

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**DEPARTMENT ON DISABILITY SERVICES**



<b>POLICY</b>	
Department on Disability Services	Subject: Waiting List for the HCBS Waivers
Responsible Program or Office: Developmental Disabilities Administration	Policy Number: 2022-DDA- POL01
Date of Approval by the Director:	Number of Pages: 4
Effective Date: 10/20/2022	Expiration Date, if Any: N/A
Supersedes Policy (Dated): 2013-DDA-POL009 Waiting List for the HCBS IDD Waiver (effective August 15, 2013)	
Cross References, Related Policies and Procedures, and Related Documents: DDA Eligibility Determination Policy and Procedure; DDS Intake Policy and Procedure; DDA Level of Need Assessment and Screening Tool Policy and Procedure; DDA Waiting List for HCBS Waivers Procedure	

**1. PURPOSE**

The purpose of policy is to establish a waiting list for people who apply for supports and services through the Home and Community-Based Services (HCBS) Waiver for Persons with Intellectual and Developmental Disabilities (IDD) or for Individual and Family Support (IFS) and ensure that all eligible applicants for supports and services are treated in a manner that is fair, equitable, and consistent.

**2. APPLICABILITY**

This policy applies to all people who are determined eligible to receive supports from the Developmental Disabilities Administration (DDA), their families, advocates and guardians. This policy also applies to DDS staff with responsibility for the intake, eligibility, waiver and service coordination for people seeking waiver-funded DDA supports and services.

**3. AUTHORITY**

The authority for this policy is established in the Department on Disability Services 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.*), as amended; 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.*),

as amended; 29 DCMR § 1940.1 *et seq.*, as amended; and 29 DCMR § 9014.1 *et seq.*, as amended.

#### **4. RESPONSIBILITY**

The responsibility for this policy is vested in the DDS Director. Implementation for this policy is the responsibility of the DDS Deputy Directors for DDA and RSA.

#### **5. POLICY**

It is the policy of DDS to:

- A. Establish and maintain, as needed, a waiting list for people who are eligible for services from DDA and requesting supports and services through enrollment in an HCBS Waiver program.
- B. Make every reasonable effort to ensure eligible people on a waiting list will begin services as quickly as feasible given funding availability and priority need.
- C. Treat eligible people who are requesting enrollment in an HCBS waiver in a fair, equitable and transparent manner.
- D. Enroll people on the waiting list into available HCBS waiver slots in priority order based upon an assessment of the person's level of need.
- E. Based on funding availability, provide immediate non-waiver services to people on the waiting list who have been identified as: (a) homeless or at imminent risk of becoming homeless as these terms are defined in D.C. Official Code § 4-751.01(18) and (23); (b) under reasonable belief to be in imminent danger; or, (c) would be subject to abuse or neglect if the person does not receive immediate support or services.
- F. Refer and assist people on the waiting list to identify, apply for and, when appropriate, obtain services from other District of Columbia or nonprofit agencies for which they might be eligible as well as discuss which relationship-based (natural) supports the person may receive.
- G. Provide each person on the waiting list or their representative timely notification of their placement on or removal from the waiting list as well as the person's priority status when placed. The notification will include sufficient information regarding the opportunity to request an informal agency review of a waitlist decision or a fair hearing at the Office of Administrative Hearings, where applicable.
- H. Regularly monitor the relevant circumstances affecting the person's support needs as well as consider changes in priority status upon request.
- I. Promptly remove a person from the waiting list upon a change in the person's eligibility to receive waiver services or by request of the person or their substitute decision-maker.

## 6. STANDARDS

- A. People seeking home and community-based services and supports may be enrolled in the appropriate HCBS waiver based on their person-centered identified needs. If IFS and IDD waiver openings are not available because the maximum number of participants is being served, DDA will establish a waiting list for deferred waiver enrollment.
- B. Each eligible person who requests waiver services and supports will be reviewed by DDA. The person's needs shall be assessed based on a holistic assessment including the DDA Level of Need Assessment and Screening Tool. In accordance with a uniform set of priority of needs criteria, described in the DDS Waiting List for HCBS Waivers Procedure, each person will be identified as having a priority, emergency, urgent, or non-urgent need for waiver services. Based on the priority ranking and the availability of waiver openings and local funds, the person will either be placed on the waiting list and informed of their priority status or be enrolled and receive waiver services.
- C. Each person on the waiting list will be reviewed by DDA at least quarterly to determine any change in the support needs of the person, the person's family, and other relevant circumstances affecting the support needs of the person. Additionally, a review of a change in priority status will be initiated upon the request of the person or his or her designee, legal representative, or DDA staff, and must be based on a change in the person's circumstances.
- D. DDA may remove a person from the waiting list for services and supports when the person or his or her substitute decision-maker requests removal; or, the person is no longer eligible to receive waiver services; or, the person/family cannot be contacted after repeated attempts, but only after DDA sends a written notice by certified mail to the last known address notifying the person/family of DDA's intent to remove the person's name from the waiting list.
- E. DDA shall provide to each person on the waiting list and their legal representative timely and adequate written notice of the DDA decision to place the person on the waiting list or to remove the person from the waiting list. In addition, each person on the waiting list and their legal representative shall be provided timely and adequate written notice of the DDA decision to continue the person's placement on the waiting list beyond six (6) months, and semi-annually thereafter.
- F. DDA shall publish an annual report on the waiting list during the prior fiscal year.

  
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Andrew P. Reese, Director

October 20, 2022  
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Approval Date