

Navigating State and Federal Services in Washington State for Individuals with Intellectual and Developmental Disability, including autism.

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Seattle Children's
HOSPITAL · RESEARCH · FOUNDATION



Autism: the positives



Understanding, embracing and celebrating different ways of thinking and doing can release the true power of the autistic mind. Here we look at the positive features of autism.



Attention to detail

- Thoroughness
- Accuracy



Methodical approach

- Analytical
- Spotting patterns, repetition



Deep focus

- Concentration
- Freedom from distraction



Novel approaches

- Unique thought processes
- Innovative solutions



Observational skills

- Listen, look, learn approach
- Fact finding



Creativity

- Distinctive imagination
- Expression of ideas



Absorb and retain facts

- Excellent long term memory
- Superior recall



Tenacity and resilience

- Determination
- Challenge opinions



Visual skills

- Visual learning and recall
- Detail-focussed



Accepting of difference

- Less likely to judge others
- May question norms



Expertise

- In-depth knowledge
- High level of skills



Integrity

- Honesty, loyalty
- Commitment



JUST LIKE YOU!
CELEBRATING PEOPLE
WITH I/DD

Autism: The Positives

Just Like You:

Celebrating Developmental Disabilities (Video 1 minute)



Understand Navigate Maximize:

- Developmental Disabilities Administration (DDA)
- Crisis Services
- Supplemental Security Income (SSI)
- Medicaid
- Applied Behavior Analysis (ABA)
- Guardianship and Power of Attorney
- Financial Planning



Transition to Adulthood
 G'ship/Power of Atty
 Vocation
 Residential
 Financial
 Life-long care
 Meaningful Life



Developmental Disability Administration DDA

What is DDA?

“DDA is the state-level administration within the Department of Social and Health Services (DSHS).

DDA administers **programs and services that support people with developmental disabilities across the lifespan.**”

Happy, included, and as independent as possible in home and community settings



How do I access DDA?

DDA services are based on funds available

Long periods of no paid services in the past

Funding opens and closes depending on legislative outcomes

Currently funding is available

There are four steps to receiving services from DDA:

1. Apply for (and receive) a determination of DDA eligibility
2. Contact DDA to request services
3. Meet with a DDA case manager to assess functional eligibility (Care Assessment)
4. Services are determined based on presentation and severity of need

Informing Families DDA section:

<https://informingfamilies.org/topic/dda-services/>



Eligibility Criteria

DISABILITY CONDITION	DIAGNOSIS	DIAGNOSTICIAN	SUBSTANTIAL LIMITATION
Intellectual Disability	Intellectual Disability or Mental Retardation	Licensed Psychologist or Certified School Psychologist	Psychological assessment with Full Scale (FS) IQ score of 69↓* AND Adaptive functioning assessment with a score of 69↓ *FSIQ of 67 on the Stanford-Binet 4 th Edition
Cerebral Palsy	Cerebral Palsy or similar brain damage which causes quadriplegia, hemiplegia or diplegia	Licensed Physician	Onset prior to age 3; Must have the need for daily physical assistance for any 2 of the following: toileting, bathing, eating, dressing, mobility or communication
Epilepsy	Epilepsy or seizure disorder	Board Certified Neurologist	Uncontrolled and ongoing or recurring seizures AND adaptive functioning assessment with a score of 69↓
Autism	Autistic Disorder 299.00 in DSM-IV-TR or Autism Spectrum Disorder 299.00 in DSM-5 with a severity level of 2 or 3 in both columns	Board Certified Neurologist; Board Certified Psychiatrist; Licensed Psychologist; Board Certified Developmental and Behavioral Pediatrician; ARNP associated with an Autism or Developmental Center	Evidence of delay or abnormal functioning prior to age 3 in social, language, communication skills, or symbolic or imaginative play, AND adaptive functioning assessment with a score of 69↓ **FSIQ OF 84↓(OR STATEMENT OF TOO SEVERE TO ASSESS) FOR DSM-5 DIAGNOSIS
Another Neurological or Other Condition	A neurological or chromosomal disorder that is known to cause intellectual & adaptive skills deficits.	Licensed physician	Full Scale (FS) IQ of 77↓ AND adaptive functioning assessment with a score of 69↓ *If under age 20, Broad Reading & Broad Math scores of of 69↓ CAN REPLACE FSIQ *FSIQ of 76 on the Stanford-Binet 4 th edition

Not all who apply will qualify

Application



Fill out a Request for DDA Eligibility

Determination. Obtain an application from your local DDA office or online at: dshs.wa.gov/ddd/eligible.shtml

