



# 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

Pursuant to 320 S.2 of the 2020 *Appropriation Act*, the purpose of this letter is to report on the use of FY 2021 Developmental Disability (DD) waiver slots that have been assigned to individuals by the community services boards (CSBs) and of those how many individuals are currently accessing services.

Specifically the language requires:

*2. The department shall report within 30 days after the close of each quarter, the number of new slots for the fiscal year that have been allocated by Community Services and of those how many are accessing services. The report shall be provided on the department's website.*

DBHDS is unable to report on the allocation, assignment, or start of services of any of the **FY 2022** DD waiver slots at this time. The reason is that the DD waiver regulations that were finalized on March 31, 2021 contained several changes to the wording of the Priority One category criteria, as requested by public comment. The adoption of that change necessitated a change in the "Priority Needs Checklist" (PNC), which the CSBs must complete for each person on the waiting list and required all individuals on the waiting list to be reviewed to determine if they now qualify under the new criteria. At the same time, the "Critical Needs Summary" (CNS) form was updated to be more discerning. That form must be completed on each person who is Priority One to determine whose needs are most critical and therefore put forward for Waiver Slot Assignment Committee (WSAC) consideration. In particular, the behavioral and medical sections of that form were expanded to better capture needs in those important areas.

The updated forms were sent to the CSBs on April 2, 2021 with the instruction that CSBs should begin "as soon as possible" to reevaluate individuals on the waiting list using the new forms so that all would be completed by the fall when the FY 2022 slots were distributed. The forms were added to the electronic Waiver Management System (WaMS) at the beginning of July, and

DBHDS conducted multiple training events on the completion of the forms in WaMS the first full week of July and held another training at the end of July for those who might have missed the first sessions.

Unfortunately, there remains a high percentage of individuals who have not had the two new forms completed (PNCs completed statewide as of November 15, 2021 = 68 percent; CNSs completed statewide as of November 15, 2021 = 81 percent). The FY 2022 slots cannot be allocated as the Centers for Medicare and Medicaid Services (CMS) approved algorithm (also included in regulations) relies on knowing each CSBs' percentage of Priority One individuals.

As of the second week in October, 20 DBHDS Waiver Operations staff have been assisting numerous CSBs in contacting individuals on their portions of the waiting list to facilitate the completion of the needed forms. This assistance will remain in place until the task is completed, at which time the FY 2022 DD waiver slots will be allocated and WSAC meetings may commence in order to assign the slots to individuals.

While the **FY 2021** "no restriction" slots were all allocated to CSBs and assigned to individuals last fiscal year (see the fourth quarter of FY 2021 version of this report, dated July 16, 2021), individuals have been slow to actually start receiving waiver services. Therefore, this report will provide an update on the continued progress to that end.

The "Total Persons" column of Table 1 shows the total number of unique individuals who received a **FY 2021** DD waiver slot who are now authorized for at least one DD waiver service. This table has been updated for the first quarter of FY 2022 (see last column). At this time, 84 percent of the individuals assigned one of these slots have been authorized to begin at least one waiver service. The FY 2021 second and fourth quarter totals in Table 1 are slightly higher than were listed in the fourth quarter FY 2021 version of this report (209 vs. 207 and 137 vs. 130, respectively) because of the nuances of the service authorization process. Namely, while services are requested to start on a given date, there are occasionally questions/additional information required from DBHDS staff who conduct service authorization, which suspend (termed "pend") the authorization process and temporarily delay the final approval. Once all issues are resolved, the originally requested start date is often given, placing the authorization in a previous quarter.

A significant time delay between slot assignment and service authorization is typically expected due to the following required steps:

- Individual formal acceptance of the slot offered
- Confirmation/updating of functional and financial eligibility
- Confirmation of updated physical exam
- Individual/family selection of service providers
- Service providers intake process for the new individual
- Development of the Individual Support Plan
- Service Authorization process

COVID-19 has exacerbated the typical process-related delays. There has been a reduction in the number of providers of certain services due to permanent or temporary closures, as well as staff shortages, which are limiting providers from accepting new individuals. Further, a number of individuals/families continue to be reluctant to expose themselves/their loved ones to unfamiliar

people, and are thus delaying the start of services. Some family members have said that they do not want to begin services until “COVID is over.” While this is likely unrealistic, DBHDS staff, who would normally reassign waiver slots not being utilized after 150 days from the date of slot assignment (per regulations), are currently prevented from doing so due to the American Rescue Plan Act prohibition against terminating individuals’ eligibility for Medicaid services. This has resulted in a temporary halt to actions to repossess and reassign slots in situations in which individuals or their families do not begin waiver services in a timely manner.

