~~ CSPPPD/OBRA Waiver
~~ Independence Waiver

4. **Department of Public Welfare ~ Office of Mental Retardation**
~~ Consolidated MR Waiver
~~ Infants, Toddlers, and Families MR Waiver
~~ Person/Family Directed Support MR Waiver

Home and Community Based Services Waiver Programs (Waivers)

The waivers offer a variety of different services. Waiver Programs may include:

- Adult day programs
- Assistive devices such as adaptive eating utensils or communication devices
- Attendant care/Personal Care Services
- Case management/Coordination of delivery of services
- Changes to the home such as widening a doorway for wheelchair accessibility/Home Modifications
- Employment support services
- Home health care
- Homemaker
- Hospice care
- In-home medical care such as physical therapy and skilled nursing
- Respite care
- Transportation to and from services and/or medical care

Waiver services are not an entitlement. All programs have a limited number of space. There is no guaranteed entrance into a waiver program, even if you meet all of the program eligibility requirements. There may even be waiting lists.

Also, the amount of services you may receive may be limited by total cost of providing your services. Federal law requires that the cost of providing services through a waiver must be less than the cost of institutional care.

Home and Community Based Services Waiver Programs (Waivers)

Eligibility:

To be eligible to receive supportive services in the home or community based setting, a person with a disability must satisfy a functional test in addition to the countable income and resource tests for the Waiver programs.

Depending on the Waiver Program, a person whose care needs meet the functional requirements for a Waiver Program, which usually are equivalent to requiring the individual to need the services of a nursing facility, intermediate care facility for mental retardation, or intermediate care facility for other related conditions, would be functionally eligible for a Waiver.

To be financially eligible to participate in a Waiver Program, an applicant may have income up to 300% of the federal benefit rate for SSI (\$1,656 (single) or \$2,619 (married)/month in 2003) in countable income and up to \$8,000/per applicant in countable resources. Remember, resources are not considered where the applicant is under 21 or where the applicant has a child under 21 residing in the home.

NOTE:

- 1. A non-applying spouse's income and resources are not considered for Waivers.*

HCBS Waivers— Administered by Department of Aging

Aging or 60+ Waiver

Administered by the Department of Aging, this Waiver Program provides long-term care services to qualified older Pennsylvanians living in their homes and communities.

Functional Eligibility:

- Age 60 or older
- Disabled (according to the AAA functional review) or
- Nursing home eligible

Services:

| | |
|-----------------------------|--|
| Attendant care | Home support services |
| Companion services | Older adult daily living center |
| Counseling | Personal care services |
| Environmental modifications | Personal Emergency Response System |
| Extended physician services | Respite care |
| Home delivered meals | Specialized medical equipment and supplies |
| Home health services | Transportation |

To apply for this Waiver Program, contact your local Area Agency on Aging or call the Long Term Care Hotline toll-free at 1-866-286-3636. For assistance in applying, contact the Pennsylvania Health Law Project at (800)274-3258.

HCBS Waivers— Administered by DPW—Office of Medical Assistance Programs

AIDS Waiver

Administered by the Department of Public Welfare, Office of Medical Assistance (OMAP), this Waiver Program provides services that are not paid for under the Medicaid program to eligible persons with AIDS or Symptomatic HIV Disease.

Functional Eligibility:

- Age 21 and older
- Persons with AIDS/HIV

Services:

- Home health care services
- Homemaker
- Nutritional consultation
- Nutritional supplements
- Specialized medical equipment and supplies

DPW, OMAP contact information, call (717) 772-2525. For assistance in applying, contact the Pennsylvania Health Law Project at (800)274-3258.

HCBS Waivers— Administered by DPW—Office of Medical Assistance Programs

Elwyn Waiver

Administered by the Department of Public Welfare, Office of Medical Assistance Programs (OMAP), this Waiver Program provides community based services to eligible persons who are deaf or deaf and blind and reside in the Valley View Facility, Delaware County.

