

**CARROLL COUNTY BOARD OF
DEVELOPMENTAL DISABILITIES**

WAITING LIST PROCEDURES

Purpose: To establish parameters in the administration of the waiting lists.

To ensure that the resources available to the Board shall be used to achieve the maximum benefits for all of the persons in Carroll County who have mental retardation and other developmental disabilities.

To ensure that the provision of services by the Carroll County Board of DD is made in a manner that is fair and is consistent with applicable federal and state civil rights laws.

To provide guidelines in management of scarce resources with a goal of achieving their fairest possible distribution.

Definitions:

- A. "Board" means the Carroll County Board of Developmental Disabilities.
- B. "COEDI" means the Children's Ohio Eligibility Determination Instrument.
- C. "Date of Request" means the date and time of any oral or written or other documented request for service. The request, including the date and time of request, shall be included in the individual's record maintained by the Board. "Date of request" is the controlling date for placement on a waiting lists and shall be documented at the time of any such request.
- D. "Department" means the Ohio Department of Developmental Disabilities.
- E. "Emergency" means any situation that creates for an individual a risk of substantial selfharm or substantial harm to others if action is not taken within 30 days. An "emergency" may include one or more of the following situations:
 - 1. Loss of present residence for any reason, including legal action;
 - 2. Loss of present caretaker for any reason, including serious illness of the caretaker, change in the caretaker's status, or inability of the caretaker to perform effectively for the individual;
 - 3. Abuse, neglect or exploitation of the individual;
 - 4. Health and safety conditions that pose a serious risk of immediate harm or death to the individual or others;

- 5. Change in the emotional or physical conditions of the individual that necessitates substantial accommodation that cannot be provided reasonably by the individual's existing caretaker.

- G. "HCBS" means Home and Community Based Services.
- H. "ICF/MR" means Intermediate Care Facility for the Mentally Retarded. I.
- I. "IO" means the Individual Options Waiver
- J. "LV1" means the Level One waiver.
- K. "OEDI" means the Ohio Eligibility Determination Instrument.
- L. "Priority" means any situation that would constitute an emergency except that action to resolve the situation may be taken in more than 30 days, but less than 90 days, without creating a risk of substantial harm to the individual or others.
- M. "SSA" means the same as "Service and Support Administrator. The Service and Support Administrator provides Board service coordination.
- N. "Waiting List" means a list of individuals of which there is reasonable indication that the individual desires and would use a requested service or support if it were offered within 12 months of the date of application for the requested service or support.

Procedure:

A. Determination of Categories and Sub-Categories for Creating Lists or Registries

- 1. List registries may be established for each of the following categories or subcategories of services, programs or supports provided or arranged by the Board in instances where requests exceed available resources for that particular category or sub-category:
 - a. Early Intervention Services
 - b. Preschool and School Aged Programs
 - c. Adult Services
 - d. Service and Support Administration
 - e. Transportation Services
 - f. Family Resource Services
 - g. Individual Options (IO) or Level One Waiver (LV1)

- h. Supported Living Services
- i. Other Residential Services (ICF/MR)
- j. Other services determined necessary and appropriate for persons with disabilities to receive according to their needs and preferences reflected in their service plans.

Annually, the Board, based on availability of resources, determines the availability of program services and supports. As part of this procedure, "resources" means federal, state, or local money, private grants or donations, appropriately trained personnel and appropriate capital facilities and equipment. The Board shall determine the capacity of its resources to service eligible persons within its facilities, programs, services, and supports including contractual arrangements with other affiliated public and private entities. Capacity shall be the maximum limit of monies, personnel, and space within capital equipment or facilities to accommodate eligible persons. The Board shall also refer to any applicable statutes, regulations, and rules of state and federal agencies related to any requirements or limitations related to size of facility and personnel requirements including types of personnel and staff ratios. This review shall include the number of individuals on service and program waiting lists, service substitution lists and long-term service planning registries. The status of individual needs, available resources, and capacity shall be taken into account in the determination of the goals and objectives for the Board Annual Action Plan specific to addressing waiting lists.