Be sure s to submit all the required documentation with your application:

- Signed Consent form
- Full Scale IQ tests
- Adaptive skills tests
- Psychological reports
- School records (for children or young adults)
- Medical records related to the disability

DEPARTMENT OF SOCIAL & HEALTH SERVICES
Transforming Lives

DEVELOPMENTAL DISABILITIES ADMINISTRATION (DDA)
Request for DDA Eligibility Determination

FOR OFFICE USE ONLY
 Initial Reapplication
DDA NUMBER: _____

Applicant Information
FIRST NAME _____ MIDDLE INITIAL _____ LAST NAME _____
BIRTHDATE _____
GENDER: Female Male Unknown / Unreported
MARITAL STATUS: Never Married Divorced Married Separated Unmarried Partner Widowed
ADDITIONAL COMMUNICATION NEEDS:
Interpreter Required: Yes No
Translate Documents: Yes No
Primary written language: _____
Speaks English: Yes No Limited
Understands English: Yes No Limited
Primary spoken language: _____
TRIBAL ENROLLMENT _____
SOCIAL SECURITY NUMBER _____
HIGHEST EDUCATION LEVEL OR TYPE _____
HISPANIC: Yes No

ETHNIC CODES (CHECK ALL THAT APPLY)
 American or Alaska Native Black or African American
 Asian Native Hawaiian / Other Pacific Islander White
 Unreported

MEDICARE
 Yes: type: _____
 No
Other insurance: _____

APPLICANT'S USUAL HOUSING SITUATION
 Adult-Licensed Facility Homeless
 Child - foster home Hospital, medical
 Correctional Facility / Jail Hospital, psychiatric
 Nursing Facility Other, describe: _____
 Relative's home
 Own Home
 Parent's Home

STREET ADDRESS _____ **CITY** _____ **STATE** _____ **ZIP CODE** _____
MAILING ADDRESS (IF DIFFERENT) _____ **CITY** _____ **STATE** _____ **ZIP CODE** _____
PRIMARY PHONE NUMBER _____ **CITY** _____ **STATE** _____ **ZIP CODE** _____
 HOME CELL WORK
OTHER PHONE NUMBER _____ **CITY** _____ **STATE** _____ **ZIP CODE** _____
 HOME CELL WORK
LIST SCHOOL DISTRICTS ATTENDED _____
EMAIL ADDRESS _____

TELL US WHY YOU ARE APPLYING

DEVELOPMENTAL DISABILITY AND THE AGE FIRST OBSERVED
Age first diagnosed: _____
 Autism Epilepsy
 Cerebral Palsy Intellectual Disability
 Chromosomal Condition Neurological Condition
 Developmental Delay Medically Intensive Children's Program

DISABILITY DETERMINATION SERVICE APPLICATION
Has the applicant applied for Social Security Disability Benefits, Supplemental Security Income, or DSHS Non-Grant Medical Assistance in the last year?
 Yes No

