

Waiting list system for waiver programs

June 24, 2022



**Disability
Rights** OHIO

We have the
legal right of way.

Who we are



- Disability Rights Ohio (DRO) is a non-profit corporation with a Board primarily consisting of people with disabilities and family members of people with disabilities
- Ohio's designated Protection and Advocacy System and Client Assistance Program

Our Mission



- To advocate for the human, civil and legal rights of people with disabilities in Ohio.

Our Vision



We envision a society in which people with disabilities:

- are full and equal members,
- enjoy the rights of and opportunities available to all people,
- are self-directed,
- make decisions about where, how and with whom they will live, learn, work and play,
- have access to needed services and supports, and
- are free from abuse, neglect, exploitation and discrimination.

What is a P & A



- Every state and territory has a federally designated Protection & Advocacy system.
- Federally funded programs to advocate for individuals with disabilities
- Governor designates the program for each state

History of P & A system



- The Protection and Advocacy concept was triggered by a series of local television news broadcasts by Geraldo Rivera.
- Rivera's investigative reporting exposed abuse, neglect, and lack of programming at Willowbrook, a state institution for people with developmental disabilities in New York.
- P & A System was started in 1975.

How we advocate



- Client-directed
- Confidential
- Individual and systemic advocacy

How to get help



- Call us at 1-800-282-9181
- Use our web intake form on our website:
disabilityrightsohio.org
- Write to us at: 200 Civic Center Dr., Suite 300, Columbus, OH 43215

Waiver programs



- Individual Options waiver
- Level One waiver
- SELF waiver

Waiting lists for waivers



- The demand for waiver programs exceeds the capacity of the system, so there are waiting lists.
- A few years ago, the Ohio Department of Developmental Disabilities created a new system governing waiting lists for waiver programs.
- Under the previous system, waiting lists were largely ordered by the dates on which people requested enrollment in a waiver program (in some situations people could move up the waiting list by meeting the criteria for emergency status or several other priority categories).

Waiting lists for waivers



The current system is meant to determine, through assessments, whether people need waiver services immediately or within twelve months, and then order waiting lists on this basis.

Waiting lists for waivers



- Upon request, county boards must complete assessments within thirty calendar days.
- People have a right to a copy of the completed waiting list assessment.
- County board personnel will use DODD's waiting list assessment tool to determine (1) whether a person has a developmental disability; (2) whether the person has an immediate need, a current need, or neither; or (3) if the person has an immediate or current need, how those needs will be met.

Immediate needs



Immediate Need is “a situation that creates a risk of substantial harm to an individual, caregiver, or another person if action is not taken within 30 calendar days to reduce the risk.”

- You are a resident of an ICF or a nursing home and received a notice of discharge or adverse PASRR determination.
- You are an adult and are losing your primary caregiver due to unforeseen circumstances (such as the caregiver’s own medical problems), and no other caregivers are available.
- Your documented behaviors have been determined to put yourself or others at risk of harm.
- You have significant care needs or life-threatening medical needs.
- You are an adult and you have been subjected to abuse, neglect, or exploitation.

Current needs



Current Need is “an unmet need” for waiver services within twelve months. The rule lists Current Need situations:

- Your primary caregivers’ “declining or chronic physical or psychiatric condition” limits their ability to care for you, or there are not enough caregivers available for you, and this means you are likely to be at risk of substantial harm.
- You have an ongoing need for limited or intermittent supports for your behavioral, physical, or medical needs in order to help your current caregivers and to stay in your chosen home.
- You have an ongoing need for support for significant behavioral, physical, or medical needs.
- You are aging out of or being emancipated from Children’s Services.
- You need funding for adult day services or employment services.
- You are living in an ICF or nursing home and have a viable discharge plan.

Waiting list assessment outcomes



- If a person is assessed to have an “immediate need,” the county board must “take action to ensure the immediate need is met.” This could mean enrollment in a waiver program or alternative services.
- If a person is assessed to have a “current need” that cannot be met by alternative services, the county board must place the person on a waiting list.
- A person assessed to have neither an immediate or current need is not entitled to anything, not even placement on a waiting list.
- County boards must provide due process rights upon completion of the waiting list assessment.

State-funded waivers



There are state-funded waivers available in some circumstances, and one need not go through the county waiting list assessment process.

- People in intermediate care facilities (ICFs) who want to live in their own homes in the community;
- People entering ICFs but would rather stay in the community;
- People who are in nursing facilities but want to transition to their own homes in the community.

Workforce crisis



- Under federal and state Medicaid law, people with intellectual and developmental disabilities have a right to free choice of providers. There are both independent providers and agency providers for many services.
- Workforce crisis in Ohio: low wages and high turnover. This is occurring nationally, too. It is difficult for many people and their families to find trusted, competent, reliable, well-trained providers. Things have gotten worse during the pandemic, unfortunately.

Questions?



Questions?