Division Guideline #6

Date: Created July 5, 2011
Revised October 3, 2011
Revised August 17, 2012
Revised October 7, 2013
Revised July 1, 2014
Revised November 12, 2015
Revised March 20, 2018

Title: Exceptions to Waiver Cost Caps

Application: Regional Offices, Community Providers, Utilization Review Committees

The Division of Developmental Disabilities administers four Home and Community-Based (HCBS) waivers serving individuals with developmental disabilities authorized under 1915(c) of the Social Security Act. Two of those waivers have individual spending limits. Two waivers, the Comprehensive waiver and the waiver for Children with Developmental Disabilities (also called the Lopez waiver and/or MOCDD) do not have an individual spending cap as long as the average per-person annual cost for services does not exceed the average per-person annual cost for care in a state habilitation center.

Two HCBS waivers serving individuals with developmental disabilities have annual per-person spending caps. Those waivers and caps are:

- Community Support waiver $28,000
- Partnership for Hope waiver $12,362

The Community Support Waiver cap is automatically adjusted annually on July 1 by the Consumer Price Index. This guideline will be revised annually in July to reflect the annual increase in the Support waiver cap.
Exceptions to the spending cap may be made on a case-by-case basis by the Regional Director and DD Deputy/Assistant Director utilizing the Exceptions Form. Exceptions for a one-time expense can be requested during a crisis or a period of transition. Exceptions to support an ongoing need may also be granted. The Partnership for Hope waiver has additional caps on exceptions:

- A one-time expenditure of up to $10,000 during crisis or transition. (This one-time expenditure does not count toward the annual waiver spending cap.)
- The annual spending cap of $12,362 may be exceeded up to $15,000 annually on a case-by-case basis for ongoing support needs.

Following are the steps to requesting and approving exceptions to the cost caps for the Support waivers:

- The support coordinator will revise the Individual Support Plan, after consultation with the individual and the planning team.
- The plan is submitted for Utilization Review.
- After approval of the Utilization Review Committee, the Regional Director and DD Deputy/Assistant Director approves.

Exceptions to the caps of the Partnership for Hope waiver are granted as follows:

The support coordinator will revise the Individual Support Plan, after consultation with the individual and the planning team.

The request for the exception is mutually approved by the County Board Director, Regional Director and DD Deputy/Assistant Director.

All four Home and Community-Based Waivers for individuals with developmental disabilities cover environmental accessibility adaptations, specialized medical equipment and supplies, and Assistive Technology subject to limits:

Comprehensive, Community Support, Partnership for Hope and MOCDD waivers: $7500 per year, per individual, for each environmental accessibility adaptation service and specialized medical equipment service. Assistive technology: $9,000 per year, per individual. The annual limit corresponds to the waiver years:

- Comprehensive, Community Support: July 1 through June 30
- Partnership for Hope and MOCDD: October 1 through September 30

If an individual’s need cannot be met within the limit, an exception may be approved by the Regional Director and DD Deputy/Assistant Director to exceed the limit if this will result in a decreased need of one or more other services. The determination must be made and returned to the Regional Office for processing within two working days of receipt of the request.

This guideline will be reviewed and updated annually, if needed.