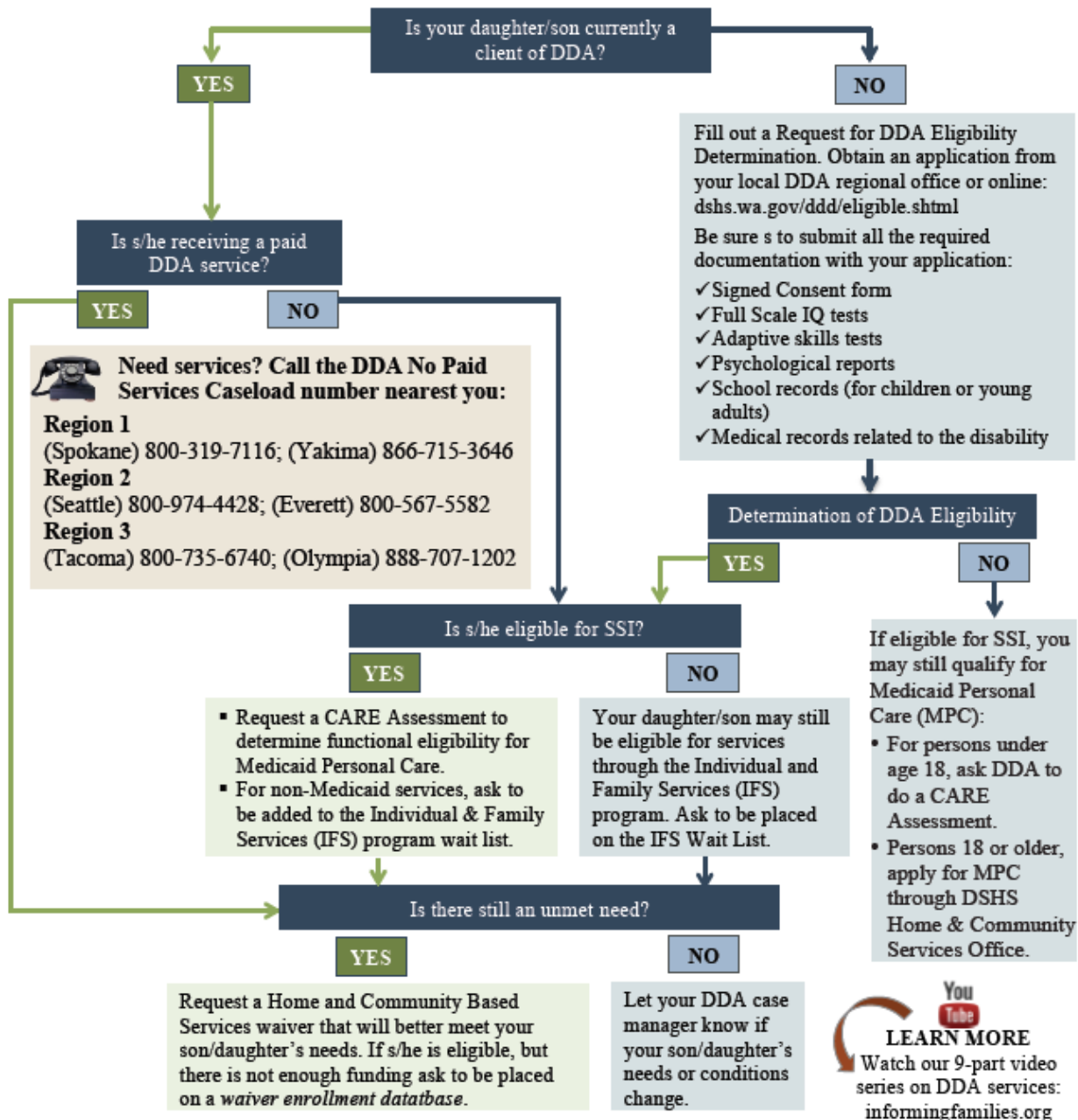
Representative Information
FIRST NAME _____ MIDDLE INITIAL _____ LAST NAME _____
STREET ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____
PRIMARY PHONE NUMBER _____ CITY _____ STATE _____ ZIP CODE _____
 HOME CELL WORK
 HOME CELL WORK
RELATIONSHIP TYPE / ROLE _____ OTHER PHONE NUMBER _____
 HOME CELL WORK
 HOME CELL WORK
SIGNATURE OF ADULT APPLICANT _____ LEGAL RELATIONSHIP (ATTACH DOCUMENTS) _____
INTERPRETER: Yes No
TRANSLATION: Yes No
LIVES WITH APPLICANT: Yes No
DATE _____

REQUEST FOR DDA ELIGIBILITY DETERMINATION
FORM 14-1001 (08/17) 10/2015

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Informing Families: www.informingfamilies.org/topic/dda-services/

Applying for DDA Eligibility and Services




LEARN MORE
 Watch our 9-part video series on DDA services:
informingfamilies.org

<https://informingfamilies.org/category/videos>


LEARN MORE
 Watch our 9-part video series on DDA services:
informingfamilies.org

Informing Families DDA section:
[Eligibility Flow Chart](#)



I'm Eligible. Now what?

1. Parent will get a letter in the mail or email.
2. Parent must request activation of services. *Don't ask don't get.*
3. [Care Assessment](#) in the home to determine services level. Functional eligibility.
4. Waiver is requested to DDA review committee to determine if assessment meets eligibility criteria.

Possibly told no waiver and placed on No Paid Services

5. If deemed eligible for waiver, Complete forms. Don't skip this part.
6. Creation of Individual Support Plan/Person Centered Service Plan (ISP/PCSP)
7. Connect with DDA case manager to fully understand, access, and maximize.
8. Keep communicating if confused or unable to access services.



Informing Families *Today and Tomorrow*

A Partnership for Better Communication
on Developmental Disability Issues in Washington State

Home and Community Based Services waivers are federal Medicaid programs that allow individuals to *waive* certain federal rules that would provide services in an institutional setting, choosing instead to receive similar services in their own home and community. Waiver eligibility is determined after you apply, and are approved for, DDA eligibility.

