

Beverly A. H. Buscemi, Ph.D.
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Policy
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3440 Harden Street Ext (29203)
PO Box 4706, Columbia, South Carolina 29240
803/898-9600
Toll Free: 888/DSN-INFO
Website: www.ddsn.sc.gov

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Applicability: DDSN Central Office, DDSN District Offices, DSN Boards, Contracted Service Providers

I. Purpose

The purpose of this policy is to assure that those who are eligible for services from the Department of Disabilities and Special Needs (DDSN) are provided services in the most timely and equitable manner possible, and that those who have critical needs that jeopardize their health and safety are given priority to services and supports.

II. Determination of Critical Needs

- A. **Critical Needs - Defined:** Only those who are in life-threatening situations requiring immediate services or those who are in situations that present an imminent risk of jeopardizing their health and safety requiring immediate action are considered by DDSN to have a critical need.

A critical need is defined as a life-threatening situation that requires immediate action. A critical need is also defined as a situation that presents imminent risk of jeopardizing the person's health, safety and welfare. Life threatening or imminent risk of life threatening situations typically are limited to situations in which the person:

DISTRICT I

P.O. Box 239
Clinton, SC 29325-5328
Phone: (864) 938-3497

Midlands Center - Phone: 803/935-7500
Whitten Center - Phone: 864/833-2733

9995 Miles Jamison Road
Summerville, SC 29485
Phone: 843/832-5576

DISTRICT II

Coastal Center - Phone: 843/873-5750
Pee Dee Center - Phone: 843/664-2600
Saleeby Center - Phone: 843/332-4104

- 1) Has been recently abused/neglected/exploited by the primary caregiver;
- 2) Is homeless (to include situations where the individual is being discharged from an alternative placement and is unable to return to a family member's home or live independently);
- 3) Has seriously injured self or others and continues to pose a threat to the health and safety of self or others;
- 4) Has been judicially admitted to DDSN;
- 5) Has recently lost a primary caregiver or is at imminent risk of losing a primary caregiver; or
- 6) Has a primary caregiver who is 80 years of age or older with diminished ability to provide care that is likely to continue indefinitely due to the caregiver's physical or mental status and lack of an alternative caregiver. Care is being provided now, but it is clear that the need for services is imminent, because the caregiver will soon be unable to provide care and no other caregivers are available.

All efforts to address situations in which a critical need is present through the use of appropriate in-home support services when warranted, including Home and Community Based (HCB) Waiver services, must be exhausted prior to any consideration of residential placement. Refusal of in-home supports does not necessarily constitute the presence of a critical need. Additionally, living with relatives or friends must be ruled out prior to someone being considered homeless.

B. Procedure for Placement on/Removal from the DDSN Critical Needs List

When placed on the Critical Needs List the Case Manager/Early Interventionist must visit the person and his/her family members or caregivers [caregiver(s)] in their home for the purpose of gathering information about the person's current situation, his/her needs and the needs and expectations of the caregivers. The Case Manager/Early Interventionist should explain the definition of "critical needs" as defined in this directive and the process that will be followed in order for a determination to be made.

Subsequent to the home visit, the Case Manager/Early Interventionist must:

1. For Intellectual Disabilities/Related Disabilities (ID/RD) Waiver participants complete the Assessment of Need for Residential Habilitation (ID/RD Form A-RH) and the Request for Determination. The completed and signed Assessment of Need for Residential Habilitation, with required information attached, and the completed and signed Request for Determination must be submitted to the DDSN District Office Crisis Coordinator (DOCC) who serves the DDSN District in

which the person resides. In circumstances where the person's health and safety would likely be seriously jeopardized during the decision-making period, the case management/early intervention provider's Executive Director/CEO must contact the Director of the DDSN District Office to arrange for immediate intervention.

