

Waiting List

Until funding is such that it is no longer necessary, a waiting list will be maintained for the HCBS/TBI waiver. Individuals who may supercede the waiting list process include the following: 1) individuals transferring from the HCBS/PD waiver; 2) those exiting a Kansas Medicaid approved TBI Rehabilitation Facility or state hospital; or 3) those who are in approved by the TBI Program Manager for a 'crisis' exception based on the criteria delineated below.

M-1 Procedures

- a. When individuals apply through SRS for HCBS/TBI services, the agency of their choice that conducts assessments will be notified via the ES-3160 form.
- b. If the individual requests TBI services through the assessment agency, the agency will refer the person to the local SRS office, via the ES-3160 form.
- c. If the individual does not currently have Medicaid eligibility, the SRS office will process the application for Medicaid eligibility based on independent living methodologies and other categorical requirements with the knowledge that HCBS services are not available at the time of application and notify the CIL/HHA of the results of the eligibility determination using the ES-3160 form.
- d. If the individual requests to enter a TBI Rehabilitation Facility, they must sign the Consumer Choice form indicating their choice. The TCM should then make the appropriate referral and, via the ES-3160 form, notify the local SRS office of the person's choice.
- e. If the individual requests TBI/HCBS and has been found to meet waiver criteria, the TCM will explain that there is a waiting list and their name will be placed on the list. The choice form is not to be signed at this time, it will be signed when an opening occurs and the person is accepted for services.
- f. When a TBI-UAI initial assessment is completed, the TCM should complete the HCBS/TBI Waiver Assessment Notification Form and send it to the TBI Program Manager.
- g. When the TBI Program Manager receives the information, the individual's name and contact information will be placed on the waiting list. The person's place on the list is based on the date and time the assessment tool was completed.

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- h. If an individual enters a nursing facility, hospital, or other institution for a planned brief stay, not to exceed the month of entrance and the following two months, that individual will not be placed on the waiting list and the HCBS/TBI case may remain open.
- i. The individual may return to waiver services without being subjected to the waiting list for up to six months following their case closure (provided they are still eligible).
- j. TCM may be provided while an individual is on the waiting list if they are receiving Medicaid and are found eligible for HCBS/TBI services by means of assessment.

M-2 Notification of waiver services

- a. When a consumer goes off of the TBI waiver for any reason, the TCM will notify the SRS eligibility worker within 5 working days of termination of services using the ES-3161. This is to be sent after the 10-day notice time has passed and an appeal (a/k/a request for fair hearing) has not been received by the Office of Administrative Hearings. The person has a total of 30 days to appeal a termination (from date of receipt of NOA). If they file an appeal after the 10 days notice, the case will be reopened. This should be communicated to the TBI Program Manager.
- b. The TBI Program Manager will notify the TCM of record when there is an opening on the waiver.
- c. The TCM should contact the individual and advise them of the opening and, within 10 working days, notify the TBI Program Manager if they continue to want TBI/HCBS and meet waiver eligibility criteria. The Consumer Choice form should be completed and signed at this time. A new Consumer Choice form should be completed if they are exiting a TBI Rehabilitation Facility.
- d. The TCM should send the ES-3160 to the SRS eligibility worker notifying them of the consumer's choice and start date. The start date will be the date the choice form is signed by the consumer if all other Medicaid eligibility criteria are met. The assessment date should not be used as the start date of services.
- e. The TCM will then finalize the Plan of Care and obtain all necessary signatures. Services are then to begin as soon as possible.

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M-3 Crisis exceptions

If a TCM feels that the individual they are assessing is in a ‘crisis’ situation, they must contact the TBI Program Manger and advise them of the situation. The TBI Program Manger will determine the need for an exception and waiver placement. If approved, the TCM should then complete the ES-3160 with choice date and submit it to the SRS eligibility worker immediately in order for eligibility to be determined . The eligibility worker will process the application for eligibility in accordance with SRS guidelines.

Crisis Exception Criteria:

- 1) The individual is at significant, imminent risk of serious harm or institutionalization because the primary caregiver(s) is/are not able to provide the level of support necessary to meet the person’s basic needs; or
- 2) require protection from confirmed abuse, neglect, or exploitation; or
- 3) are at risk of family unit dissolution, involving minor dependent child or dependent spouse; or
- 4) are at imminent risk of incarceration due to being charged with a crime or having multiple arrests.

M-4 Required documentation

- a. Only the first two pages of the TBI-UAI and the TBI Addendum must be completed for a person who is applying for HCBS/TBI waiver services and who will be placed on the waiting list.
- b. Upon notification that there is an opening on the HCBS/TBI waiver, the TCM should complete the remainder of the TBI waiver case file paperwork, including reviewing the first two pages of the TBI-UAI to see if there have been any changes and if so, update the document.
- c. When an individual chooses to have their name removed from the waiting list, or the TCM determines they will not meet eligibility standards, they should advise the TBI Program Manager using the TBI Waiver/Waiting List Termination form.