



ABI & ABI LTC Waivers

Acquired Brain Injury (ABI) Waiver	Acquired Brain Injury Long Term Care (ABI LTC) Waiver
<p>The Acquired Brain Injury (ABI) Waiver program provides intensive services and supports to adults with acquired brain injuries working to re-enter community life.</p>	<p>The Acquired Brain Injury Long Term Care (ABI LTC) Waiver program provides an alternative to institutional care for individuals that have reached a plateau in their rehabilitation level and require maintenance services to avoid institutionalization and to live safely in the community.</p>
<p>This is meant to be a short term rehabilitative program and not long term in nature.</p>	
<p><i>There are 200 slots on this waiver.</i></p>	<p><i>There are 200 slots on this waiver.</i></p>

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How to Apply for Waiver Services

For placement on the Acquired Brain Injury or Acquired Brain Injury Long Term Care Medicaid Waiver waiting list, an individual must first submit an application (Map 26) and a signed Physician Recommendation Form (Map 10).

Please mail the completed application **and** the signed Physician's Certification form to:

**Acquired Brain Injury Branch
275 East Main Street 6W-B
Frankfort, Kentucky 40621**

It may also be faxed to: 502-564-0249

Both a Map 26 Program Application **and** Map 10 Physician Referral must be received in order to be placed on one of the waiting lists.

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Waiting Lists

Both the ABI and ABI LTC waivers are currently wait listed. Each new application received is added to the waiting list for the waiver chosen by the referring Physician.

An applicant cannot be on the waiting lists for both the ABI and ABI LTC waiver.

Emergency Waiting List

Emergency criteria is determined by an Emergency Committee. This committee meets the 4th week of every month to determine whether the applicants applying for emergency status meet the criteria as defined by the regulation. If granted emergency status, the applicant is placed at the top of the waiting list according to receipt date of the application packet. If you feel that you meet criteria you should contact an ABI case manager for assistance.




Emergency Status Criteria

The individual is **currently demonstrating behavior related to his/her acquired brain injury** that places himself/herself, the caregiver, or others at risk of significant harm;

OR

The individual is **currently demonstrating behavior related to his/her acquired brain injury** which has resulted in arrest.




ALLOCATIONS

When a slot becomes available on the ABI or the ABI LTC waiver, the slot is allocated immediately to the next person on the list. Available funding will be allocated to individuals having emergency status on the waiting list prior to allocating funding to individuals having non-emergency status.

Each applicant will receive a certified letter with a list of the ABI Case Management providers attached. The allocation letter instructs the applicant to contact the Acquired Brain Injury Branch and an ABI Case Manager to assist with obtaining services.


The applicant then has 60 days from the allocation date to initiate services or the allocation will be forfeited. One extension of 60 days can be granted per regulation.



Waiver Services


<p>ABI</p> <ul style="list-style-type: none"> • Case Management • Personal Care • Companion Services • Respite • Environmental Modifications • Behavior Programming • Counseling and Training • Structured Day Program • Specialized Medical Equipment and Supplies • Prevocational Services • Supported Employment • Occupational Therapy • Speech and Language Services • Supervised Residential Services (excluding room and board) 	<p>ABI Long Term Care</p> <ul style="list-style-type: none"> • Case Management • Community Living Supports • Respite • Adult Day Health Care • Adult Day Training • Environmental Modifications • Behavior Programming • Counseling/Group Counseling • Specialized Medical Equipment and Supplies • Supported Employment • Occupational Therapy • Speech Therapy • Nursing Supports • Family Training • Physical Therapy • Supervised Residential Care (excluding room and board)
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Consumer Directed Option is available thru both waivers.



Criteria for Residential Services

- The recipient is currently residing with a caregiver(s) but is demonstrating maladaptive behavior that places himself/herself, his/her caregiver(s), or others at risk of injury or jeopardy AND his/her caregiver(s) is unable to effectively manage the behavior or the risk, resulting in the need for removal from the home to a more structured setting; **OR**
- The recipient is demonstrating behavior which may result in legal problems if not ameliorated; **OR**
- The recipient has lost or is not living with a caregiver.



Application Contact



Acquired Brain Injury Branch
275 East Main Street, 6W-B
Frankfort, Kentucky 40601
866-878-2626

Rena Warner, RN Phone: 502-564-5198
 Fax: 502-564-0249
 Email: Rena.Warner@ky.gov




Legal and Health Insurance Resources for TBI Survivors

Presented by: Stephanie D. Langguth, Esq.
Legal Aid of the Bluegrass

Agenda

- Services offered by Legal Aid of the Bluegrass
- Services offered by the State Health Insurance Assistance Program (SHIP)
- Medicaid Appeal Rights
- Health Insurance Options




