

**To: Managed Care Organizations
Department of Intellectual and Developmental Disabilities**
From: Kristeena Wilson, RN, Assistant Deputy Chief, Clinical Operations, LTSS
Date: January 23, 2018 (Replaces January 17, 2018 Version)
**CC: Patti Killingsworth, Assistant Commissioner and Chief, LTSS
Lisa Mills, Deputy Chief, LTSS**

Subject: ECF CHOICES Enrollment Exceptions and Options; Transitions

Based upon information provided in the *Additional Guidance on Medical Necessity and Enrollment Criteria Applicable to Employment and Community First CHOICES Program* memo and the *Family Caregiver Stipend in Employment and Community First CHOICES* memo, both dated 1/22/2018, it is necessary for TennCare to update the enrollment exception and transition processes and forms.

ECF CHOICES Enrollment Exceptions and Options

According to TennCare rule, there is one enrollment exception for which TennCare approval can be requested:

On a case by case basis, the state may grant an exception to permit adults ages 18-20 with I/DD not living at home with family, including young adults with I/DD transitioning out of state custody, to enroll in Groups 5 and 6, if they meet eligibility criteria.

When this enrollment exception is requested, the agency facilitating enrollment (MCO or DIDD) must submit the ECF CHOICES Enrollment Request Form with the completed PAE.

According to TennCare rule, there is one enrollment option for which TennCare approval can be requested:

Adults age 21 or older, who qualify for enrollment in Group 5 or 6, but also meet all Group 4 enrollment criteria, including a determination by their MCO that they can be **both** safely and appropriately served in Group 4, may elect to be enrolled in ECF Group 4.

Pursuant to TennCare Rule 1200-13-01-.31(4) and as described in the *Additional Guidance on Medical Necessity and Enrollment Criteria Applicable to Employment and Community First CHOICES Program* memo, dated 1/10/2018, the MCO can only make this determination that the person can be **both** safely and appropriately served in Group 4 if the MCO can ensure that, in addition to all health and safety needs being met, the person would be able to receive all services necessary to meet the person's needs and goals, in an adequate amount necessary to sufficiently address those needs and goals, and that access to the full range of services that the person could benefit from receiving will not otherwise be restricted by enrollment into Group 4, which has the lowest expenditure cap. Per TennCare rules, a person may not be enrolled in ECF CHOICES Group 4, even if

the person or his/her legal representative prefers this, if the MCO cannot confirm and document that the person's needs can be **both** safely **and** appropriately met in Group 4.

When this enrollment option is desired, the agency facilitating enrollment (MCO or DIDD) must submit the ECF CHOICES Enrollment Request Form with the completed PAE. The contents of the Enrollment Request Form must be fully reviewed and explained to the person (and his/her representative/conservator) to assure understanding prior to obtaining a signature on the form.

Further, the form requires that if the MCO is facilitating enrollment, the MCO must verify that the individual's needs have been assessed and the MCO can ensure, that in addition to all health and safety needs being met, the member would be able to receive all services necessary to meet the member's needs and goals, in an adequate amount necessary to sufficiently address those needs and goals, and that access to the full range of services that the member could benefit from receiving will not otherwise be restricted by the transition to Group 4, which has a lower expenditure cap.

Finally, the form requires that if DIDD is facilitating enrollment, DIDD must sign to confirm that the contents of the form has been fully explained to the individual including the fact that determination by the MCO that the person can be both safely and appropriately served in Group 4 will be completed upon enrollment into ECF CHOICES.

Attached is the updated ECF CHOICES Enrollment Request Form. This form should be completed in its entirety and submitted to TennCare when requesting enrollment for either of the above situations. If the form is not submitted, is not completed in its entirety, or if the form or other documentation fails to support the circumstances required for approval, the enrollment exception or option, as applicable, will not be approved.

ECF CHOICES Transitions

When someone is enrolled in ECF CHOICES, there are currently two situations where TennCare approval for transition to a different ECF CHOICES Group can be requested:

1. A transition based on safety can be requested if a member is enrolled in a group where their needs cannot be both safely and appropriately met. Transitions based on safety are **always** to an ECF CHOICES group with a higher expenditure cap (e.g. from Group 4 to Group 5 or 6, or from Group 5 to Group 6).
2. For someone, otherwise eligible for enrollment in Group 5 or 6, whose intake and enrollment visits were completed by DIDD and request was made to be enrolled in Group 4, the MCO is expected to request a transition to Group 5 or 6, if the MCO

determines at any point that the person's needs cannot be **both** safely **and** appropriately met in Group 4, including upon initial review and determination as part of the initial assessment and person-centered planning process. As stated above, an MCO can only determine that a member's needs can be both safely and appropriately met in Group 4 if they can ensure, that in addition to all health and safety needs being met, the member is able to receive all services necessary to meet the member's needs and goals, in an adequate amount necessary to sufficiently address those needs and goals, and that access to the full range of services that the member could benefit from receiving will not otherwise be restricted by enrollment in Group 4, which has a lower expenditure cap than Groups 5 and 6.

When either of these transitions is needed, the MCO must submit the ECF CHOICES Transition Form along with the corresponding documentation indicated on the form.

Ensuring Notice and Appeal Rights

In the event that a member wishes to transition to Group 4 after enrollment into group 5 or 6, it is TennCare's expectation that the MCO will, using a template developed or approved by TennCare, issue a notice of action which specifically lists the reason(s) for the denial of the transition and outlines due process and appeal rights for the member.

As always, should you have questions, feel free to contact me via email at Kristeena.1.ashby@tn.gov or by phone at (615)507-6679. Thank you for your continued collaboration.