

Mary Lee Fay
Authorized Signature

Number: SPD-AR-11-041
Issue Date: 5/4/2011

Topic: Developmental Disabilities

Due Date:

Subject: DD eligibility termination process

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input checked="" type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Seniors and People with Disabilities |
| <input checked="" type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): CDDP Services
Coordinators, Eligibility Specialists;
Brokerage Directors; SPD ODDS Staff |

Action Required:

FOLLOWING AN ELIGIBILITY DECISION THAT AN INDIVIDUAL NO LONGER MEETS DD ELIGIBILITY AS OUTLINED IN OAR 411-320-0080:

I. DECISION NOTICE

- 1) The CDDP Eligibility Specialist (ES) must issue a Notice of Eligibility Determination/Notice of Planned Action (SDS 5104/SDS 0947) as outlined in OAR 411-320-0080.
- 2) The ES must inform the CDDP services coordinator (SC) or support services brokerage personal agent (PA) that the individual has been found ineligible, by providing a copy of the SDS 5104/SDS 0947.
- 3) The SC or PA must work with the rest of the individual's team (parent, legal guardian, ISP team, other support person) to identify and execute a strategy to exit the individual out of DD services no later than the 'effective date of action' identified on form SDS 5104/SDS 0947.
- 4) The CDDP/brokerage may continue to provide the same level of service that the individual was receiving on the date that the SDS 5104/SDS 0947 was issued, until the 'effective date of action' identified on the SDS 5104/SDS 0947.
- 5) The CDDP/brokerage must close all services by the identified 'effective date of action'.
- 6) If the individual requests a contested case hearing AND continuing services/Aid Paid Pending (APP) within the identified timeframe, see Appeals, Section II, (below) for the process.

- 7) If a new/amended notice (SDS 5104/SDS 0947) must be issued, consult with the D&E Coordinator; a new DHS 0337 will be required.
- 8) The CDDP or the Brokerage must end the CPA with the same end date as the 'effective date of action'. (See Waiver Service Termination Dates, section B below, to determine the appropriate end date for waived services.) If the individual requests a contested case hearing, the Diagnosis & Evaluation (D&E) Coordinator will notify the DD Eligibility and Enrollment Unit (DDEEU) to extend services, as needed, until the process is complete.

A. Completing the DHS 0337 form:

- 1) The CDDP must complete a DHS 0337 reflecting the change in DD eligibility status prior to the 'effective date of action' in accordance with SPD-AR-10-093 and submit the form to DDEEU.
 - a. The reason for Termination of Case Management should be "Ineligible for DD Services".
 - b. Case management and non-waivered services End Dates should be the 'effective date of action' (found on SDS 5104/SDS 0947). This reflects the date that the CDDP is terminating DD services due to ineligibility. See Waiver Service Termination Dates, section B below, to determine the appropriate end date for waived services.
 - c. The CDDP should note the 'Date of the Notice' (found on the SDS 5104/SDS 0947) in the 'Comment' box, and indicate whether the individual has requested a contested case hearing/APP (if known).

B. Waiver Service Termination Dates:

If the individual is on the Developmental Disabilities Children's Behavior Waiver (DDB), Developmental Disabilities Comprehensive Waiver (DDC) or Developmental Disabilities Adult Support Services Waiver (DDS) when the determination of DD ineligibility is made, the CDDP must submit a waiver termination (DHS 0520).

- 1) The termination reason should be "Other"; write in "determined ineligible for services".
- 2) End/Waiver Term date:
 - a) For residential services, use the day before the "effective date of action" as the waiver termination date, as CMS cannot be billed for the date of exit;
 - b) For day services or non-residential services (In-Home Comp, Brokerage, VOC, Transportation), use the "effective date of action".
 - c) If the individual requests a contested case hearing AND continuing services/APP within the identified timeframe, DDEEU will not code the waiver termination (DHS 0520) until the Final Order or Order of Dismissal Notice is received.