Functional Eligibility:

- Age 40 and older
- Deaf or deaf and blind

Services:

- Assisted living

Location of Person:

- Valley View Facility Media, Pennsylvania

Geographic Availability:

- Delaware County

For specific information about this program, call (717)772-2525. For assistance in applying, call the Pennsylvania Health Law Project at (800)274-3258.

HCBS Waivers— Administered by DPW—Office of Medical Assistance Programs

LTCCAP Waiver

Administered by the Department of Public Welfare, Office of Medical Assistance Programs (OMAP), this Waiver Program is a health care and supportive services program designed as an alternative to nursing facility care for persons in select parts of Philadelphia and Allegheny Counties.

Functional Eligibility:

- Age 60 or older with Medicare
- Eligible for nursing facility services

Services:

| | |
|----------------------------------|---|
| Primary medical and nursing care | Outpatient MH/MR services |
| PT, OT, and speech therapy | Pharmacy services and medications |
| Recreational therapy | Medical and non-medical transportation for program services |
| Individual and family counseling | Environmental accessibility adaptations |
| Health education | Healthcare including: Optometry services and eye-glasses, Audiology, Chiropractic, Dental and Podiatry services |
| In-home supportive care | Specialized medical equipment and supplies |
| Hospice care | Meals at Program Center and At Home |
| Personal care | Nursing & Medical Coverage 24 hrs/day |
| Respiratory care | |
| Nursing facility services | |
| Adult day health services | |

To reach DPW, OMAP about this Program, call (717) 772-2525. For assistance in applying, contact the Pennsylvania Health Law Project at (800)274-3258.

HCBS Waivers— Administered by DPW—Office of Medical Assistance Programs

Michael Dallas Waiver

Administered by the Department of Public Welfare, Office of Medical Assistance Programs, this Waiver Program provides services to eligible persons who are technology-dependent (i.e. requiring technology to sustain life or replace a vital bodily function).

Functional Eligibility:

- Technology-dependent
- Doctor statement of need for mechanical device

| | |
|---------------------------|-------------------------|
| Attendant care | Nutritional supplements |
| Case management | Private duty nursing |
| Durable medical equipment | Respite care |

Services:

To contact DPW, OMAP about this Program, call (717) 772-2525. For assistance in applying, contact the Pennsylvania Health Law Project at (800)274-3258.

HCBS Waivers— Administered by DPW— Office of Social Programs

Attendant Care Waiver

Administered by the Department of Public Welfare, Office of Social Programs (OSP), this Waiver Program provides services to eligible persons with physical disabilities in order to prevent institutionalization and allows them to remain as independent as possible.

Functional Eligibility:

- Ages 18 - 59
- Physically disabled
- Mentally alert
- Eligible for nursing facility services

Services:

- Attendant care
- Either received through Consumer Directed Model, where consumer hires, trains, and fires their own attendants, or through Agency Directed Model, where agency hires, trains, and fires attendants for consumer.

DPW, OSP contact information, call 1-800-757-5042. For assistance in applying, contact the Pennsylvania Health Law Project (800)274-3258.

HCBS Waivers— Administered by DPW— Office of Social Programs

COMMCARE Waiver

Administered by the Department of Public Welfare, Office of Social Programs (OSP), this Waiver Program provides services in the community to eligible persons with traumatic brain injury in order to prevent institutionalization and allows them to remain as independent as possible.

Functional Eligibility:

- Ages 18 - 59
- Traumatic Brain Injury
- Eligible for nursing facility services

Services:

| | | |
|------------------------------------|------------------------|------------------------|
| Service Coordination | Respite | Prevocational Services |
| Educational Services | Supported Employment | Community Integration |
| Environmental Adaptations | Transportation | Assistive Technology |
| Personal Emergency Response System | Skilled Nursing | Chore Services |
| Coaching and Cueing | Cognitive Therapy | Night Supervision |
| Habilitation and Support | Structured Day Program | Counseling |
| Behavioral Specialist Consultant | | |

For more information, contact DPW, OSP at 1-800-757-5042. For assistance in applying, contact the Pennsylvania Health Law Project (800) 274-3258.