DDA Waiver Eligibility Road Map


- 1 Service Request**
If you have been approved for **DDA ELIGIBILITY**, and you want services, call the DDA Service Request & Information Line and leave a message that you would like to receive waiver services. Visit informingfamilies.org/nps for a list of Service Request numbers by region.
- 2 Functional Assessment and Person Centered Planning Process**
A DDA Case Manager will meet with you to talk about your interests, needs and goals to find out what services and supports may be available to help. During the meeting, the Case Manager will ask a variety of questions from the CARE assessment to determine **FUNCTIONAL ELIGIBILITY**.
- 3 Review of Functional Eligibility**
The DDA Case Manager will submit a Waiver Enrollment Request to DDA's review committee. The committee determines if your request and functional assessment meets waiver eligibility criteria.
- 4 Determination of Financial Eligibility**
If approved by the waiver review committee, the DDA Case Manager will contact you to discuss next steps, which relate to **FINANCIAL ELIGIBILITY**:
 - If you are already Medicaid eligible, DSHS will send health care coverage forms in order to determine your financial assets or resources.
 - If you are NOT Medicaid enrolled, you must apply for Medicaid (WA Apple Health) in order to determine financial eligibility. Ask the DDA Case Manager for directions to apply online.
 - If you do not receive SSI or have a Disability Determination from the Social Security Administration (SSA), the DDA Case Manager will send forms to complete and return. They will submit this determination packet to Disability Determination Services (DDS) for review. DDS will notify you and the DDA Case Manager of the outcome.
- 5 Service Planning and Statement of Participation**
Once you have been determined financially eligible, you will meet with the DDA Case Manager to develop an Individual Support Plan/Person Centered Service Plan (ISP/PCSP) based on your needs and choices. In addition to talking about service options, you will explore optional opportunities in your community. You will also be asked to sign the Voluntary

Handout

https://informingfamilies.org/wp-content/uploads/2015/07/Waiver_Eligibility.pdf

Nearly all services delivered through the Developmental Disabilities Administration (DDA) are through a federal Home & Community Based Services (HCBS) waiver. They're called waivers because they waive the option to receive services in an institutional setting in order to receive similar services in their home and community. DDA has five different waivers, each with their own set of services and funding limits.


IFS
Individual & Family Services



All Ages

For children and adults living in the family home. Services include: Specialized Habilitation, Community Engagement, Assistive Technology, Respite, Skilled Nursing (age 21+), Risk Assessment, Stabilization Services, Therapeutic Adaptations, Environmental Adaptations, Vehicle Modifications, Specialized Equipment/Supplies, OT/PT/Speech/Hearing & Language (age 21+), Staff/Family Consultation, Positive Behavior Support (under age 21), Peer Mentoring, and Person-Centered Planning Facilitation. Annual funding levels are based on assessed need: \$1,200, \$1,800, \$2,400, \$3,600.


Basic Plus



All Ages

For children and adults living in the family home or other community-based setting whose ability to continue being supported in that setting is at risk without additional services. Services include: Specialized Habilitation, Community Engagement, Community Inclusion, Respite, Skilled Nursing (age 21+), Risk Assessment, Stabilization Services, Therapeutic Adaptations, Environmental Adaptations, Specialized Equipment/Supplies, OT/PT/Speech/Hearing & Language Services (age 21+), Staff/Family Consultation, Positive Behavior Support (under age 21), Supported Employment.


Core



All Ages

For children and adults at immediate risk of out-of-home placement who have a need that cannot be met by the Basic Plus waiver, and who may need up to 24-hour residential services that include training and education; or, who may require daily to weekly one-on-one support for physical or health needs. Services include most services under Basic Plus*, as well as supported living and community transition services. (*CORE waiver services provide more funding for services than Basic Plus, based on assessed need.)


CIIBS
Children's Intensive In-Home Behavioral Support



Ages 8-20

For children (ages 8-20) living in the family home who are at risk of out-of-home placement due to the intensity of their behavioral challenges. Services are based on positive behavior support and team based planning that builds upon strengths and works toward outcomes driven by the family. Each child's team includes family, friends, providers, school staff, and others. Services include: Specialized Habilitation, Respite, Assistive Technology, Risk Assessment, Stabilization Services, Specialized Clothing, Music & Equine Therapies, Therapeutic Adaptations, Environmental Adaptations, Vehicle Modifications, Specialized Equipment & Supplies.

Community Protection



Adults

For adults who need 24-hour on-site awake staff supervision and therapies to maintain their own and community safety. The goal of the Community Protection program is to provide a structured, therapeutic environment for persons with community protection issues in order for them to live safely and successfully in the community while minimizing the risk to public safety. Community Protection services include all services under the CORE waiver, except: Community Engagement, Respite, Wellness Education, Community Inclusion.

