

**Applying to DDA for Medicaid Waiver Services**

July 2016

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| Help | Most applicants will have a coordinator of community services to help you. Call DDA (numbers below) if you do not have a coordinator of community services and need help. |
| Application | Fill out the DDA application form and provide supporting documentation of your disability. DDA will determine whether you are eligible for DDA services. To be eligible, you must meet the state’s definition for “developmental disability.” |
| I’m Eligible, Will I Get Services? | If you are eligible, DDA will assign you to a priority category. Each year DDA has limited funding for certain priority categories. If you are in one of the priority categories with funding, DDA may be able to give you services. Sometimes DDA doesn’t have enough funding to serve everyone in a funded priority category. If DDA can’t give you services, you will remain on the waiting list.  |
| Who is Most Likely to Get Services? | DDA is most likely to have funding for: * Transitioning youth, age 21-22. If the date of graduation is after the person’s 21st birthday, eligibility shall continue for one year.
* People living in institutions;
* People in Crisis Resolution who are homeless, no longer have a caregiver or are at significant risk of harm or of harming others;
* People with the most elderly caregivers; and
* People committed to DDA by a criminal court.
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| What if Something Changes? | You can ask DDA to change your eligibility or priority category if you get more information about your situation. You can ask DDA to change your priority category if your situation changes and you belong in a different priority category. If you need to ask DDA to make a change, ask your resource coordinator of community services for help. |
| What if DDA Made a Wrong Decision? | If you believe DDA has made a mistake about your eligibility or priority category, or it has wrongly denied you eligibility for the Medicaid waiver, you may appeal that decision.  |
| Why Does it Matter? | DDA will only provide services to people with developmental disabilities, not people who are eligible for “Supports Only.” A wrong decision means you cannot receive needed services (e.g., residential services, supported employment) now or in the future. |
| What Happens If I Am Eligible and DDA has funds? | If DDA is able to fund services for you, you will need to enroll in the Medicaid waiver. |

**Eligibility:** [**What**](file:///H%3A%5CCentral%20Office%5CNancyP%5CMedicaid%20Waiver%20Docs%5C5%29%20Eligibility%20--%20What%20is%20a%20DD.docx#Eligibility) **is a Developmental Disability?**

**To be eligible for the Medicaid waiver, DDA must find that you have a developmental disability as it is defined in state law.** DDA has two eligibility categories: “developmental disability” and “supports only.” A developmental disability is more than a diagnosis. It is about your need for support to manage your life. If you have a permanent disability that began before age 22 and you need support to manage your finances, personal care, household, transportation and/or public benefits, you may have a developmental disability.

“Developmental disability” is defined in the Maryland Code, Health Gen. Art. §7-101:

**“Developmental disability” means a severe, chronic disability of an individual that:**

 **(1) Is attributable to a physical or mental impairment other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;**

 **(2) Is manifested before the individual becomes 22 years old;**

 **(3) Is likely to continue indefinitely;**

 **(4) Results in an inability to live independently without external support or continuing and regular assistance; and**

 **(5) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.**

Two very important terms in DDA’s definition of “developmental disability” are also defined in the Maryland Code, Health Gen. Art. §7-101:

**g)** **External support. - “External support” means:**

**(1) Periodic monitoring of the circumstances of an individual with respect to:**

**(i) Personal management;**

**(ii) Household management; and**

**(iii) The use of community resources; and**

**(2) Rendering appropriate advice or assistance that may be needed.**

**(l)** **Live independently. - “Live independently” means:**

**(1) For adults:**

**(i) Managing personal care, such as clothing and medication;**

**(ii) Managing a household, such as menu planning, food preparation and shopping, essential care of the premises, and budgeting; and**

**(iii) Using community resources, such as commercial establishments, transportation, and services of public agencies; or**

**(2) For minors, functioning in normal settings without the need for supervision or assistance other than supervision or assistance that is age appropriate.**

**If You Have a Mental Illness and a Developmental Disability**

 If you have a developmental disability, you meet the disability requirements for the DDA Medicaid waiver even if you also have a mental illness. If DDA says you are not eligible, or should get services from the mental health system, call DRM for advice.