HCBS Waivers— Administered by DPW— Office of Social Programs

CSPPPD/OBRA Waiver

Administered the Department of Public Welfare, Office of Social Programs (OSP), this Waiver Program provides services to persons with developmental disabilities so that they can live in the community and remain as independent as possible (this includes relocating or diverting individuals from a nursing home to a community setting).

Functional Eligibility:

- Developmentally disabled
- Disability manifests itself before age 22
- Disability is likely to continue indefinitely; results in substantial functional limitations in three or more major life activities
- Primary diagnosis not mental health or mental retardation
- Applicant meets the ICF/ORC level of care

Services:

| | |
|--|--|
| Adult day services | Prevocational services |
| Community integration | Service coordination/resource mgmt |
| Daily living | Respite services |
| Education services | Routine wellness |
| Home support | Supported employment |
| Minor accessibility adaptations/assistive technology | Specialized therapy services (PT, OT, speech, visual and behavioral) |
| Nursing—Visiting Nurses | Transportation |

For specific information about this program, call 1-800-757-5042. For assistance in applying, contact the Pennsylvania Health Law Project at (800)274-3258.

HCBS Waivers— Administered by DPW— Office of Social Programs

Independence Waiver

Administered by the Department of Public Welfare, Office of Social Programs (OSP), this Waiver Program provides services to eligible persons with physical disabilities in order to prevent institutionalization and allows them to remain as independent as possible.

Functional Eligibility:

- Age 18 and older
- Severe physical disability which is likely to continue indefinitely; results in substantial functional limitations in three or more major life activities
- Eligible for nursing facility services
- Primary diagnosis not mental health or mental retardation
- Cannot be ventilator dependent

Services:

| | |
|---|--|
| Community integration | Service coordination |
| Daily living | Specialized medical equipment/ supplies |
| Environmental accessibility adaptations | Therapies (PT, OT, speech and visual) |
| Personal Emergency Response System | Visiting nurse |
| Respite care | |

To contact the DPW-Office of Social Programs about this Program, call 1-800-757-5042. For assistance in applying, contact the Pennsylvania Health Law Project at (800)274-3258.

HCBS Waivers— Administered by DPW Office of Mental Retardation

Consolidated Waiver for Individuals with Mental Retardation

Administered by the Department of Public Welfare, Office of Mental Retardation (OMR), this Waiver Program provides services to eligible persons with mental retardation so that they can remain in the community.

Functional Eligibility:

- Age 3 and older
- Mental retardation

Services:

- Environmental accessibility adaptations
- Habilitation services (residential, day, prevocational, supported employment services, homemaker/chore services, adaptive equipment)
- Permanency planning
- Respite care
- Specialized therapy
- Transportation
- Visiting nurse

For specific information about this program, call (717) 783-5764. For assistance in applying, contact the Pennsylvania Health Law Project at (800)274-3258.

HCBS Waivers— Administered by DPW Office of Mental Retardation

Infants, Toddlers, and Families Waiver (Early Intervention)

Administered by the Department of Public Welfare, Office of Mental Retardation (OMR), this Waiver Program provides services to children from birth to age three who are in need of early intervention services and would otherwise require the level of care provided in an intermediate care facility for persons with mental retardation or other related conditions (ICF/MR-ORC).

Functional Eligibility:

- Age 0 - 3 (Birth until the 3rd birthday)
- Need for early intervention services
- ICF/MR (Intermediate Care Facility for Persons with Mental Retardation) level of care for mental retardation and related conditions

Services:

- Habilitation services by qualified professionals with family/ caregiver participation

To contact the DPW-Office of Mental Retardation about this program, call (717) 783-5764. For assistance in applying, contact the Pennsylvania Health Law Project at (800)274-3258.

