INTEREST LISTS FOR MEDICAID WAIVER PROGRAMS

**What are Medicaid Waiver Programs?**

Children and adults with disabilities can be eligible for programs that offer services in the home and community based settings rather than in institutions. For eligibility, factors that are considered are the disabled individual’s level of income, need, and resources. In most cases the age of the individual or the parents’ income and resources are not factors. Unfortunately the wait time to receive these benefits can be several years.

**§1915(c) Medicaid Waiver** — The provision of the Social Security Act that authorizes the secretary of Health and Human Services to grant waivers of certain Medicaid statutory requirements so that a state may furnish home and community-based services to Medicaid beneficiaries who need a level of institutional care that is provided in a hospital, nursing facility or intermediate care facility for persons with intellectual disability (ICF/ID).

**6 Medicaid Waiver Programs**

1. Community Living Assistance and Support Services (CLASS)
2. Home and Community-Based Services (HCS)
3. Texas Home Living (TXHml)
4. Community-Based Alternatives (CBA, *in some areas* Star+Plus)
5. The Medically Dependent Children Program (MDCP)
6. Deaf-Blind with Multiple Disabilities Program (DBMD)

**Code of Federal Regs, Title 42, 435.1010 and Department of Aging and Disability Services “DADS”**

Definition of a related condition:

A severe and chronic disability that is due to cerebral palsy or epilepsy or any other condition, other than mental illness, found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of individual with mental retardation, and requires treatment or services similar to those required for individual with mental retardation.

The condition must manifest before 22 years of age and is likely to continue indefinitely.

The individual will have substantial functional limitations in 3 or more of following: self-care, understanding and use of language, learning, mobility, self-direction, and capacity for independent living.

**Examples of related conditions recognized by DADS based on the International Classification of Diseases, 9th Rev., Clinical Modification (ICD-9-CM), 2006, from July 2015** [**http://www.dads.state.tx.us/providers/guidelines/icd-9-cm\_diagnostic\_codes.pdf**](http://www.dads.state.tx.us/providers/guidelines/icd-9-cm_diagnostic_codes.pdf)**.**

* Conditions specific to childhood with codes:
* Psychoses with Origin Specific to Childhood (299)
* 299.0 Autistic disorder (childhood autism; infantile psychosis; Kanner’s syndrome) 299.1 Childhood disintegrative disorder 299.8 Other specified pervasive developmental disorders(Asperger’s disorder, atypical childhood psychosis; borderline psychosis of childhood) 299.9 Unspecified pervasive developmental disorder (pervasive developmental disorder NOS)
* Conditions originating in the Perinatal Period:(760-779)
* 760.71 Fetal alcohol syndrome 767.4 Injury to spine and spinal cord 768.5 Severe birth asphyxia 771.0 Congenital rubella 779 Other and ill-defined conditions originating in the perinatal period
* Conditions that are due to Congenital Anomalies with codes:
* 741.0 Spina bifida with hydrocephalus 741.9 Spina bifida without mention of hydrocephalus
* 756.59 Conradi syndrome
* 758.0 Down’s syndrome
* 758.1 Patau’s syndrome 758.2 Trisomy 18 (Edwards’ syndrome) 758.3 Autosomal deletion syndromes 758.6 Gonadal dysgenesis(Turner’s syndrome) 758.7 Klinefelter’s syndrome 758.89 Other conditions due to chromosome anomalies (Ring 18) 758.9 Conditions due to anomaly of unspecified chromosome 759.5 Tuberous sclerosis 759.81 Prader-Willi syndrome 759.82 Marfan syndrome 759.83 Fragile X syndrome
* Conditions of the Nervous System and Sense Organs (320-389)
* 320.9 Meningitis due to unspecified bacterium 323 Encephalitis, myelitis, encephalomyelitis
* 331.81 Reye’s syndrome 331.89 Cerebral ataxia 331.9 Cerebral degeneration, unspecified 332.0 Paralysis agitans (Parkinson’s disease) 332.1 Secondary Parkinsonism 333.4 Huntington’s chorea
* 340 Multiple sclerosis
* 359.0 Congenital hereditary muscular dystrophy 359.1 Hereditary progressive muscular dystrophy 369.4 Legal blindness, as defined in U.S.A. 377.7 Disorders of visual cortex 377.75 Cortical blindness 389.0 Conductive hearing loss 389.1 Sensorineural hearing loss

