



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: CHOICE OPTIONS FOR RHC ELIGIBLE PERSONS POLICY 3.03
(SSB 6751)

Authority: RCW 71A.16.010 Developmental Disabilities
WAC 275-27-230 Authorization of Services
Chapter 216, Laws of 1998

BACKGROUND

The 1998 Washington State Legislature passed SSB 6751. Section 3 requires the Division of Developmental Disabilities (DDD) to offer the choice to eligible persons for either admission to a Residential Habilitation Center (RHC) or community supports until 2003. This opportunity is contingent on the existence of available RHC vacancies and funding for alternative community services.

PURPOSE

This policy describes procedures for staff to follow to implement SSB 6751 for eligible persons.

SCOPE

This policy applies to all DDD employees.

DEFINITIONS

Adolescent means a DDD eligible child age thirteen (13) through seventeen (17) years.

Community support services means one or more of the services listed in RCW 71A.12.040 including, but not limited to: architectural, case management, early childhood intervention, employment, counseling, family support, respite care, information and referral, health services and equipment, therapy services, and residential support.

Eligible person means a person who has been found by the secretary under RCW 71A.16.040 to be eligible for services from the DDD.

ICF/MR Eligible for admission to an RHC means a person is determined by DDD to need active treatment as defined in CFR 483.440. Active treatment requires:

1. Twenty-four (24) hour supervision; and
2. Continuous training in order to function on a daily basis due to significant deficits in the following areas: toilet training, personal hygiene, dental hygiene, self-feeding, bathing, dressing, grooming, and communication.

Nursing Facility Eligible means a person is assessed by DDD as meeting the requirements for admission to a licensed nursing home as defined in WAC 388-97-235. The person must require twenty-four (24) hour care provided by or under the supervision of a licensed nurse.

RHC or Residential Habilitation Center means a state-operated facility certified to provide ICF/MR or NF level of care for persons with developmental disabilities. The RHCs are Fircrest School, Francis Haddon Morgan Center, Lakeland Village, Rainier School, and Yakima Valley School.

Vacancy means an opening at an RHC which, when filled, would not require the facility to exceed its budgeted capacity, minus:

1. Twenty-six (26) RHC beds designated for respite use; and
2. Any downsizing related to negotiations with the Department of Justice regarding community placements.

POLICY

DDD will offer eligible adults the choice of community support services or RHC admission when all of the following conditions exist:

There is an available vacancy in an RHC; and

- A. Funding is available for alternative community services; and
- B. The person is at least eighteen (18) years of age; and
- C. The person is eligible for the available RHC vacancy under either Intermediate Care Facility for the Mentally Retarded (ICF/MR) or Nursing Facility (NF) rules; and
- D. The cost to DDD for the person's community services is at least seventy (70) percent of the average RHC daily rate (\$253/day) based on a three (3) person household.

PROCEDURES

- A. Written notification of this opportunity, with a DSHS *Important News-Opportunities for Choice* request form (DSHS 22-304(X) 6/98) (blue card) to request residential service options, will be provided to all eligible persons.
1. Interested persons/families will mail the request form (blue card) to DDD Central Office, P.O. Box 45310, Olympia, WA 98504-5310.
 2. Upon receipt, the request forms will be distributed to the person's home region.
- B. Regional staff will contact each respondent who submits a request for SSB 6751.
1. DDD staff will complete **part 1** of the "6751 Request Form" using information from the respondent and, if appropriate, the case record.
 2. Families requesting out-of-home residential or RHC services for children age seventeen (17) or younger will be referred to the DDD Voluntary Placement Program.
 3. Persons determined ineligible for RHC admission because they are neither ICF/MR nor NF eligible will be provided their fair hearing rights with their denial letter (see "Fair Hearing Rights and 6751" later in this policy).
 4. Adults meeting ICF/MR and/or NF eligibility will be assessed for critical need.
- C. If RHC vacancies and community service dollars are available, DDD central office will request from each region the 6751 Request Form of the persons prioritized as most in need of residential services.
1. Priority will be given to persons/families in jeopardy due to the lack of necessary residential support and supervision and currently without necessary residential supports;
 2. Others will be considered based on their risk of losing necessary residential supports due to unstable and/or deteriorating circumstances.
- D. Selection of eligible persons:
1. A statewide committee with representatives from DDD central office, regional field services staff, a nursing care consultant, and an RHC ICF/MR program will select the persons/families in most need in the state.

2. The number of persons selected will be limited to the number and type of available RHC vacancies and/or the amount of funding available for alternative community services.
 3. The selected persons will be assessed for their Funded Level of Need, which is based on **part two** of the 6751 Assessment Form.
 - a. Estimate DDD expenditures based on known needs of the individual using assessment information, the person's file, and the case/resource manager, assuming a three (3) person household.
 - b. Include families as needed to estimate service needs and costs, but do not begin the service planning until this last eligibility step has been completed.
 - c. Individual must need at least \$253 per day, up to a maximum of \$361 per day.
 4. Selected persons who do not meet the Funded Level of Need requirement will be denied the opportunity to choose between RHC and community services (Fair Hearing rights apply.)
 5. The selection process will be repeated until either the RHC vacancies are filled or the funding appropriated for community services are spent.
- E. ICF/MR and NF eligible adults per the 6751 Assessment Form will remain on a waiting list for future RHC vacancies or new community service dollars.
- A letter will be sent to these persons/families informing them that they are on a waiting list for future opportunities.
- F. Planning with the selected persons/families who have met the Funded Level of Need eligibility criteria will be done at the regional level.
1. Short-term crisis intervention will be offered and provided in whatever manner best meets the needs of the individual/family:
 - a. Interim crisis services are funded through 6751 as part of the person's residential service needs.
 - b. In-home or out-of-home community based respite options can be developed if required pending long-term placement.