Home and Community Based Waivers

- **Individual and Family Services (IFS)**
- **Basic Plus**
- **Core**
- **Children's Intensive In-Home Behavior Support (CIIBS)**
- **Community Protection**

www.informingfamilies.org/wp-content/uploads/2015/07/Waiver_Eligibility.pdf



Programs funded by DDA:

Some [programs](#) funded by the Developmental Disabilities Administration include:

Some [programs](#) funded by the Developmental Disabilities Administration include:

- [Home and Community Based Waiver Programs \(HCBS\)](#)
- [Individual and Family Services Waiver](#) (includes respite services)
- [Community First Choice \(includes Personal Care services\)](#)
- [Enhanced Respite \(Ages 8-18\)](#)
- [Overnight Planned Respite in the Community \(Adults\)](#)
- **NEW:** [Intensive Specialized Habilitation \(replaces something called CCSS\)](#)
- [Supported Employment](#)
- [Housing Supports](#)

www.informingfamilies.org/topic/dda-services

Does DDA provide Behavior Supports?



Yes and No. The Center for Medicaid Services (CMS/federal) notified WA State DDA—they will no longer pay for Positive Behavior Supports using waiver funds because most private insurance plans and Medicaid now cover Applied Behavior Analysis (ABA) services.

→ Ask DDA Case Resource Manager. Case-by-case.

Medicaid ABA

Long wait times

Limited options in rural areas

Limited expertise with challenging behaviors

Limited ABA options for teens and adults

Interpreters not available



Encourage parent to speak with DDA case manager about other DDA services that might address behaviors up or downstream such as Respite, Caregiver Support, Specialized Habilitation, Assistive Technology, etc



Community First Choice: Medicaid

Personal Care Hours / Caregiver hours (not respite)

Personal Emergency Response System

Nurse Delegation

Assistive Technology \$550

Community Transition Services

<https://informingfamilies.org/cfc-services/>

Informing Families

Building Trust

A Partnership for Better Communication on Developmental Disability Issues in Washington State

Community First Choice: Personal Care and More

Another big change that's been in the works for more than a year has recently been put into place. Effective July 1st, 2015, nearly everyone who had been receiving personal care through a waiver or Medicaid Personal Care (MPC) is now receiving personal care through a new Medicaid state plan called Community First Choice (CFC). If you are currently receiving personal care services, there is nothing you need to do to get onto the new program; however, there are some new services included in CFC that you can request (now, or at your annual assessment).

Core Benefits*

Personal Care

Assistance, supervision and/or cueing with Activities of Daily Living (ADLs), Instrumental Activities of Daily Living (IADLs), and health-related tasks, due to functional disability.

Relief Care

Allows the individual to hire alternate personal care providers.

Nurse Delegation

A licensed registered nurse assigns specific nursing task(s) to a certified person to perform under the nurse's direction and supervision.

Skills Acquisition Training

ADLs, IADLs, and health-related skills-training to help the individual gain independence in those areas. Skills acquisition can be accessed through personal care hours or purchased as an enhanced service.

Personal Emergency Response System (PERS)

A basic electronic device that enables individuals to secure help in an emergency.

Caregiver Management Training

Individuals will be offered the opportunity to receive training materials on how to select, manage, and dismiss their care providers. Training will be available in booklet, DVD, and web-based formats to both participants and their chosen representatives.

*number of service credits/hours based on assessment



Enhanced Benefits*

Assistive Technology

Devices and apps that increase the individual's independence. Includes specialized add-ons to the basic PERS system such as fall detectors, medication reminders, and GPS locators for those who qualify.

Additional Skills Acquisition Training

May be purchased along with, or instead of, assistive technology.

Community Transition Services

Rent and utility deposits, bedding, basic kitchen supplies, and other expenses related to transitioning from a long term care facility (such as nursing home, hospital or RHC) to a person's own home in the community.

*\$500 annual limit for Assistive Technology and additional Skills Acquisition Training (combined).

*\$850 one time expenditure for Community Transition

ADLs and IADLs

Activities of Daily Living (ADLs) include: bathing, bed mobility, body care, medication management, eating, dressing, locomotion, personal hygiene, use of toilet, and transfers.

Instrumental Activities of Daily Living (IADL) is incidental to the provision of ADL assistance and includes: meal preparation, ordinary housework, essential shopping, and travel to medical services.

