

LEGAL EASE



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The “new” aging waiver program in Pennsylvania

Home and Community based programs provide necessary, even vital, assistance for those who are eligible for nursing home “level of care” but wish to remain in their own homes. Not everyone qualifies financially or can safely remain at home even with additional services coming in to assist the family members involved, but for those who do this is an attractive alternative to nursing home placement.

The Aging Waiver program has traditionally been administered through the Office of Aging and Adult Services in the County where the recipient resides. The program can provide extensive services as an alternative to nursing home placement. The “waiver” in the title indicates that the services are paid through Medicaid with the approval of the Centers for Medicare and Medicaid Services (CMS). The Department of Human Services (DHS) County Assistance Office (CAO) must approve the applicant financially. The applicant must be 60 years of age or older (for this particular program), meet the income requirement (gross income must be \$2,199 or less per month in 2016), and the asset requirement (\$8,000 in assets or less not counting the house and one vehicle). If there is a spouse, there are spousal protection rules in place. The applicant must require the level of care that would be provided in a nursing home (nursing facility clinically eligible or NFCE).

As you can imagine, the process to apply for the Aging Waiver benefits is not necessarily straightforward. Until April 1, 2016, the local County Office of Aging handled the assessment for functional eligibility (NFCE classification) as well as assisting in completing the paperwork for the financial eligibility piece. However, CMS determined that there was a potential conflict of interest in having the Aging and Adult Services personnel handle both aspects since some of the services were provided through the Aging Office. Therefore, on April 1, 2016, the Office of Long Term Living hired an independent broker, Maximus, to complete the application process other than the determination of functional eligibility. This is an extensive change and has been fraught with problems by all reports.

The Aging and Disabilities Unit of Community Legal Services in Philadelphia has been watching this issue closely. Prior to April 1, Maximus personnel made an in-home visit to the “under 60” waiver applicants to assist them in completing the paperwork that must go to the CAO (PA 600L). However, when the over 60 year olds were added to the mix, Maximus stopped making home visits and mailed the 55-page application to potential applicants. They have since slimmed down the packet but it is still a daunting application for the uninitiated. There have been problems with the call center, and significant delays in enrollment. Many people apparently did not even return the packet. Sometimes the Office of Aging did the first level assessment and then nothing happened through Maximus. Another issue that has cropped up is when applicants are declared eligible and then hear nothing and do not receive any services.

Apparently, Maximus has made some progress in addressing these issues but it appears that more needs to be done. Community Legal Services and other groups in Pennsylvania would like to hear from consumers as to their experiences, good and bad, since April 1. You can call Community Legal Services in Philadelphia at 215-227-4798 or you can contact me at kmartin@owmlaw.com or 610-323-2800. I would be happy to pass your stories and experiences along so that working together we might improve the system for one of our most vulnerable populations.