Status Update on the Autism Waiver Program

2024 Joint Chairmen's Report (p. 186-187)

Division of Early Intervention and Special Education Services

September 1, 2024

Maryland
STATE DEPARTMENT OF EDUCATION

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Introduction

The Maryland Medicaid "Home and Community-Based Services (HCBS) Waiver for Children with Autism Spectrum Disorder (ASD)", otherwise known as the Autism Waiver (AW), is a partnership between the Maryland State Department of Education (MSDE) and the Maryland Department of Health (MDH). MSDE serves as the Operating State Agency (OSA) and is responsible for the day-to-day implementation of the AW. MDH is the single State Medicaid Agency (SMA) charged with the administrative oversight of the AW and the AW Registry. MSDE and MDH engage in ongoing interagency efforts to implement and provide oversight through collaboration on AW policies and procedures, operational issues, performance measures, approving providers, monitoring, AW Registry updates, and the enrollment process for eligible applicants.

In response to the Joint Chairmen's Report (JCR) – Operating Budget 2024 (p.186-187), MSDE, in collaboration with MDH and AW stakeholders, is pleased to submit this report on the AW program to the Senate Budget and Taxation Committee and the House Appropriations Committee of the Maryland General Assembly.

An overview of AW services, AW Registry, AW Waitlist, and AW Waiver is provided, and as outlined in the JCR, this report addresses the following:

- Procedures to contact individuals on the AW Registry and the AW Waitlist when slots become available;
- Current number of AW slots requested and approved;
- A timeline for the addition of slots from fiscal 2025 through fiscal 2029; and
- Projected costs for AW services in fiscal 2025 through fiscal 2029 considering anticipated changes in the management of the AW registry.

Overview of Autism Waiver Services

House Bill 99 was proposed by Delegate John Hurson during the 1998 legislative session. The General Assembly approved and required the Maryland Department of Health (MDH) to apply to the Centers for Medicare and Medicaid Services (CMS) for a Home and Community-Based Services (HCBS) Waiver under Section 1915(c) of the Social Security Act, to serve children with autism spectrum disorder (ASD). In August 1998, MDH applied for this Waiver to allow children with ASD, determined to be eligible for institutional services in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID), to receive Autism Waiver (AW) services in their home and community. The AW was approved in 2000 by the CMS and participants began receiving services designed to provide long-term, person-centered therapeutic services and support designed to enable home and community living as an alternative to institutional care

in 2001. Effective July 1, 2024, the AW was renewed by CMS for another five-year term through fiscal 2029.

The AW qualifies the participant for full benefits through Medical Assistance, to include health insurance, prescription coverage, and dental care. Provider agencies who demonstrate the capacity and qualifications to serve children with ASD are approved to provide therapeutic services for AW participants under Code of Maryland Regulations (COMAR) 10.09.56. The following services are offered to eligible participants from age one through the end of the school year in which the individual turns twenty-one:

- **Adult Life Planning (ALP):** Family-centered and focused on educating and supporting the family to access adult community services on behalf of the participant, this service emphasizes the development of a plan for decision making for ASD/developmental disabilities services in adulthood.
- **Environmental Accessibility Adaptations (EAA):** Funding towards making physical adaptations to the home that are necessary to ensure the health, welfare, and safety of the participant in the home environment and enable the participant to function with greater independence.
- **Family Consultation (FC):** Consultation, education, and counseling services for the families of participants served on the AW.
- **Intensive Individual Support Services (IISS):** One-on-one assistance based on the participant's need for interventions and support, as identified in an individualized treatment plan. These services use the home and community environment as a learning opportunity.
- **Residential Habilitation (Regular or Intensive):** Community-based placement for participants who cannot live at home because they require highly supervised and supportive environments. Services are designed to assist participants to acquire, retain, and improve self-help, socialization, and adaptive skills necessary to successfully return home. Intensive services require awake overnight and one-to-one staffing.
- **Respite Care:** Short-term supervision and assistance with activities of daily living that are provided to participants because of the absence or need for relief of those people normally providing care.
- **Therapeutic Integration (TI: Regular or Intensive):** Structured program during after-school hours, weekends, and non-school days that provides therapeutic services specially designed for participants who have problems with socialization, isolation, hyperactivity, impulse control, and behavioral or other related disorders. Intensive TI services require one-to-one intervention, whereas regular TI requires one staff member for every three participants.

