

# Virginia's Home- and Community-Based Medicaid Waivers

## Frequently Asked Questions



Virginia offers to home-and community-based waivers for Virginians with disabilities. In Virginia, if you have a developmental disability, including an intellectual disability, you are entitled to care in an institution (like an intermediate care facility or a nursing home) but that entitlement does not extend to care in the community. So, the federal government developed Medicaid waivers, where the individual with a disability waives (gives up) institutional services and chooses community-based services instead. Virginia has two waivers: The Developmental Disability (DD) Waiver and the Commonwealth Coordinated Plus (CCC+) Waiver. You can find more information about these waivers here: [A PEATC Do You Know... Virginia's Home and Community-Based Medicaid Waivers Factsheet for Virginia's Parents](#). Here are some frequently asked questions about the waivers.

**Q. Is there more than one DD waiver?**

A. Yes. There are three DD Waivers. The Building Independence Waiver; the Family and Individual Support Waiver, and the Community Living Waiver. These provide different levels of support depending on the individual's needs.

**Q. What is the difference between the DD Waiver and the CCC Plus Waiver?** The CCC Plus Waiver is for individuals with disabilities who have medical/nursing needs. It offers more limited services than the DD Waiver but at this time, there is no waiting list for the CCC Plus waiver. An individual can receive services through the CCC Plus Waiver and be on the waiting list for the DD waiver.

**Q. Why should I apply for the DD waiver for my child since there are thousands of people on the waiting list?**

A. The DD Waivers do have a long waiting list; and while it is not a chronological list, the sooner your child gets on the list, the better. You may feel at this time that your child doesn't really need the services that the waiver offers but as your child grows the situation may change. This is particularly true as they move to adulthood and may need things like employment supports, companion services, or housing supports.

**Q. Where do I apply for the Waivers?**

A. You apply for the DD waiver through your local community services board (CSB). If you are interested in the CCC Plus waiver, you would apply through your local department of social services or your local health department.

**Q. How do I know what Waiver Priority my child is in?**

A. The community services board (CSB) in your area will have assigned a case manager to your child. That individual should contact you once a year to make sure you still want to stay on the list and to see if your family's needs have changed. You can also contact them, especially if there are changes. When your child is no longer eligible for services from the school system, they move to priority 1 until the age of 27.

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**Q. Will my child receive Medicaid if they are on one of the Medicaid Waivers?**

A. Yes. If your child has been found eligible for the waiver and is receiving services (meaning they are no longer on the waitlist), they will also receive Medicaid, which is publicly funded health insurance for eligible individuals. This will provide access to key services offered through Medicaid's Early and Periodic Screening, Diagnostic, and Treatment (EPSDT).

**Q. Does my child have to get SSI (Supplemental Security Income) to stay on the waiver when they turn 18?**

A. No, your child does not have to apply for SSI. However, to stay on the waiver after the age of 18, there must be a determination of disability. This can be done through eligibility for SSI. Or you can contact your local department of social services and ask for a disability determination.

**Q. Are there income limits in order for my child to stay on the waiver?**

A. Family income is not counted for purposes of waiver eligibility, no matter the child's age. The income limit for a person receiving waiver services is currently \$2,523/month. The asset letter (which includes money in checking, savings, investment accounts, etc.) is \$2,000. If those limits are exceeded, then a patient-pay will go into effect (like a co-pay on your health insurance). In addition, depending on the individual's living situation (e.g., if they live in a group home) the waiver recipient may not be able to have monthly income at the level listed. A substantial portion of that income will go to the residential provider to cover room and board. Also, important to know is if the individual exceeds \$2,000 in assets (unless they are in an ABLE account—a specialized savings program) or a special needs trust, they may lose eligibility for SSI.

**Q. Does the type of high school diploma a student receives affect their Medicaid or Waiver eligibility?**

A. No, there is no relationship between the type of diploma received and eligibility for the Waiver or for Medicaid.

**Q. Will my child age out of the CCC Plus Waiver at age 18?**

A. No, your child will not age out of the Waiver.

**Q. If I move to another county or another state, do I have to start the process all over again?**

A. If you move to another county in Virginia, you do not need to start the process over. Your child will keep their waiver services if they are on the waiver and remain on the wait list if that is their status. Your CSB case manager will need to transfer the case to your new CSB. If you move to another state, you will have to start the process over. Every state has different rules, and most have waiting lists. So, if your child is receiving services in Virginia under the DD waiver, for example, if you move out of state, your child may end up on a waiting list for services in that state.

