

Medicaid Waivers

The intersection of State and Federal Law

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Types of Waivers

Section 1115: Pilot programs for novel or experimental programs

Section 1119(b): Home or community based care for those who require nursing home level of care.

Section 1119(c): Managed Care Systems

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Eligibility Requirements

Income limit:

\$2,829/month (Individual)
\$5,658/month (Married couple)
No limit (Well spouse)

Asset limit:

\$2,000 (Individual)
\$3,000 (Married couple)
\$154,140 (Well spouse)

Required disclosure of transfers > \$1,000 for prior 5 years

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FL Waiver Programs

Statewide Medicaid Managed Care (SMMC) Long Term Care

- * Adults 65+
- * Disabled adults 18-65
- * Require nursing home level care

iBudget

- * Developmentally disabled
- * Age 3+
- * Qualify for intermediate level care

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Available Services

Adult companion care	Respite care
Housekeeping	Transportation
Adult day care	Personal emergency device
Durable medical equipment	Therapy services
Medical supplies	Mental health services
Nutritional counseling	Case management
Meal delivery	Hospice care

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Medicaid Waivers: The Application Process

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Step One: State Proposal

The state submits a waiver proposal to the Centers for Medicare & Medicaid Services (CMS) detailing the following:

1. Scope
2. Eligibility
3. Services
4. Budget

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Step Two: Public Notice & Comment

- State Level Public Notice & Comment
 - 30 days minimum
 - At least two (2) public hearings, at least 20 days apart
 - Additional responsibilities for states that are home to federally recognized Indian Tribes or Indian Health Organizations or Programs
 - Concludes with state submitting application to CMS
- Federal Level Public Notice & Comment
 - Begins after state notified that CMS application is complete
 - 30 day minimum
 - CMS renders final decision at least 15 days after conclusion of federal public comment period

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Step Three: Federal Review

- CMS reviews the proposal ensuring it meets federal requirements and goals of Medicaid
- Key Considerations:
 - Cost-Neutrality
 - Targeted Populations
 - Service Flexibility

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The Reality of Waiver Waitlists

- 2021: Average wait time of 45 months to receive HCBS waiver services
- 2023: Average wait time of 36 months to receive HCBS waiver services
- Contributing Factors to Waitlists
 - Does the state screen for eligibility?
 - Six (6) states that do not screen at all
 - If state screens, what screening method is used?
 - First come, first served
 - Priority
 - Combo of priority + first come, first served
 - Lottery