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| **Eligibility for Children**The definition of “live independently” is different for children since children typically don’t live independently. At Maryland Code, Health Gen. Art. §7-101(l), the definition of “live independently” says: “For minors, functioning in normal settings without the need for supervision or assistance other than supervision or assistance that is age appropriate.” DDA’s Medicaid waivers have no age limits. However, like adults (except for transitioning youth), an eligible child will probably need to be in crisis to receive funding. Parents or others acting on behalf of children with developmental disabilities who are in crisis should apply to DDA for services. Even if a child is not in crisis, a DDA eligibility determination can expedite access to services if a crisis arises or the child becomes a transitioning youth. Applying early can help you learn whether DDA needs additional documentation of the child’s disability.  |

**Eligible for “****Supports Only”**

If DDA finds that you are eligible for “supports only,” you are not eligible for the Medicaid waiver. Even if you are not eligible for the DDA Medicaid waiver, if you are eligible for Maryland Medical Assistance, you may be eligible for a variety of other in home support services including:

* Community First Choice provides community services and supports to enable people with disabilities to live in their own homes.
* The Medicaid Community Personal Assistance Services provides assistance with activities of daily living to Medicaid recipients who have a chronic illness, medical condition or disability. Services are provided in the individual's home or community residence.
* For other Medical Assistance programs, see <https://mmcp.dhmh.maryland.gov/waiverprograms/SitePages/Home.aspx>

**If you feel DDA’s decision is wrong, you may file an appeal.**

**Filling out the DDA Application Form**

You or anyone who has a legitimate interest in your welfare can apply to DDA for services for you. To get an application, call your regional DDA office or look online:

<http://dda.dhmh.maryland.gov/Pages/Developments/2015/dda_ea_application.pdf> (English)

<http://dhmh.maryland.gov/spanish/Documents/Aplication%20maryland%20revision%206_save%20form.pdf> (Spanish)

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| DDA Regional Offices |
|  | Counties Served | Phone/TDD/FAX/email | Address |
| Central Maryland Regional Office | Anne Arundel, Baltimore, Howard and Harford and Baltimore City | (410)234-8200TDD: (410)363-9430Toll Free: 1-877-874-2494 | 1401 Severn St.Baltimore, MD 21230 |
| Eastern Shore Regional Office | Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester  | (410)572-5920TDD Line: 1-800-735-2258Toll Free: 1-888-219-0478 | 926 Snow Hill Rd. Cottage 100 Salisbury, MD 21804 |
| Southern Maryland Regional Office | Calvert, Charles, Montgomery, Prince George's, St. Mary's  | (301)362-5100TDD: (301)362-5131Toll Free: 1-888-207-2479 | 312 Marshall Ave.7th FloorLaurel MD 20707 |
| Western Maryland Regional Office | Allegany, Carroll, Frederick, Garrett, Washington  | (301)791-4670MD Relay: 1-800-735-2258Toll Free: 1-888-791-0193 | 1360 Marshall St.Hagerstown, MD 21740 |

 **Additional Documentation.** Filling out the DDA application form may not provide enough information about your disability for DDA to make an accurate eligibility decision. Along with the completed application form, you should send DDA copies of documents and other information to provide detailed information about your disability and how your disability makes it impossible for you to manage your life without support services.

Depending on your particular disability, you should provide copies of:

* An Individual Education Plan (“IEP”) from school.
* Reports from health care professionals that describe physical disabilities and support needs.
* Reports from mental health professionals that include functional assessments and recommendations for support services.
* For people with mild intellectual disability, autism spectrum disorders, traumatic brain injuries or co-occurring mental illness, a neuropsychological assessment is particularly useful.
* A letter from you, a parent, sibling, caregiver, teacher, or friend describing in detail what supports your caregivers provide to manage your personal care, household, use of community resources and/or public services. The letter should explain why you aren’t able to do these things independently. See DRM’s web site for sample letters from families that detail the needs of the individual. Important: If you are able to do certain tasks but need some help describe the help needed instead of saying you can do the task independently.

 Example: you can do laundry yourself but, because of your disability, you need someone to remind you when to do it and help you remember each step. Say that you can do laundry with support and describe the support you need.

Example: to buy groceries at the store, you can choose what you need and like, and you can pay for the groceries, but you need help to make sure you get the right change and you need help planning how much you can afford to spend on food. Say that you can shop and buy the things you need with support and describe the support you need.

 If some people with your disability can live independently without external support and others cannot, additional documentation of your specific needs is even more important. If you need advice about how to document your disability, call DRM.

**Personal Meeting.** For most applicants, a DDA representative will meet with you personally and review your application and supporting documentation. Think about the support you get or need from others and describe all of these supports in detail. The DDA representative will make a recommendation to the DDA regional office about your eligibility status and service priority category.

**DDA May Request More Information.** DDA may ask you to send additional documentation about your disability. An eligibility decision could be delayed until you send the information DDA requested.

 **Eligibility Decision and Right to Appeal.** DDA will send you a written decision about your eligibility status and priority category. If DDA decides that you do not have a developmental disability, you are not eligible for DDA’s Medicaid waiver. If DDA says you are eligible for support services, you are not eligible for DDA’s Medicaid waiver and DDA will probably not have funding to give you services. If you disagree with DDA’s decision, you have the right to request a hearing.

