1100 Purpose and General Provisions

The Madison County Board of MRDD shall develop policies and procedures regarding its waiting lists, service substitution lists and long-term service planning registry that comply with section 5126.042 of the Ohio Revised Code and Ohio Administrative Code Chapter 5123: 2-1-08. The policies and procedures shall address consistent methods of providing information about the alternative services. On an annual basis, the Madison County Board of MRDD shall review the policies and procedures. The Madison County Board of MRDD shall notify individuals on the waiting list, service substitution list, or long-term planning registry, the individual’s guardian, and in accordance with section 1103.6-2 of this policy, the individual’s family, as applicable, of any change in the policies and procedures. The Madison County Board of MRDD shall document that notice was given and the content of such notice. In addition:

1. To set forth the requirements the Madison County Board of MRDD must meet in establishing and maintaining waiting lists, service substitution lists, and a long-term service planning registry;
2. To establish a process of communication regarding waiting lists, service substitution lists, and the long-term service planning registry between the Madison County Board of MRDD and an individual, the individual’s guardian, and the individual’s family, as applicable, that complies with Ohio Administrative Code Chapter 5123: 2-1-08, and
3. To establish procedures for due process in accordance with Ohio Administrative Code Chapter 5123: 2-1-08.
4. Nothing in the policy shall be interpreted to alter the obligation of the Madison County Board of MRDD to provide a service, which it is required to provide under applicable law. Nothing in the policy shall be interpreted to create an obligation of the Madison County Board of MRDD to provide a service, unless the obligation exists under applicable law.

# 1101 Definitions

1. *Alternative Service* means the various programs, services, and supports, regardless of funding source, that exist as part of the MRDD service system and other service systems including, but not limited to:
	1. Services provided directly by the Madison County Board of MRDD;
	2. Services funded by the Madison County Board of MRDD through providers;
	3. Services provided and funded outside of the Madison County Board of MRDD system, or
	4. Services provided at the state level.
2. *Applicable Law* means those federal and state laws and regulations that apply to any service or conditions for providing any service covered by Ohio Administrative Code Chapter 5123: 2-1-08.
3. *County Board* means a county board of mental retardation and developmental disabilities established under Chapter 5126 of the Ohio Revised Code or a regional council of government formed under section 5126.13 of the Ohio Revised Code by two or more county boards.
4. *Current Need* means the individual needs and would use the service within twelve months if it were offered to the individual.
5. *Date of Request* means the date and time of any 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 Madison County Board of MRDD. *Date of Request* is the controlling date for placement on a waiting list or service substitution list and shall be documented at the time of any such request. Documentation of the date of request shall also include the ODJFS 02399 “Home and Community-Based Services Waiver Referral” signature date as described in rule 5101: 1-39-94 of the Administrative Code.
6. *Department* means the Ohio Department of Mental Retardation and Developmental Disabilities as established by section 121.02 of the Ohio Revised Code.
7. *Emergency Status* means any situation that creates for an individual a risk of substantial self-harm or substantial harm to others if action is not taken within thirty days. An *emergency* may include one or more of the following:
	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 to the individual or others of immediate harm or death, or
	5. Change in emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual’s existing caretaker.
8. *Guardian* means a guardian appointed by the probate court under Chapter 2111 of the Ohio Revised Code. If the individual is a minor for whom no guardian has been appointed under that chapter, “guardian” means the individual’s parent. If no guardian has been appointed for a minor and the minor is in the legal or permanent custody of a government agency or person other than the minor’s natural or adoptive parent, *guardian* means the government agency or person.
9. *Home and Community-Based Services* means Medicaid-funded home and community-based services provided under a Medicaid component the Ohio Department of MRDD administers pursuant to Section 5111.871 of the Ohio Revised Code.
10. *ICF/MR* means intermediate care facility for the mentally retarded.
11. *Individual* means a person with mental retardation or other developmental disability.
12. I*SP* means individual service plan.
13. *Medicaid Case Management Services* means Medicaid-covered case management services under Ohio’s state Medicaid plan.

