



State Management of HCBS Waiver Waiting Lists

—
Medicaid and CHIP Payment and Access Commission

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Overview of Presentation

- Introduction to MACPAC
- Federal guidance on HCBS waiver waiting lists
- Analysis of state management of waiting lists
- Stakeholder perspectives on waiting lists
- Conclusion

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Introduction to MACPAC

- Non-partisan, independent legislative branch agency
- Provide analyses and advice to Congress, HHS, and the states on Medicaid and CHIP policy issues
 - Report annually on March 15 and June 15
 - Provide technical assistance to Congress
 - Serve as an information resource to the health policy community
- 17 commissioners appointed by GAO to three-year terms
 - Meet 6–8 times per year in public
 - Permanent staff of 30 based in DC
- Began work in 2010

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Section 1915(c) Waivers

- Waiver authorities allow states to forego certain Medicaid requirements such as comparability, freedom of choice, and statewideness
- Approved Section 1915(c) waivers specify how many people can be served under the waiver each year
 - States must submit an amendment to CMS to raise or lower capacity
 - Slots may be left open so that individuals with certain needs (e.g., people in institutions) can be accommodated at any time
- When demand exceeds capacity, states are allowed to establish a waiting list

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Waiting List Management

- There are few federal requirements for how states manage waiting lists
 - States must have policies for how individuals are selected when a slot becomes available
 - Policies should be objective and applied consistently across the service area
- Some states screen individuals for eligibility prior to waiting list placement and use results to prioritize waiting lists by need
 - Eight states do not screen for eligibility before placing people on waiting lists
 - Kentucky policy varies by waiver

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Methodology

- Analyzed approved Section 1915(c) and Section 1115 waivers from all 50 states and DC
- Conducted 16 stakeholder interviews, including officials in 7 states (Indiana, Louisiana, New Mexico, North Carolina, Pennsylvania, Texas, and West Virginia)

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Waiting List Management Practices

Waiting list management	Number of Section 1915(c) waivers	Number of Section 1115 waivers
First come, first served	62	2
Priority	46	4
Priority and wait time	21	0
No waiting list	59	2
No mention of waiting list	55	3
Unspecified	4	2
Other	7	1

Notes: First come, first served policies offer individuals waiver slots based on how long they have been waiting. Priority lists give precedence to individuals based on age, diagnosis, or situational factors. Priority and wait time is a combination of priority categorizations and time spent waiting. No waiting list means all who are eligible for services receive them. No mention of waiting list is for waivers that do not mention waiting lists and thus their existence or how a state manages waiver capacity is unknown. Unspecified is for waivers that mention a waiting list exists but does not specify how it is managed. Other is for waivers that do not fit into another category.

Source: MACPAC analysis of available Section 1915(c) and Section 1115 waivers, March 2020.

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Rationale for Different Practices

- One state used a first-come, first-served approach due to a lawsuit, and considered it the fairest method of waiting list administration
- Another state that moved from a priority-based waiting list to a first-come, first-served list said that it allowed them to equalize county-level allocations of waiver slots
- One state switched from a first-come, first-served to a priority approach due to a fairly large waiting list
 - Said it made the most sense to serve those with the highest need first
 - State uses a tiered waiver structure so that those with lesser needs may get on a waiver that provides a lower level of services

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Wait Times

- Wait time in states we interviewed ranged from 291 days to 14 years
 - According to a survey conducted by the Kaiser Family Foundation,, the average wait time in FY 2018 across 30 states was 39 months
- First-come, first-served approaches can lead to long wait times but not all on the list in immediate need
 - May be particularly true in states that do not screen for eligibility prior to waiting list placement
 - In some states, families add their children at a young age anticipating the long wait time

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Experiences of Individuals on Waiting Lists

- Family caregivers often provide care while people wait
- Individuals may receive some Medicaid services while on waiting list
 - State plan services
 - Early and periodic screening, diagnostic, and treatment benefit
 - Tiered waivers, in which different waivers provide varying types and intensities of services
- Individuals may enter institutions in some cases
 - Nursing facility services are mandatory and all states cover intermediate care facilities for individuals with intellectual disabilities through their state plan

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Strategies to Reduce or Eliminate Waiting Lists

- State funding and prioritization of HCBS by the governor or state legislature were cited as the most important determinants of waiting list size
- Mixed views on whether adoption of managed long-term services and supports affects waiting lists
- Some stakeholders said making HCBS a mandatory benefit would make the biggest difference; this would require a federal statutory change

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Conclusions

- Waiting lists are not comparable across states due to differences in the timing of eligibility screenings, the populations served, and the services provided
- States that had waiting lists generally sought to reduce or eliminate them, but often said there were financial barriers
- Tiered waivers are one method states can use to manage HCBS resources
- States choose their method of wait list administration considering a variety of factors, and that choice can affect wait time

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Resources

- August 2020 issue brief: *State Management of Home- and Community-Based Services Waiver Waiting Lists*.
<https://www.macpac.gov/publication/state-management-of-home-and-community-based-services-waiver-waiting-lists/>
- August 2020 compendium: *Compendium of Medicaid Home- and Community-Based Services Waiver Waiting List Administration*.
<https://www.macpac.gov/publication/compendium-of-medicaid-home-and-community-based-services-waiver-waiting-list-administration/>
- Additional resources:
 - <https://www.macpac.gov/topics/long-term-services-and-supports/>
 - <https://www.macpac.gov/subtopic/home-and-community-based-services/>

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