

Medi-Cal Waivers

DISABILITY RIGHTS CALIFORNIA

2026

Topics To Cover Today

- What are Medi-Cal Waivers?
- Different Waivers in California with focus on the Home and Community-Based Services (HCBS) Waivers

Medicaid State Plan

- An agreement between a state and the federal government describing how that state administers its Medicaid program.
- Describes the nature and scope of the state's Medicaid program and includes assurances that the program will be operated in conformity with federal statutes, regulations, and other requirements.

<https://www.dhcs.ca.gov/formsandpubs/laws/Pages/CaliforniaStatePlan.aspx>

Modifications to Medicaid program

To modify a state's Medicaid program, the state must either:

1) submit a state plan amendment, or

2) seek approval to *waive* some provisions of the Medicaid requirements. (Centers for Medicare & Medicaid Services)

- Allows states to differ from the rules of the federal program.

California's Medi-Cal Waivers Include:

- Section 1915(c) Home and Community-Based Services Waiver (HCBS) Programs
- Section 1115 Waivers Research and Demonstration Projects
- Section 1915(b) Waiver Programs

DHCS: <https://www.dhcs.ca.gov/services/Pages/Medi-CalWaivers.aspx>

Section 1915(c) Home and Community-Based Services Waiver (HCBS) Programs

HCBS Waivers

Provide an alternative to institutional care for people who qualify for placement in a Medicaid-funded facility.

Can waive three Medicaid requirements:

- Comparability (42 U.S.C. § 1396a(a)(10)(B))
- Statewideness (42 U.S.C. § 1396a(a)(1))
- Income and resources for the medically needy (42 U.S.C. § 1396a(a)(10)(C)(i)(III))

HCBS Waivers

- Enables states to tailor services to meet the needs of a particular target group. For example; by age or diagnosis, such as autism, epilepsy, cerebral palsy, traumatic brain injury, or HIV/AIDS.
- Eligible individuals must demonstrate the need for a Level of Care that would meet the state's eligibility requirements for services in an institutional setting.
- States choose the maximum number of people that will be served under a HCBS Waiver program.

HCBS Waivers

State HCBS Waiver programs must:

- Demonstrate that providing waiver services won't cost more than providing these services in an institution.
- Ensure the protection of people's health and welfare.
- Provide adequate and reasonable provider standards to meet the needs of the target population.
- Ensure that services follow an individualized and person-centered plan of care.

Section 1915(c) – Home and Community-Based Services Waivers

| <u>WAIVER NAME</u> | <u>TARGET POPULATION</u> | <u>SERVICE AREA</u> |
|---|---|---------------------|
| <u>Med-Cal Waiver Program (AIDS Waiver)</u> | Individuals with HIV/AIDS | Statewide |
| <u>Assisted Living Waiver (ALW)</u> | Disabled, 21 & Over | 15 Counties |
| <u>Home and Community-Based Alternatives (HCBA) Waiver (formerly NF/AH Waiver)</u> | Disabled, All Ages | Statewide |
| <u>Home and Community-Based Services Waiver for the Developmentally Disabled (HCBS-DD) Waiver</u> | Individuals with Intellectual or Developmental Disabilities who are Regional Center clients, All Ages | Statewide |
| <u>Multipurpose Senior Services Program (MSSP)</u> | Aged, 65 and older | 46 Counties |
| <u>Self-Determination Program</u> | Has a developmental disability and receives services from a Regional Center | Statewide |

Which Waiver ?

- You cannot be on two HCBS waivers at a time
- While the waivers have some similarities, they offer different services
- <https://www.dhcs.ca.gov/services/ltc/Documents/HCBS-DD-vs-HCBA-Waiver-Comparison-Flier.pdf>

HCBS Waiver for Individuals with Developmental Disabilities

- No waitlist
- Administered by Department of Developmental Services (DDS) through Regional Centers
- Not required to be on the Waiver in order to receive Regional Center Services
- <https://www.dds.ca.gov/initiatives/hcbs/>

DD Waiver Eligibility

1. Be an active regional center consumer
2. Have full-scope Medi-Cal benefits
3. Qualify for care in an intermediate care facility DD
4. Not be concurrently enrolled in another HCBS Waiver
5. Choose to receive services through the Waiver and to reside in a community setting

Qualifying for Medi-Cal - Institutional Deeming

The Main purpose of DD waiver is to keep you out of an institution and in the community