On an ongoing basis throughout each year of operations, the Board recognizes that the capacity of its programs to serve individuals is subject to multiple factors, that the various programs operated by the Board are interdependent, and that the capacity of

the Board to serve individuals changes over time and is subject to a variety of internal and external forces. The capacity of a program to serve individuals may depend at any one time on factors which include:

- a. the changing characteristics of those currently being served
- b. ongoing changes in funding available for a program from both internal and external sources
- c. availability of properly certified and registered staff
- d. the necessity for reserve funds to continue to operate programs over projected periods of time allowing for inflationary costs
- e. the necessity for reserve capacity to meet emergencies and to assess and evaluate individuals who are determined eligible for services
- f. changing regulations and interpretations of requirements for operation of programs

The Superintendent shall be authorized in the event that it is evident in his or her judgment that resources are not sufficient to permit additional enrollment into a Board operated program, to declare a temporary moratorium on admissions to a program, pending the next Board meeting. The Board shall make a determination within thirty days of such declaration, based on an analysis of available resources, whether the program is at capacity.

3. The Board shall establish consistent methods of providing information on alternative services conveyed according to ORC 5126.046, 5126.055 and the rules of the Department regarding free choice of provider.
4. While conducting analysis of available resources and capacity and reviewing needs of individuals identified from the individual planning process, the Board shall determine the need for developing additional categories or sub-categories for waiting lists. The Board may establish separate waiting lists as necessary for a type of service, program or support within each category of service listed above. Waiting lists may be established to address unique needs of the Board.
5. The Board will at least annually make available to individuals (and/or guardians and family as applicable) on a waiting list information on alternative services.

B. Determination of Eligibility

1. When an individual requests a service from the Board, the Board will presume the individual to be eligible on the date of the service request for the purposes of establishing a date of application to the Board for a category of service. The individual and/or guardian, and in accordance with confidentiality provisions contained within this procedure, the family of the individual, shall be informed of service alternatives.
2. Within 45 days following the date of the request for services or after all necessary information has been received from the referring party or applicant, the Board shall determine individual's eligibility utilizing the administration of the age-appropriate eligibility instrument as prescribed by law.
 - a. If the individual is determined not to be eligible for the requested services, the individual has the right to appeal the determination decision using the process described in the Administrative Resolution of Complaints and Due Process Rights Policy.
 - b. When an individual is determined not to be eligible for requested services, the Board, with the individual's consent, will refer the individual to alternative services and supports.
 - c. Due process protections contained in OAC chapters 5101:61 to 5101:69 of the Ohio Department of Job and Family Services shall be followed for denial of Medicaid funded services when an individual is removed from a waiting list or service substitution list.

3. Children from birth through age two (2) are eligible for Early Intervention services through part H of the Individuals with Disabilities Education Act shall, in accordance with Federal law, receive eligibility determination, comprehensive assessment, service coordination, an Individual Family Service Plan and due process rights within 45 days of initial contact with the central intake coordinating site for Early Intervention, regardless of when the services are actually requested from the Board.
4. When an individual is placed on the waiting list for Targeted Case Management, which are Medicaid state plan services, or IO or LV1 services which there is an available waiver allocation, services are to be provided within 45-90 days of their eligibility determination for Board services.
5. When an individual relocates, or expresses a desire to relocate to Carroll County, from an Ohio county in which they were determined to be eligible for county board of DD services, the Board may:
 - a. Accept the prior eligibility determination, or
 - b. Administer a new OEDI/COEDI to determine eligibility.
6. Individuals who are on waiting lists maintained by one county board of DD will retain their date and time of request for the category of service assigned in the original county when they either:
 - a. Relocate to Carroll County, or
 - b. Express a desire to relocate to Carroll County, and
 - c. Meet the criteria to be placed on a waiting list as defined in the Board policies and procedures.
7. When a person who has been determined eligible for county board of MR/DD services after July 1, 1991, moves, or expresses a desire to move to Carroll County, that individual shall be considered eligible to receive services in Carroll County. The Board may review the individual's eligibility for services. During the time in which the review is being conducted, the individual shall be considered eligible to receive services.

8. Individuals expressing an intention to relocate to Carroll County do not need to be living in Carroll County in order to be placed on a waiting list when Medicaid funds are likely to be used to support the services requested by the individual.
9. All individuals determined to be eligible to receive county board services will either receive the service or be placed on a waiting list maintained by the Board.

