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Government of the District of Columbia  
Department on Disability Services

POLICY	
Department on Disability Services	Subject: <i>Contribution to Costs of Residential Supports</i>
Responsible Program or Office: Developmental Disabilities Administration	Policy Number: 2024-DDA-POL-01
Date of Approval by Director: 1/11/2024	Number of Pages: 9
Effective Date: Nunc Pro Tunc October 1, 2023	Expiration Date: N/A
Supersedes: 2021-DDA-POL01 Contribution to Costs of Residential Supports	
<b>Cross References, Related Policies and Procedures, and Related Documents:</b> D.C. Official Code § 7-761.05b (Contribution to costs of supports); 29 DCMR §§ 13100 to 13102 and 13199 (Contribution to Costs of DDA Residential Supports); Contribution to Costs of Residential Supports Procedure, 2021-DDA-PR01; Individual Support Plans Policy and Procedures; DDA Formal Complaint System Policy and procedures; DDA Imposition of Sanctions Policy and Procedure; DDA Transition Policy and Procedure.	

**1. PURPOSE**

The purpose of this policy is to establish the standards by which the Department on Disability Services (DDS) Developmental Disabilities Administration (DDA) determines the amount of a person’s contribution to costs, the process for how a person is required to pay the required contribution, and the consequences if the person does not pay the amount owed.

**2. APPLICABILITY**

This policy applies to all people who apply for or receive DDA residential supports, their legal and financial representatives, and all DDS staff, providers, and contractors.

**3. AUTHORITY**



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The authority for this policy is established in DDS as set forth in D.C. Law 16-264, the “Department on Disability Services Establishment Act of 2006,” effective March 14, 2007 (D.C. Official Code § 7-761.01 *et seq.* (2018 Repl.)); D.C. Law 2-137, the “Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978,” effective March 3, 1979 (D.C. Official Code § 7-1301.01 *et seq.* (2018 Repl.)); and 29 DCMR §§ 13100 to 13102 and 13199 (Contribution to Costs of DDA Residential Supports).

#### 4. DEFINITIONS

The following definitions apply to this policy and its related procedure:

Contribution to Costs of Residential Supports: Full or partial payment by persons with intellectual disabilities or their estates for locally funded residential supports provided by the DDA, including cost of occupancy. People who receive DDA supports are not required to contribute to the cost of their Medicaid-funded services.

Cost of Occupancy: The cost of rent and utilities, other personal expenses, including food, clothing, and medical costs, supplies, furnishings, equipment, communications, and other non-Medicaid supports. Staffing is separate from, and not included in, the cost of occupancy.

Formal Complaint: the complaint of a person regarding DDA supports filed with either DDS or a provider through the DDA Formal Complaint System.

Home and Community-Based Services (HCBS) Waiver for Individuals with Intellectual and Developmental Disabilities (IDD): a D.C. Medicaid program as approved by the D.C. Council and the Centers for Medicare and Medicaid Services that funds home and community-based services and supports as an alternative to receiving services in an Intermediate Care Facility.

Host Home: Known in the HCBS IDD Waiver as Host Home Without Transportation Services (29 DCMR § 1915 *et seq.*), these services enable participants to live in the community in family-type settings that support them to achieve their goals, participate in community life, and maintain their health.

Personal Needs Allowance: A standard amount retained each month by a person receiving residential services. As of October 2023, the PNA amount is \$150 per month. Starting January 2025, the PNA will be adjusted annually consistent with the federal cost-of-living adjustment (COLA) paid by the Social Security Administration.



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Relevant Financial Documentation: Evidence of the income and assets of the person and the person's spouse, if any, that DDA will use in calculating the amount of contribution to costs of residential supports. Examples include, but are not limited to: wages, checking and savings accounts, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Veteran Benefits, other statutory benefits, pensions, and earned income. Additional examples include, but are not limited to: unearned income, including worker's compensation, insurance proceeds and death benefits, inheritances, dividends and interest, rental income and royalties, prizes, awards, and gambling proceeds, and awards for punitive and non-physical damages to the person (unless the result of D.C.'s care and treatment of that person).

Request for Recalculation or Reconsideration: the process by which a person may request a recalculation of the amount of the monthly contribution or reconsideration of DDA's determination that the person is required to pay contribution to costs.

Residential Habilitation: Known in the HCBS IDD waiver as Residential Habilitation Services (29 DCMR § 1929 *et seq.*), these services are provided by an agency in a licensed group home serving four to six persons that is owned or leased and operated by the agency. Residential Habilitation is a blended service that provides habilitation, personal care, nursing, other residential supports, and transportation to the persons living in the home.

Residential Provider: Any entity that provides Supported Living, Host Home, or Residential Habilitation Services through the HCBS IDD waiver or other locally-funded residential supports.

Residential Supports: Items that make up the cost of occupancy for people who receive Supported Living, Host Home, or Residential Habilitation Services through the HCBS IDD waiver or other locally funded residential services.

