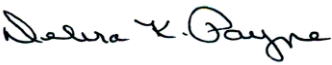
	POLICIES AND PROCEDURES State of Tennessee Department of Intellectual and Developmental Disabilities	Policy #: 80.3.10	Page 1 of 2
Policy Type: Administrative		Effective Date: June 27, 2013	
Approved by:  Commissioner		Supersedes: N/A Last Review or Revision:	
Subject: Individual Rights and Responsibilities			

- I. **AUTHORITY:** Tennessee Code Annotated (TCA) 4-3-2708, TCA 33-1-303, Code of Federal Regulations (CFR) 42 CFR 483.420.
- II. **PURPOSE:** The purpose of this policy is to ensure a process for informing persons applying for or enrolled in a DIDD operated Medicaid waiver program of their individual rights and responsibilities under the following circumstances: denial of their Pre-Admission Evaluation (PAE), disagreement with their assigned Category of Need (CON) for placement on the waiting list or any adverse action to their Medicaid waiver services.
- III. **APPLICATION:** This policy applies to all case management staff.
- IV. **DEFINITIONS:**
 - A. **Acknowledgement of Intake Process and Individual Rights** shall mean a document explaining the rights to which each person who is waiting or receiving services by DIDD is entitled.
 - B. **Category of Need (CON)** shall mean a waiting list category describing the immediacy of needs for individuals (crisis, urgent, active or deferred) who request services from the Department of Intellectual and Developmental Disabilities (DIDD).
 - C. **Department of Human Services (DHS)** shall mean the state department responsible for providing a quality system of coordinated human services to meet the changing needs of Tennesseans and enable them to achieve self-sufficiency. The DHS completes financial eligibility determinations for Medicaid services.
 - D. **Department of Intellectual and Developmental Disabilities (DIDD)** shall mean the state department that is responsible for operational administration of three Medicaid-funded Home and Community-Based Services waiver programs for people with intellectual disabilities.
 - E. **DIDD Waiver Waiting List** shall mean a list established and maintained by DIDD that identifies individuals by their established category of need who have completed the general intake process and are seeking Home and Community Based Services operated by DIDD.
 - F. **Home and Community Based Services (HCBS) waiver or waiver** shall mean a program approved for Tennessee by the Centers for Medicare and Medicaid Services to provide services to a specified number of Medicaid eligible individuals who have an intellectual disability and who meet criteria for Medicaid reimbursement in an

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Intermediate Care Facility for Individuals with Intellectual Disabilities. The HCBS waivers for people with intellectual disabilities are operated by DIDD with oversight from TennCare, the state Medicaid agency.

- G. **Intake Assessment Packet** shall mean a packet of information and forms that must be provided to persons and/or legal representatives who request to apply for DIDD administered services.
- H. **Medicaid Eligible** shall mean a person who has been determined by the Department of Human Services or the Social Security Administration to be financially eligible to have Medicaid provide reimbursement for covered services.
- I. **Pre-Admission Evaluation (PAE)** shall mean a form and process used to determine medical eligibility for admission to Nursing Homes, Intermediate Care Facilities for individuals with Intellectual Disabilities, and to the Home and Community-Based Services waiver programs that provide home and community-based services for people with an intellectual disability in lieu of institutionalized care.
- J. **Regional Office** shall mean the local offices of DIDD located in the three grand regions of the state: East, West and Middle Tennessee.
- K. **TennCare** shall mean the single State Medicaid Agency responsible for the administration of the State's Medicaid program.
- V. **POLICY:** DIDD case management staff shall ensure individuals seeking or receiving DIDD services are informed of their rights and responsibilities.
- VI. **PROCEDURES:**
 - A. The regional office case management staff shall ensure the Acknowledgement of Intake Process and Individual Rights is included in all intake assessment packets provided to individuals who are seeking DIDD services.
 - B. The regional office case managers shall be responsible for providing individuals, and/or family members, conservators or legal representatives with a written copy of the Acknowledgement of Intake Process and Individual Rights during the initial face-to-face meetings. Regional office case managers shall be responsible for reading and explaining the Acknowledgement of Intake Process and Individual Rights to persons who require assistance because they are unable to read or unable to understand the written description.
 - C. If requested or needed, the regional office case managers shall provide assistance to individuals, and/or family members, guardians or legal representatives with understanding and exercising their individual rights and responsibilities.
 - D. The individual and/or family members, guardians or legal representatives shall provide the regional office with verification that the individual requesting services has a primary diagnosis of an intellectual disability that was diagnosed as occurring prior to the age of 18.
- VII. **ATTACHMENTS:**
 - A. Acknowledgement of Intake Process and Individual Rights