Community First Choice (CFC)



Private insurance and does not qualify for Medicaid (family income too high)

He has IDD and was approved for DDA and placed on Waiver

Once on a DDA waiver, opens door to Medicaid

Once on Medicaid, opens door to Community First Choice (CFC) Program

Double coverage: His private insurance is primary, and Medicaid insurance is secondary



Medicaid insurance

Denied DDA

But because she is on Medicaid, she might qualify for CFC program

DDA administers CFC program so parent needs to request when denied DDA or contact

<https://www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/2E2B5F20-F193-4021-A9C3-4F64D05AEDE7/5103en.pdf>

DDA Services Recap



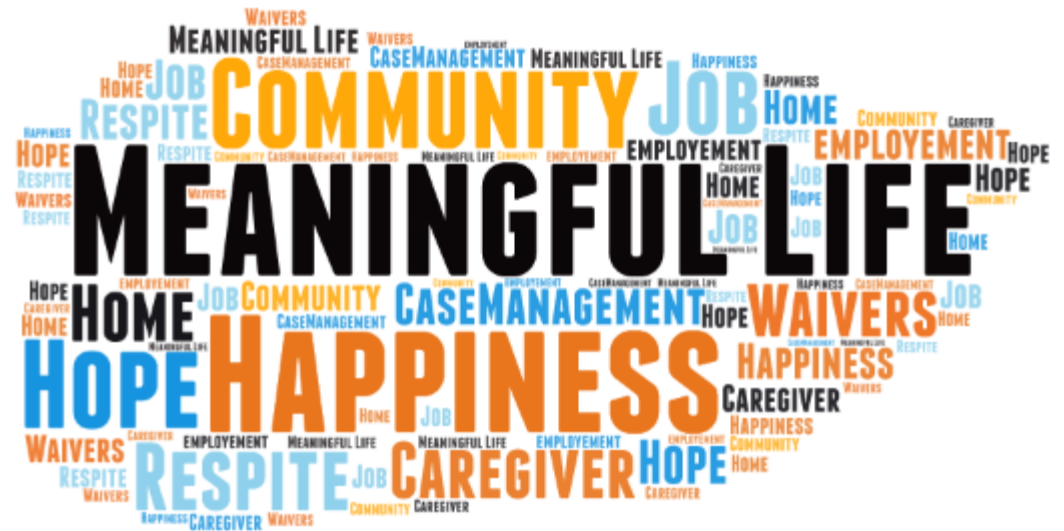
DDA Case Resource Manager

Home and Community-Based Waivers (5 waivers)

Community First Choice (CFC) | Medicaid-covered program

Later in life:

- Housing/Residential
- Supported Employment
- Personal Care
- Community Living Supports





Encourage parent to work closely with DDA case manager to understand, navigate, and maximize the DDA services available.



Resources for those who do not qualify for DDA



Ready, Set, PLAN...

General Support & Resources

A diverse system of support helps you create a full life with more opportunities to grow, learn, and connect with others. Use the following resources to help identify support from local agencies, community services and non-profit organizations.



ASSISTIVE TECHNOLOGY

- NW Access Funds
- WA Assistive Technology Act Program
- Other _____

COMMUNITY SERVICE AGENCIES & ORGANIZATIONS

- Area Agency on Aging
- County Social & Health Services
- Community Services Office
- DSHS Home & Community Services
- Other _____
- Salvation Army
- Senior Center

EMPLOYMENT AND BENEFITS PLANNING

- Division of Vocational Rehabilitation (DVR)
- Worksource
- Ticket to Work
- Other _____

FINANCIAL

- SSI/SSDI
- Special Needs Trust
- Other _____
- Checking/Savings Account
- ABLE Account

FOOD, HOUSING & UTILITY ASSISTANCE

- Local Housing Authority
- Low Income Home Energy Assistance Program
- Local utility assistance program
- Other _____
- Basic Food
- Women Infant & Children (WIC)

HEALTH AND SAFETY

- Apple Health
- Help Me Grow Washington (Health Hotline)
- Health Insurance Premium Payment Program
- Other _____
- Ready.gov
- Smart 9-1-1

PLANNING FOR THE FUTURE

- Center for Future Planning (The Arc US)
- Other _____

RECREATION AND LEARNING

- Camp
- Community Center
- Community College
- Faith Community
- Library
- Other _____
- Parks & Recreation
- People First
- Special Olympics
- Unified School Sports
- YMCA

TRANSPORTATION

- Medicaid Transportation Broker
- Reduced Bus Fare
- Bus Travel Training
- Other _____
- Door to Door
- (Local Paratransit)

LINKS TO STATEWIDE RESOURCES

- DSHS Home & Community Services (dshs.wa.gov/altsa)
- ParentHelp123 (ParentHelp123.org)
- Washington Connection (services locator) (washingtonconnection.org)
- WAHealthPlanFinder (wahealthplanfinder.org)

For more information, visit: informingfamilies.org

Crisis Services Limited or Nonexistent for Severe Autism and IDD population



Parents are told to call 911 or take to the ED

Most ERs are not equipped to handle IDD population

Services up and down stream are limited/barriers

If in-patient placement is deemed necessary:

- Current inpatient facilities do not serve this population
- Inappropriate hospital/medical stay
- Physical or pharmaceutical restraints used
- Return home unsafe and cycle repeats
- Traumatizing, impact individual and family

What to do?

