



Delaware County Board of Developmental Disabilities

To inspire, empower, and support people to achieve their full potential.

Waiting List Frequently Asked Questions

1. Why is the Waiting List changing?

It is changing due to the waiting list process being inconsistent across the state. Delaware County Board of Developmental Disabilities (DCBDD) currently bases the Waiting List placement on need. The new process will create consistency across the state.

2. If someone currently has a waiver, could this process take it away?

No. There is nothing in the new rule that would allow a waiver to be taken away based on the results of the Waiting List Assessment Tool.

3. Will the new Waiting List process guarantee that people will now receive a waiver or get a particular waiver faster?

There is no guarantee that people will receive a waiver sooner than under DCBDD's current process. We currently look at the needs of individuals to determine waiver allocations. Now there will be a consistent process and assessment across the state to determine an individual's need for a waiver.

4. What will happen during the transition from the old Waiting List to the new Waiting List?

A transitional list will be established which will include the name and date of request for each person on the current waiting list as of July 1, 2018. DCBDD will administer the Waiting List Assessment Tool to each person on the transitional list at the person's next annual planning meeting. There are three outcomes for the person as based on the results of the assessment:

- A. The person has an *immediate need* if action is not taken within 30 calendar days to mitigate the risk, in which case the county board will take action necessary to ensure the person's immediate need is met. This determination does not guarantee enrollment on a waiver if alternative services are available to meet the need.
- B. The person has a *current (unmet) need* for a service within the next twelve months; the county board will add the person's name to the new Waiting List.
- C. The person has neither an immediate need nor a current need and will not be placed on the new Waiting List.

5. What does "immediate need" mean? How will a person know if they have one?

An "immediate need" means a person is in a situation that creates a risk of substantial harm to themselves, their caregiver, or another person if action is not taken within 30 calendar days to address the risk. DCBDD will complete the Waiting List Assessment Tool with the individual and their team.

6. What happens if someone has an immediate need (emergency)?

There are no significant changes to the emergency process to meet immediate needs. If a person is in an emergency situation they should contact their Support Administrator or Service Coordinator for assistance.



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7. What does “current need” mean? How will a person know if they have one?

A "current need" means a person has a qualified unmet need in the next twelve months as determined by the Waiting List Assessment Tool. If it is determined that they have a current need, a status date (the day/time the assessment was completed) will be assigned and the DCBDD will either link them with alternative services and supports to meet the need or place them on the Waiting List. Once the need has been met by either alternative services or waiver enrollment, their name will no longer be on the Waiting List.

8. What happens if someone has a current need for services?

DCBDD addresses current needs through the service planning process utilizing alternate resources. If a person is currently on the Waiver Waiting List, the Waiting List Assessment Tool will be completed as part of their annual individual service plan (ISP) process. After July 1, 2018, anyone who is not currently on the Waiting List can request to have the assessment completed.

9. If a person has a current (unmet) need for a service within the next twelve months, does that mean they will be enrolled on a waiver within twelve months?

No. DCBDD will work with them to address their needs using alternate resources, as available, and will maintain contact with them to plan for possible enrollment.

10. How will the waiver order of enrollment be determined using the new Waiting List?

People selected for waivers will be enrolled in this order (the earliest of either the status date or date of request shall take precedence in instances where two people meet the same enrollment status):

- A. People with an immediate need who require waiver funding to address the immediate need.
- B. People who have met multiple criteria for current need for twelve or more consecutive months and were not offered enrollment in a waiver in the prior calendar year.
- C. People who have met multiple criteria for current need for less than twelve consecutive months.
- D. People who meet a single criterion for current need.

11. What if a person’s needs change and they need something else in the future?

A person’s needs will be assessed at least annually through the team process. The assessment can be updated any time a person’s needs change.

12. Will or can a person be on the Waiting List in multiple counties?

No, nothing has changed at DCBDD. You must live in Delaware County to be on our Waiting List.

13. A person is already on the current Waiting List. How will the new process affect their place in line?

Each person currently on the Waiting List for a HCBS waiver will receive a statewide assessment via the Waiting List Assessment Tool. This assessment will determine if they have an immediate or current unmet need that qualifies them to be placed on the Waiting List. Until the person is assessed, they will remain on DCBDD’s current Waiting List.