**Community Living Assistance and Support Services (CLASS)** — A §1915(c) Medicaid waiver program that provides community-based services and supports to people with developmental disabilities other than intellectual disability as an alternative to residing in an intermediate care facility.

**CLASS-Community Living Assistance & Support Services Program**(DADS 1-877-438-5658)

CLASS provides home and community-based services to people with related conditions as a cost-effective alternative to placement in an intermediate care facility for persons with intellectual disability or a related condition (ICF-ID/RC) (manifested before age 22). DADS Form 8662.

Related conditions include autism, muscular dystrophy, cerebral palsy and spina bifida.

Cannot be on another Medicaid Waiver Program.

Must be Medicaid eligible for SSI. Parents’ income does not apply for a child. Talk to a lawyer about Special Needs Trusts to protect your child’s eligibility to receive benefits.

C.L.A.S.S. services include:

Adaptive aids and Medical supplies

Case management

Minor home modifications (installation, maintenance and repair (not covered by a warranty): floor leveling (only in residences owned by the individual and/or family and only when the installation of a ramp is not possible) **(OT, PT);** vinyl flooring or industrial grade carpet necessary to ensure the safety of the individual, prevent falling, improve mobility and adapt a living space occupied by a beneficiary who is unable to safely use existing floor surface **(OT, PT);** medically necessary steam cleaning of walls, carpet, support equipment and upholstery **(MD);** roll-in showers **(OT, PT);** sink modifications **(OT, PT);** sink cut-outs **(OT, PT);** bathtub modifications **(OT, PT);** water faucet controls **(OT, PT);** toilet modifications **(OT, PT);** floor urinal and bidet adaptations **(OT, PT);** plumbing modifications **(OT, PT);** turnaround space modifications **(OT, PT);** worktable/work surface adjustments **(OT, PT);** cabinet development/adjustments **(OT, PT).**

Physical and Occupational Therapy

Speech and language pathology

Psychological and behavior support services (BCBA to consult and design an ABA program)

Respite Care

* Specialized therapies: Services to promote skills development, maintain skills, decrease inappropriate behaviors, facilitate emotional well-being, create opportunities for socialization, or improve physical and medical status that consist of the following: (A) aquatic therapy; (B) hippotherapy (is provided by two service providers at the same time);  (C) massage therapy; (D) music therapy; (E) recreational therapy; and (F) therapeutic horseback riding.

Dental and dental sedation

Behavior Support

**HCS-Home and Community-Based Services** call the local DADS authority 713-692-1635

HCS program provides individualized services to people living with their family, in their own home or in other community settings such as small group homes. NOTE: Must be Medicaid eligible for SSI. Parents’ income does not apply for a child. In order to qualify for this program, a person MUST have a diagnosis of an Intellectual Disability - SEE Harris Center IQ below 76.

What services are provided?

* Adaptive aids
* Audiology
* Behavioral support
* Cognitive rehabilitation therapy
* Day habilitation
* Dietary
* Dental treatment
* Employment assistance
* Minor home modifications
* Nursing
* Occupational therapy
* Physical therapy
* Residential assistance
* Respite
* Speech and language pathology
* Supported employment

**MDCP-Medically Dependent Children Program (DADS 1-877-438-5658)**

<http://www.dads.state.tx.us/services/faqs-fact/mdcp.html>

MDCP provides services to support families caring for children and young adults who are medically dependent and to encourage the de-institutionalization of children in nursing care facilities. You must be under 21. NOTE: Must be eligible for SSI or meet institutional resource-to-income limits (not considering parents’ income).