HCBS Waivers— Administered by DPW Office of Mental Retardation

Person/Family Directed Support Waiver

Administered by the Department of Public Welfare, Office of Mental Retardation (OMR), this Waiver Program provides services to eligible persons with mental retardation so that they can remain in the community.

Functional Eligibility:

- Age 3 and older
- Mental retardation
- Does not require Office of Mental Retardation licensed community residential services

Services:

| | |
|--|--|
| Adaptive appliances and equipment | Personal support Respite care |
| Environmental accessibility adaptations | Therapies (PT, OT, speech, hearing, language, visual/mobility and behavioral) |
| Transportation Homemaker/chore services | Habilitation services (residential, day, prevocational and supported employment) |
| Visiting nurse | <i>Note: services are currently capped at \$21,125 a year.</i> |

To contact DPW-Office of Mental Retardation about this program, call (717) 783-5764. For assistance in applying, contact the Pennsylvania Health Law Project at (800)274-3258.

HCBS Waiver Pilots and State-funded Home and Community Based Services Programs

Autism Pilot Program

Technically, this is a special component of the OBRA CSPPD waiver and is operated by the Office of Social Programs. It funds services to a small number (currently less than 20) of young adults with autism who are living outside their parents' homes. The most common service is one-on-one assistance with community integration, job coaching and other tasks necessary for independent living.

Act 150

PA operates a program, called Act 150, that provides the same type and amount of services as the attendant care waiver but is not funded through Medical Assistance. Because Medical Assistance does not fund attendant care under Act 150, some of the eligibility provisions required by Medical Assistance do not apply.

For example, there are no limits on the amount of assets (resources) an individual may have to qualify for attendant care under Act 150. There is a limit of \$2000 in countable assets under the waiver. Furthermore, unlike the waiver, there is no income limit under the Act 150 program, although individuals with incomes above 125% of the federal poverty level are required to pay a portion of the costs, on a sliding fee basis. Also unlike the attendant care waiver, an individual does not need an "Options" assessment by the County Area Agency on Aging nor a medical assessment for nursing home level of care to qualify for attendant care under Act 150. This makes the application process for Act 150 much quicker than for the waiver. There is also no estate recovery under Act 150.

HCBS Waiver Pilots and State-funded Home and Community Based Services Programs

OPTIONS

PA operates a program, called OPTIONS, that provides some of the same services as the Aging Waiver but is not funded through Medical Assistance. Because Medical Assistance does not fund the OPTIONS program, some of the eligibility provisions required by Medical Assistance do not apply.

OPTIONS is available for persons over 60 who are income ineligible for the Aging Waiver. Furthermore, unlike the waiver, there is no income limit under the OPTIONS program, although individuals with incomes above 125% of the federal poverty level are required to pay a portion of the costs, on a sliding fee basis. There are no limits on the amount of assets (resources) an individual may have to qualify for services under OPTIONS. There is also no estate recovery under the OPTIONS program.

BRIDGE

The BRIDGE program provides the same services in the same amount as the Aging Waiver but is funded in part by Medical Assistance and in part by state funds.

BRIDGE is available for persons over 60 who are functionally eligible and income eligible for the Aging Waiver but who are ineligible for the program due to assets in excess of \$2,000. BRIDGE allows persons with assets up to \$40,000 to receive Aging Waiver services at a cost of half of the services. The consumer can use income or assets to pay for services. If/When assets reach \$2,000, the consumer's obligation to pay half the cost of services stops and participants are transitioned to the Aging Waiver. There is no estate recovery for people in the BRIDGE program.

Conclusion

The Pennsylvania Health Law Project provides free legal services and assistance to consumers accessing home and community based services through HCBS Waiver, pilot, and state-funded programs. If you need further information or assistance in obtaining eligibility in or services from an HCBS program, please call us on our toll-free Help Line at (800) 274-3258.