

Pennsylvania

DEPARTMENT OF PUBLIC WELFARE

OFFICE OF LONG-TERM LIVING BULLETIN

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SUBJECT

Maintaining Waiver Eligibility While
in an Institution

BY

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Office of Long-Term Living

PURPOSE:

The purpose of this bulletin is to clarify the policy regarding the allowable time that a participant may remain enrolled in a Home and Community-Based Services (HCBS) waiver program when the participant is subsequently placed in a nursing facility or ICF/ORC (Intermediate Care Facility for Other Related Conditions).

SCOPE:

This bulletin applies to the AIDS, Aging, Attendant Care, COMMCARE, Independence and OBRA waivers.

BACKGROUND/DISCUSSION:

Federal law, while not permitting payment for waiver services while a waiver participant is in an institution, does allow for a participant's waiver services to be placed on hold while in an institution:

- 42 CFR §441.301(b)(1)(ii) provides that "When a waiver participant is institutionalized, Federal Financial Participation (FFP) is not available for waiver services while the person is in a hospital, nursing facility or ICF/MR..."

Additional guidance is provided in the application for a §1915(c) Home and Community-Based Waiver [Version 3.5] Instructions, Technical Guide and Review Criteria issued by the federal Department of Health and Human Services' Centers for Medicare and Medicaid Services, which was released in January 2008:

"The institutionalization of a waiver participant does not dictate that the person must be terminated from the waiver. A state may provide for the continuation of the person on the waiver by reserving or holding a waiver opening for the person."

PROCEDURES:

Effective January 16, 2013, for a one hundred and eighty (180) calendar day period, a waiver participant may remain enrolled in an HCBS waiver when the participant is subsequently placed in a nursing facility or ICF/ORC.

Service coordinators are to transmit a PA 1768 form to the local County Assistance Office (CAO) at the time that a participant enters the institution. On the form, the box "Short Term Admission" should be checked if the participant is expected to return to the community within 180 days. At the time of discharge, the service coordinator is to send a new PA 1768 form to the CAO. This will allow the participant to resume HCBS waiver services without needing to go through a new eligibility and enrollment process.

Although the waiver participant may remain in the waiver, it should be noted that waiver services cannot be billed through PROMISE™ during the time a participant is in a hospital, nursing facility or ICF/ORC.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

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