MDCP Services include:

Respite Care

Adaptive Aids **-** itemsnecessarytotreat, rehabilitate, prevent or compensate for conditions resulting in disability or loss of function. Adaptive aids also may be devices enabling a person to perform the activities of daily living or control the environment in which they live.

Adjunct Support Services

Minor Home Modifications - necessaryphysical modifications of a person's home to prevent institutionalization or support de-institutionalization. The modifications must be necessary to ensure health, welfare and safety or to enable greater independence in the home.

Transition Assistance Services - a one-time service to helpMedicaid-eligible Texans transition from the nursing home to the community.

Financial Management Services

**CBA-Community Based Alternatives
Star+Plus (713-692-1635)
Medicaid (800-633-4227)**

This program provides home and community-based services to an individual who is age 21 and older that would qualify for a nursing care facility. These services are provided as cost-effective alternatives to placement in a nursing care facility. NOTE: Must be Medicaid eligible for SSI. Parents’ income does not apply for a child. Talk to an attorney about Special Needs Trusts.

Long-term Services and Supports provided by STAR+PLUS include personal attendant services, adult day services and services provided by the Community Based Alternatives (CBA) Waiver. For a complete list of services provided under STAR+PLUS, refer to the [STAR+PLUS Handbook](http://www.dads.state.tx.us/handbooks/sph/). Requirements of the HCBS STAR+PLUS Waiver (SPW) program dictate that STAR+PLUS provide all of the services (excluding hospice) needed to enable the member to live safely in the community. Therefore, Department of Aging and Disability (DADS) services must not be authorized for a STAR+PLUS member. Community Based Alternatives (CBA) and STAR+PLUS must not be authorized at the same time.

CBA Services include:

Medical Supplies

Adult Foster Care

Assisted living/residential services

Home delivered meals

Emergency response services

Occupational Therapy

Dental Services

Speech or language pathology services

Respite care services

Nursing services

Personal assistance services

**DBMD- Deaf-Blind w/Multiple Disabilities Program
 (DADS 1-877-438-5658) –** (in 2013 change to receive Medicaid acute care services through the STAR+Plus managed care system). <https://www.dads.state.tx.us/providers/DBMD/webinars/ManagedCareExpansion/dbmdmanagedcarewebinar.pdf>

DBMD provides home and community-based services to people who are deaf-blind with multiple disabilities as a cost-effective alternative to institutional placement.

The program focuses on increasing opportunities to communicate and interact with their environment.

* Must be eligible for SSI and Medicaid benefits under SSI.
* Need ID/RC assessment DADS Form 8662.
* DBMD Services Include:
* Adaptive aids and medical supplies
* Behavior support services
* Case management
* Minor home modifications
* Nursing services
* Physical and Occupational therapy
* Respite care
* Specialized nursing services
* Speech, hearing and language therapy
* Supported employment

**TxHml: Texas Home Living**

To Be Eligible for TxHml, you MUST:

* 1. Live in your own home or family home
* 2. Have a diagnosis of an intellectual disability or related condition with an IQ of 75 or below.
* 3. Be eligible for Medicaid *(this waiver will consider family income)*
* 4. Not required to have intensive one to one supervision to prevent dangerous behavior.
* 5. Not be enrolled in another DADS Medicaid Waiver such as CLASS or MDCP
* **TxHml services include:**
* *Community Living Supports*
* Day Habilitation
* Supported Employment
* Respite
* *Professional & Technical Supports*
* Behavioral support
* Physical & Occupational Therapy
* Dental Treatment
* Speech

**THE HARRIS CENTER FOR MENTAL HEALTH AND IDD (713-970-7070)** [**http://mhmraharris.org/**](http://mhmraharris.org/)

THE HARRIS CENTER FOR MENTAL HEALTH AND IDD is the Harris County authority agency on mental health and intellectual disability/developmental disabilities.

