

To: TennCare Managed Care Organizations (MCO)
From: Karen Gonzales, Assistant Deputy, Clinical Operations, LTSS
CC: Patti Killingsworth, Assistant Commissioner and Chief of LTSS
Kristeena Wilson, Assistant Deputy Chief, LTSS Operations

Date: March 19, 2020

Subject: **Enrollment into Employment and Community First CHOICES Groups in Excess of Enrollment Target(s)**

Employment and Community First CHOICES slots are very limited. We continue to evaluate daily the ability to reallocate available slots between groups to best ensure we can meet the needs of applicants. However, under the terms of our waiver, we remain obligated to ensure that the Enrollment Target for Group 5 is at least twice the Enrollment Target for Group 6, which limits some of that flexibility.

Under the terms of our waiver, there are two (2) circumstances in which enrollment into Employment and Community First CHOICES in excess of the Enrollment Target can be permitted.

1) Transitions from Groups 7 or 8 into Groups 4 or 6

A member served in Group 7 or Group 8 who is ready to transition and who meets the requirements to enroll in Group 4 or 6 may enroll in Group 4 or 6 (as appropriate, based on the person's age and in accordance with eligibility/enrollment criteria for that Group) at any time that the transition can be accomplished, even if the enrollment target for that Group has been reached. The person would be served in the Group outside the enrollment target but moved within the applicable target at such a time as a slot becomes available.

2) Enrollment into Employment and Community First CHOICES as a Cost-Effective Alternative (CEA)

The MCO of an SSI-eligible TennCare member who meets the criteria for enrollment into an Employment and Community First CHOICES Group but cannot be enrolled into the Group because the Enrollment Target for that Group has been met has the option of offering HCBS as a cost-effective alternative to the individual. The use of HCBS as a cost-effective alternative would be appropriate **if the individual, without HCBS, would be receiving services in a NF.**

This memo sets forth the process and requirements pertaining to these CEA determinations.

- a. **Only the following Reserve Capacity Groups may qualify for CEA enrollment.** These are the groups that could potentially be at significant risk of NF placement absent the immediate provision of HCBS.

Reserve capacity groups:

- The person's primary caregiver is recently deceased and there is no other caregiver available to provide needed long-term supports.
- The person's primary caregiver is permanently incapacitated and there is no other caregiver available to provide needed long-term supports.

- Services/supports in ECF CHOICES are urgently needed because of the recent loss of the person's living arrangement, including (as applicable), caregiver supports provided in that living arrangement that will not be available to the person going forward.
- There is clear evidence of serious abuse, neglect, or exploitation in the current living arrangement; the person must move from the living arrangement to prevent further abuse, neglect or exploitation; and there is no alternative living arrangement available.
- Enrollment into ECF CHOICES is necessary in order to facilitate transition out of a long-term care institution, i.e., a NF or a private or public ICF/IID into a more integrated community-based setting.
- The person is being discharged from an acute care setting and is at imminent risk of being placed in a NF setting absent the provision of HCBS or has applied for admission to a NF and been determined via the PASRR process to be inappropriate for NF placement. TennCare may require confirmation of the NF or hospital discharge and, in the case of hospital discharge, written explanation of the applicant's circumstances that warrant the immediate provision of NF services unless HCBS are immediately available.
- An adult's transition upon aging out of state custody, discharge from an inpatient psychiatric hospital (including regional mental health institute), or release from incarceration is *contingent* on the availability of services and supports in ECF because other appropriate services/supports are not available, and the services available in ECF (including covered physical and behavioral health services) will be sufficient to safely meet the person's needs in the community.
- The person is an adult age 21 or older enrolled in ECF CHOICES Group 4 (Essential Family Supports), ECF CHOICES Group 5 (Essential Supports for Employment and Independent Living), or the Section 1915(c) Self-Determination Waiver and has recently experienced a significant change in needs or circumstances. TennCare has determined via a Safety Determination that the person can no longer be safely served within the array of benefits available in ECF CHOICES Group 4 (Essential Family Supports) or 5 (Essential Supports for Employment and Independent Living) or the Self-Determination Waiver, as applicable, the person meets NF level of care, and must be transitioned to ECF CHOICES Group 6 in order to sustain community living in the most integrated setting.
- The health, safety or welfare of the person or others is in immediate and ongoing risk of serious harm or danger; other interventions including Behavioral Health Crisis Prevention, Intervention and Stabilization services, where applicable, have been tried but were not successful in minimizing the risk of serious harm to the person or others without additional services available in ECF CHOICES; and the situation cannot be resolved absent the provision of such services available in ECF CHOICES.

Individuals with multiple complex health conditions

These are individuals who have multiple complex chronic or acquired health conditions that present significant barriers or challenges to employment and community integration, and who are in urgent need of supports in order to maintain the current living arrangement and delay or prevent the need for more expensive services, and for which enrollment into ECF CHOICES is the most appropriate way to provide needed supports, as determined through an interagency committee review process, including both TennCare and DIDD. The review will include consideration of other options, including the relative costs of such options. This includes individuals turning age 21 who have been receiving home health or private duty nursing services in excess of adult benefit limits and for whom enrollment into ECF CHOICES is critical to ensuring the continued availability of services in the home or other integrated community setting.

- b. The MCO must submit a request to the Interagency Review Committee (IARC) which thoroughly documents how the person meets the defined circumstances for one of these Reserve Capacity categories.
- c. The IARC must approve the request for designation in the applicable Reserve Capacity category.
- d. *In addition, the MCO must submit the following documentation:*
 - 1) **The MCO's documentation of its cost-effective alternative determination**, i.e., an explanation of the Member's circumstances that warrant the immediate provision of NF services unless HCBS are immediately available.
 - 2) **The MCO's documentation of adequate provider capacity to *immediately* meet the member's needs upon enrollment in ECF CHOICES**, i.e., a listing of providers for each HCBS in the Member's PCSP which the MCO has confirmed are willing and able to initiate HCBS *immediately* upon the Member's enrollment into ECF CHOICES.

For people newly enrolling into ECF CHOICES, the additional documentation shall be submitted with the IARC review request. For people requesting transition to Group 6 for safety reasons, the transition request form will continue to be submitted through the ChoicesLTC TennCare (ChoicesLTC.TennCare@tn.gov) mailbox. The subject should indicate "ECF Group 6 Transition Request". All documentation including the CEA request will be attached to the previously approved PAE.

As always, should you have questions, feel free to contact me via email at Karen.gonzales@tn.gov or by phone at (615) 507-6976. Thank you for your continued collaboration.