Work closely with Medicaid Case Manager

Consider referral to WISE Wraparound for Intake

Inform DDA Case Manager

Notify www.ddombuds.org and www.nwjustice.org for legal advocacy

Report by WA Developmental Disabilities Ombuds:

Stuck in the Hospital:

<https://ddombuds.org/wpcontent/uploads/2019/10/DD-Ombuds-Hospital-Report-12.10.18-Final.pdf>

Families resorting to out-of-state placements

Medicaid



How to apply: <https://www.hca.wa.gov/health-care-services-supports/apple-health-medicaid-coverage>

In general, everyone on Apple Health (Medicaid), MUST be on a Managed Care Plan

- Molina Health Care
- Community Health Plan of Washington
- Amerigroup
- Coordinated Care
- United Healthcare Community Plan

It's Easy to Change Managed Care Plan: [Medicaid–How to Change a Managed Care Plan | Whatcom Taking Action](#)

Eligibility based on Income and household size (but can also be on Medicaid if on a DDA waiver or SSI)

Some Medicaid programs for kids don't count parents' income: [Medicaid Coverage for Hospitalized Children | Whatcom Taking Action](#)

Understanding Medicaid Basics of Washington State

<https://whatcomtakingaction.org/wp-content/uploads/2020/05/medicaid-basics-2019-08-20.pdf>

Applied Behavior Analysis (ABA)



- Applied Behavioral Analysis: Gold Standard intervention for Autism and related conditions
- What is ABA: <https://www.autismspeaks.org/applied-behavior-analysis-aba-autism-treatment>
- Medicaid will cover if medically necessary. ABA Order needed by a Center of Excellence: <https://www.hca.wa.gov/health-care-services-supports/apple-health-medicaid-coverage/autism-and-applied-behavioral-analysis>
- Medicaid ABA instruction sheets for parents at <https://www.seattlechildrens.org/clinics/autism-center/patient-family-resources/> Living with Autism Section: available in Spanish, Somali, Vietnamese, Amharic
- ABA now covered for individuals 21+
- **Barriers:**
 - Long wait times
 - Limited options in rural areas
 - Limited expertise with challenging behaviors
 - Limited ABA options for teens and adults
 - Interpreters not available



Legal Advocacy for DDA/Medicaid/ABA

State Benefits:

- **DDA:** 90 days to file appeal from date of adverse action (termination/denial/reduction/etc)
- **Medicaid:** 2 stages of appeal (MCO internal, then Office of Administrative Hearings)
 - **MCO internal appeal:** 60 days from adverse action
 - **OAH appeal:** 120 days from MCO internal appeal resolution
- **ABA – “Duty to Arrange” for Care through Medicaid/MCO***
 - **ABA waitlists** - call MCO for help with getting ABA started
 - If ABA hasn't started within a few months, file MCO internal appeal
 - * For those under age 21

Legal Advocacy for DDA/Medicaid/ABA - Practical Tips and Resources



How are DDA and Medicaid different?

- **Medicaid:** “medically necessary” services, Medicaid **must cover** and **arrange** for all medically necessary care for those under age 21 under EPSDT
- **DDA:** services that are not “medically necessary,” but are needed for people with IDD to live safely at home or in a community-based setting (like environmental mods and assistive technology)

What is EPSDT (Early and Periodic Screening, Diagnosis, and Treatment)?

- For people under age 21 on Medicaid, Medicaid **must** cover a service if it is medically necessary, safe and effective, and not experimental, and must **arrange for the service to start in a “timely manner”**
- Applies to all MCOs – there should not be a difference between MCOs

What about when DDA/Medicaid/BHO say “I don’t do that”?

- **Ask** for a care coordination conference, get everyone “in the same room” – someone should do it
- File appeals to spur conversation, a look at the situation, conversation

What about barriers for non-English speaking families?

- All agencies (DDA/HCA/MCO) *must* use interpreters
- Ask MCO to call ABA providers for you
- MCO must arrange for and pay for interpreter for ABA provision

Legal Advocacy for DDA/Medicaid/ABA - Practical Tips and Resources



What about lack of ABA providers/long wait lists?

