



COMMONWEALTH of VIRGINIA

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COMMISSIONER

DEPARTMENT OF
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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, FACHE, Commissioner, Department of Behavioral Health and
Developmental Services

Pursuant to 313 J.4.C of the 2020 *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:

c. 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 15 new slots effective July 1, 2020 and an additional 15 slots effective July 1, 2021. The Department of Medical Assistance Services (DMAS) shall amend the FIS waiver to add 10 new slots effective July 1, 2020 and an additional 10 slots effective July 1, 2021. These slots shall be held as reserve capacity by the Department of Behavioral Health and Developmental Services (DBHDS) to address emergency situations. An amount estimated at \$750,168 the first year and \$1,500,335 the second year from the general fund and \$750,168 the first year and \$1,500,335 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 and FIS waivers to add the additional slots. Beginning July 1, 2018, DBHDS shall provide a quarterly report on the use of the emergency slots 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.
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.

Emergency Slots Assigned FY 21 – 3rd Quarter			
	Community Living Waiver	Family and Individual Support	Total
TOTAL	17	3	20

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, which is a significant boon to individuals and their families in response to changing needs. The resulting totals of reserve slots assigned are as follows.

Reserve Slots Assigned FY 21 – 3rd Quarter				
	Building Independence to Family and Individual Support	Building Independence to Community Living	Family and Individual Support to Community Living	Total
TOTAL	5	2	14	21

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