Statutory Benefits: Includes, but is not limited to, SSI and SSDI, Supplemental Nutrition Assistance Program (SNAP), Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and Temporary Assistance for Needy Families (TANF).

Supported Living: Known in the HCBS waiver as Supported Living Services (29 DCMR § 1934 *et seq.*), these services are provided by an agency in a home serving one to three persons. Supported Living is a blended service that covers habilitation, personal care, nursing, and other residential supports, and may be provided either with or without transportation.



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**Other Income:** Includes, but is not limited to pensions, earned income, and unearned income, including worker's compensation, insurance proceeds and death benefits, inheritances, dividends and interest, rental income and royalties, prizes, awards, gambling proceeds, and awards for punitive and non-physical damages to the person (unless the result of the District's care and treatment of the person). "Other income" specifically includes railroad benefits and veteran benefits.

### **5. POLICY**

It is the policy of DDS that:

- A. Each person who receives DDA residential supports shall contribute to the costs of those supports on a monthly basis, typically by contributing his, her, or their statutory benefits minus the PNA. If the person's public benefits are reduced due to the person's employment or other income, the person shall contribute from employment or other income up to the maximum monthly SSI amount minus the PNA. DDS will not require a person to contribute more than the actual cost of the person's DDA residential supports.
- B. Each person applying for or receiving DDA supports shall apply for and maintain all public benefits for which the person is eligible. At intake, DDA shall share information about Medicaid and other public benefits and assist the person with applying for Medicaid, if needed. Once the person is receiving DDA services, the person's provider shall assist in applying for and maintaining any public benefits for which the person may be eligible.
- C. DDS shall have a system for calculating (and adjusting, as necessary) a person's required contribution to costs of residential supports, informing the person of the amount of the required contributions, and upon request, for recalculating the amount or reconsidering a person's requirement to pay contribution to costs.

### **6. RESPONSIBILITY**

The responsibility for this policy is vested in the DDS Director and the implementation of this policy is the responsibility of the DDS Deputy Director for DDA and the Chief of Staff.



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## 7. STANDARDS

The following standards apply

- A. At intake, DDA shall inform people considering applying for DDS residential supports that D.C. law and regulations require contribution to costs of residential supports. DDS shall supply written information about how DDS calculates and collects the contribution to costs of residential supports as described in this policy and the accompanying procedure.
- B. DDS is responsible for assisting people to apply for Medicaid and for annual recertification. Where DDS serves as representative payee, the agency is responsible for meeting its representative payee responsibilities. The person and his, her or their residential provider share in responsibility for coordinating with DDS, including providing information about income and assets.
- C. HCBS IDD waiver residential providers shall assist people who receive DDS residential supports in applying for all other public benefits for which they may be eligible and ensure the maintenance of such benefits. DDA residential providers shall establish a system that supports the person to manage his, her or their resources so that the person continues to qualify for all of the public benefits for which the person is eligible.
- D. DDS shall have a uniform system for calculating contribution to costs of residential supports based upon how much the person receives in statutory benefits and by how much the person's employment or other income, if any, reduces the statutory benefits amount, up to a limit.
- E. For people who have income in addition to public benefits and who are receiving DDA residential supports as of the effective date of this policy, contribution to costs of residential supports shall be phased in annually, in accordance with the Contribution to Costs of Residential Supports Procedure.
- F. Married couples both receiving DDA residential supports will have their contribution to costs calculated based on a maximum married SSI rate minus the PNA amount for each person (PNA x 2). If only one person in a married couple receives DDA residential supports, the spouse's income will be counted as an "other income" source of income for calculating contribution to costs of residential supports.



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- G. A person who works part-time and could be eligible for statutory benefits such as SSI or SSDI, or a higher level of statutory benefits than the person presently receives, shall be required to apply for those benefits.
- H. For the purpose of calculating contribution to costs of residential supports, DDS will credit a person for the amount the person's SSI, SSDI, or other statutory benefits are reduced due to a previous over-payment by the SSA. In other words, DDS will not treat a reduction in statutory benefits due to a previous over-payment the same as a reduction in benefits due to employment or other income, and a person will not have to contribute to costs of residential supports to make up the reduced amount.
- I. DDS shall establish procedures for adjusting a person's required contribution to costs of residential supports for when the person has a change in residential services or statutory or other benefits amount.
- J. The person's contribution to costs of residential supports shall be discussed and reevaluated at least annually at the person's ISP meeting as part of the Individual Financial Plan (IFP), or sooner, consistent with this policy. At the time of the IFP development, the Service Coordinator shall inform the person of the requirement for contribution to costs of residential supports and the estimated cost of residential supports, including an explanation of how the person's contribution to costs of residential supports is calculated consistent with this policy. The Service Coordinator will also provide information about how to request a recalculation of the amount or reconsideration of the person's obligation to pay, including how to obtain assistance from a DDS Rights and Advocacy Specialist or area legal service organization.
- K. The Service Coordinator shall calculate the amount of the person's required monthly contribution to costs of residential supports during the initial or annual ISP meeting.
- L. A person who disagrees with DDS about his, her or their responsibility to pay contribution to costs, or DDA's calculation of the amount of the required contribution, has several options.
  - 1. The person or the person's guardian, conservator or trustee, or a family member, friend, attorney, or any other representative designated by the person, may make a request in writing, by telephone, or in person at DDA to the person's Service Coordinator for recalculation or reconsideration of the person's contribution to costs of residential supports at any time. The DDA Deputy Director will provide a final,



