

# General Texas Waiver Information

## Medicaid Waiver 101

Medicaid waiver programs are services program provided by the State of Texas to eligible individuals with disabilities. Determining whether an individual is eligible and which program can provide appropriate services is often confusing. Each waiver serves a different population. Not all waivers are available in all counties in Texas. Each waiver provides a different set of services. Each waiver has different individual spending limits or “caps.” Also the current waiver programs were not necessarily designed to meet the needs of individuals with autism. This is slowly changing as some of the waivers, (TxHL, HCS, and CLASS for now) do approve Board Certified Behavior Analysts as service providers.

You must sign up on each waiver’s waiting list separately. To find out how to sign up for the “interest lists,” visit <http://www.dads.state.tx.us/services/interestlist/index.html> and follow the links to find the mental retardation authority agency that serves your local area.

Once an individual or child with a disability is determined to meet the eligibility requirements to receive services from the waiver program, benefits extend beyond therapy and include Medicaid health insurance. A family could be reimbursed for their private health insurance if they have it. The family can be reimbursed for mileage resulting from medical treatment or therapy. Please make sure that your case worker informs you completely about all the benefits associated with your child’s waiver program.

Many people confuse Medicaid with the Medicaid waiver programs. Medicaid is a health insurance program provided by the federal and state government to families with incomes at 180% of the federal poverty level. Exactly what that income is changes year to year, but it is pretty low. The federal government matches the dollars that the state is willing to put into its own Medicaid program.

Medicaid waiver programs, however, allow each state to serve whatever special population they see a need to serve. Each waiver program can be designed any way the state wants. They are called waivers, because the programs “waive” or by-pass the usual Medicaid eligibility criteria. Usually, BUT NOT ALWAYS, the two requirements that are waived for persons with specific needs due to a disability are 1) family income requirement, and 2) the license requirement for service providers. All but the Texas Home Living waiver uses the INDIVIDUAL’S income rather than the family’s income. In most cases, children have no income—unless a generous grandparent or other relative has given them money under the Uniform Gifts to Minors Act. (Note: It may benefit a child with a disability not to have assets in his/her name, but have assets held instead in a Special Needs Trust held for the child’s benefit.) By waiving the licensing requirement, the Medicaid waiver program could pay for services such as attendant care, day habilitation, respite, hippotherapy, recreational therapy, massage or other therapies not covered by “traditional” Medicaid.

Medicaid will ONLY reimburse services provided by “LICENSED practitioners of the healing arts.” This is a small but important detail. This means IF there is a health service offered by

someone like a dental assistant (generally not licensed) they won't pay, but they will for a dentist, who is licensed.

This website gives only brief descriptions of the various waiver programs. For a more detailed comparison: [http://www.dads.state.tx.us/providers/waiver\\_comparisons/index.html](http://www.dads.state.tx.us/providers/waiver_comparisons/index.html).

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# Specific Medicaid Waiver Information

## **Texas Home Living (TxHL)**

<http://www.dads.state.tx.us/providers/TxHmL/index.cfm>

- Serves children and adults with mental retardation.
- **To be served, this waiver requires the FAMILY to meet income minimums** and the person must have an IQ of less than 70. There are additional eligibility requirements, so please check the fact sheet at the link above.

The TxHL waiver was the first Texas Medicaid waiver to allow board certified behavior analysts (BCBAs) as approved providers for behavior support services, but the dollar caps are the lowest of all the waivers. For information contact your local Mental Health/Mental Retardation center. To find the center nearest you call (512) 794-9268, or go to the web directory at

<http://www.dads.state.tx.us/services/contact.cfm>

## **Home and Community Services (HCS) Waiver Program**

<http://www.dads.state.tx.us/providers/HCS/index.cfm>

### **Special Population Served:**

Those with an IQ under 70 OR, if the person has a diagnosis of autism, an IQ under 75. IQ restrictions are strictly enforced. HCS also allows board certified behavior analysts (BCBAs) to become approved providers and offer behavior support services. To see the actual letter:

<http://www.dads.state.tx.us/providers/communications/2008/letters/IL2008-143.pdf>

### **Funded HCS Services:**

- Supported Home Living
- Day Habilitation
- Nursing
- Supported Employment
- Dental Treatment
- Adaptive Aids
- Minor Home Modifications
- Respite
- Specialized Therapies
- Residential Assistance

HCS has recently added CDS (Consumer Directed Services) whereby the family/client has the freedom to hire and fire the people working for them. For information and to place a name on the waiting/interest list, contact your local Mental Health/Mental Retardation center. Several local MHMR Authorities are listed below. To find the center nearest you call (512) 794-9268, or go to the web directory at <http://www.dads.state.tx.us/services/contact.cfm>

MHMRA of Harris County

Main Phone: 713-970-7000

Website: <http://www.mhmraofharriscounty.org/>  
Counties Served: Harris

Texana MHMR Center  
Main Phone: 281-342-9387  
Website: [www.texanacenter.com](http://www.texanacenter.com)  
Counties Served: Austin, Colorado, Fort Bend, Matagorda, Waller, and Wharton.