C. Individual's Order of Placement on Lists

1. When an individual requests service from the Board, the Board will presume the individual to be eligible for Board services and supports on the date of the service request. This presumption is made for the purpose of establishing a date of application for the Board category of service. If waiting lists exist for the requested services, the individual shall be placed on the applicable list(s) maintained by the Board appropriate to the individual's need as determined by the assessment of the service needs of the individual in accordance with all applicable state and federal laws.
 - a. The individual and/or guardian, and in accordance with confidentiality provisions contained within this procedure, the individual's family, shall be informed of the individual's place on lists.
 - b. If it is determined an individual needs a different category of service other than the one for which the individual is waiting, the Board shall provide the category of service, or place the individual's name on the waiting list for the category of service based on the new date of request. The Board shall inform the individual, the individual's guardian, and the individual's family (as applicable) of the individual's place on the waiting list based on a new date of request. The Board shall inform the individual, the individual's guardian, and the individual's family (as applicable) of the individual's current position on the waiting lists on at least an annual basis.
2. Within a 45 day period following the date of application for service or after all necessary information has been received from the referring party or the applicant, the Board shall determine the individual's eligibility for Board services by administration of the OEDI or COEDI. If the individual is determined not to be eligible for Board services, the individual has a right to appeal the determination using the Board's Administrative Resolution of Complaints and Due Process Rights policy. If the individual is successful in utilization of appeal mechanisms, the individual will remain on the waiting list utilizing the original date of application for services.
3. When an individual is determined not eligible for Board services and has exhausted all appeal mechanisms, with the consent of the individual, the Board will attempt to refer the individual to alternative services and/or supports if this has not already been done. At this point the individual's name will be removed from the waiting list.

4. An individual determined to be eligible to receive county board services will either receive the requested services or remain on a waiting list maintained by the Board.
5. An eligible individual who is currently receiving services from the Board and requests a new service or program for which a waiting list is in existence shall be placed on the waiting list based on the date for the request for services.
6. When a person has been placed on a waiting list for Targeted Case Management, which are Medicaid state planned services, or for IOW or LV1 Services for which there is an available waiver allocation, services shall be provided to the next individual on the list or one who has priority as delineated in rule and by Board agreement within 45 to 90 days of their eligibility determination for Board services.
7. Individuals who are on a waiting list maintained by the Board will retain their date and time of request for the category of services when they either:
 - a. Relocate to a new county or,
 - b. Express a desire to relocate to that county,
 - c. Meet the criteria to be placed on a waiting list in the new county as defined by the Department.
8. If an individual resides in another state or county and has expressed an interest or intention to relocate for waiver services in Carroll County, the Board shall document the request. The individual shall be placed on the waiting list for waiver services, if one exists, using the date of application that the Board has documented or use the documented date on a completed Ohio Department of Job and Family Services (ODJFS) 2399 form, whichever date is earlier
9. When relocating to another county and requesting non-Medicaid services, the receiving county will add the individual's name using the date of request made to the receiving Board.
10. If the state has a documented application for waiver services and the Board has a documented application for waiver services the earlier date will be used for purposes of establishing a date for placement on the waiting list.

D. Administration of Waiting Lists

1. Waiting lists are maintained in the administrative offices of the Board. Individuals shall not be placed on a waiting list if they are already receiving the category of service for which they are requesting. Their desire to change services will be listed in their individual service plan and will be addressed by their SSA and planning team.

2. The Board shall assess the service needs of individuals prior to placement, may place individuals on a waiting list, may place an individual on more than one waiting list, and must notify the individual/guardian/family of placement on to a waiting list.
3. When a program or service for which there is a waiting list becomes available, the Board shall reassess the priorities of the Board and the service needs of the individual next scheduled on the waiting list to receive the program or service:
 - a. If it is determined that a priority category exists as permitted by rule, enrollment will be planned with that priority in mind;
 - b. If no priority categories exist, then, reassessment of the next individual on the waiting list will occur;
 - c. If the reassessment demonstrates that the individual continues to need the program or service, the Board shall offer the program or service to the individual;
 - d. If the program or service is offered and the individual refuses a specific service or provider of the service, but the individual still has a current need, the Board shall move to the next individual on the list. In this instance, the individual who refused the service shall retain his/her prior place on the list;

All reasonable efforts shall be made to contact the first eligible individual next scheduled on the waiting list via documented attempts by certified mail or personal contact. As part of the annual assessment process, the Board request updated information related to the last known residence of the individual. The Board shall encourage individuals on waiting lists to provide notification of any change of residence or circumstance of need for requested services.