This agency coordinates and serves all county residents diagnosed with mental health, intellectual and developmental disabilities. We serve the "priority population“ meaning adults who are diagnosed with severe and persistent mental illness, children with serious emotional disturbances, and people diagnosed with moderate to severe intellectual disability.

Harris Center services do consider income in determining rates for services; however, they will provide services to any county resident.

**Texana (281-342-0090)**

Texana is the county authority agency on mental health and intellectual/developmental disabilities in the following six counties: Ft. Bend, Austin, Waller, Colorado, Wharton, Matagorda.

To qualify for services you must…

Be a resident of one of the six counties served

And meet one of the following:

Diagnosed with intellectual disability; Diagnosed with a pervasive developmental disorder including Autism; Nursing Facility residents who are eligible for specialized services for intellectual disability pursuant to Section 1919(e)(7)of the Social Security Act; or Children who are eligible for services from the Division of Early Childhood Intervention Services through the Department of Assistive and Rehabilitative Services(DARS).

**DID Evaluation**

A DID Evaluation is a “Determination of Intellectual Disability” Evaluation that must be completed to be eligible for services through Harris Center/Texana. **THE DID EVALUATION IS FREE.** The waiting list is 6-8 months for this evaluation.

To schedule a DID evaluation contact the Harris Center or Texana to request an evaluation. Someone will call you back to ask more specific questions and schedule the evaluation.

Any services that are offered to a family will come at a cost depending on the financial situation of the family. The income of the family unit does factor into the cost of the services, but not as to whether the child can get services. **Bring copies of the following:**

* Proof of Residency in the county(i.e. a utility bill or tax statement)
* Proof of the family’s income (i.e. parents’ paycheck stubs, IRS W-2 form)
* Number of family members in the home (i.e. social security cards of all household members)
* Proof of insurance coverage (i.e. Private insurance card, Medicaid Card, SSI Benefits)
* Proof of Guardianship (i.e. child’s birth certificate, if guardian, bring copy of current guardianship letter from court, power of attorney documents)
* Copies of Previous Evaluation Reports (i.e. if individual receives Special Education services, a copy of their Full Individual Evaluations (FIE) and their Comprehensive Individual Assessments (CIA’s). You can request this from your child’s school. Also, any copies of evaluations done by psychologists or other medical agencies)

*\*\*\*If you do not bring this information, the evaluation appointment will be rescheduled\*\*\**

* **Respite Care Vouchers**
* Respite Care Program 1-877-393-1090 offers help to caregivers
* Vouchers issued by the program can be used to pay for:
* Help in the home
* Adult daycare services
* Certified individuals outside the home to provide care while the caregiver is away.

**Protect your child’s benefits**

The government offers support to disabled individuals with programs such as SSI (Supplemental Security Income). Once your child is receiving SSI, do not lose the income-based benefit by receiving assets or cash from loving and well-meaning family members. Direct transfers or payments to your child on SSI can cause disqualification. Plan ahead and get a Third Party Special Needs Trust / Supplemental Needs Trust. Have a will drafted to meet your family’s long-term needs.

Trust funds could be used for summer camps, medical bills not covered by Medicaid, computers, and many items that enhance the quality of your child’s life. The trust will have its own taxpayer identification number and file annual fiduciary tax returns. There is no pay back provision.

1st Party or Self-Settled Special Needs Trust

In the event your child is to receive funds from a personal injury settlement, obtain a 1st Party Special Needs Trust. Such trusts have a payback provision for Medicaid. When the beneficiary passes away, any money life in the trust has to be used to pay the State of Texas back for any Medicaid money spent on the beneficiary’s behalf.

***Stay on the Interest Lists***

Contact from DADS is typically through the mail once the disabled individual is on the list. If you move, contact the DADS and the Harris Center or Texana to update your contact information. If you do not respond timely to the DADS letter for your interview, you may lose your child’s opportunity to receive benefits.

**Coming off the Lists**

You are still your child’s strongest advocate.