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**Q. Does applying for guardianship or having guardianship in place affect the waiver?**

A. No, guardianship does not affect the waiver; nor do other decision-making processes, like powers of attorney or supported decision-making agreements.

**Q. What happens if I don't use the waiver services?**

A. You have to use waiver services at least once every 90 days or you risk losing the waiver. During COVID, restrictions were loosened because everyone was at home, and it was difficult to find providers. If you are having a tough time finding a provider, you should let your contact your case manager know. If you have a service that you no longer need, it can be removed from the Individual Services Plan (ISP).

**Q. Is the waiver ongoing or do I have to reapply every year?**

A. You only have to apply for the waiver once. However, once your child is receiving services, there will be an annual eligibility determination to make sure that the criteria for waiver eligibility are still being met. In the CCC Plus waiver, the Uniform Assessment Instrument (UAI) is used. For the DD waivers, the Virginia Individual Developmental Disabilities Eligibility Survey (VIDES) is used.

**Q. What are consumer-directed (CD) services?**

A. The consumer-directed model allows the DD or CCC Plus waiver recipient to hire, train, manage and fire their own staff to provide certain specified services (e.g., respite, personal care, companion).

**Q. If a child wants to live on their own when they become an adult but can't live alone, will the DD Waiver pay for a caregiver?**

A. Yes, among the services paid for by the DD waiver are companion services, personal care (attendant services), and in-home supports for those with more intensive needs. The waiver does not pay for rent, but housing vouchers may be available to supplement the individual's income and lower the cost of their housing.

In addition, there is a service under the DD waiver called Shared Living. The Shared Living service is where a person with a disability lives with a roommate of their choosing, in exchange for the roommate providing companionship, fellowship, and limited activities of daily living supports. The roommate cannot be a parent, grandparent, spouse, or guardian but can be a friend, sibling, or cousin, for example. The roommate is not paid for providing supports. Medicaid reimburses the individual for the roommate's half of the room and board in exchange for the supports being provided. A written supports agreement is required.

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- Q. Do we give up anything if we move from the CCC Plus Waiver to the DD Waiver?**
- A. No, the DD waiver has more comprehensive supports than the CCC Plus waiver. So, if you are eligible for the CCC Plus Waiver (remember the eligibility criteria are different), then it's great to be able to access those services until you can obtain a DD Waiver slot.
- Q. Can my child be on the Medicaid Waiver, receive Medicaid, and still be on my private health insurance?**
- A. Yes. Typically, a child can remain on their parent's insurance until age 26. For military families with Tricare, that age is 21. However, if you can demonstrate that your child is incapacitated (by the definition provided by the health insurance company, they may be eligible to remain on your policy.) Medicaid is the payer of last resort so if you have private insurance and Medicaid meaning Medicaid will pay after your private insurance. There is also a program called HIPPA for Children and HIPPA (for adults) in which Medicaid may determine it is to their benefit to pay your health insurance premiums. You can find out more here: [Health insurance Premium Payment Programs](#).
- Q. Who decides whether my child gets a DD Waiver slot?**
- A. Each local CSB is assigned a certain number of slots. Individuals with the highest priority need scores in each local CSB are considered for a waiver. This score is generated through a [Critical Needs Summary](#) performed by the case manager. It should be reviewed and updated annually or whenever needs change that could change the score. Those with the highest scores are reviewed by a Waiver Slot Assignment Committee which determines who is assigned the waivers. No names are included so the decision is objective.
- Q. What if there is an emergency? Can I ask for a special waiver slot?**
- A. There are Emergency Developmental Disability Waiver Slots. There are specific criteria that must be met. If those criteria are met, the CSB will submit a request for an emergency waiver to the Virginia Department of Behavioral Health and Developmental Services (DBHDS) for a determination.
- Q. Where can I get more information about Waivers and other supports?**
- A. Check out the DBHDS [MyLifeMyCommunity](#) webpage. The Arc of Virginia also has excellent information [here](#). And, of course, if you have questions, you can **contact PEATC** for further information and support.



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