

# ALABAMA'S MEDICAID WAIVERS: AN OVERVIEW

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ALABAMA DISABILITIES ADVOCACY PROGRAM

# WHAT IS MEDICAID?

- Medicaid is a joint state/federal program that provides medical assistance for certain individuals and families with low income and resources.
- Centers for Medicare and Medicaid Services (“CMS”) is the federal agency that oversees states’ Medicaid programs.
- In Alabama, for every Medicaid dollar spent, 70 cents is funded by the Federal Government while the states funds 30 cents.
- The Alabama Medicaid Agency maintains responsibility for administering Alabama’s waiver programs.

# WHO IS ELIGIBLE FOR MEDICAID?



Alabama residents who:

- Meet income and age requirements.
- The requirements vary by program.
- For certain programs, must also have a specific diagnosis or condition.

# WHAT IS A MEDICAID WAIVER?

- Referred to as a “Home and Community-Based Waiver” (HCBW).
- Allows persons to receive services in the community as opposed to an institutional setting.
- Institutional settings include: nursing homes and intermediate care facilities for persons with intellectual disabilities (Partlow).
- Provides services not usually covered by the Medicaid program, as long as these services are required to keep a person from being institutionalized.

# WHO HANDLES THE WAIVERS?

## Alabama Medicaid Agency

- Administering state agency;
- Ensures compliance with federal guidelines;
- Oversees providers;
- Serves as the bank, provides funds to the operating agency;
- Handles any disputes from recipients.

Various state agencies serve as the “operating agency” for Alabama’s Medicaid waivers.

- Alabama Dept. of Mental Health;
- Alabama Dept. of Rehabilitation Services;
- Alabama Dept. of Public Health;
- Alabama Dept. of Senior Services.

# WHAT DO THE OPERATING AGENCIES DO?

The operating agency:

- Manages the day to day aspects of the program;
- Generally serves as the point of contact for persons seeking waiver services;
- Matches waiver recipients with appropriate service providers;
- Maintains responsibility for specific waiver “waiting lists”;

# LIMITS ON WAIVER SERVICES

Number of persons served:

- Known as slots
- Alabama tells CMS how many people it can serve under a waiver (often called a cap).
- If all waiver slots are filled, then State is permitted to have a “waiting list” for persons wishing to receive waiver services.

Two types of income limits:

1. Personal income and resources; and
2. Some waivers and services have what is called a “cost cap.”



# ALABAMA'S HCBW PROGRAMS

- Elderly and Disabled (“E & D”) Waiver
- State of Alabama Independent Living (“SAIL”) Waiver
- Intellectual Disabilities (“ID”) Waiver
- Living At Home (“LAH”) Waiver
- HIV/AIDS Waiver
- Technology Assisted (“TA”) Waiver for Adults
- Alabama Community Transition (“ACT”) Waiver





# ELDERLY AND DISABLED (“E & D”) WAIVER

- In existence since 1982
- Assist individuals to live in the community who would otherwise require nursing facility level of care
- Operating agencies are: Alabama Dept. of Public Health and Alabama Dept. of Senior Services
- No age requirement
- 9205 waiver slots

# TARGETED E & D WAIVER POPULATION

Persons who:

- Are at the point of discharge from a general acute care facility, and without the availability of waiver services would be eligible for placement in a nursing facility.
- Reside in the community, but are in danger of institutionalization, when their disabilities and level of functioning are such that, without the availability of waiver services nursing facility placement would probably occur.
- Are residents of a nursing facility, and who opt to leave that facility because of available E & D waiver services.

# SERVICES PROVIDED UNDER THE E & D WAIVER

- Case Management
- Personal Care
- Respite Care
- Homemaker
- Adult Day Health
- Companion Services
- Home Delivered Meals
  - (a) Frozen Meals
  - (b) Shelf Stable Meals
  - (c) Breakfast Meals

# INTELLECTUAL DISABILITIES (“ID”) WAIVER

- In existence since 1981
- Serves individuals who would otherwise require level of care available in an Intermediate Care Facility for the Mentally Retarded (ICF/MR). For example, Partlow
- Operating Agency is the Alabama Dept. of Mental Health
- Persons must be 3 years old or older
- 5260 waiver slots

# ID WAIVER TARGET POPULATION

- Persons who are diagnosed with an intellectual disability.
- Alabama defines intellectual disability as: “significantly sub-average general intellectual functioning (IQ lower than 70 on a standardized intelligence test), existing concurrently with deficits in adaptive behavior that manifested in the developmental period (before the age of 18 years, for mental retardation).” Ala. Admin. Code § 580-5-30-.02(3)(a)(1).
- This is an outdated (1986) definition of intellectual disability.
- Alabama’s definition of intellectual disability is an issue that is often contested in the appeals process.

