

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



POLICY	
Department on Disability Services	Subject: Waiting List for the HCBS IDD Waiver
Responsible Program or Office: Quality Management Division	Policy Number: 2013-DDA- POL009
Date of Approval by the Director: August 15, 2013	Number of Pages: 4
Effective Date: August 15, 2013	Expiration Date, if Any: N/A
Supersedes Policy (Dated): None.	
Cross References, Related Policies and Procedures, and Related Documents: DDA Level of Need Assessment and Screening Tool policy and procedure; Intake and Eligibility policy and procedure; Waiting List for the HCBS IDD Waiver procedure.	

1. PURPOSE

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

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. It also applies to all DDA staff and contractors.

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.*); and 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.*).

4. EMERGENCY ISSUANCE AND REQUEST FOR COMMENTS

DDS is issuing this policy and its corresponding procedure, effective immediately, on an emergency basis to ensure fair, equitable, consistent and timely provision of supports and services to eligible people through the HCBS IDD waiver. DDS developed this policy and procedure based on prior input from District of Columbia residents with intellectual and developmental disabilities and their families, service providers, and advocates. DDS seeks written feedback from stakeholders on the policy and procedure, and plans to hold at least one community forum for discussion. Revisions to this policy and procedure will be made accordingly. Rulemaking will also follow.

5. RESPONSIBILITY

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

6. 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 the HCBS IDD Waiver, No. DC.0307.R03.00, as approved November 20, 2012.
- B. Treat eligible people who are requesting enrollment in the HCBS IDD waiver fairly, equitably, consistently, and in a timely and transparent manner.
- C. Based on funding availability, provide immediate services to people on the waiting list who have been identified as having an emergency need when the person is homeless or at imminent risk of becoming homeless as these terms are defined in D.C. Official Code § 4-751.01(18) and (23); or if there is reasonable belief that person is in imminent danger, or would be subject to abuse or neglect if the person does not receive immediate support or services.
- D. Fill HCBS waiver slots on an on-going basis, as they become available.
- E. Provide each person on the waiting list or their representative sufficient information and opportunity to request an agency review of any DDA decision with which they disagree relating to the person's placement on the waiting list, priority status or removal from the waiting list for reasons other than enrollment and initiation of HCBS waiver services. Additionally, provide that each person placed on the waiting list or removed from the waiting list for reasons other than enrollment and initiation of IDD HCBS waiver services shall be entitled to a fair hearing at the Office of Administrative Hearings in accordance

with 42 CFR 43, D.C. Official Code § 4-210.01 *et seq.*, and 29 DCMR §§ 1909.1 to 1909.3.

- F. Ensure that if a person, whose representative payee for the purposes of Social Security benefits is DDS or a provider agency who is contracted with the District to provide supports and services for that person, loses Medicaid eligible due to a failure by the representative payee, the person shall retain his or her slot in the waiver or placement on the waiting list. Should a person lose Medicaid eligibility in this circumstance, DDS would reserve the person's slot and pay for service using local funds, if needed.
- G. Refer and assist people on its 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.
- H. Consistent with federal requirements and based on the availability of resources, make every reasonable effort to ensure that eligible people on the waiting list begin to receive services at a reasonable pace.

7. STANDARDS

- A. People seeking home and community-based services and supports may apply for enrollment in the HCBS IDD waiver. If HCBS IDD waiver openings are not available because the maximum number of participants is being served, DDA will establish a waiting list for deferred HCBS IDD waiver enrollment.
- B. Each eligible person who requests HCBS IDD waiver services and supports will be reviewed by DDA. The person's needs shall be assessed based on the DDA Level of Need ("LON") Assessment and Screening Tool. In accordance with a uniform set of priority of needs criteria, described in the DDS Waiting List for the HCBS IDD Waiver procedure, each person will be identified as having a priority, emergency, urgent, or non-urgent need for HCBS IDD waiver services. Based on the priority ranking and the availability of waiver openings and local funds, the person will be placed on the waiting list and informed of their priority status, or be enrolled and receive HCBS IDD 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 HCBS IDD waiver services and supports when the person or his or her substitute decision-maker requests removal; or, the person is no longer eligible for services from DDA; 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. DDS shall publish an annual report on the waiting list during the prior fiscal year.



Laura L. Nuss, Director



Approval Date