**Timeline for DDA Eligibility Decisions:**

* Within 7 days after you apply, DDA will send you a letter with a preliminary eligibility determination.
* If DDA believes you are likely eligible, you will usually meet with a DDA representative. If DDA says you are not eligible, you may appeal.
* DDA may ask for additional documentation. If this documentation is not provided, the next step could be delayed.
* Within 60 days after you apply, DDA will send you a letter with its decision about your eligibility, priority category and availability of funding.
* If you disagree with DDA’s decision about eligibility or priority category, you may request a hearing. **You must send your hearing request within 90 days of the postmark on the decision letter from DDA.**
* If you obtain additional documentation about your disability, you may ask DDA to reconsider its eligibility determination at any time.

**What is My Priority Category?**

 If DDA finds you have a developmental disability or are eligible for support services, it will assign you a priority category. Each year DDA has limited funding for certain priority categories. If you have a developmental disability and are in one of the priority categories with funding, DDA may be able to give you services. Sometimes DDA doesn’t have enough funding to serve everyone in a funded priority category. If DDA cannot give you services, you will remain on the DDA waiting list. For more information about the DDA waiting list, see [www.DisabilityRightsMD.org](http://www.DisabilityRightsMD.org).

 Based on funding in past years, DDA is most likely to have funding for individuals in the following groups:

* All transitioning youth aged 21-22, at the end of the school year;
* People living in institutions;
* People in DDA’s crisis resolution priority category: people who are homeless, no longer have a caregiver or are at significant risk of harming themselves or others;
* People with the most elderly caregivers; and
* People who have been committed to DDA through the criminal court system.

**DDA’s service priority categories are:**

1. **Crisis Resolution**: people who are homeless, whose caregivers are ill or deceased, or are at serious risk of physical harm or causing physical harm. For people who are at serious risk of harm, DDA also requires evidence that the individual has experienced one of the following:

(i) Has recently received severe injuries due to the behavior of others in the home or community;

(ii) Has recently been the victim of sexual abuse;

(iii) Has been neglected to the extent that the individual is at serious risk of sustaining injuries which are life threatening or which substantially impair functioning;

(iv) Engages in self-injurious behavior which puts the individual at serious risk of sustaining injuries which are life threatening or which substantially impair functioning; or

(v) Is at serious risk of sustaining injuries which are life threatening or which substantially impair functioning due to the physical surroundings.

1. **Crisis Prevention** means that the individual is at substantial risk for being in Crisis Resolution within 1 year, or has a caregiver who is 65 years old or more.
2. **Current Need** means the individual needs services.
3. **Transitioning Youth** means the individual is between 21 and 22 years old and, if already 21 years old upon graduation from school, the person will continue to be eligible for one year after the date of graduation.
4. **Inappropriate Institutionalization** means the individual is living in a nursing facility, mental health facility, state residential center or other institution. Since the DDA regulations were written in 1991, the Supreme Court issued a landmark decision, L.C. v. Olmstead, saying that individuals with disabilities who receive state funded services have the right to receive services in the most integrated setting. Md. Code, Health Gen. §15-136 requires the state to allow Medicaid recipients residing in nursing facilities to receive Medicaid waiver services.

 DDA has also created a Future Needs registry for individuals who currently do not need services.

If you disagree with DDA’s decision about your priority category, including DDA’s decision to place you in the Future Needs Registry, you have the right to request a hearing. If at any later time you believe you should be in a different priority category, you may ask DDA to make a change. Call your resource coordinator, if you have one, and ask for help to change your priority category. If you do not have a resource coordinator, contact your regional DDA office and ask for help to change your priority category.

**Does DDA Have Funding For Me?**

 When DDA informs you about your eligibility and priority category, DDA will also inform you if funding is available for you to get services. DDA is woefully underfunded. About 8,000 people are waiting for DDA services. Each year DDA has some funds to serve people in crisis, but usually this isn’t enough to serve even the people in the Crisis Resolution priority category.

**Transitioning Youth**

DDA historically has had funding to give all transitioning youth supported employment or a day program. A transitioning youth is entitled to receive all DDA

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| **DRM advises all eligible Transitioning Youth to enroll in DDA’s Medicaid waiver. If you miss this opportunity, you may have to wait until you’re in crisis to obtain services from DDA.** | Medicaid waiver services he or she needs, including in-home supports and residential services. DRM advises all eligible transitioning youth to enroll in DDA’s Medicaid waiver. Because of DDA’s lengthy waiting list, if you miss this opportunity, you will likely wait until you’re in crisis for another chance to obtain DDA services. Once enrolled, most of you will continue to have a lifelong entitlement to the waiver services you need. If you do not start using DDA services as a  |

transitioning youth, you may lose the opportunity to enroll in the waiver and receive DDA services until you are in crisis, which could be many years later.

 For more information about applying for or accessing DDA services, see DRM’s web site at [www.DisabilityRightsMD.org](http://www.DisabilityRightsMD.org). For advice or technical assistance, call 410-727-6352, extension 0 and ask for intake.