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- written decision to the person and any representative(s). The DDA Deputy Director's final, written decision shall include information about the person's right to file an appeal in D.C. Superior Court within 30 calendar days after the person receives the decision, or to file an appeal by using the DDA Formal Complaint System. A person's Contribution to Costs of Residential Supports will not be increased while an appeal is pending, but if it is decided that the person owes additional money, then the person will have to pay the additional amounts due from the original date the amount was assessed.
2. The person, or the person's guardian, conservator or trustee, or any representative or supporter designated by the person, may file a Formal Complaint with the provider or the DDS Complaint Coordinator through the DDA Formal Complaint System, which generally requires that a person file a Formal Complaint within 90 days (or seek an extension of time). A Formal Complaint regarding the amount of the contribution to costs of residential supports should be brought to DDS, whereas a Formal Complaint regarding how the payment is made or the provider's actions in the event of a non-payment should be brought to the provider. The DDS Director's final written decision shall include information about the person's right to file an appeal at the Office of Administrative Hearings. A person's contribution to costs of residential supports will not be increased while an appeal is pending, but if it is decided that the person owes additional money, then the person will have to pay the additional amounts due from the original date the amount was assessed.
- M. If a person has a representative payee, then the representative payee is responsible for ensuring that the person pays to the provider the contribution to costs of residential supports (whether from statutory benefits or employment or other income, or both) and receives a personal needs allowance, if applicable. If the person does not have a representative payee, then the person's residential provider is responsible for collecting the contribution to costs of residential supports from the person. Accordingly, the assigned Contract Administrator shall reduce DDA's payments to the residential provider by the amount of the person's contribution to costs of residential supports.
- N. Where possible, DDS and the residential provider will arrange for the person to pay some of the contribution amount directly on the person's bills and expenses (for example, one or more utility bills), rather than the person paying the full contribution amount to the provider and the provider paying these costs. This will be done both as a habilitation matter and in order for the person to establish a history of credit.



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- O. The Deputy Director for DDA will implement a system to permit a person to request reduced contribution amounts where paying the contribution to costs of residential supports would result in financial hardship.
- P. If the person does not pay the required contribution to costs of residential supports, within five calendar days, the residential provider shall notify DDS and interview the person and his, her or their guardian, representative payee, or other designated representative to determine the reason for nonpayment. If the interview does not yield a valid reason for non-payment, with 30 calendar days' written advance notice to DDS, the person, and the person's representative payee, the residential provider may choose to reduce some payments or stop paying for certain DDS residential supports up to the amount the person owes, unless doing so would create a risk to the person's health or safety. For example, the provider may use the person's clothing allowance to cover the person's unpaid contribution to costs of residential supports, unless doing so would leave the person without adequate clothing for the weather.
- Q. If a person refuses to pay or has a pattern of non-payment, the provider may also move to discharge the person from his, her or their residential supports in accordance with the DDA Transition Policy and Procedure. The person would continue to be eligible for HCBS IDD Waiver services. After three months of non-payment, DDS may begin the process of terminating the person from receiving DDS residential supports. In some cases when a person is unable to receive residential supports, the practical result may be an HCBS IDD waiver residential services termination. The residential provider or DDA shall provide written notice at least 30 days prior to terminating any services to the person.
- R. DDS may seek to have a representative payee or guardian who fails to comply with this policy and its accompanying procedure removed and replaced. A person's failure, or the person's representative payee's failure, to comply with D.C. legal and regulatory requirements to provide accurate information about the person's income and assets or to pay contribution to costs of residential supports may result in reporting to the Social Security Administration, discontinuation of DDS residential supports or legal action by the District of Columbia.
- S. A residential provider that has made reasonable efforts to collect the required contribution to costs of residential supports from the person may present evidence of collection efforts to the assigned Contract Administrator and seek equitable remedy to prevent reduction of DDA's payment to the provider.





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- T. The Quality Assurance and Performance Management Administration shall conduct at least annual reviews of contribution to costs, including the payment, collection, handling, and reporting of funds.
- U. DDS shall provide written notice and a right to appeal at least 30 calendar days in advance of any intent to suspend, reduce, or terminate services.
- V. DDS may sanction providers who fail to comply with the requirements of this policy or its procedure.

A handwritten signature in black ink, appearing to read 'Andrew P. Reese', is written over a horizontal line.

Andrew P. Reese, Director

January 11, 2024  
Approval Date