- e. If the reassessment determines that the individual no longer needs the program or service category for which he/she is waiting, the Board shall remove the individual from the waiting list for that program or service,
- f. If the reassessment determines that the individual is determined to need a different type of service within the same category, the individual retains the initial waiting list date assigned for that category.
- g. If the reassessment determines that the individual to need a different category of service, the waiting list date assigned for the new category of service is the date upon which the reassessment determination is made.

4. At least annually the Board shall reassess the service or program needs of each Individual on waiting lists. The reassessment shall include a review of the individual's abilities, preferences and circumstances to ensure the services and supports are still needed. The administration of waiting list procedures shall be followed if it is determined that an individual no longer needs a program or service or needs a program or service other than the one for which they are waiting.
5. The Board shall review the service, program and supports of the individuals listed on the waiting list as part of the annual planning process. The review shall be used to identify the type and extent of additional resources needed to meet those needs.

E. Procedures for Exceptions, Priorities and Emergency Placement on Waiting Lists

1. Waiting list placement dates for categories of service are established based on the date of requested service by the individual. Individuals on waiting lists with the earliest date of making application will receive available services with the following exceptions:
 - a. Children subject to juvenile court orders under ORC 121.38. The statute requires these children to be served immediately, regardless of the existence of a waiting list or any other emergency or priority situation.
 - b. Emergency situations based on the seriousness of the situations. Emergency means any situation that creates for an individual with DD a risk of substantial self harm or substantial harm to others if action is not taken within 30 days.
2. Priority situations based on the seriousness of the situations. Priority means any situation that would constitute an emergency except that action to resolve the situation may be taken in more than 30 but less than 90 days without creating a risk of substantial harm to self or others.
3. All potential priority situations will be referred to the Superintendent for disposition. The Superintendent shall determine whether the priority situation warrants special placement upon the applicable waiting lists.
4. Any person including Board staff or public in general may identify potential priority situations. Notice of these priority situations may be forwarded to the Superintendent or their designee in person, by written notice or by telephone contact.
5. The Superintendent or their designee may request additional information or investigate the priority situation prior to disposition.
6. If deemed a priority situation, the Superintendent shall cause the applicable waiting list to be updated accordingly.

- a. Individuals who meet the conditions defined in OAC 5123:1-2-10(G)(1)(b) described as "an individual who is creating a residential service option for another individual who is being disenrolled from a HCBS waiver may be enrolled ahead of HCBS waiver applicants on the waiting list who are ranked with earlier dates of application. Priority shall be given to a HCBS waiver applicant who can create a residential service option and is on the waiting list with the most recent application date".
- b. Until December 31, 2003, when there is no individual with priority for home and community-based services pursuant to paragraph (D)(1) or (D)(2) of OAC 5123:2-1-08 available and appropriate for the services, the Board may offer the services to an individual not given such priority for the services who is on a waiting list for the services pursuant to paragraph (C) in order to fill a vacancy in a living arrangement or in other circumstances where the services are appropriate for the individual. Individuals offered services pursuant to this paragraph shall be selected in the order they are placed on the waiting list based on the date and time of their request for services.
- c. When individuals are offered services in accordance with the process set forth in paragraph (G)(1) of OAC 5123:2-1-08 and two or more individuals have equal rank, the Board shall offer the home and community-based services to such individuals in the order they are placed on the waiting list based on the date and time of their request for services.
- d. The Board shall implement notification of each individual currently on the Board's waiting list, the individual's guardian, and the individual's family (as applicable) of the waiting list priorities.

7. No changes of the person's status on the list or movement to another list may occur without notice to the individual.

8. The Board shall review the service, program and supports of the individuals who desire to receive a service in another setting or by another provider as a part of the individual's annual planning process. The review shall be used to identify the type and extent of additional resources needed to meet those needs.

F. Removal from Waiting Lists

1. Eligible individuals who have been placed on waiting lists shall keep the Board informed of their current address and telephone number.
2. Prior to removing an individual's name from a waiting list, the Board shall attempt notification of the individual regarding the person's due process rights. Due process rights shall be provided prior to removing any person from Board waiting lists.