The AW also requires that each AW participant is assigned an AW Service Coordinator by the local education agency (LEA) in which they reside. This service is required but billed as AW Service Coordination under COMAR 10.09.52, Service Coordination for Children with Disabilities.

- **Service Coordination:** The AW Service Coordinator serves as the main point of contact and coordination for MSDE, AW participants, and their families in all aspects of the AW, to include engaging families and assisting them through the eligibility process and once a child is enrolled the Service Coordinator remains that family's case manager. The AW Service Coordinator leads the multidisciplinary team, a group of individuals at the LEA who are

knowledgeable about the participant and collaborate to provide support and reassessment of the child's continued participation in the AW.

Procedures to Contact Autism Waiver Registrants

The Autism Waiver (AW) onboarding process has three phases: AW Registry, AW Waitlist, and AW Wave. The AW Registry is a list of individuals interested in applying for AW services. The AW Waitlist is comprised of screened individuals from the AW Registry that appear to meet preliminary technical eligibility criteria and are waiting for an opportunity to apply for services. The AW Wave is made up of individuals from the AW Waitlist that have been invited to apply for services when the AW has open slots. Critical to each phase of this process is ongoing communication with families on behalf of the AW registrant.

AW REGISTRY OVERVIEW

The Maryland Department of Health (MDH) is the State agency responsible for maintaining and managing the Registry and does so through a contracted vendor. The current vendor is CMD Outsourcing Solutions (CMD). CMD is a Maryland based professional call center with services that cover inbound and outbound calls, emails, live chats, letters, and text messages. In their capacity as the vendor for the AW registry, CMD is only able to make and receive calls and send letters per their current contract. CMD is the initial contact for entry onto the AW Registry and is responsible for managing all registrant demographic updates. When individuals call the AW Registry helpline to add their child's name to the AW Registry, they are asked the technical eligibility screening questions listed below. Families who attest that their child meets these requirements are added to the AW Registry. Once added, Maryland State Department of Education (MSDE) is notified and begins verifying technical eligibility.

- Does the child live in Maryland?
- Is the child between the age of 1 and 21 years old?
- Does the child have an educational classification of Autism or a diagnosis of autism spectrum disorder (ASD)?
- Does the child have an Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP)?
- If the child has an IEP and they are in first grade or above, do they have at least 15 hours a week of special education or related services?

AW WAITLIST OVERVIEW

The AW Waitlist is the second phase of the AW onboarding process and requires MSDE to research and confirm the technical eligibility of each individual before they can be moved from the AW Registry to the AW Waitlist. MSDE conducts a hands-on, thorough review of each registrant by checking databases, seeking additional information from local education agencies (LEA) as needed, and verifying available documentation. If MSDE is not able to verify eligibility, CMD contacts families to request additional information. If it is demographic information that must be verified, CMD makes a call to the family. If it is technical eligibility criteria that must be verified, CMD mails a letter to the family informing them of the specific reason the registrant does not appear to be eligible for the AW Waitlist. The family

has 30 days to respond to the letter via a call to CMD or email to MSDE. If required, they must provide the necessary documentation to verify eligibility. If the family does not respond or cannot verify eligibility within the 30-day timeframe, they are mailed a second letter informing them that their child has been removed from the AW Registry. If the child's technical eligibility is confirmed, they are added to the AW Waitlist in the order in which they were placed on the AW Registry and CMD mails the family a letter confirming that their child was moved from the AW Registry to the AW Waitlist

AW WAVE OVERVIEW

When a slot becomes available in the AW, individuals on the AW Waitlist are offered an invitation to apply in the order in which they were added to the AW Waitlist. To invite the child to apply for services, CMD mails an application packet to families added to the AW Wave that includes the Medical Assistance (MA) Financial Application, Parental Rights and Responsibilities, AW Contact List, and an Application Documentation Checklist. CMD also calls individuals added to the AW Wave with a pre-recorded message stating "This call is from the Maryland Department of Health regarding your child's status with the Autism Waiver. An application packet has been mailed today to the address provided to the Autism Waiver Registry. This packet is inviting you to apply to determine eligibility for enrollment in Autism Waiver services. Please read the letter and directions carefully as all materials need to be submitted by [the designated deadline]. If you have not received the packet within 15 days of this call, please reach out to the Autism Waiver Helpline at 1-866-417-3480."