C. DD/DHS Child Welfare (CW) Co-Managed Individuals:

- 1) In cases where a child or youth aged 18-21 has been determined no longer DD eligible, the CDDP must coordinate with the foster provider, the family and the

CW worker (when the child/youth is in the care and custody of CW), for placement planning, which could include the option of the child/youth returning to CW services or returning to the family home. CMEU (Children's Medical Eligibility Unit) retains cases where the individual is age 18-21, as long as the client remains in a children's foster care home.

2) The CDDP must:

- a) Notify the DD CMEU (Children's Medical Eligibility Unit) of the child/youth's eligibility status change and note where the child/youth will be residing on the 'effective date of action'. The change in status must be submitted as soon as possible to allow CMEU to help coordinate medical case changes.
- b) In the event that the child will be returning to the care/custody of CW, the CMEU OHP medical case must close. This will allow CW to open a CW OHP (medical) case. Timely coordination of this change is very important so the child/youth does not have an interruption in services.

D. Adult Foster Care:

CDDPs must send the Foster Care Data Change form (SDS 4547) to DDEEU only. DDEEU will notify appropriate SPD staff (DSO/APD, Provider Payment Unit) of end dates, when appropriate.

II. APPEALS (contested case hearing requested):

- 1) If an individual (or someone acting on their behalf) requests a contested case hearing regarding the eligibility decision, the individual (or his/her representative) must complete the DD/SPD Administrative Hearing Request form (DHS 0443DD).
- 2) The completed DHS 0443DD form must be sent to the SPD Executive Specialist or the D&E Coordinator in SPD's Central Office. The Department must receive the DHS 0443DD form within 45 days from the date of notice on the SDS 5104/SDS 0947, in accordance with OAR 411-320-0175.
- 3) Upon receipt of the timely DHS 0443DD, the D&E Coordinator will:
 - a) Contact the ES to advise that the individual requested a contested case hearing and continuation of services/APP, when applicable.
 - b) Provide a copy of the DHS 0443DD to the CDDP and DDEEU.
 - c) Request a copy of the records used in the eligibility determination.

A. Requests for continuation of services/APP:

- 1) If the individual chooses to request continuation of services/APP (OAR 461-025-0311; OAR 411-320-0175) during the contested case hearing process, the DHS 0443DD and the request for continuing services must be received by SPD within the appropriate time frame.
- 2) Continuing services under APP begins on the day following the "effective date of action" on the SDS 5104/SDS 0947.
- 3) Using the individual's request for continuing services, along with the previously submitted DHS 0337, SDS 4547 and DHS 0443DD, DDEEU will extend the

individual's case coding through the duration of the contested case hearing process, to prevent payments from being sent out beyond the individual's Exit date.

- 4) APP continues until the Exit from the service following either issuance of the Final Order/Order of Dismissal or a withdrawal of the hearing request and issuance of the Order of Dismissal.
- 5) The SC or the PA must actively work on a strategy to Exit the individual from services, as described above under Section I, DECISION NOTICE.

B. Termination of Services – eXPRS Client Prior Authorizations (CPAs)

- 1) If the individual did not request a contested case hearing or requested a hearing but did not want continuation of services/APP, the CDDP/brokerage must end the individual's CPAs no later than the 'effective date of action' and Exit the individual from services. The CDDP/brokerage must follow processes for coordination of Exit as described above under Section I, DECISION NOTICE.
- 2) If the individual requested a hearing and continuation of services/APP, the CDDP/brokerage, upon receipt of the Final Order or Order of Dismissal, must coordinate with the D&E Coordinator to identify an Exit date within a reasonable time frame, not to exceed five business days from the date of the Order, unless otherwise authorized by SPD.
- 3) Upon mutually agreeing on an Exit date, the CDDP/brokerage must end the individual's CPAs no later than that date.
- 4) Refer to Section I, DECISION NOTICE, A(1)(b) and B(2) to determine which end date to use for each service.

