



STATE OF TENNESSEE
DEPARTMENT OF FINANCE AND ADMINISTRATION
DIVISION OF MENTAL RETARDATION SERVICES
ANDREW JACKSON BUILDING, 15TH FLOOR
500 DEADERICK STREET
NASHVILLE, TN 37243

TITLE: Continued Stay Requirement for Children Enrolled in Waivers before Age 6

POLICY #: P - 012

A. PURPOSE: This policy clarifies the continued stay requirement for children who were enrolled in the Home and Community Based Services Waiver for the Mentally Retarded and Developmentally Disabled or the Self-Determination Waiver Program before age 6 years on the basis of having a condition of substantial developmental delay or specific congenital or acquired conditions assessed as having a high probability of resulting in mental retardation.

B. APPLICABILITY: This policy applies to any child enrolled in a Medicaid Home and Community Based Services (HCBS) waiver for persons with mental retardation before age 6 years on the basis of having a condition of substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in mental retardation.

C. DEFINITIONS

1. "HCBS waiver" or "waiver" means a Home and Community Based Services waiver for persons with mental retardation that includes the following;
 - a. Home and Community Based Services Waiver for the Mentally Retarded and Developmentally Disabled (#0128.90.R2A.02) and any amendments thereto; and
 - b. Self-Determination Waiver Program (#0427.R01) and any amendments thereto.

D. DESCRIPTION OF POLICY

1. The Home and Community Based Services Waiver for the Mentally Retarded and Developmentally Disabled and the Self-Determination Waiver Program permit enrollment of children age five (5) years or less who have a condition of substantial developmental delay or specific congenital or acquired conditions assessed as having a high probability of resulting in mental retardation when the children also meet other waiver eligibility requirements. To remain enrolled in an HCBS waiver upon reaching 6 years of age, the child must have had a psychological evaluation prior to reaching 6 years of age that documents mental retardation with an IQ test score of 70 or below.
2. The DMRS Regional Director or designee shall:
 - a. Establish and maintain a tracking system for children enrolled in the HCBS waivers prior to reaching age 6 years;
 - b. Monitor the tracking system to determine whether each child has had a psychological evaluation prior to reaching age 6 years and to determine whether

the psychological evaluation documents mental retardation with an IQ test score of 70 or below.

3. The DMRS Regional Director or designee shall send written notification to the Assistant Commissioner of Policy, Planning, and Consumer Services and request involuntary disenrollment if it is determined that a child has reached the age of 6 years and that:
 - a. The child has had a psychological evaluation but that the evaluation did not document mental retardation with an IQ test score of 70 or below; or
 - b. The child's parent or guardian has refused to obtain or permit a psychological evaluation; or
 - c. The child's parent or guardian has failed to obtain a psychological evaluation.
4. The DMRS Office of Policy, Planning, and Consumer Services will send a notice of involuntary disenrollment that:
 - a. Indicates that the child will be disenrolled from the waiver in 30 days or upon reaching age 6 years, whichever occurs later; and
 - b. Includes information about appeal rights.
5. The DMRS Regional Office shall facilitate discharge planning for disenrollment of the service recipient from waiver services and shall provide information about any known alternative services for which the service recipient may qualify.

E. **ATTACHMENTS:** n/a

F. **PREVIOUS POLICY:** n/a

G. **DATE APPROVED BY TENNCARE:** August 26, 2008

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H. **POLICY APPROVAL**

Joanna Damore by W. Moore, M.D.
Signature of Assistant Commissioner
Office of Policy, Planning, and Consumer Services

8-28-2008
Date

Stephen H. Norris
Signature of Deputy Commissioner
Division of Mental Retardation Services

8/28/08
Date