

# The Waiting List Rule 2018

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**Auglaize County Board of DD**  
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# The Waiting List Was Broken.

- Ohio's former waiting list rule was overly complex and in need of simplification
- It confused people with developmental disabilities and their families
- It misled advocates who believed thousands were without necessary support.
- It hindered efforts by policymakers to direct resources to where they are needed most

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## The Waiting List Was Broken.

There are roughly **49,000** people with developmental disabilities on Ohio's waiting list for HCBS waivers; however, that number is misleading

- Many people on the list receive some type of services
- Many people on the IO waiting list are already enrolled in L1 or SELF waivers (some CBs estimate 50%+)
- County Boards have a variety of ways to meet people's needs – a waiver is just ONE of them

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## The Waiting List Was Broken.

A large percentage (**46%**) of people with developmental disabilities and their families who participated in the survey and are presently on the waiver waiting list have **“no current unmet needs.”**

- Many requested to be placed on the waiting list in anticipation of a long wait to receive waiver services
- **15%** of those surveyed have **“no future unmet needs.”**

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# It's Time to Fix The List.

For nearly two years, a coalition of organizations and individuals representing people with developmental disabilities, family members, advocates, county boards, private providers, and the State of Ohio met to come up with a new way to manage Ohio's DD waiver waiting list as members of the **Fix The List Coalition**.



# It's Time to Fix The List.



# It's Time to Fix The List.

Ohio used to manage its waiver waiting list in accordance with strict statutory requirements in the Ohio Revised Code.

Now, the process is mostly governed by the Ohio Administrative Code (rule), so it's more flexible and easier to update to help people and their families. Part of this effort involved updating the methods and terms we use to govern the process.

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## New Methods and Terms

Old Terms	New Terms
Waiting List	Current Needs Waiting List
Priority Categories	Current Needs Criteria
Emergency Status	Immediate Need

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# New Methods and Terms

Old Method	New Method
Anyone Can Request to Join The List	Must Be Assessed by CB <i>and</i> have Current Need(s)
Date of Request	Status Date (Recorded from Transitional List)
County-by-county process (Multiple Lists)	Statewide process (One List)

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# One Waiting List for All Waivers

- **No separate waiting lists** for Level I, SELF, and IO Waivers
- A person will be put on the “Current Needs Waiting List” and county board will determine best waiver to meet needs
- People will **no longer be on waiting list in multiple counties** – resident county only

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# How Are Needs Defined?

The new process will assess a person's *immediate needs* or *current needs*, not future needs

- **Immediate needs** = substantial risk of harm if action not taken in 30 days
- **Current needs** = unmet need(s) exist within 12 months

While current needs may exist within 12 months, this is no guarantee that a waiver will be provided within a 12-month period.

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# Current Needs

The county board will work to meet a person's needs using local resources, community-based alternative services, or HCBS through a waiver.

If current needs cannot be met without a waiver, and a waiver is not available, that person will be added to the waiting list for a wavier.

**The county board can still provide services to meet some of the person's needs.**

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## Who Gets a Waiver?

### Old System:

1. **Emergency Status** (Substantial risk of harm if action not taken within 30 days)
2. **Priority Categories** (County Boards determine which priority categories to address and when)
3. **Wait List Date/Time** (earliest date/time within a given priority category)

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## Who Gets a Waiver?

### New System:

1. **Immediate Need** – Not on the waiting list, county board must meet needs ASAP using whatever means necessary
2. **Current Need** – Multiple criteria get a waiver first
3. **Current Need** – Single criteria get a waiver next
4. **Status Date/Time** – If people have identical levels of need, the person with the earliest status date (or original date of request) will get a waiver first.

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# How Can People Be Removed?

## Old System (3 Reasons):

1. Enrollment on IO Waiver
2. Agreement to Be Removed
3. Death

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# How Can People Be Removed?

## New System (8 Reasons):

1. **Move out of county** (may notify new CB and be added to list in new county based on assessment)
2. **Decline waiver enrollment OR alternative community services to meet needs**
3. **No longer have a current need**
4. **Enroll on waiver to meet the current need**  
(more)

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# How Can People Be Removed?

## New System (8 Reasons):

5. No response to county board attempts to contact
6. Person does not meet Level of Care criteria or no longer has a qualifying condition as defined in the rule.
7. Person/guardian agrees or requests to be removed
8. Death

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# What Are Immediate Needs?

“Immediate need” means a situation that creates a **risk of substantial harm** to an individual, caregiver, or another person **if action is not taken within thirty calendar days to mitigate the risk.**

NOTE: *Two criteria must be met to be in this category – the RISK and the IMMEDIACY of the need.*

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# What Are Immediate Needs?

## Situations that give rise to immediate need include:

- An ICF/IID resident who has received a discharge notice
- A nursing facility resident who has received a discharge notice

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# What Are Immediate Needs?

## Situations that give rise to immediate need include:

- Adult losing primary caregiver due to the primary caregiver's declining or chronic physical or psychiatric condition or due to other unforeseen circumstances that significantly limit the ability of the primary caregiver to care for the individual when:
  - The impending loss of the caregiver creates a risk of substantial harm to the individual and
  - There are no other caregivers available to provide necessary supports to the individual.