III. HEARING DECISION

- 1) For individuals who have requested a contested case hearing, the D&E Coordinator will inform the ES and DDEEU of the outcome of the contested case hearing by sending a copy of the Final Order or Order of Dismissal.
- 2) If the individual withdraws his/her hearing request prior to the contested case hearing, the D&E Coordinator will send a copy of the Order of Dismissal to the ES and DDEEU. DDEEU will end all services using the previously submitted DHS 0337 and/or SDS 4547 form(s).
- 3) A copy of the final DHS 0337 (and DHS 0520) will be sent to the CDDP by DDEEU.
- 4) The ES must immediately contact all other interested parties with the outcome of the Final Order or the Order of Dismissal (i.e. brokerage, SPD Kids Residential, DHS CW, foster providers, etc.)

A. Final Order Upholding CDDP Determination of Ineligibility:

- 1) The D&E Coordinator will contact the SC or the PA to confirm the date the CDDP/brokerage will exit the individual from the program. This date should not exceed five business days from the date of the Order, unless otherwise authorized by SPD Management.

- 2) The D&E Coordinator will confirm this agreed upon date by sending an email to the CDDP/brokerage and DDEEU. This email will serve as documentation of SPD's authorization for services beyond the date of the Order. The email must be maintained in the individual's file. Services may not be extended beyond this date.
- 3) The CDDP does not need to issue another decision notice (SDS 5104/SDS 0947) or additional DHS 0337/SDS 4547 forms.
- 4) A copy of the final DHS 0337 (and DHS 0520) will be sent to the CDDP by DDEEU.

i. Reporting to the Office of Payment Accuracy and Recovery (OPAR):

- a) Following a Final Order or an Order of Dismissal that upholds the denial of eligibility, when the individual was receiving continuation of services/APP, the D&E Coordinator will report the overpayment to OPAR.
- b) If the individual has lost the appeal (and had previously requested continuing services), all service payments made after the 'effective date of action' will be paid out of State General Funds and will be subject to overpayment recovery from the individual (OAR 461-195-0501).

ii. Voiding case management encounters

Once a Final Order or Order of Dismissal is received and the individual has been exited out of services, the CDDP/brokerage must VOID any eXPRS Encounters that occurred after the 'effective date of action' date. This process will be in place only until eXPRS moves Targeted Case Management to "fee for service" and actual payment for TCM service can be linked directly to the individual and rolled into their overpayment liability. Until then, the CDDP will continue to receive an up-front monthly allotment for TCM activities from which encounters draw down the provider liability. Voiding the encounters allows SPD to replace the TCM encounters with encounters completed with eligible individuals, therefore maximizing capacity to capture Medicaid match.

B. Final Order Reversing CDDP Determination of Ineligibility:

- 1) Upon receipt of the Final Order reversing the CDDP's Eligibility Determination, the CDDP will issue a Notice of Eligibility Determination (SDS 5103) to indicate the individual is eligible for DD services.
- 2) DDEEU will reinstate services back to the "effective date of action", and send the original DHS 0337 and Waiver Termination (DHS 0520) forms back to the CDDP/brokerage correcting the dates on the forms to reflect that services remain intact.
- 3) If the individual requested a hearing but not continuing services/APP, and the individual left services prior to date of the hearing (i.e., there was a gap between the last date in service and the date of the Final Order), a new TXIX Waiver (DHS 0520) may be needed. In these cases, DDEEU will request the date of the individual's last Annual Review from the CDDP/brokerage. When the date of the

Final Order is beyond 365 days from the individual's last Annual Review, DDEEU will request a new waiver (DHS 0520) from the CDDP/brokerage.

- 4) If the individual requested continuing services/APP, the individual will not be held financially liable for the cost of any services accrued in association with the contested case hearing. No overpayment will be written or referred to OPAR. The individual is still financially liable for any service payments that would have been required regardless of contested case hearing (e.g., service contributions/offsets).

Reason for Action:

Assure correct case coding and accurate payment processing.

Field/Stakeholder review: Yes No

If yes, reviewed by:

If you have any questions about this action request, contact:

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