

# Olmstead Waiting List Funding Report

Disability Services Division  
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Minnesota Department of **Human Services**

## Legislative Report

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Minnesota Statutes, Chapter 3.197, requires the disclosure of the cost to prepare this report. The estimated cost of preparing this report is \$500.

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## **I. Executive summary**

[Minnesota's Olmstead Plan \(PDF\)](#) is a roadmap to help people with disabilities live, learn, work and enjoy community life. Having access to the right services at the right time allows this vision to become a reality.

The Department of Human Services has changed how it manages home and community based services to increase timely access to waiver services. With these changes, supported by increased authority and funding by the 2015 legislature, the waiting list for the Community Access for Disability Inclusion (CADI) is anticipated to be eliminated by October, 2016., and the Developmental Disabilities (DD) waiver waiting list reduced. Those remaining on the DD waiting list will have more information about when they can expect to receive services. The Department, as part of the Olmstead Plan Workplan, is providing annual information to the legislature about those on the waiting list and the cost to eliminate waiting list.

Currently, the Community Access for Disability Inclusion (CADI) and Developmental Disabilities (DD) waivers have waiting lists. The legislature has approved sufficient funding to serve all eligible people currently on the CADI waiver waiting list. The department anticipates it will meet its goal of eliminating the CADI waiver waiting list by Oct. 1, 2016.

Starting Dec. 1, 2015, lead agencies began implementing a system to place people on the DD Waiver waiting list in categories based on a person's urgency of need for waiver services as documented by an assessment. The number of days a person may reasonably expect to be on a waiting list is based upon their waiting-list category.

Lead agencies apply this classification system at the time of the person's initial assessment or annual reassessment, so the process will not be complete until December 2016. This report does not speculate on the size and cost to eliminate the DD Waiver waiting list because data is incomplete. Quarterly reports submitted to the Olmstead Subcabinet will provide intermediate reports on the size and category distribution of the DD Waiver waiting list.

These changes provide significant change for people waiting for waiver services. More people are served through elimination of the CADI Waiver waiting list; people on a DD Waiver waiting list have an expectation about the length of time they may be on a waiting list; and the department is able to more accurately project the cost of serving people on a waiver waiting list.

This report includes preliminary data from the first two months of waiting-list category implementation. A report will be submitted in December 2016 with complete data and an estimated cost to eliminate the DD Waiver waiting list. Submission of this report was delayed from December 2015 to now to allow us to provide preliminary information and data on the implementation of these changes.

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### II. Authority

[Minnesota's Olmstead Plan: Workplan \(PDF\)](#), Approved by Order of Federal Court on November 6, 2016, activity 1G:

<b>1</b>	<b>Key Activity</b>	<b>Expected Outcome</b>	<b>Deadline</b>	<b>Other Agency(s) or Partners</b>
G	Submit annual Waiting List Funding Report to the Legislature.	Reports will include: <ul style="list-style-type: none"><li>• the new urgency categorization system;</li><li>• the new reasonable pace standards; and</li><li>• an estimate on funding needed to eliminate the waiting list</li></ul>	Submit report to Legislature by December 1, 2015 and annually thereafter.	DHS

Note: Submission of this report was delayed from December 2015 in order to provide preliminary information and data on the implementation of these changes.

### III. Introduction

Waiting lists have been reduced and more people have access to home and community based waiver services as a result of changes made by the Department of Human Services in managing these programs. This report is submitted to the Minnesota Legislature pursuant to [Minnesota's Olmstead Plan Workplan \(PDF\)](#), to provide information about the status of disability waiver waiting-list reforms and the cost to eliminate the waiting list. It includes information on the new urgency categorization system, the new reasonable pace standards, and an estimate on funding needed to eliminate the waiting list.

#### A. Background

In Minnesota, waiver service waiting lists occur because the budgets for the waivers are limited by:

- The amount the federal government approves in the state waiver plans
- The amount the legislature appropriates for the state share of the service costs.

Waiting lists are created when people who are eligible for the service do not have immediate access to the service because of funding limits. Other services to people with disabilities may be provided while they are on the waiting list for waiver services.

Two of Minnesota's waivers have waiting lists:

- Community Access for Disability Inclusion (CADI) Waiver
- Developmental Disabilities (DD) Waiver.

Recently, the Minnesota Legislature appropriated sufficient funding to eliminate the CADI waiver waiting list. As a result, the statewide waiting list decreased from 1,420 people on May 30, 2015, to 477 people on December 31, 2015. While, the legislature also increased funding for the DD Waiver, demand for this waiver still exceeds funding.

Minnesota's Olmstead Plan seeks to improve access to home and community-based waiver services. The Plan establishes five waiver waiting-list goals:

- **Goal One:** By October 1, 2016, the CADI waiver waiting list will be eliminated.
- **Goal Two:** By December 1, 2015, the DD waiver waiting list will move at a reasonable pace.
- **Goal Three:** By March 1, 2017, the DD waiver waiting list will be eliminated for persons leaving an institutional setting and for persons with an immediate need as defined by Minnesota statute.
- **Goal Four:** By December 1, 2018, within available funding limits, waiver funding will be authorized for persons who are assessed and have a defined need on or after December 1, 2015, and have been on the waiting list for more than three years.
- **Goal Five:** By June 30, 2020, The DD waiver waiting list will be eliminated, within available funding limits, for persons with a defined need.