**Table 1.** Number of individuals who received a **FY 2021** DD waiver “no restriction” (both Community Living and Family & Individual Supports waivers) slot by quarter of their first service approved and CSB.

	<b>Total Persons with FY21 “No Restriction” Slots Authorized for Services</b>	<b>FY21 Q1</b>	<b>FY21 Q2</b>	<b>FY21 Q3</b>	<b>FY21 Q4</b>	<b>FY22 Q1</b>
<b>Community Services Board</b>						
Alexandria Community Services Board	9	0	4	3	2	0
Alleghany Highlands Community Services Board	1	0	0	1	0	0
Arlington County Community Services Board	17	0	13	4	0	0
Blue Ridge Behavioral Healthcare	21	0	5	8	6	2
Chesapeake Integrated Behavioral Healthcare	15	0	8	1	5	1
Chesterfield Community Services Board	36	0	13	17	6	0
Colonial Behavioral Health (CBH)	12	1	10	1	0	0
Crossroads Community Services Board	6	1	3	1	1	0
Cumberland Mountain Community Services Board	8	0	4	2	2	0
Danville-Pittsylvania Community Services Board	11	0	8	3	0	0
Dickenson County Behavioral Health Services	2	0	0	2	0	0
District 19 Community Services Board	9	0	2	2	4	1
Eastern Shore Community Services Board	2	0	0	0	1	1
Fairfax-Falls Church Community Services Board	88	0	1	30	33	24
Goochland-Powhatan Community Services	4	0	2	1	1	0
Hampton-Newport News Community Services Board	25	0	15	4	3	3
Hanover County Community Services Board	12	0	4	7	1	0
Harrisonburg-Rockingham Community Services Board	11	0	4	3	3	1
Henrico Area Mental Health & Developmental Services Board	24	0	0	16	8	0
Highlands Community Services Board	6	0	2	4	0	0
Horizon Behavioral Health	16	0	8	2	5	1
Loudoun County Department of Mental Health, Substance Abuse	31	0	11	10	7	3
Middle Peninsula-Northern Neck Community Services Board	12	0	4	7	0	1
Mount Rogers Community Services Board	10	0	5	4	1	0
New River Valley Community Services	17	0	5	7	5	0
Norfolk Community Services Board	17	0	9	2	4	2

Northwestern Community Services Board	18	1	5	8	3	1
Piedmont Community Services Board	11	0	2	7	1	1
Planning District One Behavioral Health Services	7	0	2	4	0	1
Portsmouth Department of Behavioral Healthcare Services	8	0	0	5	2	1
Prince William County Community Services Board	44	0	28	9	5	2
Rappahannock Area Community Services Board	23	0	0	7	11	5
Rappahannock-Rapidan Community Services Board	14	0	4	7	2	1
Region Ten Community Services Board	14	0	1	10	3	0
Richmond Behavioral Health Authority	18	0	3	9	3	3
Rockbridge Area Community Services	2	0	0	2	0	0
Southside Community Services Board	5	0	0	4	1	0
Valley Community Services Board	12	0	2	9	1	0
Virginia Beach Community Services Board	31	0	11	11	6	3
Western Tidewater Community Services Board	12	0	9	2	1	0
Total	641	3	207	236	137	58

In conclusion, CSB and DBHDS efforts continue toward the goal of allocating and assigning the FY 2022 DD waiver slots, and the work of linking individuals assigned FY 2021 slots to the appropriate waiver services is also a work in progress, made more challenging this past year and currently by the COVID pandemic.

cc: The Honorable Vanessa Walker Harris, M.D.  
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