

# WAIVER SERVICES

Office of Children's Services and Senior & Disabilities Services



## Step-by-Step Procedures:

*This document has been developed to assist OCS in understanding the necessary information and collaboration needed to serve children in the custody of the department who also receive Medicaid Home- and Community-Based Waiver services or supports through grant programs funded by Senior and Disabilities Services. Children may be eligible for the Intellectual & Developmental Disabilities (IDD) Waiver or the Children with Complex Medical Conditions (CCMC) based on their developmental or medical needs. Any questions about HCBS waivers should be directed to the Deputy Director of SDS.*

### *If a child is on a waiver at time of custody*

1. If a child is on a waiver when custody is assumed, the Protective Services Specialist (PSS) will contact SDS Chief of programs to request the level of care and Plan of Care.
2. The PSS shall notify Regional Psych Nurse of custody of a child receiving SDS services.
3. The Regional Psych Nurse will track the waiver service recipients.
4. The PSS will complete the Waiver 101 training webinar.
5. The PSS will not approve augmented care rates for a child receiving waiver services.
6. The PSS will review identified care coordinator, services, and service providers to ensure appropriateness. Please note: OCS may choose a care coordinator to best serve the needs of the child.



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## *If OCS determines that applying for waiver services is appropriate for a child in custody*

1. Apply for services. When an OCS worker suspects a child has a developmental disability or medical needs, complete an application for determination. This includes submitting a signed application with supporting documentation. If OCS worker suspects the child presents as complex medically he or she should contact a provider agency for screening.
2. After OCS receives an approved Developmental Disabilities (DD) determination, register the child on the waitlist for supports. Directions on how to complete a Developmental Disabilities Registration and Review (DDRR) is included in the eligibility letter that will be sent to OCS. This can be done through STARS.
3. When a child is drawn off the DDRR, OCS will be sent a notice indicating they must pick a Care Coordinator and submit the necessary documents and ROIS for assessment and LOC determination. The care coordinator should be chosen carefully so the best interest of the child is served.
4. The care coordinator will develop a plan of care for the child's waiver services and identify service providers for the child. Once the plan of care is approved by SDS, the child can begin receiving waiver services.
5. PSS will review information about care coordinator and service providers to ensure appropriateness. Please note: OCS may choose the care coordinator to best serve the needs of the child.

## *Preparing for reunification*

1. OCS will provide waiver services information to the parents to ensure they are aware of the services available.
2. OCS will notify SDS Chief of Waivers/PCA that custody has changed and provide correct contact information for the parents.
3. OCS will notify the care coordinator of the results of Team Decision Making meetings and placement decisions that are made to ensure continuity of services at time of reunification.

## *Preparing for adoption*

1. Prior to a goal change, the Permanency Specialist and PSS will schedule a consultation with the State Office Adoption Social Service Program Coordinator.
2. If a family agrees to an adoption, a meeting and a follow-up letter must be provided that explains the fiscal and service issues or changes that will occur upon adoption. The prospective parents must be made aware that the child may continue to be eligible for the services, but that adoptive parents are not eligible to be paid to provide SDS waiver services. The meeting should include the Care Coordinator, a representative from SDS, and OCS state office adoption unit. The care coordinator and SDS representative will explain the potential impact of adoption on waiver services.
3. After a positive home study is completed and eligibility has been determined, the subsidy will be negotiated.



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- a. Negotiations will start at \$0 and the subsidy will be based on the special needs of the child and family circumstances.
  - b. The subsidy cannot exceed the OCS foster care rate. Children eligible for a waiver are not eligible for augmented care rates.
4. Notification of decision to finalize the adoption:
    - a. Prospective adoptive parent and OCS field or regional staff must notify the care coordinator and agency providing services prior to the finalization of the adoption hearing.
    - b. Adoption Social Service Program Coordinator will notify SDS when the packet is received.

## *Preparing for guardianship*

1. Prior to a goal change, the Permanency Specialist and PSS will schedule a consultation with the State Office Adoption Social Service Program Coordinator.
2. The PSS and Permanency Specialist will meet with the permanent family and explain the following:
  - a. If a family agrees to a guardianship, they must be made aware of the legal issues related to possible residual rights of the parents and annual reporting requirements with the court.
  - b. Title IVE federal-funded guardianship subsidies include Medicaid. However, state-funded guardianship subsidies do not include Medicaid. The family may apply for Medicaid on behalf of the child through Division of Public Assistance once they are legal guardian. The eligibility would be based on the child's income.
  - c. The guardianship subsidy ends if a family adopts the child in the future. An adoption subsidy would not be available for adoption.
  - d. Child's PFD trust fund that OCS is holding would be held until age 18. The guardian would be able to apply for and obtain future PFDs after the guardianship is ordered.
  - e. That the permanent family may continue to be a community-based provider, but will need specific language in the court order that specifically allows the guardians to be paid as the community-based provider.
3. After a positive home study is completed and eligibility has been determined, the subsidy will be negotiated.
  - a. Negotiations will start at \$0 and the subsidy will be based on the special needs of the child and family circumstances.
  - b. The subsidy cannot exceed the OCS foster care rate. Children eligible for a waiver are not eligible for augmented care rates.
4. Notification of decision to finalize the guardianship:
  - a. Prospective guardian and OCS field or regional staff must notify the care coordinator and agency providing waiver services prior to the finalization of the guardianship hearing.
  - b. Adoption Social Service Program Coordinator will notify SDS when the packet is received.



## *Continuation of waiver services after finalized guardianship*

1. In order to be paid through the SDS system, a guardian must remain licensed as a foster care facility.
2. Continuation of waiver services is based upon continuing assessment and level of care determinations by SDS.
3. The adoption/guardianship subsidy program will not replace payments to the guardians / adoptive parent if the payments or services through the Medicaid waiver program ends.

### *If you have questions or for more information:*

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