2. For those not participating in the ID/RD Waiver, the Case Manager/Early Interventionist must complete the Assessment of Critical/Priority Need and the Request for Determination. The completed and signed Assessment of Critical/Priority Need, with required information attached, and the completed and signed Request for Determination must be submitted to the DDSN District Office Crisis Coordinator who serves the DDSN District in which the person resides. In those circumstances where the person's health and safety would likely be seriously jeopardized during the decision-making period, the case management/early intervention provider's Executive Director/CEO must contact the Director of the DDSN District Office to arrange for immediate intervention.
3. The Case Manager/Early Interventionist must maintain frequent contact with the person and his/her caregiver(s) while the submission is being considered. In those circumstances where the person's situation worsens and the person's health and safety would likely be seriously jeopardized during the remainder of the decision-making period, the case management/early intervention provider's Executive Director/CEO must contact the District Director to arrange for immediate intervention.
4. If the criteria are determined to have been met, DDSN will obtain additional information to ensure that needed services are provided in the least restrictive and most community inclusive setting possible. This information will be obtained through the completion of either a Supports Intensity Scale (SIS) interview or a Health Risk Screening Tool (HRST) assessment. Whether the SIS or HRST is used, the Case Manager/Early Interventionist must assist the person/caregiver(s), as needed and appropriate, to ensure the timely completion of the interview/assessment.
5. Once the criteria are determined to have been met, and the setting determined, the Case Manager/Early Interventionist must communicate the decision and must provide information to the person and his/her caregiver(s) about the next steps. Should the person/caregiver(s) disagree with the decision, including disagreement with the setting deemed appropriate for the person, information about how to request reconsideration or appeal the decision must be provided. The Case Manager/Early Interventionist must document this communication in accordance with DDSN Case Management Standards.
6. If the criteria are determined to have not been met, the Case Manager/Early Interventionist will communicate the decision to the person and his/her caregiver(s) and provide written information about how to request reconsideration or appeal the decision. The communication of the decision and provision of

reconsideration/appeal information must be documented in accordance with DDSN Case Management Standards.

7. Once someone's name is placed on the Critical Needs List, while awaiting resolution, the person's Case Manager/Early Interventionist must develop a plan that ensures his/her health and safety while waiting and provides for the services that will resolve the critical need. This plan may include temporarily participating in State Funded Community Supports. A setting that is more restrictive than the setting approved by DDSN may not be included in the plan for services to resolve the critical need.
8. Until the need is resolved, the Case Manager/Early Interventionist should be in regular contact with the person/caregiver(s) to assess the status of the situation.
9. As appropriate, the Case Manager/Early Interventionist must follow the procedures detailed in DDSN Directive 502-01-DD: Admissions/Discharge of Individuals to/from DDSN Funded Community Residential Setting, and the DDSN ID/RD or HASCI Waiver Manuals.

The receipt of a complete request for inclusion of a person's name on the Critical Needs List requires the following actions by the DDSN District Office:

1. Upon receipt, the District Office Crisis Coordinator (DOCC) will review each submission to assure that it is properly prepared, complete, and contains required supporting documentation. Incomplete submissions will be returned to the Executive Director/CEO with a written explanation of the reason for the return.
2. If the submission is complete, then the DOCC will evaluate whether the criteria have been met.
3. If determined to meet the criteria, a Supports Intensity Scale (SIS) interview will be conducted by the DDSN SIS contractor to inform decisions about the best and appropriate level of service for the person. If circumstances do not permit the completion of a SIS prior to service provision, one will be completed after services are initiated.
4. If a SIS interview cannot be conducted, DDSN may complete a Health Risk Screening Tool (HRST) assessment to inform decisions about the best and appropriate setting for service delivery for the person.
5. If deemed necessary by the Director of the District Office, a visit to the person's home or face-to face visit with the person or his/her caregiver(s) will be conducted by the DOCC.
6. Using all available information, the District Office will determine the type and setting that will, in the least restrictive and most community inclusive setting

possible, meet the needs of the person. The person's name will be placed on the DDSN Critical Needs List and the results will be communicated to the Case Manager/Early Interventionist via the Review of the Request for Determination form (see Attachment B).

7. If the criteria has not been met, the DOCC will communicate the decision to the case manager/early interventions via the Review of the Request for Determination form (see Attachment B).
8. The DOCC will also monitor the status of those whose names have remained on the Critical Needs List for a lengthy period of time.
9. Weekly, DDSN will provide all applicable qualified providers an up-to-date copy of the Critical Needs List to assist in responding to needs in the timeliest manner possible.

NOTE: DDSN has the right to remove a person's name from the Critical Needs List should DDSN's offer of residential placement be declined. DDSN will make this determination based on the person's circumstances and the nature of the service sought.