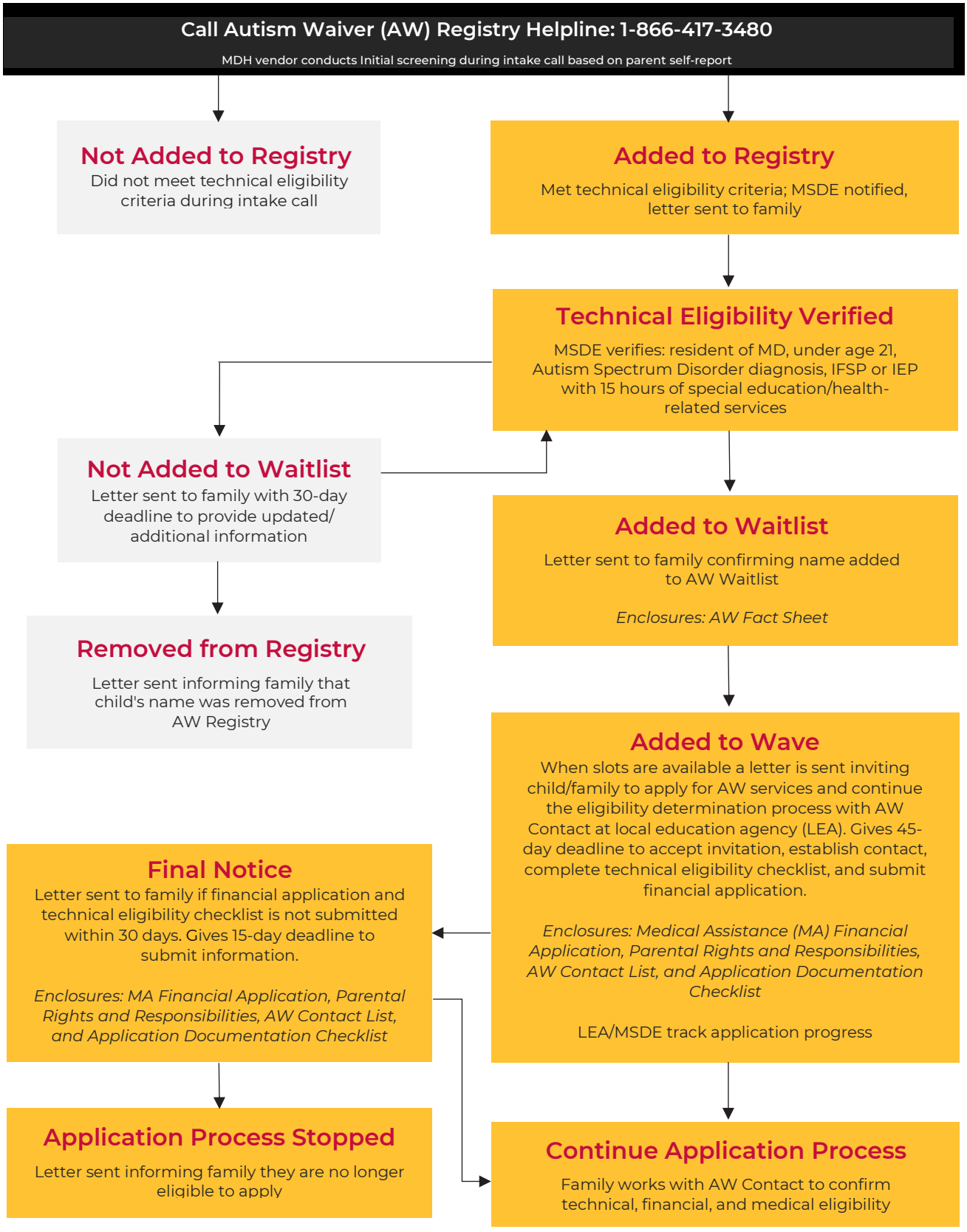
Upon receipt of the packet, if the family wishes to accept the invitation to apply for services, they must complete the following steps within 45 days from the date of the invitation:

- Review the enclosed AW MA Financial Application
- Review the enclosed AW Application Documentation Checklist and begin gathering requested materials
- Call or email the AW contact in their county of residence as listed on the enclosed AW Contact List
- Work with the assigned AW contact to complete the technical eligibility checklist and the enclosed AW MA Financial Application by the provided deadline

After contact has been established between the family and the AW contact, the AW contact verifies the child's technical eligibility, works with the family to complete and submit the AW MA financial application, and completes a Level of Care (LOC) assessment to determine medical eligibility. Once a child is found to be technically, medically, and financially eligible, an Authorization to Participate (ATP) is processed and confirmed by MDH's Eligibility Determination Division (EDD) for the child to become an AW participant and begin services.

On the next page is a flowchart that outlines procedures to contact individuals throughout the AW screening process, when a slot becomes available, and when families are sent an invitation to apply.

How to Apply for Maryland's Autism Waiver



Management of Autism Waiver Registry and Waitlist

As reported in the 2022 Autism Waiver Program Joint Chairmen's Report (JCR), Maryland State Department of Education (MSDE) reallocated two Education Program Specialist positions in anticipation of the changes in the management of the Autism Waiver (AW) Registry and to address the operational requirements for MSDE to screen registrants for AW technical eligibility; track and manage technical eligibility; and provide ongoing support and assistance to families, Service Coordinators (SCs), and providers in response to Senate Bill 636: End the Wait Act.

MSDE's Education Program Specialists, also known as AW Liaisons, have been instrumental in assisting the State with screening the AW Registry, creating a true AW Waitlist and developing and refining procedures and guidelines. Their duties include:

- Serving as a liaison with Maryland Department Health (MDH); the MDH AW Registry vendor; and AW SCs, families, and the Eligibility Determination Division (EDD) to increase the number of enrollments in the AW program;
- Refining and managing a system for AW technical eligibility determination which includes a data match with the Special Services Information System (SSIS) and Maryland Online IEP (MOIEP) and is integrated into an online database;
- Obtaining, reviewing and screening documents to verify whether the child has an Individualized Family Service Plan (IFSP)/ Individualized Education Program (IEP); an approved eligibility code on their IEP; at least 15 hours of special education and health related services (HRS); or if they have exited special education;
- Providing case consultation services regarding AW registrants who require further clarification or support related to technical eligibility or the onboarding process;
- Determining technical eligibility and maintaining the AW Waitlist;
- Managing the eligibility process of each child as they exit the AW Waitlist and enter the application process at the local education agency (LEA);
- Providing technical assistance to families and AW SCs regarding the AW Registry, eligibility determinations, the AW Waitlist, and the AW application and onboarding process through statewide workshops, site meetings, written correspondence, and telephone assistance;
- Refining and managing the tracking of Statewide AW application letters in an online database;
- Generating formative and summative reports on the status of AW eligibility determinations and applications; and
- Monitoring and tracking AW SC compliance with the AW application process and Code of Maryland Regulations (COMAR) regulations.

As a result of these efforts, the AW Registry which had 6,705 individuals on it as of June 30, 2023, has been reduced by 80%. The following is a breakdown of this reduction:

- 1,100 individuals met preliminary technical eligibility and were added to an AW Wave in fiscal 2024
- 2,913 individuals met preliminary technical eligibility and were moved to the AW Waitlist

- 1,370 individuals did not meet preliminary technical eligibility and were removed from the AW Registry

As of June 30, 2024, the AW Registry had 2,769 individuals that were in the screening phase to verify technical eligibility. This includes individuals newly added to the AW Registry over the course of fiscal 2024.

Autism Waiver Slots Requested and Approved

Maryland State Department of Education (MSDE) surveyed Autism Waiver (AW) providers, Service Coordinators (SCs), and Advisory Committee members to elicit their input on the timeline for onboarding new participants. Of the 55 respondents surveyed, the majority were in favor of modifying the number of AW slots approved by Centers for Medicare and Medicaid Services (CMS) to reach an enrollment capacity of 2,475 participants in fiscal 2025 and 2,950 participants by the end of fiscal 2026.