- Ask MCO for help finding provider, file appeal
- Single case agreement with appropriate provider
- You should **not** have to switch MCOs – should be same services/legal rights

What if I don't get a written denial from DDA/MCO/etc but I'm just waiting forever and nothing's moving forward?

- Document everything (emails, if phone – who are you talking to and when?, put requests in writing)
- Ask for help,. ask for coordination meetings, follow up with your own notes about next steps
- File appeal even if there is not a written denial – “constructive denial”
- How to file an appeal with an MCO: <https://www.washingtonlawhelp.org/resource/apple-health-grievances-and-appeals-if-you-disagree-with-your-apple-health-managed-care-plan-or-have-a-complaint> * you are **not** filing a “grievance”

Supplemental Security Income (SSI)



Paid by Social Security Administration (federal)

Set Amount , \$794 in 2021

Eligibility Based on:

- Determination of Disability + Financial (income + “resources”)
- <https://www.ssa.gov/applyfordisability/>

Age 18 Disability Re-determination

Child Turning 18 may be Financially Eligible

- Eligibility based on child’s finances only – NOT parents’ – when they turn 18
- **Tips:** sign rental agreement to avoid 1/3 reduction in SSI, payee should make sure benefits go into separate, correctly-titled bank account (e.g., “[Mom’s name] as representative payee for child”

Application: www.socialsecurity.gov/disability or call toll-free 1-800-772-1213

SSI: Legal Advocacy



Adverse Actions: Denials, Terminations, Reductions, Overpayments

To appeal deadlines (multiple levels of appeal):

- **10 days** for continuing benefits, **60 days** to appeal all adverse actions
- No time limit for waiver of overpayment
- <https://www.ssa.gov/ssi/text-appeals-ussi.htm>, Disability appeal:
<https://secure.ssa.gov/iApplsRe/start>

Waiver of overpayment:

- Not at fault for overpayment + can't afford to repay
- <https://www.ssa.gov/forms/ssa-632-bk.pdf>

Keep date stamped photocopies of all documents



Decision-making Supports: Guardianship and Power of Attorney

People age 18+ are presumed, under the law, to have capacity to make their own decisions: *health care, education, finances and credit, voting, etc.*

What if someone wants help understanding information or making decisions, or what if someone can't understand the nature and consequences of potential decisions?

A person's legal capacity, as well as their wants and desires, determine what type of decision-making help is appropriate.

	Guardianship	Power of Attorney
Capacity	Lacks capacity	Has capacity
Type of decision-making	Substitute decision-making	AIF as supplemental "helper"
Process	Court process	Notarized document
Starts	Court appoints guardian ~ 60 days after filing	Date in POA, durable?
Ends	Says in g'ship order	Written rescission



Guardianship and Power of Attorney: Practical Tips and Resources

Guardianship is the ***most restrictive*** option – everything else should be explored first:

- DIY Durable Power of Attorney: <https://www.washingtonlawhelp.org/resource/questions-and-answers-on-powers-of-attorney>
- DIY Health Care Directive: <https://www.washingtonlawhelp.org/resource/health-care-directive-or-living-will>
- Joint bank accounts
- SSI “representative payee”: <https://www.ssa.gov/payee/>
- Releases of information/authorized representative



Financial Planning for Medicaid/SSI Eligibility:

- For some benefits, including SSI and Medicaid, there is a financial eligibility “resource limit” (\$2000 for SSI)
- Financial mechanisms can be put in place to preserve financial eligibility for benefits:
 - Special Needs Trusts (including Developmental Disability Endowment Trust Fund)
 - ABLE Accounts

Financial Planning for Medicaid/SSI Eligibility: Practical Tips and Resources



- Special Needs Trusts

- Special account, “trustee” directly pays 3rd party for goods and services – beneficiary does not have direct access to funds
- Private attorney: “Medicaid estate planning”
- **Developmental Disabilities Endowment Trust Fund:** www.ddetf.wa.gov
 - Managed by The Arc
 - Need to be DDA eligible
 - Costs \$600 to set up but then they put \$600 in the account

- ABLE Accounts

- More similar to special bank account, www.washingtonstateable.com
- Must be SSI beneficiary, disabling condition began before 26th birthday
- Record what money is spent on

Webinars comparing DDETF and ABLE: <https://ddetf.wa.gov/videos/>

**This Webinar, PowerPoint, and answers to questions posted
in the chat will be viewable at**

<https://uw-ctu.org/echo/echo-idd-wraparound-impact/>



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Any Questions?



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