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Based on these goals, the department did the following between June 2014 and December 2015:

- Held six advocate and lead agency stakeholder workgroup sessions to plan and test reforms
- Worked with stakeholders to create four urgency of need category definitions for the DD Waiver waiting list
- Developed reasonable pace standards and recommendations, and published them in the [Home and Community-Based Supports and Services Waiver Waiting List Report \(PDF\)](#), which the Olmstead Subcabinet approved on March 10, 2015
- Created and published on-demand video training modules to educate lead agencies and the public on waiting-list reforms
- Improved existing systems to collect and analyze new waiting-list data
- Directed lead agencies to eliminate their CADI Waiver waiting lists.

Because of these efforts, the CADI Waiver waiting list has decreased by more than half. Reasonable pace standards are being implemented for people on the DD Waiver waiting list.

## IV. Components of DD Waiver waiting-list reform

The changes made to the DD Waiver waiting list include two related components:

- Waiting-list categories
- Reasonable pace standards.

Both of these components are described in Minnesota's Olmstead Plan and are based on Minnesota law.

### A. Waiting-list categories

In the Olmstead Plan, four categories were established to organize the DD Waiver waiting list. These categories are based on priorities in [Minnesota Statutes, §256B.092, subdivision 12](#). The category that best defines a person's urgency of need is based on information gathered during that person's assessment and documented on a department-provided form. The lead agency notifies the assessed person of their urgency category.

#### Categories

The four urgency categories are:

- **Institutional exit:** This category includes people who currently reside in an institutional setting who indicate they are not opposed to leaving that setting. People in this category also would like to receive home and community-based services.
- **Immediate need:** This category includes people who meet prioritization criteria established in Minn. Stat. §256B.092, subd. 12. The applicable criteria include individuals who:
  - Have an unstable living situation due to the age, incapacity, or sudden loss of the primary caregivers
  - Experience a sudden closure of their current living arrangement
  - Require protection from confirmed abuse, neglect, or exploitation
  - Experience a sudden change in need that can no longer be met through state plan services or other funding resources alone.
- **Defined need:** This category includes people who have an assessed need for waiver services within one year of the date of assessment.
- **Future need:** This category includes people who do not have a current need for waiver services or who do not currently wish to use waiver services within the next year.

The DD Waiver waiting list includes people in the institutional exit, immediate need, and defined need categories. We do not consider people in the future need category to be on a waiting list, as they do not have a current need for or desire to use waiver services.

If a person's need for waiver services changes following an assessment, he or she has the right to request a new assessment anytime during the year. This may allow for their category to be updated to reflect this change in need.

## B. Reasonable pace standards

“Reasonable pace standards” are defined as the number of days a person can reasonably expect to wait between the date of their assessment and the date when the lead agency approves waiver funding and planning for services to begin. The department and lead agencies track reasonable pace standards and waiting-list status using a shared web-based tool. If a lead agency exceeds the reasonable pace standard, the department contacts the lead agency to address the situation.

A person’s waiting-list category determines the corresponding reasonable pace standard. The reasonable pace standards for the four categories are:

- **Institutional exit:** 45 days from the date of assessment to the date the lead agency approves waiver funding
- **Immediate need:** 45 days from the date of assessment to the date the lead agency approves waiver funding
- **Defined need:** 45 days from the date of assessment to the date the lead agency approves waiver funding, as funding is available
- **Future need:** No standard, as it is not a part of the waiting list.

## V. Preliminary data

Beginning Dec. 1, 2015, lead agencies must determine and assign categories for people placed on waiting lists. Following this date, people who do not start the DD Waiver receive a waiting-list category as they are assessed and/or reassessed. The department expects to have a near-complete data set for this in the December 2016 legislative report.

This report uses data collected during the first two months of waiting-list category implementation, which was from Dec. 1, 2015, to Jan. 31, 2016. Because of this short timeframe, this report does not speculate on the total size and cost to completely eliminate the DD Waiver waiting list.

In the first two months, two hundred and seventy seven (277) people received an assessment and met the future need category criteria. One hundred and eighty three (183) people have received a DD Waiver waiting-list urgency category after their assessment. These people are distributed among the categories according to Table 1.

**Table 1**

Category name	Number of people	Proportion of total
Institutional exit	16	9.0%
Immediate need	58	30.9%
Defined need	109	60.1%
<b>Total</b>	<b>183</b>	<b>100%</b>

As of Feb. 16, 2016, lead agencies have approved 46 people from the waiting list who were reassessed since December 1, and received a category for funding. Additionally, lead agencies also approved 26 people for waiver funding without those people having to go on a waiting list. Table 2 shows how funding was distributed among, and outside of, the categories.

**Table 2**

Category name	Number of people approved for funding	Number of people waiting for funding	Proportion approved for funding
Institutional exit	5	11	31.3%
Immediate need	21	37	36.2%
Defined need	20	89	18.4%
No category	26	N/A	N/A
<b>Total</b>	<b>72</b>	<b>137</b>	<b>N/A</b>

## **VI. Cost to eliminate the waiting list**

The department does not have sufficient data to estimate the cost to eliminate the DD Waiver waiting list because of the ongoing implementation of the waiting-list categories. Through these categories, there will be better information on the size and level of need for people on the waiting list. This will allow the department to provide a more accurate cost estimate in the future. Before we complete the December 2016 legislative report, quarterly reports will be submitted to the Olmstead Subcabinet with information on DD Waiver waiting-list categories and reasonable pace standards.

The department completed an estimate of the cost to eliminate the waiver waiting lists in a December 2014 report to the Legislature, titled [Report on Program Waiting Lists \(PDF\)](#). An updated estimate of the cost to eliminate the DD Waiver waiting list will be available when more data is available and included in the December 2016 report.