

Protocol for Offering a Targeted HCS SSLC Diversion Vacancy

Offer of a Targeted Home and Community-based Services (HCS) Vacancy for an Individual as a Diversion from State Supported Living Center (SSLC) Admission

The number of offers for a targeted HCS SSLC diversion vacancy made each month is based on budgetary guidelines in accordance with the legislative allocation for the biennium.

A. Purpose:

The Texas Department of Aging and Disability Services (DADS) may make available a targeted HCS SSLC diversion vacancy to an individual with an intellectual disability who is determined to be at imminent risk of admission to an SSLC and who qualifies as a member of the Targeted HCS SSLC Diversion Group listed in the HCS Medicaid waiver application as described in Section C.

B. Definition of Imminent Risk of Admission to an SSLC:

An individual is at imminent risk of admission to an SSLC if one or more of the following exists:

- loss or incapacity of the individual's primary caregiver or loss of the individual's placement in a community residential facility;
- the individual exhibits repeated and severe behavior disturbances that jeopardize the individual's safety or current living arrangement:
 - but does not need:
 - inpatient mental health treatment; or
 - care in a behavioral health facility, such as Texana Center's Behavior Treatment and Training Facility or Bayes Achievement Center; or
 - and needs care in a behavioral health facility, but there is no such facility available; or
- the individual is recommended for discharge from a state hospital and unable to return to family or community-based care.

C. Qualifications to be a Member of the Targeted HCS SSLC Diversion Group:

An individual qualifies as a member of the Targeted HCS SSLC Diversion Group if:

1. The individual is at imminent risk of admission to an SSLC as defined in Section B;
2. The individual does not have criminal charges pending and is not eligible for admission to the forensic SSLC;
3. Adequate and appropriate community resources are not available as evidenced by attempts to locate community-based services and supports, such as community ICF/IID, general revenue-funded services, or for a minor, supports through the local school district;
4. The individual meets the criteria for commitment to an SSLC as described in 40 TAC, Chapter 2 (Continuity of Services):
 - §2.255 for an adult; or
 - §2.257 for a minor; and
5. The individual or LAR has not declined an SSLC's offer of admission after a packet was submitted to DADS as described in Section D.5.

D. Process:

1. The LA conducts an interview of an individual and LAR or an actively involved person about the circumstances creating imminent risk of the individual's admission to an SSLC. The LA provides an explanation of intellectual and development disability (IDD) services and supports.

2. If the LA determines that the individual is at imminent risk of admission to an SSLC as described in Section B. and, based on the explanation of IDD services and supports, the individual/LAR identifies a preference for SSLC placement, the LA begins the process established in rule (40 TAC, Chapter 2, Subchapter F, Division 2) to seek SSLC admission, including:
 - conducting a Determination of Intellectual Disability (DID) to establish diagnosis of intellectual disability;
 - gathering supporting documentation related to medical conditions or behavioral needs;
 - providing a description of the individual's history of services and supports;
 - for a minor, providing documentation that the local Community Resource Coordination Group (CRCG) has deliberated in accordance with 40 TAC, §2.257(c);
 - completing an application for SSLC admission; and
 - arranging for the local authority interdisciplinary team to prepare a report of finding and recommendations including the determination of less restrictive setting available for the individual in accordance with Attachment P of the Performance Contract.
3. If the LA determines that the individual qualifies as a member of the Targeted HCS SSLC Diversion Group as described in Section C., the LA reviews with the individual/LAR the option of accessing HCS services instead of SSLC admission.
4. Whether or not the individual or LAR expresses an interest in being offered a targeted HCS SSLC diversion vacancy, the LA submits the completed SSLC application to the appropriate facility.
5. If the individual or LAR is interested in being offered a targeted HCS SSLC diversion vacancy, the LA submits a packet to the designated staff person at DADS Local Authority Section that includes:
 - A completed Form 8726 (Request for Targeted Diversion HCS Slot);
 - A copy of the SSLC application; and
 - A copy of documentation supporting the LA's determination that the individual qualifies as a member of the Targeted HCS SSLC Diversion Group as described in Section C
6. DADS designated staff person reviews the packet for completeness.
 - If the packet is incomplete, the designated staff person will notify the LA and arrange for additional necessary documentation to be submitted.
 - If the packet is complete, the designated staff person will convene a meeting to discuss the request for an offer of a targeted HCS SSLC diversion vacancy with other staff persons of DADS Local Authority Section and the DADS SSLC Continuity of Services Section.
7. At a meeting to discuss the request for an offer of a targeted HCS SSLC diversion vacancy, staff of DADS Local Authority Section and the DADS SSLC Continuity of Services staff determine whether the individual qualifies as a member of the Targeted HCS SSLC Diversion Group as described in Section C.
 - If it is determined the individual does not qualify, the designated staff person at DADS Local Authority Section will, within one business day, notify the LA and notify the individual or LAR in writing of the denial of an offer of a targeted HCS SSLC diversion vacancy and provide the individual or LAR with an opportunity for a fair hearing.
 - If it is determined the individual does qualify and a vacancy is immediately available, the designated staff person will, within one business day, send a letter authorizing the LA to offer the individual the opportunity to enroll in HCS.
 - If it is determined the individual does qualify, but a vacancy is not immediately available, the designated staff will hold the request until:

- a targeted HCS SSLC diversion vacancy becomes available, in which case the designated staff will send a letter authorizing the LA to offer the individual the opportunity to enroll in HCS; or
 - the individual no longer meets all of the qualifications described in Section C, including because the individual is offered admission to an SSLC and declines.
8. The LA initiates the enrollment process within three working days of receipt of the authorization letter from DADS. If the individual/LAR accepts the offer to enroll in HCS, the SSLC admission process ends. The LA is required to complete the enrollment process in accordance with the rules governing the HCS Program, specifically §9.157 (Process of Enrollment of an Applicant) within the time frames required by Attachment K of the Performance Contract. If the LA anticipates the individual's enrollment will not be completed within the required time frames, it may request that DADS approve an extension (using Form 1045 (Request for HCS/TxHmL Enrollment Extension)).
9. If, while waiting for an offer of a targeted HCS SSLC diversion vacancy, DADS determines the individual no longer qualifies as a member of the Targeted HCS SSLC Diversion Group as described in Section C., the designated staff person at DADS Local Authority Section will, within one business day, notify the LA and notify the individual or LAR in writing of the denial of an offer for a targeted HCS SSLC diversion vacancy and provide the individual or LAR with an opportunity for a fair hearing.