I. **AUTHORITY:** T.C.A. 33, 42 C.F.R., Brown Settlement Agreement

II. **PURPOSE:** To ensure the integrity of the DMRS Waiver Waiting List and to ensure persons who meet certain eligibility requirements are appropriately placed on the DMRS Waiver Waiting List. DMRS also recognizes that some persons who request access to the Statewide Waiver (HCBS Waiver 0128.90R2A) or the Self-Determination Waiver (HCBS 0427) will be determined ineligible; therefore, DMRS will maintain a State Funded Services Waiting List.

III. **APPLICATION:** This policy applies to the Central Office Support Coordination and Case Management Unit, Regional Office Case Management Units, and any person attempting to access DMRS services.

IV. **DEFINITIONS:**

A. **Bureau of TennCare:** The single state agency designated by Tennessee law to administer the State medical assistance program as provided for in Title XIX of the Social Security Act as amended (P.L. 89-97), or as provided by any federal waiver received by the State that waives any or all of the provisions of Title XIX.

B. **Category of Need:** A waiting list category describing the immediacy of needs for individuals (crisis, urgent, active or deferred) who request services from the Division of Mental Retardation Services.

C. **Central Office:** The Central Office of the Division of Mental Retardation Services located in Nashville, Tennessee.

D. **DHS (Department of Human Services):** The state agency under contract with the Bureau of TennCare to determine eligibility for individuals applying for TennCare Medicaid, except for those determined to be eligible for SSI benefits by the Social Security Administration.

E. **DMRS (The Division of Mental Retardation Services):** The state agency within the Tennessee Department of Finance & Administration that is responsible for oversight and operational administration of Medicaid-funded Home and Community Based Services waiver programs for people with mental retardation and state-funded programs for people with mental retardation.

F. **DMRS State Funded Services Waiting List:** A list established and maintained by DMRS that identifies individuals by their category of need and who do not meet Medicaid Waiver eligibility requirements and who wish to remain on a waiting list for possible State Funded services.

G. **DMRS Waiver Waiting List:** A list established and maintained by DMRS that identifies individuals by their identified category of need who have registered, appear to be eligible and are waiting to be
enrolled in and receive services through a Medicaid Home and Community Based Services waiver program for individuals with mental retardation.

H. ICF/MR (Intermediate Care Facility for the Mentally Retarded): A licensed facility approved for Medicaid vendor reimbursement that provides specialized services for individuals with mental retardation or related conditions and that complies with current federal standards and certification requirements for ICF/MR.

I. Medicaid Eligible: An individual who has been determined by the Tennessee Department of Human Services to be financially eligible to have TennCare make reimbursement for covered services.

J. Regional Office: The local offices of the DMRS located in the three grand regions of the state: East, Middle and West Tennessee.

K. Statewide Waiver (Home and Community Based Services (HCBS) Waiver 0128.90R2A): The HCBS Waiver project approved for Tennessee by CMS to provide services to a specified number of Medicaid-eligible individuals who have mental retardation or developmental disabilities and who meet the criteria for Medicaid reimbursement of care in an ICF/MR.

L. Self-Determination Waiver (Home and Community Based Services (HCBS) Waiver 0427): The SD Waiver project approved for Tennessee by CMS to provide services to Medicaid-eligible individuals who have mental retardation or developmental disabilities with moderate service needs that can be satisfactorily met with a cost-effective array of home and community services that enables them to live in their own home or their family home. The SD waiver affords participants the opportunity, based on individual preference and the willingness to assume the responsibilities that accompany self-determination, to lead the person-centered planning process and directly manage services, including the recruitment and management of service providers.

V. POLICY: The Regional Office Case Management Units must maintain a Medicaid Waiver Waiting List that includes all persons who have been identified as meeting all of the eligibility requirements for enrollment into a Medicaid HCBS waiver program for individuals with mental retardation. A separate waiting list entitled the DMRS State Funded Services Waiting List will be maintained for individuals with mental retardation that have been identified as ineligible for Medicaid HCBS waiver programs, including the Self-Determination Waiver.

VI. PROCEDURES: The following procedures have been established and must be adhered to in the Regional Office Case Management Units for persons who request and meet the eligibility requirements for waiver services and are placed on the Medicaid Waiver Waiting List and for persons who request and do not meet the eligibility requirements for DMRS Waiver services and are placed on a DMRS State Funded Services Waiting List.

A. It will be the responsibility of the Regional Office case managers to ensure all persons assigned to them for case management services and who meet all of the following qualifications are placed on the DMRS Waiver Waiting List:

A.1. Persons who have either been approved by the Bureau of TennCare as meeting the ICF/MR level of care criteria or persons who have been preliminarily determined by the Regional Office case managers to meet the ICF/MR eligibility requirements; and
A.2. Persons who have either been approved by the Department of Human Services as meeting the financial eligibility requirements for Medicaid assistance or persons who have been preliminarily determined by the Regional Office case managers to meet the financial eligibility requirements for Medicaid assistance; and

A.3. Persons have a diagnosis of mental retardation prior to age eighteen (18). Documentation of a diagnosis of mental retardation prior to age eighteen will be obtained within sixty (60) days of being placed on the waiting list.

A.4. It will be the responsibility of the Regional Office case managers to ensure that needed information is entered into the DMRS information system to ensure accurate DMRS Waiver Waiting List reports and that needed documentation is gathered and maintained in the individual record.

A.5 The Regional Office case management unit will be responsible for entering all new referrals into the information system within 30 days of the initial referral.

A.6. To ensure the continued accuracy of the DMRS Waiver Waiting List reports, the Regional Office case managers must ensure that the DMRS information system is updated when any of the person’s personal information has changed, when a person moves from the Waiting list into the Statewide Waiver or SD Waiver, or when other circumstances arise that necessitate removal from the waiting list (i.e., death or change of residence to another state).

B. It will be the responsibility of the Regional Office case managers to ensure all persons assigned to them for case management services that request access to state funded services with a diagnosis of mental retardation made prior to age eighteen (18) and who meet one or both of the following qualifications are added to the DMRS State Funded Services Waiting List if the person chooses to be added to this list:

B.1. Persons who have been denied by the Bureau of TennCare as meeting the ICF/MR eligibility requirements for Statewide Waiver or the SD Waiver; and/or

B.2. Persons denied by DHS as meeting the eligibility requirements for Medicaid assistance.

B.3. It will be the responsibility of the Regional Office case managers to ensure needed information is entered into the DMRS information system to ensure accurate State Funded Services Waiting List reports and that needed documentation is gathered and maintained in the individual record.

B.4. It will be the responsibility of the case manager to obtain documentation of the diagnosis of mental retardation prior to age eighteen (18) within 60 days of being placed on the waiting list.

B.5 The Regional Office case management unit will be responsible for entering all new referrals into the information system within 30 days of the initial referral.

B.6. To ensure continued accuracy of the DMRS State Funded Services Waiting List reports, the Regional Office case managers ensure the DMRS information system is updated when any of the person’s personal information has changed or when a person begins to receive state funded services.

VII. FORMS: Non-Applicable.
VIII. **RESPONSIBILITY:** Central Office Case Management Unit, Regional Office Directors, and Regional Office Case Management Units.