➤ **Institutional deeming**

- Medi-Cal will not count your parents' or spouse's income in the Medi-Cal eligibility evaluation, and
- Will evaluate you as if you lived in an institution, not with your parents or spouse

➤ **The Process**

DD Waiver rights and protections

- DD Waiver services you receive cannot be limited
 - Cannot use Purchase of Service (POS) Guidelines to limit services
- Extra vehicle exemption
 - A vehicle that has been modified to accommodate your physical or medical needs
- Children have extra protections
 - If child no longer qualifies for DD waiver, Medi-Cal has to evaluate whether the child is eligible for another Medi-Cal program before terminating eligibility
 - Continuing Eligibility provisions-Medi-Cal must provide services up to 12 months after the child no longer qualifies for Medi-Cal

DD Waiver service categories

Behavioral intervention
Community living arrangement
Day service
Homemaker
Prevocational
Respite care
Supported employment
Dental
Home health aide
Occupational therapy
Optometric/optician
Physical therapy
Prescription lenses and frames
Psychology
Speech, hearing, and language services
Financial management
Chore
Communication aides
Community-based training

Environmental accessibility adaptations
Family support
Family and consumer training
Housing access
Non-medical transportation
Nutritional consultation
Personal emergency response systems
Skilled nursing
Specialized medical equipment and supplies
Transition/set up expenses
Vehicle modifications and adaptations

See: <https://rula.disabilityrightsca.org/rula-book/chapter-11-the-medi-cal-developmental-disability-waiver/11-25-what-services-does-the-dd-waiver-cover/>

DD Waiver: requesting services

- Meet the “medical necessity” standard **Reasonable** and **necessary** for the treatment of the disability or developmental condition
- Service must be **specific, effective, and skilled**

DD Waiver: recertification

- Eligibility reviewed at least annually
- Regional Center reevaluates consumer's level of care and needs
- Recertification of eligibility determined by a “Qualified Intellectual Disabilities Professional” (QIDP)

Self Determination Waiver for Individuals with Developmental Disabilities

- This program offers individuals the freedom to self-direct all services that they qualify to receive. Participants have employer authority and budget authority.
- <https://www.dds.ca.gov/initiatives/sdp/>
- <https://www.dds.ca.gov/initiatives/hcbs/>

Home and Community-Based Alternatives Waiver (HCBA)

Capacity:

- Serves children and adults who meet the care requirements of a nursing facility or higher
- The exemption has reached its maximum capacity and there is a waiting list

HCBA Wait list priorities

1. Individuals transitioning to the Waiver from similar HCBS waivers. because their skilled care needs and Level of Care (LOC) can no longer be met, and the beneficiary requires access to HCBA Waiver services
 - a. Individuals under 21 years of age, prioritized as follows:
 - I. Individuals imminently aging out of EPSDT, or who aged out of EPSDT within the previous 6 months, who have or had been receiving Private Duty Nursing (PDN) at the time they aged out of EPSDT.
 - II. Individuals that require Institutional-Deeming to access Medi-Cal.
 - III. Individuals under 21 years of age who do not meet criteria listed above in i) or ii).

HCBA - Waiting Lists (cont.)

- c) Individuals who have been residing in a skilled nursing or acute care facility for at least 60 days at the time the HCBA Waiver application is submitted to a WA, or DHCS in areas where there is no WA.
- d) Individuals residing in the community at the time of submission of the HCBA Waiver application and/or who do not meet the Reserve Capacity criteria above in a), b), or c). Waiver applicants who do not meet Reserve Capacity eligibility criteria are processed and enrolled on a first-come, first-served basis.

<https://www.dhcs.ca.gov/services/ltc/Documents/HCBA-PL-23-002-Release-of-Waiver-Slots.pdf>

HCBA

In earlier versions of the Waiver, applicants and participants were given a budget for home care services based on their “level of care.”

Now, services must be authorized based on the individual’s need and as approved by his/her doctor in a Plan of Treatment.

HCBA Waiver Services

Include:

- Facility respite, family/caregiver training
- Medical equipment operating expense
- Personal Emergency Response System (PERS) - installation and testing
- Private duty nursing including home health and shared services
- Transitional case management for medically fragile and technology dependent individuals of any age.