# 1102 Exclusions from Waiting List

1. The following Medicaid eligible individuals shall receive services within ninety days of the date that the need for such services has been documented on the individual’s ISP in accordance with applicable law, which determination shall be included in the individual’s record maintained by the Madison County Board of MRDD:
	1. Individuals who are assessed and who are determined to have a need for Medicaid state plan services, including habilitation center services and Medicaid case management services;
	2. Individuals enrolled in a home and community-based services waiver for persons with an ICF/MR level of care who are assessed and who are determined to have a need for the services covered by the waiver.
2. Individuals enrolled in residential facility, home care transition, or individual options waivers who are being transferred to a different home and community-based services waiver for persons with an ICF/MR level of care. Such individuals may be transferred in accordance with rules of the department and other applicable law to another ICF/MR level of care waiver for which the individuals who are eligible.
3. Children who are subject to a determination under section 121.38 of the Ohio Revised Code.
	1. Such children who require the home and community-based services provided through the Medicaid component that the department administers under section 5111.871 of the Ohio Revised Code shall receive services through that Medicaid component.
	2. For all other services, such children shall be treated by the Madison County Board of MRDD as having emergency status.

# 1103 General Waiting List Requirements

The Madison County Board of MRDD may place an individual on more than one waiting list. The Madison County Board of MRDD may establish priorities for making placements on its waiting lists according to an individual’s emergency status and shall establish priorities in accordance with section 1104 of this policy. If it is determined an individual needs a different category of service other than the one for which the individual is waiting, the Madison County Board of MRDD 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 Madison County Board of MRDD shall inform the individual, the individual’s guardian, and in accordance with section 1103.6-2 of this policy, the individual’s family, as applicable, of the individual’s place on the waiting list based on the new date of request.

**1103.1 Waiting Lists for Medicaid Services**

1. Madison County Board of MRDD shall establish and maintain waiting lists, in accordance with Ohio Administrative Code Chapter 5123: 2-1-08, for each home and community-based services waiver administered by the Madison County Board of MRDD. Such lists shall be subject to sections 1102-1 and 1102-2 of this policy. When an application is made for a waiver, the individual shall be placed on the list for the waiver appropriate to the individual’s need based on the individual’s assessment. The original date of request shall be the date for placement on the waiting list.
2. Medicaid eligible individuals who need Medicaid-covered services included in the following categories shall receive those services within the time periods specified in sections 1102-1 and 1102-2 of this policy and shall not be placed on a waiting list or service substitution list for those services:
	1. Early childhood services;
	2. Educational programs for preschool and school age children;
	3. Adult services;
	4. Service and support administration;
	5. Residential services and supported living;
	6. Transportation services;
	7. Family support services provided under section 5126.11 of the Ohio Revised Code.

**1103.2 Waiting Lists for Non-Medicaid Services**

The Madison County Board of MRDD shall establish a separate waiting list, in accordance with Ohio Administrative Code Chapter 5123: 2-1-08, for at least each of the following categories of non-medicaid services for which available resources are inadequate to meet the needs of all individuals who have a current need for the services:

1. Early childhood services;
2. Educational programs for preschool and school age children;
3. Adult services
4. Service and support administration;
5. Residential services and supported living:
6. Transportation services;
7. Family support services provided under section 5126.11 of the Ohio Revised Code.

**1103.3 Other Service Categories**

The Madison County Board of MRDD may establish additional waiting lists for other categories of services, which are determined to be necessary and appropriate for individuals according to their ISP.

**1103.4 Procedures on Requests for Services**

1. When services are requested, the Madison County Board of MRDD shall inform the individual, the individual’s guardian, and in accordance with section 1103.6-2 of this policy, the individual’s family, as applicable, of the alternative services.
2. When a request is made for a service, the individual shall be placed on the list for the service appropriate to the individual’s need based on the individual’s assessment.
3. The original date of request shall be the date for placement on the waiting list.
4. The Madison County Board of MRDD shall place individuals with a current need for a category of service and individuals who meet the criteria in section 1104 of this policy for a category of service on the waiting list for that category of service.
5. The Madison County Board of MRDD shall inform the individual, the individual’s guardian, and in accordance with section 1103.6-2 of this policy, the individual’s family, as applicable, of the individual’s place on the waiting list.
6. Where there is a dispute regarding the date of request, an individual or person with legal authority to act on behalf of the individual, may appeal under procedures set forth in section 1110 of this policy.

**1103.5 Status of Enrollees Relocating**

1. If an individual determined eligible in one county after July 1, 1991 seeks placement in another county, the individual shall be presumed to be eligible for county board services in the receiving county. If the receiving county deems it necessary to conduct a separate evaluation, the receiving county may do so, but the individual shall receive services or be placed on the waiting list during the period of reevaluation.
2. When an individual relocates or expresses a desire to relocate from one county to another county, any waiting list or service substitution list for a home and community-based services waiver shall be reordered in the new county based on the individual’s original date of request for such waiver.
3. When an individual relocates or expresses a desire to relocate from one county to another county, the individual’s name and date of request for any non-medicaid category of service will be added to any waiting list or service substitution list using the new date of request made to that county board.

