

Access to Waiver for Individuals in Crisis or At Risk of Institutionalization July 2018

HCS Crisis Diversion

There is a mechanism for individuals with an intellectual and developmental disability who are in a crisis and at imminent risk of placement in an institution to get an HCS Waiver.

Qualifications for HCS Crisis Diversion:

An individual qualifies if:

- The individual is at imminent risk of admission to an institution;
- the individual is not being court committed to a facility for competency evaluation, such as SSLC or state hospital;
- Adequate and appropriate community resources are not available as evidenced by attempts to locate and utilize community-based services and supports, such as community intermediate care facilities for individuals with intellectual disabilities or related conditions (ICF/IDD), general revenue-funded services, Community First Choice, Crisis Intervention Services, other waivers, or for a minor, supports through the local school district;
- The individual meets the criteria for HCS level of care (LOC) 1. Individuals must have a LOC 1, which requires either a diagnosis of intellectual and developmental disability (IDD) or related condition (RC). Along with the requirements for LOC 1 are located in the HCS handbook on the HHS website at <https://hhs.texas.gov/laws-regulations/handbooks/home-community-based-services-handbook/hcs-section-5000-level-care-level-need>

Process

- Contact the Local Intellectual and Developmental Disability Authority (LIDDA) to get information about IDD services and supports and discuss the circumstances creating imminent risk of the individual's admission to an institution.
- Ask the LIDDA to determine if the individual meets the qualifications for an HCS Crisis Diversion Waiver and to begin the process for submitting an HCS Crisis Diversion request to HHSC.

HCS Nursing Facility Diversion

There is a mechanism for individuals with an intellectual or developmental disability who are at imminent risk of placement in a nursing facility to get an HCS waiver.

Criteria for CS Nursing Facility Diversion:

To be eligible for a targeted NF HCS diversion slot, the local intellectual and developmental disability authority's (LIDDA's) diversion coordinator must document the following:

1. The individual is at imminent risk of a long term stay in an NF;
2. The individual's current PASRR Evaluation (PE) indicates the individual has IDD and is appropriate for community placement;
3. The LTC Online Portal indicates the individual meets medical necessity;
4. The individual has a diagnosis that will meet HCS diagnostic eligibility criteria, including ICF Level of Care (LOC) I or VIII*; and

5. Other adequate and appropriate community resources, excluding state supported living centers, are unavailable to meet the individual's needs as evidenced by attempts to obtain community-based services and supports, such as:
 - a) For an individual 21 years of age or older:
 - i) Medicaid State Plan services;
 - ii) community ICF/IID services in a facility with 6 beds or less; and
 - iii) general revenue-funded services; or
 - b) For an individual under the age of 21 years:
 - i) Medicaid State Plan services;
 - ii) supports through the local school district;
 - iii) general revenue-funded services; and
 - iv) community ICF/IID services in a facility with 6 beds or less unless out-of-home placement is not desired.

Process

- Contact the Local Intellectual and Developmental Disability Authority (LIDDA) to get information about IDD services and supports and discuss the circumstances creating imminent risk of the individual's admission to a nursing facility.
- Ask the LIDDA to determine if the individual meets the qualifications for an HCS Nursing Facility Diversion Waiver and to begin the process for submitting an HCS Nursing Facility Diversion request to HHSC.

Medically Dependent Children Program (MDCP) Limited Stay

There is a mechanism for children and young adults to access the Medically Dependent Children Program waiver in an emergency. This is called MDCP Money Follows the Person or Limited Stay in a Nursing Facility.

To qualify for MDCP waiver through Money Follows the Person, a child may be required to stay in a nursing facility for 30 days. Others may qualify for a more limited nursing facility (NF) stay based on medical fragility. HHSC will review a form submitted by the child's doctor to determine if the child is too medically fragile to reside in an NF for an extended period of time. Medical fragility is defined as a chronic physical condition that results in a prolonged dependency on medical care. Individuals determined medically fragile by HHSC and approved for a limited NF stay must stay at least part of two days in the NF. Admission and discharge from the facility must be on different days. MDCP services must be authorized within 24 hours of discharge to allow for continuity of services (and establish Medicaid in an NF).

Individuals requesting the Medically Dependent Children Program (MDCP) Money Follows the Person or Limited Stay must be placed on the MDCP interest list, by calling the Community Services Interest List (CSIL) Unit toll-free number at 877-438-5658.

Provided by Elizabeth Tucker with [Every Child Inc.](#)