



STATE OF MARYLAND

DHMH

Office of Health Services
Medical Care ProgramsMaryland Department of Health and Mental Hygiene
201 W. Preston Street • Baltimore, Maryland 21201

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

MARYLAND MEDICAL ASSISTANCE PROGRAM**Medical Day Care Transmittal No. 63****Living at Home Waiver Program Transmittal No. 15****Waiver for Older Adults Transmittal No. 25****Waiver for Adults with Traumatic Brain Injury Transmittal No. 3****Model Waiver Program Transmittal No. 28**

June 30, 2008

To: Medical Day Care Centers
Waiver Case ManagersFrom: *Susan J. Tucker*
Susan J. Tucker, Executive Director
Office of Health Services

Note: Please ensure that appropriate staff members in your organization are informed of the contents of this transmittal.

Re: Medical Day Care Services in Medicaid Home and Community-Based Waivers

Policy Change

The purpose of this transmittal is to inform case managers and medical day care providers about changes to the medical day care program and to implement a new policy regarding authorization of medical day care (MDC) services for participants in certain home and community-based waivers. The policy describes the process case managers will follow when authorizing and scheduling MDC services for waiver participants. This policy will be effective July 1, 2008.

Medical Day Care Program Changes

MDC will be discontinued as a Medicaid State Plan program effective July 1, 2008. In order to ensure the ongoing availability of MDC services for participants in existing waiver programs, the following waivers have added MDC as a waiver service with an effective date of July 1, 2008:

1. Waiver for Adults with Traumatic Brain Injury
2. Living at Home Waiver
3. Waiver for Older Adults
4. Model Waiver for Disabled Children

Regulation amendments for each of these waivers have been submitted for promulgation and will be published in the *Maryland Register*.

In addition, a new Medical Day Care Services Waiver has been approved by the federal government, effective July 1, 2008. The MDC Waiver will serve those Medicaid beneficiaries who qualify for Medicaid under community eligibility standards, who meet all of the MDC waiver eligibility criteria, and who are not enrolled in another waiver.

Waiver Plan of Care or Plan of Service

As with all waiver services, MDC services, when appropriate, must be included in the participant's waiver plan of care (POC) or waiver plan of service (POS) by the waiver case manager. Waiver services are not eligible for Medicaid reimbursement if they are not part of the participant's approved waiver POC/POS.

Implementation of the Policy

1. This policy is effective July 1, 2008; therefore, case managers may begin authorizing MDC services for new waiver participants at that time. Medicaid waiver staff will provide an authorization form to be used in each waiver program prior to July 1, 2008.

Please note that Waiver for Older Adults (WOA) case managers began authorizing MDC services in Fiscal Year 2007; therefore, WOA case managers will not have to change their current policy and procedures for authorizing MDC services.

2. A physician's order for MDC services is no longer necessary for individuals served by the four home and community-based waivers listed above. Therefore, the case manager's authorization of MDC services must specify the number of days per week the participant is authorized to receive services at a specific center or centers and the effective date of the authorization. If a participant receives MDC services at multiple centers, the authorization process must be completed for each center. Copies of the participant's authorization forms must be maintained by the case manager and by the MDC provider in the participant's record.
3. For participants currently receiving MDC services, case managers must complete the MDC authorization process within ninety days of the start of Fiscal Year 2009 on July 1, 2008. With the exception of the Waiver for Older Adults, an authorization form must be completed for each current participant and sent to the appropriate MDC

provider(s) in order to inform the provider about the scope of MDC services that has been approved in the participant's POC/POS. This authorization form must be sent to the MDC center, even if no change is being made in the participant's current schedule of attendance.

4. The case manager's authorization will remain in effect until there is a change in the participant's use of MDC services as reflected in the participant's approved waiver POC/POS. Waiver case managers must consult with MDC providers regarding proposed changes in a participant's POC/POS. The case manager is responsible for providing at least one week's notice to the MDC provider prior to a change in the participant's authorized attendance schedule.
5. The case manager will make the final determination of the number of days of MDC service approved for each waiver participant. The MDC center may not bill Medicaid for days of MDC that exceed the case manager's authorization.

Participants' Right to Appeal

If the participant does not agree with the case manager's decision to reduce the days of services authorized, the participant has the right to appeal the decision. The case manager must inform the participant in writing of their right to appeal the decision which includes information on the participant's right to a fair hearing.

Questions regarding this transmittal may be directed to Medicaid waiver coordinators for the Living at Home Waiver, Waiver for Adults with Traumatic Brain Injury, Model Waiver for Disabled Children, and Waiver for Older Adults at 410-767-5220, or to Medical Day Care Program staff at 410-767-1444.

cc: League for Excellence in Adult Daycare
Maryland Association of Adult Day Services
Maryland Department of Aging
Mental Hygiene Administration