Services Offered by Legal Aid of the Bluegrass

- Legal Aid of the Bluegrass is a non-profit law firm.
- We provide free civil legal assistance to people with limited income and resources or people aged 60 and over.
- We handle civil cases such as: evictions, domestic violence, nursing home discharges, bankruptcies, home foreclosures, certain divorces, and public benefits (Medicaid, SSI/SSDI cessations or overpayments, SNAP benefits, unemployment, etc.).
- Call 859-431-8200 or 1-800-888-8189 to see if you qualify for assistance.
- www.lablaw.org




State Health Insurance Assistance Program (SHIP)

- SHIP provides free benefits counseling to anyone who has Medicare or people age 60 and above
- SHIP counselors can help with Medicare issues, Medigap, Medicaid issues, Social Security, housing, screening and application assistance for SNAP benefits and Medicare Savings Program benefits, and etc.
- Call SHIP at 1-866-516-3051
- www.lablaw.org/ship
- Please call SHIP if you are interested in becoming a volunteer.
- Every state has a SHIP program call 1-877-293-7447 to find your state's SHIP.




Waiting List for Waivers

- Currently there are approximately 192 people on the waiting list for the ABI Waiver and 127 people on the ABI LTC Waiver.
- If you are not successful in getting a funding source to provide needed care for TBI survivors you can apply for the Traumatic Brain Injury (TBI) Trust Fund.
 - The TBI Trust Fund typically has a waiting list as well of usually 1 ½ - 2 years but currently the typical wait is 4 months.



Traumatic Brain Injury Trust Fund

- People with partial or total disability caused by injury to the brain that do not have a viable funding source to pay for needed services can apply to receive support from the TBI Trust Fund. See 910 KAR 3:030
- There are no caps for family income levels used to screen for services.
- Benefits are limited to \$15,000 per person per year, with a lifetime maximum of \$60,000.



Services Available through the TBI Trust Fund

- Case Management (does not count against the person's annual or lifetime benefit cap)
- Community residential services
- Structured day programs
- Psychological services
- Prevocational services
- Supported employment services
- Companion services
- Respite care
- Occupational therapy
- Speech/language services
- Wraparound services



Services Not Covered by TBI Trust Fund

- Institutionalization
- Hospitalization
- Medication
- Attorney fees
- Court cost
- Fines assessed as a result of criminal conviction
- The cost of incarceration
- Other court-ordered monetary payment




Application Requirements for the TBI Trust Fund

- An Applicant must be a Kentucky resident;
- Meet the definition requirements of a traumatic brain injury in accordance with KRS 211.470(3); and KRS 211.472(2)(a) and (c);
- Provide medical documentation validating brain injury
 - A signed document from the applicant's physician stating that the applicant has a brain injury; or
 - A copy of a medical record which documents that the applicant has a brain injury
- Document all other public or private funding sources and/or have health insurance benefits that do not cover or fund services indentified in the Trust Fund; and
- Not be a resident of an institution or hospital unless the resident is within two (2) weeks of discharge, the benefits facilitate a discharge to the community, and funding is available.




How To Apply

- A referral must be made by, or on behalf of, an eligible person
- The applicant or designated representative must contact the Department for Aging and Independent Living (DAIL) by telephone, in person, in writing, fax, or by email.
- Traumatic Brain Injury Trust Fund
275 E. Main St., 3 E-E
Frankfort, KY 40621
Toll-Free: (855) 816-9577
Phone: (502) 564-6930
Fax: (502) 564-4595
- You can make a referral online at:
<http://chfs.ky.gov/dail/braintrust.htm>




Appeal Rights for TBI Trust Fund

- DAIL must notify the applicant in writing if they are not approved for benefits.
- If an applicant is determined to be ineligible for benefits because medical records do not provide documentation of a TBI the applicant may submit:
 - Medical documentation to support the diagnosis or injury; or
 - Additional medical opinions about the disability.
- The applicant must appeal in writing within 30 days of the notification of denial.
- The DAIL must provide an opportunity for an informal dispute resolution for an applicant or his/her representative:
 - Within 10 business days of the written appeal
 - To appear before the Executive Committee of the TBI Board of Directors to present facts or concerns about the denial of benefits
- The Program shall inform the applicant in writing of the decision resulting from the informal dispute resolution within 10 working days of the review.




TBI Trust Fund Appeal Rights Cont.

- An applicant dissatisfied with the decision resulting from the informal dispute resolution can request an administrative hearing.
- The appeal must be in writing and submitted within 30 calendar days of receipt of the denial notice.
Mail the appeal to:
 - Department for Aging and Independent Living
275 East Main Street, 3E-E
Frankfort, KY 40621
- Once the DAIL receives the appeal they request the Division of Administrative Hearings to conduct a hearing pursuant to KRS Chapter 13B




TBI Trust Fund Appeal Rights Cont.