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14. A person's number on the current Waiting List is constantly changing. Will the new process address this issue?

Yes. In today's system, a person's number on the Waiting List may continually change (up and down) due to multiple factors (relocation, status category changes, etc.). This assessment will determine if they have a current unmet need that qualifies them to be placed on the Waiting List.

15. When will people be assessed and how long will it take?

As part of the annual ISP process or when a person experiences a significant change the Waiting List Assessment Tool will be completed to determine if there is a current unmet need.

16. What if the person disagrees with their assessment?

Due process will be available to a person who disagrees with the results of the Waiting List Assessment Tool. Due process shall be provided in accordance with section 5160.31 of the Revised Code and Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

Definitions

Alternative Services - The various programs, services, and supports, regardless of funding source, other than home and community-based services, that exist as part of the developmental disabilities service system and other service systems.

Current Need - An unmet need for home and community-based services within twelve months, as determined by a county board based upon assessment of the individual using the Waiting List Assessment Tool.

Immediate Need - 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.

Status Date - The date on which the individual is determined to have a current need based on completion of an assessment of the individual using the Waiting List Assessment Tool.

Transitional List - The list which shall include the name and date of request for each person on a list of persons waiting for home and community-based services on the day immediately prior to the effective date of the new rule.

Waiting List Assessment Tool - The instrument developed for purposes of making a determination of an individual's eligibility to be added to the Waiting List for home and community-based services.



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NOTICE OF PUBLIC HEARING

The Ohio Department of Developmental Disabilities hereby gives notice of its intent to rescind and adopt the following rules of the Administrative Code on a permanent basis on or about July 1, 2018, and to conduct a public hearing thereon. The public hearing will be conducted on **May 3, 2018 at 10:00 a.m.** in the Lobby Hearing Room of the Rhodes State Office Tower, 30 East Broad Street, Columbus, Ohio 43215.

The Department is rescinding rule **5123:2-1-08 (*Waiting Lists*)** and adopting new replacement rule **5123-9-04 (*Home and Community-Based Services Waivers - Waiting List*)**. Existing rule 5123:2-1-08 sets forth requirements for waiting lists established by a county board of developmental disabilities pursuant to Section 5126.042 of the Revised Code for Medicaid Home and Community-Based Services and for non-Medicaid services. New rule 5123-9-04 sets forth requirements for the waiting list established pursuant to Section 5126.042 of the Revised Code when a county board determines that available resources are insufficient to enroll individuals who are assessed to need and who choose Medicaid Home and Community-Based Services in Department-administered waivers. New rule 5123-9-04 reflects work undertaken by [Fix The List](#), a coalition of people with disabilities, family members, and organizations representing guardians, county boards, providers, and the Department to fix Ohio's waiting list for Home and Community-Based Services waivers. Rule 5123-9-04 simplifies the system to better reflect unmet needs and more efficiently direct supports to people and families who need them most. New rule 5123-9-04 addresses only the waiting list for Medicaid Home and Community-Based Services waivers. Provisions regarding waiting lists for non-Medicaid services are being incorporated to new rule 5123-4-01 described below.

The Department is rescinding rule **5123:2-1-02 (*Administration and Operation of County Boards of Developmental Disabilities*)** and adopting new replacement rule **5123-4-01 (*Administration and Operation of County Boards of Developmental Disabilities*)**. The rules establish standards for the administration and operation of county boards of developmental disabilities that protect the rights of individuals and ensure the safe and equitable provision of services to eligible individuals and their families. New rule 5123-4-01 includes provisions regarding waiting lists for non-Medicaid services, recognizes the Department's role as lead agency for Early Intervention services, and clarifies requirements for volunteers.

At this public hearing, the Department will accept verbal and/or written testimony on the proposed rule actions. Persons unable to attend the public hearing may submit written comments on the proposed rule actions. Any written comments received on or before the public hearing date will be treated as testimony and made available for public review. Submittal of written comments may be made to Becky Phillips, Administrative Rules Coordinator, by email to becky.phillips@dodd.ohio.gov or by U.S. mail to 30 East Broad Street, 12th Floor, Columbus, Ohio 43215-3414.