Your will be given many choices to choose from when it is time to select CMAs and DSAs.

Decide if Consumer Directed Services Option is best for you.

**Consumer Directed Services – programs where you can use CDS:**

[**Consumer Managed Personal Assistance (CMPAS)**](http://www.dads.state.tx.us/services/faqs-fact/cmpas.html)

[**Community Attendant Services (CAS)**](http://www.dads.state.tx.us/services/faqs-fact/cas.html)

[**Community Living Support Services (CLASS)**](http://www.dads.state.tx.us/services/faqs-fact/class.html)

[**Deaf Blind with Multiple Disabilities (DBMD)**](http://www.dads.state.tx.us/services/faqs-fact/dbmd.html)

[**Family Care (FC)**](http://www.dads.state.tx.us/services/faqs-fact/fc.html)

[**Home and Community-based Services (HCS)**](http://www.dads.state.tx.us/services/faqs-fact/hcs.html)

[**Medically Dependent Children Program (MDCP)**](http://www.dads.state.tx.us/services/faqs-fact/mdcp.html)

[**Primary Home Care (PHC)**](http://www.dads.state.tx.us/services/faqs-fact/phc.html)

[**Texas Home Living (TxHmL)**](http://www.dads.state.tx.us/services/faqs-fact/txhml.html)

**Services accessible through the CDS Option:**

* Habilitation
* Cognitive rehabilitative therapy
* Employment assistance
* Nursing services
* Occupational therapy
* Physical therapy
* Respite care
* Speech and language pathology
* Support consultation
* Supported employment

**Get HIPP!**

Once your child is on Medicaid, independently or through one of the Medicaid Waiver Programs, your employer-based insurance could be covered by the HIPP program.

Check with [www.GetHIPPTexas.com](http://www.gethipptexas.com/) for more information.

What is SSI eligible?

<https://www.socialsecurity.gov/ssi/text-child-ussi.htm>

#### WHAT ARE THE CRITERIA FOR A “DISABLED” OR “BLIND”   CHILD?

If under 18, whether or not married or head of household, the child has a medically determinable physical or mental impairment or impairments which result in marked and severefunctional limitations; and

The impairment(s) has lasted or can be expected to last for a continuous period of at least 12 months or be expected to result in death; or

If the child is blind, he or she meets the same definition of “blind” as applies for adults. See [WHAT IS "BLINDNESS" FOR AN ADULT OR CHILD?](https://www.socialsecurity.gov/ssi/text-disable-ussi.htm#blind). Unlike the requirement for SSI disability benefits, there is no duration requirement for SSI blindness benefits.

SSA has an obligation to provide benefits quickly to applicants whose medical conditions are so serious that their conditions obviously meet disability standards.  The Compassionate Allowances (CAL) initiative allows Social Security to target the most obviously disabled individuals for claims approval based on objective medical information that SSA can obtain quickly.

If a child is under age 18, not married, and lives at home with parent(s) who do not receive SSI benefits, SSA may consider a portion of the parents' income and resources as if they were available to the child.  SSA may also count a portion of a stepparent’s income and resources if the child lives with both a natural or adoptive parent **and** a stepparent. SSA also do this when a child is temporarily away at school, returns home during weekends, holidays or during the summer and remains subject to parental control.**SSA** calls this process "deeming."

SSA make deductions from deemed income for parents and for other children living in the home. After SSA subtracts these deductions, SSA uses the remaining amount to decide if the child meets the SSI [income](https://www.socialsecurity.gov/ssi/text-income-ussi.htm) and [resource](https://www.socialsecurity.gov/ssi/text-resources-ussi.htm) requirements for a monthly benefit.

Leona E. Filis
The Filis Law Firm, PC
Leona.Filislawfirm@gmail.com
[www.filislaw.com](http://www.filislaw.com/)
[www.houstonspecialneedsattorneys.com](http://www.houstonspecialneedsattorneys.com/)

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