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## What Are Immediate Needs?

### Situations that give rise to immediate need include:

- An adult or child is engaging in documented behavior that creates a risk of substantial harm to themselves, a caregiver, or another person.
- Impending risk of substantial harm to the individual or caregiver as a result of:
  - A person's significant care needs (i.e., bathing, lifting, high-demand, or twenty-four-hour care); or
  - A person's significant or life-threatening medical needs.



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## What Are Immediate Needs?

- An adult has been subjected to abuse, neglect, or exploitation and requires additional supports to mitigate a risk of substantial harm to the individual.
- \*Note some criteria indicate “adult” versus “adult or child” – intended to clearly discern role of CB versus children/family services



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## What Are Current Needs?

**“Current need”** means an unmet need for home and community-based services within twelve months, as determined by a county board based upon assessment of a person using the waiting list assessment tool.

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## What Are Current Needs?

1. A person is likely to be at risk of substantial harm due to:
  - The primary caregiver's declining or chronic long-term physical or psychiatric condition that significantly limits the caregiver's ability to care for the person;
  - Insufficient availability of caregivers to provide necessary supports to the person; or
  - The person's declining skills resulting from a lack of supports.

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## What Are Current Needs?

2. A person has an ongoing need for limited or intermittent supports to address behavioral, physical, or medical needs, in order to sustain existing caregivers and maintain the viability of a person's current living arrangement.

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## What Are Current Needs?

3. A person has an ongoing need for continuous supports to address significant behavioral, physical, or medical needs.  
There must be both elements to this:  
ongoing NEED and continuous SUPPORTS
4. A person is aging out of or being emancipated from children's services and has needs that cannot be addressed through alternative services.

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## What Are Current Needs?

5. A person requires waiver funding for adult day services or employment-related supports that are not otherwise available (OOD or school)
6. A person is living in an intermediate care facility for individuals with intellectual disabilities or a nursing facility and has a viable discharge plan.

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## Four Assessment Outcomes

**#1**

A county board determines immediate need, and addresses that need (same as “emergency” cases in old system). This can be via community-based alternative services or via waiver.

**The person is removed from the transitional list or not added to the waiting list.**

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## Four Assessment Outcomes

# #2

A county board determines the person has current needs and meets those needs using community-based alternative resources.

**The person is removed from the transitional list or not added to the waiting list.**

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## Four Assessment Outcomes

# #3

A county board determines the person has current needs and cannot meet all of their needs using community-based alternative resources. A waiver is necessary.

**If a waiver is available, the person is enrolled. If not, the person is put on the new current needs waiting list until one becomes available.**

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## Four Assessment Outcomes

# #4

A county board determines the person has neither an immediate nor a current need.

**The person is not placed on the current needs waiting list. If they are on the transitional waiting list, they are removed.**

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## When Will This Happen?

The updated rule is effective on **September 1, 2018.**

Everybody currently on a county board HCBS Waiver Waiting list will be moved to a Transitional List with their **original request date/time.**

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## How Do We Transition?

No new people will be added to the Transitional List. New requests for waiver will be assessed using the WL Assessment Tool by the county board and will be placed on the Current Needs Waiting List if appropriate and if needs cannot be met with alternative resources.

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## How Do We Transition?

All those who currently have an assigned SSA will be assessed using the new statewide WL Assessment Tool at the time of next ISP review.

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## How Do We Transition?

By **December 31, 2020** the CB must assess everyone on the Transitional Waiting List.

People will be removed from the Transitional Waiting List by county boards once their assessment is complete – either because they are on the new waiting list, or they have no unmet needs.

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## What is a Status Date?

Everyone who is added to the current needs waiting list will be added with a **Status Date**.

This is the date someone is assessed to have a current need using the Waiting List Assessment Tool.

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## What is a Status Date?

If a person was on the transitional list, they will retain their original date of request from the old waiting list. This is kept on file so that – if two people have the same needs, the person with the earliest date (status or original date of request) will come first.

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## What If A Person Moves?

- When a person moves into a new county of residence, the person/guardian must notify the new county board.
- The new board must then review the Waiting List Assessment Tool within 90 days and if the current need still exists, the person will maintain the status date previously assigned.

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## What If Needs Change?

If a person's needs change, they can request a new assessment. County boards must initiate the assessment process within 30 days.

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## What If People Disagree?

**If a person disagrees with their assessment outcome, they are entitled to due process when:**

- A board assessment determines they will not be added to the Waiting List from the Transitional List.
- A board assessment determines they will go on the Waiting List instead of waiver enrollment when their request was for a waiver.
- A board assessment indicates they no longer have a current need and will be removed from the waiting list.

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# Resources

**Fix The List website** to access information:  
[www.FixTheList.info](http://www.FixTheList.info)

- Results of studies completed and of individual/family surveys
- FAQ section of commonly asked questions
- Provides ability to email questions directly and have those questions directed to the most appropriate member of the coalition

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# Questions?

**If you have questions not answered in this presentation, feel free to ask now or email your questions to**  
**[fixthelist@oacbdd.org](mailto:fixthelist@oacbdd.org)**

**Thank you!**

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