

SOUTHERN HIGHLANDS COMMUNITY MENTAL HEALTH CENTER

POLICY AND PROCEDURE MANUAL

Date of Issue: 8/5/08

Section Number 133

Date Revised: 8/12/16

Date Reviewed: 7/29/20

Policy 133 – Waiver Member Discharge

I. POLICY

Southern Highlands Community Mental Health Center (SHCMHC) is a Comprehensive Behavioral health Center that either provides, or provides linkage to, all Title XIX Home and Community Based I/DD Waiver services available to the member who meets the I/DD Waiver medical and financial eligibility criteria and who has been approved for a Waiver allocation (slot). Depending on the individual needs of the consumer, as determined by the Interdisciplinary Team (IDT), services are designed to support the member in his/her community placement, in an effort to insure that eligibility is maintained, to insure that the health/safety/training needs of the member are met and that all I/DD Waiver guidelines are followed in the provision and documentation of services. On occasion it may become impossible, due to a specific set of circumstances, to continue to provide the individual with the services he/she has received in the past. In the rare event that a member must be discharged from services, or services must be decreased, it is our goal to provide as smooth a transition as possible for the individual while safeguarding his/her rights and safety as well as the rights and safety of others.

II. DISCUSSION

In order to insure the delivery of quality services, the protection of consumer rights, the minimization of safety risks to both the consumer and staff, it may become necessary to discharge a member from a Waiver service or services. Discharge from service provision may also result when a member loses his/her eligibility for I/DD Waiver as determined by the WV Department of Health and Human Resources (DHHR). In order to insure that discharge from a service or services occurs only when necessary and that adherence to regulatory policies occurs the following procedures will be followed.

III. PROCEDURES

A. SHCMHC may determine that a member will be discharged from a service, or all Waiver services, for any of the following reasons. This list is not to be considered all inclusive, as there may be other circumstances which warrant discharge.

1. Irregular attendance in a program such as Facility Based Day Habilitation may result in the consumer's dismissal from the program. If the member has failed to attend the program for one calendar month without reason or fails consistently to attend the program for two calendar months at a frequency significantly less than that set by the IDT, the Waiver Service Coordinator will be informed. He/she will in turn inform the affected individual or his/her guardian, in writing, that the member is in danger of being discharged from the service unless a solution can be achieved. An IDT meeting will be convened within one calendar week to assess consumer need and willingness to continue the service. The IDT will determine corrective action which may include a change in service setting, frequency, etc. In the event the member is unwilling to correct the attendance issue, a 60 day plan will be developed by the IDT to transition the individual out of the program. A request to return to the service may be made at any time and will trigger an IDT meeting to assess the need for reentry into the program.
2. Chronic failure on the part of the member or guardian to assist SHCMHC in maintaining member eligibility may also result in discharge from SHCMHC. Member or member guardian's chronic noncompliance with the IDT process, participation and completion of required home visits, or follow through on issues affecting eligibility in spite of the Service Coordinators documented efforts to obtain the same may result in a discharge from services. Failure to receive a direct Waiver service for longer than 30 days may result in termination of Waiver services. The Service Coordinator may complete the DD-12 to request extension of services which may or may not be honored by WV Waiver Program.
3. Participation in the Waiver Program is voluntary and individuals may cease participation at any time. In the event that this happens and service coordination is being provided by SHCMHC, the Service Coordinator will review the I/DD2 – Freedom of Choice Form and I/DD10 – Transfer / Discharge Form with the member or his/her legal representative and obtain their signature. The Service Coordinator must convene or participate in the development of the IPP transitioning the member to other services. Copies of the I/DD2 and I/DD10 must be forwarded to the State I/DD Waiver Administrative Service Organization, KEPRO, Inc. Both the State and local DHHR must be informed when a member loses eligibility or withdraws from the Waiver Program.
4. The member may be discharged from a service if he/she exhibits behavior that presents a clear and ongoing danger to other consumers, self, the community and/or staff **AND** he/she fails to respond to individualized

behavioral programming **OR** the behavior poses such a serious and immediate danger to the consumer or others that behavioral programming can not be provided in the service environment. When this occurs, the Service Coordinator will convene the IDT to determine a transition plan and time frame that insures the member's safety, staff safety and the safety of others. Criteria for, as well as a plan for reintegration will be developed at this time unless the behavior was so grievous (i.e., sexual assault, serious physical injury, etc.) that there is little likelihood that services could ever be provided in a manner that insures other members and/or staff could be protected from serious physical harm.

5. Sustained disregard for the program's policies, rules and/or regulations, in spite of attempts to accommodate the member may result in a recommendation to the IDT that the member is discharged from the program.
 6. When a member is being discharged by SHCMHC from a Waiver service or from all Waiver services, SHCMHC will convene a critical juncture IDT meeting to formally discuss the discharge decision as well as the reasons. Any member discharged from a Waiver service by SHCMHC who is not in agreement with that discharge will have all rights afforded consumers in SHCMHC Policy 175 – Consumer Grievance Procedure. The affected member or his/her legal representative will be provided with a copy of Policy 175 and a verbal explanation of the policy. The staff person providing the explanation will obtain a signed statement that the member has received a copy of Policy 175 and understands its contents. Service Coordinator will make appropriate referrals to other agencies who may be better equipped to meet the individual's needs.
- B. The WVDHHR, Bureau for Medical Services will discharge a member from the Waiver program when his/her assets exceed limits set forth in current I/DD Waiver Manual. In order to insure that economic eligibility is maintained, the Service Coordinator is responsible for monitoring the member's assets throughout the year and for insuring that procedures/policies regarding member's financial eligibility as specified in the I/DD Waiver manual are followed.
- C. The WVDHHR Bureau for Medical Services will discharge a member from the Waiver Program when the evaluations used by the Waiver Program to determine level of care indicate that the member is no longer medically eligible (no longer requires ICF Level of Care) for the service.

- D. In cases where Waiver services are terminated or reduced by the State, the member may appeal the State's decision through the Fair Hearing Process. SHCMHC, as the service coordination provider, has the responsibility of assisting the member through the appeals process as specified in the current I/DD Waiver Manual. Service Coordinators must be familiar with the appeals process in order to insure that the member is able to take full advantage of the appeals process. Timelines are as follows:
- The member has 90 days to request a hearing after the "Notice of Decision" regarding eligibility has been received.
 - The member has 13 days to request a continuation of services from BHHF following the receipt of the "Notice of Decision".
 - Upon receipt of the notice that Waiver services are being lost or reduced the Service Coordinator **MUST** arrange for an emergency IDT to determine a back up plan for transition. This is critical due to the fact that Waiver services will immediately cease on the date of the hearing if the hearing officer upholds the decision.