3. Removal of names from waiting list for waiver services will occur in the following situations:

- a. The individual is deceased.
- b. At the time of waiver enrollment, the Individuals are found not to be eligible for Board services. In this case the individual will be referred, with their consent, to other appropriate resources in the community.
- c. The individual has requested to be removed from the waiting list. A record of the request shall be maintained in the individual's file.
- d. At the time of waiver enrollment, the individual has been found not to require an ICP/MR level of care. The individual shall be removed from the waiting list and referred to services that will meet the need and interest of the individual.
- e. An individual has moved to another county and does not intend to move back to Carroll County. Individual shall be provided prior notice of the Board's intent to remove the person from the list. If known, the Board shall contact the receiving county and inform them of the individual's application for services date.
- g. The individual has moved to another state. The individual shall be provided prior notice of the Board's intent to remove the person from the list.
- h. The only last known address of the individual is listed on an ODJFS 2399 form and there has been no recent contact. The Board shall attempt to contact the individual at the last known address. If unable to contact the individual after documenting reasonable attempts, the individual shall be removed from the list.
- i. If the individuals address and how to contact them is unknown to the Board, the person will be removed from the list.
- J. If the individual is using the Ohio Home Care Waiver services, Level One Waiver services, Individual Option Waiver services or Passport Waiver services, the Board shall contact the individual to determine if they still wish to be included on the waiver waiting list for another type of waiver service. If they are no longer interested in the waiver service they shall be removed from the waiting list specific to the waiver they requested.

- k. If the individual is receiving Supported Living services funded from state dollars the Board shall contact the individual to determine whether they still wish to receive waiver services. If they are no longer interested in the waiver they will be removed from the waiting list specific to the waiver they requested,
 - l. If the individual has not responded to numerous and varied attempts by the Board to discuss continued interests and future services, after documenting three reasonable attempts, the person shall be removed from the waiting list.
 - m. If the individual resides in another state or county and has expressed the intention to relocate to Carroll County, the request for services shall be documented and the person added to the waiting list using the date of the request or a completed OD7FS 2399 form for establishing a waiting list date, whichever is earlier.
- 4. If the annual review of assessed needs indicates that the service needs have changed or are no longer valid the individual shall be provided prior notice of the Board's intent to remove the person from the list.
 - 5. Once all requested services for programs for which an individual was placed on a waiting list are being provided the individual shall be removed from the waiting list.
- I. Annual Reassessment of the Service Needs of Individuals on Lists
- 1. At least annually the Board shall reassess the service or program needs of each individual on waiting lists, service substitution lists or long-term service planning registries. The administration of waiting list procedures shall be followed if it is determined that an individual no longer needs a program or service for which they are listed on a waiting list.
 - 2. The annual reassessment shall be completed in conjunction with the individual's annual planning process. The annual reassessment will be conducted by the assigned SSA, and the results of this reassessment shall be communicated to the administrative office for the purpose of updating any applicable waiting lists.
 - 3. Individuals shall be provided prior notice and right to due process prior to any action to remove or modify their placement on waiting lists.

4. If the reassessment determines that the individual needs a program or service type other than the one for which the individual is identified on the waiting list, the Board shall provide the needed program or service. If there is a waiting list for the needed program or service type, the individual shall be placed on the waiting list as applicable for that program or service. The determination of the list placement date for the revised needed program or service shall be in accordance with the following:
 - a. When an individual is determined to need a different type of service within the same service category, the individual retains the initial waiting list date assigned for that category.
 - b. When an individual is determined to need a different category of service, the waiting list date assigned for the new category of service is the date upon which the reassessment determination is made.

J. Confidentiality Procedures Specific to Lists

1. Confidentiality specific to signed requests for release of information specific to individuals rank on waiting lists shall be as follows:

The Board shall release:

- a. The individual's name, preferably first name and last initial;
 - b. The general nature of the programs and services to be provided to the individual on the specific waiting list;
 - c. The individual's rank on each waiting list that includes the individual;
 - d. Any circumstance under which the individual was given priority when placed by the Board on the waiting list; and
 - e. Individual's date of request for services.
2. A copy of the released information shall be maintained in the individual's file. The record shall indicate when and to whom the disclosure or release was made.

K. Notice to Individuals

1. The Board shall provide full notice of the waiting list policies and procedures to individuals and legal guardians.
2. The Board will make available policy and procedure changes with individual/guardian/family and document notice.
3. The notice shall be condensed to a brochure format that is clear and complete with language stating that full versions of the policies and procedures are available upon request and at no charge.
4. Distribution of the notice to inform shall not be limited to those individuals enrolled in Board operated or contracted programs. The notice shall be available for all citizens of Carroll County including those who wish to relocate to Carroll County.

Approved by: Mathual J. Campbell, Superintendent
Effective Date: 6-30-2010