HCBA Services *(continued)*

- Case management/coordination
 - Habilitation
 - Home respite
 - Waiver Personal Care Services (WPCS)
 - Community transition
 - Continuous nursing and supportive services
 - Environmental accessibility adaptations
- <https://www.dhcs.ca.gov/services/Pages/Medi-CalWaivers.aspx>

HCBA – Waiver Personal Care Service (WPCS)

WPCS are personal care services which can be combined with In-Home Supportive Services (IHSS). In order to receive WPCS, you must be on the HCBA Waiver. You must also already receive IHSS. Your WPCS will be determined after your IHSS hours are determined. WPCS is not meant to replace IHSS, but it is also more flexible than IHSS.

To be a parent provider of a minor child or spouse, must show extraordinary care need:

<https://www.dhcs.ca.gov/services/ltc/Documents/HCBA-PL-24-003-WPCS-Parent-and-Spouse-Providers.pdf>

IHSS overtime rules apply to WPCS as well. See: <https://www.disabilityrightsca.org/publications/new-rules-for-ihss-overtime-and-related-changes>.

Frequently asked questions: <https://www.dhcs.ca.gov/services/ltc/Documents/WPCS-FAQ-Providers.pdf>

HCBA Waiver – How to Apply?

- Submit Waiver Application to the Waiver Agency
- [https://www.dhcs.ca.gov/services/ltc/Pages/Home-and-Community-Based-\(HCB\)-Alternatives-Waiver.aspx](https://www.dhcs.ca.gov/services/ltc/Pages/Home-and-Community-Based-(HCB)-Alternatives-Waiver.aspx)

Assisted Living Waiver

- Provides assisted living (including personal care) care coordination and other benefits in either a Residential Care Facility for the Elderly or Subsidized Housing.
- Eligibility: Full-scope Medi-Cal; over age 21, no share of cost; Meet Nursing Facility Level of Care; willing to live in an assisted living setting as an alternative to a Nursing Facility; able to reside safely in an assisted living facility or public subsidized housing.

Alameda, Contra Costa, Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Clara, and Sonoma counties.

Assisted Living Waiver Services

Services include:

- personal care services (including assistance with ADLs and IADLs as needed), chore services,
- companion services,
- medication oversight,
- therapeutic social and recreational programming provided in a home-like environment. This service includes 24-hour on-site direct care staff to meet scheduled or unpredictable needs in a way that promotes maximum dignity and independence, and to provide supervision, safety, and security.
- Individual Service Plans (ISPs) developed
- <https://www.dhcs.ca.gov/services/ltc/Pages/AssistedLivingWaiver.aspx>

Assisted Living Waiver: How to Apply

Call Care Coordination Agencies (CCA):

- <https://www.dhcs.ca.gov/services/ltc/Pages/List-of-Approved-CCAs.aspx>
- <https://www.dhcs.ca.gov/services/ltc/Pages/AssistedLivingWaiver.aspx>

Multi-Purpose Senior Services Program

- Provides services to eligible individuals who are 65 years or older and disabled, as an alternative to nursing facility placement.
- Available to persons who, but for the provision of such services, would require the Nursing Facility level of care.
- Individuals must reside in a county with an MSSP Site:
[https://aging.ca.gov/Programs and Services/Multipurpose Senior Services Program/](https://aging.ca.gov/Programs_and_Services/Multipurpose_Senior_Services_Program/)

MSSP

Services include:

- linkages to other needed services
- Care management
- Adult day care
- Minor home repair/maintenance
- Supplemental in-home chore, personal care, and protective supervision services
- Respite services
- Transportation services
- Counseling and therapeutic services
- Meal services
- Communication services



MSSP – How to Apply

See:

[https://aging.ca.gov/Find Services in My County/](https://aging.ca.gov/Find_Services_in_My_County/)

Medi-Cal Waiver Program (AIDS Waiver)

Provides comprehensive case management and direct care services to persons living with HIV as an alternative to nursing facility care or hospitalization.

Participants must:

- (1) have a written diagnosis of HIV/AIDS,
- (2) have a health status to make home care appropriate,
- (3) be Medi-Cal eligible on date of enrollment and each month thereafter, and
- (4) have been certified to meet the Nursing Facility Level of Care or higher.

How to find a provider:

https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OA_MCWP_Provider_List.aspx

How to apply: Office of AIDS

https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OA_care_mcwp.aspx

Questions?