During the renewal of the AW Application, the State requested, and was granted approval by CMS, to serve up to the following number of participants in fiscal 2025 through fiscal 2029:

- Fiscal 2025: 2950
- Fiscal 2026: 3000
- Fiscal 2027: 3000
- Fiscal 2028: 3100
- Fiscal 2029: 3100

The number of participants identified by fiscal year in the timeline below reflects the recommendations of AW stakeholders:

- Fiscal 2025: 2475
- Fiscal 2026: 2950
- Fiscal 2027: 3050
- Fiscal 2028: 3150
- Fiscal 2029: 3250

Projected Costs for Autism Waiver Services

To project costs for Autism Waiver (AW) services in fiscal 2025 through fiscal 2029, consideration must be given to the possibility of onboarding 2,475 or 2,950 total AW participants in fiscal 2025. This expands the AW from 1600 slots in fiscal 2023 by 1350 slots, as outlined in *Senate Bill 622: Medicaid Waiver Programs – Waitlist and Registry Reduction (End the Wait Act)* and *Senate Bill 636: Maryland Department of Health - Waiver Programs - Waitlist and Registry Reduction (End the Wait Act)*.

Maryland Department of Health (MDH), on behalf of Maryland State Department of Education (MSDE), requested that The Hilltop Institute calculate the projected costs to serve AW participants for fiscal 2025 through fiscal 2029 based on serving up to the following number of children each fiscal year:

- Fiscal 2025: 2475 or 2950
- Fiscal 2026: 2950
- Fiscal 2027: 3050
- Fiscal 2028: 3150
- Fiscal 2029: 3250

This is a slower initial onboarding than requested in the AW Application, but the growth through fiscal 2029 is more given slots increase by 100 each year after fiscal 2026. As mentioned in the previous section "Autism Waiver Slots Requested and Approved," the number of slots approved in the AW Application is a cap that the State must stay under when enrolling participants. At any time, the AW Application may be amended, as needed, to authorize slots in alignment with fiscal year programming and/or budgetary constraints.

The table on the next page "Total Projected AW Costs for Fiscal 2025 – Fiscal 2029, Stakeholder Timeline" shows the total State and federal costs for Waiver and Non-Waiver services by number of participants in a given fiscal year. These costs are further broken down to identify MSDE's State share of the costs. Waiver Costs are costs associated directly with the AW services identified on page 4. Non-Waiver Costs are State Plan, medical, and pharmacy services. MSDE is responsible for paying the State share of Non-Waiver Costs for AW participants who receive Medicaid because of enrollment in the AW. The last column is the total projected amount for MSDE's State share of AW Costs for each fiscal year based on enrolling the number of participants identified.

Projections were based on trends of service utilization and expenditures from fiscal 2017 through fiscal 2023 except for fiscal 2020 and fiscal 2021 data that was influenced by the COVID-19 pandemic. Note that fiscal 2025 and fiscal 2026 projections are broken up to reflect: 1) the projected costs of onboarding 2475 this fiscal year and then 475 more in fiscal 2026 to reach a total of 2950; or 2) the projected costs of onboarding all 2950 this fiscal year and maintaining that number in fiscal 2026. Regardless of when the 2950 slot capacity is reached, the projected costs are the same for fiscal 2027 through fiscal 2029.

Total Projected AW Costs for Fiscal 2025 - Fiscal 2029, Stakeholder Timeline

Fiscal Year (Fiscal)	Number of Participants	Total Waiver Cost	MSDE State Share Waiver Cost	Total Non-Waiver Cost (State Plan & Pharmacy)	MSDE State Share Non-Waiver Cost	Total MSDE State Share Cost (Waiver & Non-Waiver Costs)
Fiscal 2025	2475	$108,024,038	$54,012,012	$34,139,232	$8,534,808	$62,546,820
	2950	$121,305,726	$60,652,863	$38,336,692	$9,584,173	$70,237,036
Fiscal 2026	2950	$136,710,029	$68,355,014	$43,093,094	$10,773,273	$79,128,288
	2950	$146,440,638	$73,220,319	$46,160,331	$11,540,083	$84,760,402
Fiscal 2027	3050	$156,497,155	$78,248,578	$49,202,561	$12,300,640	$90,549,218
Fiscal 2028	3150	$169,430,812	$84,715,406	$53,130,955	$13,282,739	$97,998,145
Fiscal 2029	3250	$183,244,673	$ 91,622,337	$57,313,978	$14,328,495	$105,950,831