**1103.6 Management of Waiting Lists**

1. Upon ODMRDD’s request, the Madison County Board of MRDD shall submit in a format specified by ODMRDD’s documentation related to its waiting lists, service substitution lists, and long-term service planning registry including, but not limited to, information regarding individuals who requested services or were removed from the waiting list.
2. The Madison County Board of MRDD shall maintain the confidentiality of information related to individuals on the waiting lists in accordance with section 5126.044 of the Ohio Revised Code. Except as provided in division D of section 5126.044 of the Ohio Revised Code, when disclosed of the identity of an individual is needed to ascertain that the Madison County Board of MRDD waiting lists are being maintained in accordance with section 5126.042 of the Ohio Revised Code and Ohio Administrative Code Chapter 5123: 2-1-08, the Madison County Board of MRDD shall release only the individual’s name, the category of services requested by the individual, the individual’s rank on the waiting list, the individual’s date of request for services and any circumstances under which the individual was given priority when placed on the waiting list pursuant to section 1104 of this policy.
3. When a category of service for which there is a waiting list becomes available, the Madison County Board of MRDD shall reassess the service needs of the individual next scheduled on the waiting list to receive the category of service. If the reassessment demonstrates that the individual continues to need the category of the service, the Board shall offer the service to the individual. If the individual refuses the service,the individual may remain on the waiting list in the individual’s current position based on the individual’s current need.
4. The Madison County Board of MRDD shall review the current status, reassess the service needs, and inform the individual, the individual’s guardian, and in accordance with section 1103.6-2 of this policy, the individual’s family, as applicable, of the individual’s current position on all waiting lists and service substitution lists on at least an annual basis. The individual planning process shall address findings of this reassessment and shall include any process or plan for helping the individual prepare for the requested service.
5. The Madison County Board of MRDD shall inform each individual on a waiting list, service substitution list, or long-term service planning registry, the individual’s guardian, and in accordance with section 1103.6-2 of this policy, the individual’s family, as applicable, of the alternative services on at least an annual basis.
6. If it is determined the individual is not eligible for a category of service, the Madison County Board of MRDD shall remove the individual’s name from the list for that service and shall assist the individual with contacting other agencies/programs for which the individual may be eligible. Individuals removed from the list have a right to due process as set forth in section 1110 of this policy.

# 1104 Priorities

Except as provided in section 1106 of this policy, the Madison County Board of MRDD shall do, as priorities, all of the following in accordance with the assessment component approved under section 5123.046 of the Ohio Revised Code of the Madison County Board of MRDD’s plan developed under section 5126.054 of the Ohio Revised Code:

1. For the purpose of obtaining additional federal Medicaid funds for home and community-based services, Medicaid case management services, and habilitation center services, do both of the following:
	1. Refinancing of supported living and family support services – Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under section 1103 of this policy for home and community-based services that include supported living, residential services, or family support services:
		1. Is twenty-two years of age or older;
		2. Receives supported living or family support services.
	2. Refinancing of adult services – Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under section 1103 of this policy for home and community-based services that include adult services:
		1. Resides in the individual’s own home or the home of the individual’s family and will continue to reside in that home after enrollment in home and community-based services;
		2. Receives adult services from the Madison County Board of MRDD.
2. As federal Medicaid funds become available pursuant to section 1104-1 of this policy, give an individual who is eligible for home and community-based services and meets any of the following requirements priority for such services over any other individual on a waiting list established under section 1103 of this policy:
	1. Does not receive residential services or supported living, either needs services in the individual’s current living arrangement or will need services in a new living arrangement, and has a primary caregiver who is sixty years of age or older;
	2. Is less than twenty-two years of age and has at least one of the following service needs that are unusual in scope or intensity:
		1. Severe behavior problems for which a behavior support plan is needed;
		2. An emotional disorder for which anti-psychotic medication is needed.
		3. A medical condition that leaves the individual dependent on life-support medical technology;
		4. A condition affecting multiple body systems for which a combination of specialized medical, psychological, educational, or habilitation services are needed;
		5. A condition the county board determines to be comparable in severity to any condition described in sections 1104-2bi to 1104-2biv of this policy and places the individual at significant risk of institutionalization.
	3. Is twenty-two years of age or older, does not receive residential services or supported living, and is determined by the Madison County Board of MRDD based upon the criteria set forth in sections 1104-2bi to 1104-2bv of this policy to have intensive needs for home and community-based services on an in-home and out-of-home basis.
3. Individuals seeking to leave ICF/MRs or nursing facilities – In state fiscal years 2002 and 2003, the Madison County Board of MRDD shall give an individual who is eligible for home and community-based services, resides in an ICF/MR or nursing facility, chooses to move to another setting with the help of home and community-based services, and has been determined by the department to be capable of residing in the other setting, priority over any individual on a waiting list established under section 1103 of this policy for home and community-based services who does not meet these criteria. The Ohio Department of MRDD shall identify the individuals to receive priority under section 1104-3 of this policy, assess the needs of the individuals, and notify the county boards that are to provide the individuals priority under section 1104-3 of this policy of the individuals identified by the Ohio Department of MRDD and the individual’s assessed needs.