# SERVICES PROVIDED UNDER THE ID WAIVER

- Residential Habilitation Training
- Residential Habilitation-Other Living Arrangement
- Day Habilitation
- Day Habilitation w/transportation-
- Prevocational Services
- Supported Employment
- Individual Job Coach
- Individual Job Developer
- Occupational Therapy Services
- Speech and Language Therapy
- Physical Therapy
- Behavior Therapy
- Companion Services
- In-Home Respite Care
- Out-of-Home Respite Care
- Institutional Respite
- Personal Care
- Personal Care on Worksite
- Personal Care Transportation
- Environmental Accessibility Adaptations
- Specialized Medical Equipment
- Specialized Medical Supplies
- Skilled Nursing(RN/LPN)
- Crisis Intervention
- Community Specialist

# LIVING AT HOME (“LAH”) WAIVER

- In existence since 2002
- 569 slots
- Essentially the same as ID waiver, except:
  - does not offer Residential Habilitation Training services (Group Home); and
  - has an individual cost cap of \$25,000.00.

# STATE OF ALABAMA INDEPENDENT LIVING (“SAIL”) WAIVER

- In existence since 1992
- Serves adult individuals with specific medical diagnosis who are at risk of being institutionalized in a nursing home
- Operating agency is the Alabama Dept. of Rehabilitation Services
- Persons must be 18 years or older
- 660 slots



# SAIL WAIVER TARGET POPULATION

SAIL waiver services are provided, but not limited, to persons with the following diagnoses:

- Quadriplegia
- Traumatic brain injury
- Amyotrophic lateral sclerosis
- Multiple sclerosis
- Muscular dystrophy
- Spinal muscular atrophy
- Severe cerebral palsy
- Stroke
- Other substantial neurological impairments, severely debilitating diseases, or rare genetic diseases (such as Lesch-Nyhan Syndrome)

# SERVICES PROVIDED UNDER THE SAIL WAIVER

- Case Management Services
- Personal Care Services
- Environmental Accessibility Adaptations
- Personal Emergency Response System (PERS) Initial Setup
- Personal Emergency Response System (PERS) Monthly
- Medical Supplies
- Minor Assistive Technology
- Assistive Technology
- Evaluation for Assisted Technology
- Assistive Technology Repairs
- Personal Assistance Services

# HIV/AIDS WAIVER

- In existence since 2003
- Serves adult individuals with a diagnosis of HIV, AIDS, and related illnesses who are at risk of being institutionalized in a nursing home
- Operating agency is the Alabama Dept. of Public Health
- Persons must be 21 years or older
- 150 slots

# HIV/AIDS WAIVER TARGET POPULATION

Adult individuals with a diagnosis of HIV, AIDS, and related illnesses who are at risk of being institutionalized in a nursing home.

# SERVICES PROVIDED UNDER THE HIV/AIDS WAIVER

- Case Management Services
- Homemaker Services
- Personal Care Services
- Respite Care Services (Skilled and Unskilled)
- Skilled Nursing Services
- Companion Services

# TECHNOLOGY ASSISTED (“TA”) WAIVER FOR ADULTS

- In existence since 2003
- Serves adult individuals with complex medical conditions who are at risk of being institutionalized in a nursing home
- Operating agency is the Alabama Medicaid Agency
- Persons must be 21 years or older
- 40 slots

# TA WAIVER TARGET POPULATION

- Individuals who are age 21 or older with complex medical conditions who are ventilator dependent or who have tracheostomies and are at risk of nursing home placement.

# SERVICES PROVIDED UNDER THE TA WAIVER

- Private Duty Nursing (RN/LPN)
- Personal Care/Attendant Service
- Medical Supplies and Appliances
- Assistive Technology



# ALABAMA COMMUNITY TRANSITION (“ACT”) WAIVER

- Established in April 2011
- Serves adult individuals with disabilities or long term illnesses who currently live in a nursing home and desire to transition to a home or community-based setting
- Has a consumer directed option
- Operating agency is the Alabama Dept of Rehabilitation Services
- No age requirement
- 200 slots



# ACT WAIVER TARGET POPULATION


Individuals with disabilities or long term illnesses who currently live in a nursing home and desire to transition to a home or community-based setting

# SERVICES PROVIDED UNDER THE ACT WAIVER

- Community case management
- Transitional assistance services
- Homemaker services
- Home delivered meals
- Skilled/Unskilled respite
- Adult companion services
- Assistive technology
- Personal Emergency Response Systems
- Medical equipment and supplies
- Personal care
- Adult day health
- Skilled nursing
- Home modifications

# HOW DO I APPLY FOR A MEDICAID WAIVER

Review information on Alabama Medicaid's HCBW site:  
[http://www.medicaid.alabama.gov/CONTENT/4.0\\_Programs/4.3.0\\_LTC/4.3.1\\_Home\\_Comm\\_Based\\_Waiver.aspx](http://www.medicaid.alabama.gov/CONTENT/4.0_Programs/4.3.0_LTC/4.3.1_Home_Comm_Based_Waiver.aspx)



DECIDE WHICH WAIVER MEETS  
YOUR NEEDS (THERE MAY BE  
MORE THAN ONE);

For example, a persons could simultaneously  
qualify for the E & D, TA, and ACT waivers.