In the event slot capacities remain as they are currently approved in the AW Application, the projected costs for that timeline are reflected in the table below titled "Total Projected AW Costs for Fiscal 2025 - Fiscal 2029, CMS Approved Timeline."

Total Projected AW Costs for Fiscal 2025 - Fiscal 2029, CMS Approved Timeline

Fiscal Year (Fiscal)	Number of Participants	Total Waiver Cost	MSDE State Share Waiver Cost	Total Non-Waiver Cost (State Plan & Pharmacy)	MSDE State Share Non-Waiver Cost	Total MSDE State Share Cost (Waiver & Non-Waiver Costs)
Fiscal 2025	2950	$121,305,726	$60,652,863	$38,336,692	$9,584,173	$70,237,036
Fiscal 2026	3000	$147,898,408	$73,949,204	$46,619,842	$11,654,961	$85,604,165
Fiscal 2027	3000	$156,058,090	$78,029,045	$49,064,520	$12,266,130	$90,295,175
Fiscal 2028	3100	$166,705,222	$83,352,611	$52,276,251	$13,069,063	$96,421,674
Fiscal 2029	3100	$177,083,296	$88,541,648	$55,386,866	$13,846,717	$102,388,364

Summary and Closing Remarks

For reference, the Maryland State Department of Education (MSDE) has been asked to prepare a Joint Chairmen's Report (JCR) about the Autism Waiver (AW) program nearly every year since 2018 to provide an overview of AW capacity, slots, Registry, Waitlist, and costs.

In 2018, the Maryland General Assembly tasked MSDE and the Maryland Department of Health (MDH) to report on the capacity of AW providers to serve current and additional AW participants and their families. Specifically, the *AW Capacity JCR Report* included a breakdown of the number of AW

providers for each service provided through the program for fiscal 2014 to 2018, and actions to increase provider capacity for the additional 100 slots.

In 2020, pursuant to the 2020 Legislative Session, MSDE and MDH prepared an *Autism Waiver (AW) Capacity Update JCR* to inform the General Assembly of progress made since the submission of the 2018 JCR. The report included AW provider capacity challenges, strategies to increase provider capacity, fiscal 2019 and 2020 expenditures, fiscal 2021 allowances, a review of AW provider rates, and an update on the AW Registry.

In 2021, an *Autism Waiver (AW) Update JCR* was submitted by MSDE and MDH to provide information on the AW Registry process, progress with provider capacity, provider rates, and modifications that occurred due to the coronavirus pandemic. The report also identified AW expenditures for fiscal 2021 and budget projections for fiscal 2022.

In 2022, an *Autism Waiver Program JCR* was submitted by MSDE to provide an overview of AW services and the AW Registry; plans and procedures to determine eligibility for individuals on the AW Registry; timeline and anticipated administrative costs for an AW waitlist; a snapshot of AW participants; and projected costs for AW services through fiscal 2027.

In 2023, a *Status Update on the Autism Waiver Program: JCR* was submitted by MSDE to provide an overview of the AW Registry, including the number of individuals on the AW Registry, plans to review the technical eligibility of those on the AW Registry, a timeline, and anticipated administrative costs. In addition, an overview of AW slots requested and approved was provided along with a snapshot of children enrolled in the AW and projected costs for AW services through fiscal 2028.

The current report, ***Status Update on the Autism Waiver Program: JCR***, dated September 1, 2024, is a status update on the AW program that offers an overview of AW Services and the phases of the AW onboarding process. The report includes procedures to contact individuals on the AW Registry and AW Waitlist, AW slots requested and approved, a timeline for the addition of slots from fiscal 2025 through fiscal 2029, and projected costs for AW services during the same time-period.