



# COMMONWEALTH of VIRGINIA

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COMMISSIONER

DEPARTMENT OF  
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

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TO: The Honorable Janet D. Howell, Chair, Senate Finance Committee  
The Honorable Luke Torian, Chair, House Appropriations Committee

Fr: Alison G. Land, Commissioner

Pursuant to Item 303.I.4.D. of the 2019 Appropriation Act, the purpose of this letter is to report on the use of emergency and reserve Developmental Disability (DD) waiver slots.

Specifically, the language requires:

*D. In addition to the new slots added in 4.a. and b., the Department of Medical Assistance Services (DMAS) shall amend the CL waiver to add 25 new slots effective July 1, 2018 and an additional 25 slots effective July 1, 2019. These slots shall be held as reserve capacity by the Department of Behavioral Health and Disability Services (DBHDS) to address emergency situations. An amount estimated at \$937,237 the first year and \$1,874,475 the second year from the general fund and \$937,237 the first year and \$1,874,475 the second year from nongeneral funds is provided to cover the anticipated costs of the emergency slots. DMAS shall seek federal approval for necessary changes to the CL waiver to add the additional slots. Beginning July 1, 2018, DBHDS shall provide a quarterly report on the use of the emergency slot provided in this paragraph.*

DBHDS maintains a pool of Developmental Disability (DD) waiver slots that may be assigned to individuals deemed in an emergency status according to the following criteria:

1. Child protective services has substantiated abuse/neglect against the primary caregiver and has removed the individual from the home; or
  2. Adult Protective Services has found that the individual needs and accepts protective services;
- or
3. Abuse/neglect has not been founded, but corroborating information from other sources (agencies) indicates that there is an inherent risk present and there are no other caregivers available to provide support services to the individual; or

4. Death of primary caregiver or lack of alternative caregiver coupled with the individual's inability to care for himself and endangerment to self or others without supports.

Requests for emergency slots are forwarded by the Community Services Board (CSB) to DBHDS to determine if the individual's situation meets the above criteria. Once the pool of emergency slots reaches a minimum of three slots, the next nonemergency waiver slot that becomes available at the CSB in receipt of an emergency slot shall be reassigned to the emergency slot pool in order to ensure emergency slots remain to be assigned to future emergencies within the Commonwealth's fiscal year.

In the following chart, each of the emergency slots assigned was replaced in the pool by the receiving CSB once a nonemergency slot became available at that CSB.

<b>Emergency Slots Assigned FY 20 – 4th Quarter</b>			
	<b>Community Living Waiver</b>	<b>Family and Individual Support</b>	<b>Total</b>
<b>TOTAL</b>	21	3	<b>24</b>

**Reserve slots** may be used for transitioning an individual who, due to documented changes in her support needs or a preference for supports found in a waiver with a less comprehensive array of supports, requires or requests a move from the DD waiver in which she is presently enrolled into another of the DD waivers to access necessary services.

If there are insufficient reserve slots in a given waiver to accommodate the needs of individuals whose needs qualify them to move from their current waiver, the names of those individuals meeting the criteria are to be kept on a chronological list until such time as a slot in that waiver becomes available.

The proposed permanent DD waivers' regulations include a requirement that CSBs make vacated "turn-over" slots available to individuals from that CSB who are waiting for a reserve slot in that waiver. The slot of the individual moving into the awaited reserve slot is then assigned by the usual means (Waiver Slot Assignment Committee) to a person on the waiting list. Some CSBs have opted to adopt this practice now, even though the regulations are not final. DMAS has been made aware and expressed no objections. This has resulted in greater movement between the waivers when needed. The resulting totals of reserve slots assigned are as follows.

<b>Reserve Slots Assigned FY 20 – 4th Quarter</b>				
	<b>Building Independence to Family and Individual Support</b>	<b>Building Independence to Community Living</b>	<b>Family and Individual Support to Community Living</b>	<b>Total</b>
<b>TOTAL</b>	6	0	5	<b>11</b>

cc: The Honorable Daniel Carey, M.D.  
 Vanessa Walker Harris, M.D.  
 Mike Tweedy  
 Susan Massart