# CONTACT THE APPROPRIATE LOCAL AGENCY FOR APPLICATION PROCESS

- Which local agency depends you should contact depends on which waiver for which you wish to apply
- Remember several state agencies are charged with operating Alabama's HCB Waivers.
- If told by local agency that you cannot apply, contact the Alabama Medicaid agency's long-term care division, 1-800-362-1504

# WHAT IF I AM TOLD I AM NOT ELIGIBLE FOR A PARTICULAR WAIVER

- DO NOT GET DISCOURAGED
- You have appeal rights, including a right to a fair hearing;
- Act quickly. Time limit to appeal is limited.
- Should at least try to find a lawyer.
- Contact ADAP, legal services, or private counsel.



# SERVICES PROVIDED UNDER ALABAMA'S MEDICAID WAIVERS



# CASE MANAGEMENT

- system under which a designated person or organization is responsible for locating, coordinating, and monitoring a group of services.
- A case manager is responsible for outreach, intake and referral, diagnosis and evaluation, assessment, care plan development, and implementing and tracking services to an individual.
- Can also be used by individuals transitioning from an institutional setting.

# RESIDENTIAL HABILITATION TRAINING (GROUP HOME)

- Residential habilitation training provides intensive habilitation training, including training in personal, social, community living, and basic life skills.
- assistance/training in daily living activities
- Recreation/leisure activities
- Transportation to and from various activities

# DAY HABILITATION

- Day Habilitation is assistance with acquisition, retention, or improvement in self-help, socialization and adaptive skills which takes place in a nonresidential setting, separate from the home or facility in which the recipient resides.

# SUPPORTED EMPLOYMENT

- Consist of paid employment for persons for whom competitive employment at or above the minimum wage is unlikely, and who, because of their disabilities, need intensive ongoing support to perform in a work setting.
- Conducted in a variety of settings, particularly work sites in which persons without disabilities are employed.
- Includes activities needed to sustain paid employment by waiver clients, including supervision and training.

# THERAPY SERVICES

- Occupational
- Speech and language
- Physical
- Behavior

# RESPITE CARE

- given to individuals unable to care for themselves on a short term basis because of the absence or need for relief of those persons normally providing the care.
- Not allowable while caregiver is at work

# PERSONAL CARE

- Services provided to assist residents with activities of daily living such as eating, bathing, dressing, personal hygiene and activities of daily living.
- Services may include assistance with preparation of meals, but not the cost of the meals themselves.
- When specified in the plan of care, this service may also include such housekeeping chores as bed-making, dusting and vacuuming, which are essential to the health and welfare of the recipient.

# HOMEMAKER SERVICES

- general household activities that include meal preparation, food shopping, bill paying, routine cleaning and personal services.
- Provided by a trained homemaker when the individual regularly responsible for these activities is temporarily absent or is unable to manage the home and care for himself.



# ENVIRONMENTAL MODIFICATIONS

- Those physical adaptations to the home, required by the individual's plan of care, that are necessary to ensure the health, welfare and safety of the individual or enable the individual to function with greater independence in the home. This service must be necessary to prevent institutionalization of the individual.
- Such adaptations may include the installation of ramps and grab-bars and/or the widening of doorways in order to accommodate the medical equipment and supplies necessary for the welfare of the individual.
- Cost limit varies depending on waiver

# ASSISTIVE TECHNOLOGY

- Assistive technology includes devices, pieces of equipment, or products that are modified or customized and are used to increase, maintain or improve functional capabilities of individuals with disabilities.
- Example: computer voice recognition program

# SKILLED NURSING SERVICES

- Services listed in the plan of care that are within the scope of the Alabama Nurse Practice Act and are provided by a registered professional nurse, or licensed practical or vocational nurse under the supervision of a registered nurse, licensed to practice in the Alabama.

# HELPFUL WEBSITES

- Alabama Medicaid Agency: [www.medicaid.alabama.gov/](http://www.medicaid.alabama.gov/)
- Alabama Dept. of Mental Health: [www.mh.alabama.gov/](http://www.mh.alabama.gov/)
- Alabama Dept. of Public Health: [www.adph.alabama.gov/](http://www.adph.alabama.gov/)
- Alabama Dept. of Senior Services: [www.adss.alabama.gov/](http://www.adss.alabama.gov/)
- Alabama Dept. of Rehabilitation Services:  
[www.adrs.alabama.gov/](http://www.adrs.alabama.gov/)
- Alabama Administrative Code:  
[www.alabamaadministrativecode.state.al.us/alabama.html](http://www.alabamaadministrativecode.state.al.us/alabama.html)
- ADAP: [www.adap.net](http://www.adap.net)

# QUESTIONS