Tri-County MHMR Services  
Main Phone: 936-756-8331  
Website: <http://www.tcmhmr.org/>  
Counties Served: Liberty, Montgomery, and Walker.

### **Community Living Assistance and Support Services (CLASS)**

<http://www.dads.state.tx.us/providers/CLASS/index.cfm>

#### **Special Population Served:**

Persons of any age with a disability, other than mental retardation, that originated before the age of 22 and affects daily living functionality. Individuals with mental retardation may be eligible, but this waiver is not intended to serve those with a primary diagnosis of mental retardation. An autism diagnosis will qualify a child to be placed on the list. Services provided include attendant care & respite care, among others. Board certified behavior analysts (BCBAs) are approved providers of behavior support services:

<http://www.dads.state.tx.us/providers/communications/2008/letters/IL2008-123.pdf>

This waiver program has the longest “interest list”, so you are wise to sign your child up as early as possible.

In the event that you have to make a decision between HCS and CLASS, you may wish to compare the two programs:

[http://www.dads.state.tx.us/providers/waiver\\_comparisons/CLASS\\_HCS.html](http://www.dads.state.tx.us/providers/waiver_comparisons/CLASS_HCS.html)

#### **CLASS Program Services**

- Adaptive aids and medical supplies
- Case management
- [Consumer Directed Services \(CDS\) option](#)
- Habilitation
- Minor home modifications
- Nursing services
- Occupational therapy
- Physical therapy
- Prescription drugs, if not covered through Medicare
- Behavioral services
- Respite care

- Specialized therapies
- Speech pathology

**Telephone number for information and to place a name on the waiting/interest list for CLASS: (877) 438-5658**

This is a Medicaid Waiver program and qualification for the service is based on the child's income, not the parent's income

Up until a few years ago the providers of CLASS services were contracted through Attendant care companies called the DSA (Direct Service Agency). The attendant care company was completely responsible for the service providers – the hiring, training, and firing. These attendant care providers can still be utilized in the CLASS system but families have the additional option to become their own company. This is called Consumer Directed Services (CDS) and allows the family the freedom to hire and fire the people working with their child. The family is responsible for training and for faxing in the employee time sheets but the CLASS Direct Service Agency does all the employee paperwork for state and federal taxes and writes the paychecks. A substantial number of attendant care hours are provided to people on the CLASS program, making it a worthwhile interest list to be on. A substantial amount of respite hours are also provided.

If you are already on the waiting list, you can call and check your position on the list. If not on the list, call and sign up soon. Don't be discouraged by the long list. Getting your child's name on the list is one of the best ways to send the message to the state that the need is there and more funding needs to be allotted to these services.

**Make an effort to sign up on both the CLASS and HCS lists.** Please note that you will need to call two different agencies to sign up. A call to your local MHMR will not sign you up for both lists. Be sure that you receive confirmation letters that you are on these lists. Also, be careful to notify both lists of your contact information if you move.

In the event that you must choose between HCS and CLASS (Community Living and Support Services waiver), you can compare the two programs:

[http://www.dads.state.tx.us/providers/waiver\\_comparisons/CLASS\\_HCS.html](http://www.dads.state.tx.us/providers/waiver_comparisons/CLASS_HCS.html)

### **Medically Dependent Children's Program (MDCP)**

- Serves children and youth under the age of 21 years who have significant medical disabilities and would typically be eligible for nursing home care; provides respite, nursing, and home modifications. \*
- Available statewide.
- Website: <http://www.dads.state.tx.us/providers/MDCP/index.cfm>

- Telephone number for information and to place a name on the waiting/interest list: (877) 438-5658.

\*This waiver does cover children with an autism spectrum diagnosis. The waiting list is not as long as the CLASS and HCS lists and does provide some home services that most parents find helpful.

Respite/attendant care hours are available based on established need.

Hours per week are based on a score given by a medical professional.

Consumer Directed Services (CDS) are now available with this waiver. CDS allows the family the freedom to hire and fire the people working with their child. The family is responsible for training and for faxing in the employee time sheets but the Direct Service Agency does all the employee paperwork for state and federal taxes and writes the paychecks.

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