# 1105 Notification

The Madison County Board of MRDD shall, in accordance with a protocol developed by the Ohio Department of MRDD, develop and implement a procedure for the timely notification of each individual currently on the Madison County Board of MRDD waiting list, the individual’s guardian, and in accordance with section 1103.6-2 of this policy, the individual’s family, as applicable, of the priorities in section 5126.042 of the Ohio Revised Code, Ohio Administrative Code Chapter 5123: 2-1-08, this policy, and the individual’s due process and appeal rights. The Madison County Board of MRDD shall document that notice was given and the content of such notice.

# 1106 Emergency Status

An individual with emergency status shall receive first priority for services. No individual may receive priority for services pursuant to section 1104 of this policy over an individual placed on a waiting list with an emergency status.

# 1107 Order for Offering Services to Individuals with Priority

1. If two or more individuals on a waiting list established under section 1103 of this policy for home and community-based services have priority for services pursuant to section 1104-1 or 1104-2 of this policy, the Madison County Board of MRDD may, until December 31, 2003, offer the services to the individuals with priority under section 1104-1 or 1104-2 of this policy in a manner that, to the greatest extent possible, achieves the following objectives:
	1. A maximization of federal funding;
	2. A mix between the number of individuals with priority under section 1104-1 of this policy and the number of individuals with priority under section 1104-2 of this policy;
	3. A reasonable contribution by the Madison County Board of MRDD to increase the enrollment into home and community-based services during each state fiscal year of at least five hundred individuals who did not receive residential services, supported living, or home and community-based services in the prior state fiscal year, in accordance with section 5123.046 of the Ohio Revised Code;
	4. In dealing with living arrangements, the following objectives:
		1. The promoting of individuals’ ability to choose other individuals with priority under section 1104-1 or 1104-2 of this policy with whom to live if the individuals have an existing relationship;
		2. The filling of vacancies in living arrangements with individuals who have priority under section 1104-1 or 1104-2 of this policy.
2. Until December 31, 2003, when there is no individual with priority for home and community-based services pursuant to section 1104-1 or 1104-2 of this rule available and appropriate for the services, the Madison County Board of MRDD 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 section 1103 of this policy 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 section shall be selected in the order they are placed on the waiting list based on the date and time of their request for services.
3. When individuals are offered services in accordance with the process set forth in section 1107-1 of this policy and two or more individuals have equal rank, the Madison County Board of MRDD 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.
4. After December 31, 2003 or if the Madison County Board of MRDD chooses not to use the process specified in section 1107 of this policy, the Madison County Board of MRDD 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 with such exceptions as may be permitted or required under applicable law.
5. The plan submitted by the Madison County Board of MRDD pursuant to section 5126.054 of the Ohio Revised Code shall be consistent with policies adopted by the board that implemented section 1107 or 1107-4 of this policy.

## 1108 Service Substitution List

1. An individual who currently receives a service, but would like to change to a service in the same category established by the Madison County Board of MRDD under section 1103 of this policy, shall not be placed on a waiting list, but shall be placed on a service substitution list. The Madison County Board of MRDD shall work with the individual, service providers, and all appropriate entities to facilitate the transfer as expeditiously as possible.
2. Individuals shall be placed on the service substitution list ranked in an order based on the date and time of their request to change to another type of service within a category.
3. The Madison County Board of MRDD may establish priorities for making placements on its service substitution lists according to an individual’s emergency status.
4. No individual who is within the group described in section 1104-3 of this policy shall be placed on a service substitution list.