III. Residential Services Waiting Lists

Residential services are defined as 24 hours per day supports that are provided by or contracted for operation by DDSN. DDSN maintains waiting lists for those likely to need residential services at some time in the future. For residential services, there are two waiting lists which are differentially prioritized with defined criteria. The criteria and procedures are as follows:

1. **Priority I** status is defined as an urgent situation which is anticipated to require residential services through DDSN within the next year to prevent harm to the individual or his/her caregiver(s). An urgent situation is considered to exist when the person has a history of significant behavioral or medical challenges that have not been or cannot continue to be effectively met. These difficulties, while significantly disruptive to the person's current setting, do not pose an imminent threat to the health and safety of the individual or others. It is anticipated that the degree of threat to the person's health and safety will continue to increase. DDSN must approve Priority I status. Only those in urgent situations with features suggesting there is a probability the person will require residential services within the next 12 months are considered by DDSN to have Priority I status.

Procedures

The inclusion of someone's name on the Residential Services Waiting List with Priority I status requires the following actions by his/her case management/early intervention provider:

1. The Case Manager/Early Interventionist must determine that all appropriate in-home services and supports have been implemented, that they are appropriate to meet the person's needs, and that they are consistent with the person's desires and aspirations as well as those of his/her caregiver(s).
2. The Case Manager/Early Interventionist must assure that the service plan is up-to-date.
3. The Case Manager/Early Interventionist must have a face-to-face visit with the person and his/her caregiver(s). A home visit is recommended but not required.
4. The Case Manager/Early Interventionist must explain the Residential Services Waiting List including the status that will be assigned. The Case Manager/Early Interventionist must document the discussions with the person and his/her caregiver(s) in accordance with DDSN Case Management Standards.
5. Subsequent to the face-to-face visit, a Request for Determination and Assessment of Critical/Priority Need along with supporting documentation must be submitted to the DOCC serving the county in which the person resides.
6. The Case Manager/Early Interventionist must apprise the DOCC of any changes in the person's situation and take action accordingly.
7. The Case Manager/Early Interventionist must communicate the DDSN decision regarding the request and document the discussions with the person and his/her caregiver(s).

The receipt of a complete request for the inclusion of someone's name on the Residential Services Waiting List with Priority I status requires the following actions from the District Office:

1. Upon receipt, the District Office Crisis Coordinator (DOCC) will review each submission to assure that it is properly prepared, complete, and contains required supporting documentation. Incomplete submissions will be returned to the Executive Director/CEO with a written explanation of the reason for the return.
2. If the submission is complete, then the DOCC will evaluate whether the criteria have been met.
3. Using all available information, the District Office will determine the potential level of service needed to meet the person's needs in the least restrictive and most community inclusive setting possible. The person's name will be placed on the DDSN Residential Services Waiting List with Priority I status assigned. The results will be communicated to the Case Manager/Early Interventionist via the Review of Request for Determination form (see Attachment B).

If the criteria have not been met, and the DOCC will communicate the decision to the case manager/early interventions via the Review of Request for Determination form (see Attachment B).

2. **Priority II** status is defined as a situation in which the person or caregiver(s) perceive that residential placement may be needed in the future, more than one year from the present time.

Procedures

The inclusion of someone's name on the Residential Services Waiting List with Priority II status requires the following actions by his/her case management/early intervention provider:

1. Case Manager/Early Interventionist will enter the person's name in the "Services" menu of DDSN's Service Tracking System (STS). In the "Services" menu, using the "Awaiting Services Transaction" function, the Case Manager/Early Interventionist must enter the service (Residential) and the provider preferred by the person or his/her caregiver(s). The Case Manager/Early Interventionist must enter either the residence (licensed facility) or the county preferred by the person or his/her caregiver(s). The priority level of "2" must be entered.

IV. Home and Community Based (HCB) Waiver Waiting Lists:

DDSN operates four (4) HCB waivers on behalf of the Medicaid agency. Those waivers are the Intellectual Disabilities/Related Disabilities Waiver, the Head and Spinal Cord Injury Waiver, the Community Supports Waiver, and the Pervasive Developmental Disorders Waiver. Each HCB Waiver operated by DDSN has its own policy for those awaiting enrollment. The criteria to determine the order in which those awaiting enrollment will be allowed entrance into the Waiver are addressed in each approved Application for a §1915(c) Home and Community-Based Services Waiver.

For the Intellectual Disability/Related Disability (ID/RD) Waiver

Those requesting ID/RD Waiver services will have their names added to the ID/RD Waiver Waiting List. Entrance into the Waiver is granted on a first come, first served basis.

*Please refer to the ID/RD Waiver Manual for specific instructions and procedures regarding waiting lists.

