

## Considerations for Adding New Recipients to the Waiver Program

Minnesota statutes direct county agencies to prioritize their MR/RC Waiver waiting list on the basis of specific criteria described in rule and law. For example, priority consideration must be given to persons living in Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions (ICF/MRs) settings and persons whose living situations are unstable due to the age or incapacity of the primary caregiver and to children to avoid out-of-home placement. Minn. Stat. § 256B.0916, subd. 5 (d).

In addition to this, counties must have policies and procedures in place describing how these laws will be implemented. These policies and procedures must be available for public review. Beyond these rules, laws, policies and procedures, a county must also consider the following factors when determining assignment of slots to people waiting for services. These factors include;

- Can the necessary supports and services identified in the service plan be accommodated by the county waiver budget?
- Can the county assure the health, safety, and welfare of the consumer, and reasonably assure such health, safety, and welfare into the future?
- Can the county and consumer access providers who meet standards and competency requirements stated in the service plan?
- Does the county anticipate having a surplus at the end of the budget year?
- What budget reserves will be needed to meet anticipated or unanticipated changes in current recipient needs within the budget year?
- In assessing the adequacy of the county's budget reserves, the county should consider its historical spending data and trends; the demographics of its current waiver population (e.g. whether the county has a high number of persons expected to leave the school system in the current year and need DT&H services, etc.); and recent changes in the law or other service programs that could increase demand for waiver services among current recipients,
- How will likely turnover in the program impact the budget of the county?

The county is not obligated to provide waived services to all eligible people on its waiting list. The county must, however, provide all medically necessary services to current recipients to assure that their health, safety, and welfare needs are met. Counties must also assist the state in complying with its obligations under the Americans with Disabilities Act and the Olmstead decision to avoid unnecessary institutionalization by providing services in the most integrated settings appropriate for consumers. Therefore, it is critical that each county make decisions about the feasibility of adding new recipients both on the basis of current and anticipated needs of consumers balanced against the urgent need of those who are waiting for services.