# 1109 Long-Term Service Planning Registry

1. The Madison County Board of MRDD shall maintain a long-term service planning registry to record an individual’s intent to request services in the future. At the time an individual’s name is placed on the registry, the Madison County Board of MRDD shall inform the individual, the individual’s guardian, and in accordance with section 1103.6-2 of this policy, the individual’s family, as applicable, that the registry is not a waiting list.
2. The Madison County Board of MRDD may not place an individual on the long-term service planning registry who meets the conditions for receipt of services on an emergency basis.
3. The Madison County Board of MRDD shall notify at least on an annual basis each individual on the long-term service planning registry, the individual’s guardian, and in accordance with section 1103.6-2 of this policy, the individual’s family, as applicable, of the following:
	1. That the registry is not a waiting list;
	2. The process to follow to notify the Madison County Board of MRDD of a request for services and placement on the waiting list.
4. When an individual on the long-term service planning registry requests to be placed on the waiting list, the Madison County Board of MRDD shall reassess the individual and place the individual on the appropriate waiting list using the new request date.
5. The Madison County Board of MRDD shall use the long-term planning registry as a planning tool for development and funding future services.

# 1110 Due Process

1. The Madison County Board of MRDD shall provide due process rights to all individuals placed on waiting lists, service substitution lists, or a long-term service planning registry. Due process shall be available to any individual aggrieved by an action of the Madison County Board of MRDD related to the following:
	1. The approval, denial, withholding, reduction, suspension, or termination of a service funded by the Medicaid program.
	2. The establishment or maintenance of, placement on, the failure to offer services in accordance with, or removal from a waiting list, service substitution list, or long-term service planning registry.
2. Due process shall be provided in accordance with Chapters 5101: 6-1 to 5101: 6-9 of the Ohio Administrative Code when the service involved is funded by the Medicaid program and in accordance with rule 5123: 2-1-12 of the Ohio Administrative Code when the services involved are not Medicaid-funded.
3. If an individual is aggrieved in accordance with section 1110-1 of this policy, the Madison County Board of MRDD may, if the county board has adopted a grievance procedure under rule 5123: 2-1-12 of the Ohio Administrative Code, attempt to informally resolve the matter through the grievance procedure. The filing of a grievance under the grievance procedure shall not affect the right of the individual to due process in accordance with section 1110-1 of this policy.
4. The Madison County Board of MRDD shall, in the manner specified in rule 5123: 2-1-12 of the Ohio Administrative Code, give notice to each individual on the waiting list, the individual’s guardian, and in accordance with section 1103.6-2 of this policy, the individual’s family, as applicable, of the individual’s due process rights. The Madison County Board of MRDD shall document that notice given and the content of such notice.

# 1111 Reporting

Not later than the fifteenth day of March each even-numbered year, the Madison County Board of MRDD shall prepare and submit to the Director of the Ohio Department of MRDD its recommendations for funding services for individuals and its proposals for reducing waiting lists for services. The report of the Madison County Board of MRDD required under this section may be incorporated in the Madison County plan required to be submitted under section 5126.054 of the Ohio Revised Code.

# 1112 Disclosure of Alternative Services

When any part of this policy requires disclosure of alternative services, the Madison County Board of MRDD shall ensure that providers are identified in accordance with sections 5126.046 and 5126.055 of the Ohio Revised Code and rules adopted by the Ohio Department of MRDD regarding free choice of provider.

# 1113 ICF/MR

A County Board which operates an ICF/MR and other operators of ICF/MRs shall not be subject to the requirements of this policy with respect to persons requesting admission to an ICF/MR. Requests for admission to ICF/MRs shall be subject to the requirements of rule 5101: 3-3-02 of the Ohio Administrative Code.

# 1114 Ohio Department of MRDD Responsibilities

1. Limitations on priority categories
	1. No more than four hundred individuals in the state may receive priority for services during the state 2002 and 2003 biennium pursuant to section 1104-2b of this policy.
	2. No more than a total of seventy-five individuals in the state may receive priority for services during state fiscal years 2002 and 2003 pursuant to section 1104-3 of this policy.
2. The Ohio Department of MRDD shall monitor compliance with Ohio Administrative Code Chapter 5123: 2-1-08 and the Madison County Board of MRDD policy and their contract agencies. Technical support will be provided by the Ohio Department of MRDD upon request and through regional and statewide trainings.

### Madison County Board of MR/DD

**Policy Manual**

**Chapter 11**

**Waiting List Policy**

#### Board Adopted: January 11, 1990

**Revised: August 17, 2000, April 18, 2002, September 18, 2003**