For the Head And Spinal Cord Injury (HASCI) Waiver

Those determined by the following criteria to have an urgent need for the services provided through the Waiver will be placed on the HASCI Waiver Waiting List in Urgent Status:

An urgent need is defined as one in which the individual meets the criteria required to be placed on the Regular HASCI Waiver Waiting List and has two (2) or more of the following conditions present:

- Very severe injury with functional limitations requiring extensive or total care (Spinal Cord Injury at quadriplegia level or very severe Traumatic Brain Injury);
- Emergency need for assistance with personal care and safety;
- Recent loss of a primary caregiver (permanently gone within past 90 days) or imminent risk of losing a primary caregiver (permanently gone within next 90 days), and no other paid or unpaid supports to replace the primary caregiver;
- Recently discharged (within past 90 days) or pending discharge (within next 90 days) from acute care or rehabilitation hospital with complex unmet service needs;
- Lack of an active support network of family, friends and community resources; or
- Specific extenuating circumstances affecting urgency (e.g., more than one person with disabilities or special needs in the household, primary caregiver is elderly or has a serious medical condition; primary caregiver is also responsible for minor children or elderly family members; etc.).

Those determined to not meet the criteria described above will be placed on HASCI Waiver Waiting list in Regular status.

Those on the HASCI Waiver Waiting List with Urgent Status will be allowed entrance first. If no names appear on the HASCI Waiver Waiting List with Urgent Status, those on the HASCI Waiver Waiting List in Regular Status will be allowed entrance into the waiver on a first come, first served basis.

*Please refer to the HASCI Waiver Manual for specific instructions and procedures regarding waiting lists.

For the Community Supports (CS) Waiver

Those requesting the CS Waiver services will have their names added to the Community Supports Waiver Waiting List. Entrance into the waiver is granted on a first come, first served basis.

*Please refer to the CS Waiver Manual for specific instructions and procedures regarding waiting lists.

For the Pervasive Developmental Disorder (PDD) Waiver

The names of children requesting the PDD Waiver will be added to the PDD Waiver Waiting List. Entrance into the waiver will be granted on a first come, first served basis.

*Please refer to the PDD Waiver Manual for specific instructions and procedures regarding waiting lists.

V. Procedures for Reporting Age of Caregivers of Consumers

DDSN does not maintain a separate waiting list for those with caregivers who are aging. However, to plan for the future needs of those with disabilities in the state, DDSN will survey available data to determine the number of people who are cared for by caregivers who are older or aging (e.g., older than 65 years of age, older than 80 years of age). The source of the data surveyed is DDSN's Consumer Data Support System (CDSS). CDSS must include the correct and complete dates of birth for all caregivers. Caregivers' dates of birth must be recorded in the "Contacts" section of CDSS. In order to be determined to meet an established "aging caregiver" criteria, all of the person's caregivers must meet the age criteria.

VI. Appeals

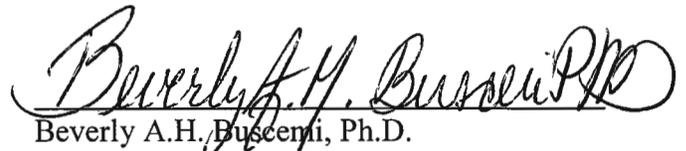
Adverse decisions regarding requests for determination of critical needs and/or the placement on a DDSN waiting list may be appealed in accordance with the procedures outlined in the DDSN Directive 535-11-DD: Appeal and Reconsideration Policy and Procedures.

VII. Quality Assurance

Service Division (ID/RD, HASCI, or Autism) Directors, or their designees, will periodically conduct post-audit reviews of the placement of those on the DDSN waiting lists to assure compliance with DDSN policy.



Susan Kreh Beck
Associate State Director-Policy
(Originator)



Beverly A.H. Buscemi, Ph.D.
State Director
(Approved)

To access the following attachments, please see the agency website page "Attachments to Directives" under this directive number at <http://www.ddsn.sc.gov/about/directives-standards/Pages/AttachmentstoDirectives.aspx>.

- Attachment A: Request for Determination of Critical/Urgent Circumstances
- Attachment B: Review of the Request for Determination of Critical/Urgent Circumstances
- Attachment C: Assessment of Need for Residential Habilitation-ID/RD Waiver Form
- Attachment D: Assessment of Need for Critical/Priority I – Form