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- c. RHCs may be utilized for this respite. If no respite beds are available, the person may use the designated RHC vacancy for respite.
 2. After addressing the immediate critical need, designated regional staff will assist persons/families with long-term service planning:
 - a. Services should reflect the needs and preferences of the person/family;
 - b. Services are not restricted to model or service;
 - c. DDD funded services must cost \$253-\$361 per day; and
 - d. Plans requiring more than \$361 per day (one hundred (100) percent of RHC average daily rate) will require an exception to policy (ETP) approved by the division director.
 3. Regional staff will develop, with the person/family, a process for learning about and visiting a variety of community residential and day program service options.
 4. RHC planning staff from the facility with the available vacancy will inform persons/families about RHC services.
 5. RHC and regional liaisons will coordinate a planning process to ensure that persons/families receive all available information and have the opportunity to visit as many service options as possible.
 6. When persons/families choose admission to an RHC, their community service dollars will be reserved for up to thirty (30) days to allow the person/family more time to make a final decision.
 7. If a family chooses to use respite in an RHC while services are being developed in the community, their community dollars will be reserved until needed.
 8. When the final choice is made, regions will inform DDD central office of the choice and any expenditure incurred and obligated.
 9. After placement is completed, DDD will do what is reasonable to meet the changing needs of these persons and their families, but major changes in services may not be possible, (i.e. moving out of the RHC or changing providers, etc.).

FAIR HEARING RIGHTS AND 6751

- A. Eligible persons will be provided their fair hearing rights when DDD denies eligibility for 6751 Choice Opportunity for one of more of the following reasons:
1. The applicant is under the age of eighteen (18);
 2. The applicant is not RHC eligible based on ICF/MR and NF level of care criteria; or
 3. DDD determines the person's services would cost DDD less than seventy (70) percent of the average RHC daily rate or \$253 per day.
- B. No right to appeal exists if:
1. The person is determined ICF/MR or NF eligible for an RHC and is placed on a waiting list for either an available RHC vacancy and/or the availability of community support dollars;
 2. The division director denies an exception to policy (WAC 275-27-023(3)).

INCLUSION OF ADOLESCENTS BY EXCEPTION

Statue states that adolescents can be eligible for 6751 Choice Opportunity only on an exceptional case by case basis. The regional administrator must address the following criteria in any exception request to the division director.

- A. The family has requested residential support services for their adolescent child through the 6751 process or voluntary placement program.
- B. The child is determined to be RHC eligible, is a priority #1, and needs at least \$253 per day of service.
- C. The child's service needs cannot be met through the voluntary placement program.
- D. A plan of action for meeting the residential needs of the child has been developed.

Upon approval of an ETP for inclusion in 6751 Choice Opportunity, the child will be on the 6751 waiting list until selection by the 6751 statewide committee.

EXCEPTIONS TO POLICY

Any exceptions to policy require the prior written approval of the division director.

SUPERSESION

None.

END DATE

June 30, 2003

Approved: /s/ Timothy R. Brown
Director, Division of Developmental Disabilities

Date: 6/30/99

Attachment A
Attachment B

Opportunities For Choice

"It is the intent of the legislature to affirm its long-time commitment to secure for eligible persons with developmental disabilities in partnership with their families or legal guardians the opportunity to choose where they live. Consistent with this commitment, the legislature supports the existence of a complete spectrum of options, including community support services and residential habilitation centers (RHC)". [SSB 6751]

To begin to make this possible, the legislature adopted Legislation to provide new residential support service choices for a few adults needing costly service due to nursing needs or personal care needs.

Those most in need will be able to choose to receive their residential services in the community or in a residential habilitation center.

If you wish to apply for consideration, please complete and mail in the attached form.

Opportunities For Choice

Complete the form, and mail to: DDD, P.O. Box 45310, Olympia, WA 98504-5310

<i>Name of DDD eligible person</i>		<i>Birthdate</i>	<i>Age</i>	<i>Date</i>
<i>Address</i>				
<i>County</i>	<i>City</i>		<i>Zip</i>	
<i>Person completing the form</i>			<i>Relationship to DDD person</i>	
<i>Address</i>				
<i>City</i>	<i>Zip</i>	<i>Phone</i>		

0305 200403 7/08

Division of Developmental Disabilities
P.O. Box 45310
Olympia, WA 98504-5310

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Important News

Washington State Department of Social and Health Services

Division of Developmental Disabilities

ATTACHMENT B

FUNDED LEVEL OF NEED

- Services must cost DDD at least \$253 day (70% RHC).
- Assume a 3-person ITS household.
- Use 30.42 days for average month.
- Do not build one-time costs (i.e. start-up) into daily rate.

PROCEDURE

- These assumptions and estimates are only for the purpose of determining eligibility.
- Actual service planning will occur if person meets “funded level of service” criteria.
- Complete with minimal involvement from the person/family since eligibility has not been finally determined.
- Use information from Part 1, client file, case manager, etc.

CALCULATION METHOD

1.	Client allowance estimate	=
2.	Residential program estimate	=
	• Administrative rate	
	• ISS hours (\$12.61 hr)	
3.	Day program estimate	=
4.	Specialized services	=
	• Nurse delegation	
	• Licensed nursing care	
	• Counseling/therapy	
	• Other medical/dental	
	• Staff training	
5.	Other (specify)	=
	TOTAL DAILY RATE	=

Approved by _____

Date _____