- A recipient shall be discharged from the TBI Trust Fund Program if:
 - Recipient reaches the maximum \$60,000 lifetime benefit;
 - A service plan is completed for an approved timeframe and if no other program is needed;
 - A requested service plan is denied;
 - The recipient is noncompliant with a plan of care;
 - The recipient chooses to be terminated from participation in the program;
 - Contract cannot be made with the recipient by the program within three (3) months of last case management contact;
 - The recipient, caregiver, family or guardian threatens or intimidates a case manager or other program staff;
 - Services accessed are referred and provided by another agency for continued service if applicable;
 - No case management services are provided within 6 months; or
 - The recipient is deceased.
- All discharges are appealable except if the recipient has reached the lifetime maximum benefits.



Waiver Program Options

- If the TBI happened to an individual prior to age 22 there might be other Medicaid Waivers to consider such as:
 - **Supports for Community Living (SCL)**
 - 907 KAR 1:145
 - **Michelle P. Waiver**
 - 907 KAR 1:835




Supports for Community Living (SCL)

- An alternative to institutionalization focused on allowing a person to remain in or return to the community.
- Persons with developmental or intellectual disabilities who meet the requirements for residence in an Intermediate Care Facility for persons with Intellectual disabilities or nursing facility level of care, and who meet other Medicaid requirements are eligible for this program.




Supports for Community Living (SCL)

- SCL Services Offered:
 - Adult day training
 - Behavior supports
 - Case management
 - Children’s day habilitation
 - Community living supports
 - Occupational therapy
 - Physical therapy
 - Psychological services
 - Respite
 - Residential supports
 - Speech therapy
 - Supported employment




Supports for Community Living (SCL)

- To apply complete an application for SCL Waiver and Intellectual/Developmental Disability (I/DD) Services form MAP-620 and submit to the Supports for Community Living Waiver Branch of Division of Developmental and Intellectual disabilities.
 - This form is accessible on their website at <http://dbhdid.ky.gov/ddid/scl.aspx>
 - 502-564-5777 phone
 - 502-564-8917 fax




Michelle P. Waiver

- A home and community based waiver program developed as an alternative to institutional care for individuals with intellectual or developmental disabilities who meet ICF/IID or nursing facility level of care.
- Persons with developmental or intellectual disability who require a protected environment while learning living skills, educational experiences, awareness of their environment and meet Medicaid financial eligibility requirements.
- Non-residential services limited to 40 hours per week excluding respite and case management.




Michelle P. Waiver

- Covered services are:
 - Case management
 - Adult day training
 - Supported employment
 - Community living supports
 - Behavior supports
 - Occupational therapy
 - Physical therapy
 - Speech therapy
 - Respite
 - Homemaker services
 - Personal care
 - Attendant care
 - Environmental / Minor Home Adaption
 - Adult day health care
- Can use traditional or CDO




Michelle P. Waiver

- For Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Owen, and Pendleton Counties contact NorthKey Community Care:
 - Phone: (859) 781-5586, press 10 for the operator and tell them you are interested in applying for the Michelle P. Waiver
 - Fax: (859) 781-2171
- For other Counties contact the Division of Community Alternatives at 502-564-1647
 - <http://chfs.ky.gov/dms/mpw.htm#how>



Alternative Waiver Programs for TBI Survivors Injured After Age 22

- **Home and Community Based Waiver Service**
 - 907 KAR 1:160 and 907 KAR 1:170
 - Eligible if:
 - Elderly or disabled:
 - Meet nursing facility level of care as defined in 907 KAR 1:022, who without services would be admitted to a nursing facility, and
 - Are financially eligible for Medicaid services
 - Services covered through traditional or CDO:
 - Assessment and re-assessment
 - Case management
 - Minor home adaption
 - Homemaker
 - Personal care
 - Attendant care
 - Respite Care
 - To apply contact a home health agency or adult day health center in your area to complete a physician-ordered assessment.
 - Complete a financial application as the local Department for Community Based Services Office. DCBS's# 1-855-306-8959.



**Alternative Waiver Programs for TBI Survivors
Injured After Age 22 Cont.**

- **Money Follows the Person / KY Transitions**
 - Provides transition assistance and community supports to any resident of a nursing facility or ICF/MR that has Medicaid who chooses to move back to the community.
 - To apply contact KY Dept. of Medicaid Services Division of Community Alternatives KY Transitions Branch at 1-877-564-0330 or 502-564-0330



Appeal Rights

- If you are wrongfully denied Waiver Services or if your Waiver Services are wrongfully terminated you have a right to an Administrative Hearing. 907 KAR 1:560, 907 KAR 1:563
 - Notice of denial/termination must be provided per 907 KAR 20:060
- If your benefits are being terminated you can request continuation of benefits if you appeal within 10 days of the adverse action notice.
- In any case you must appeal within 30 days of the adverse action notice. The notice will give the address of where to send the appeal but you can call the Administrative Hearings Branch with questions on where to send the appeal at 502-564-6621.
 - Hearings are held in accordance with KRS 13B.090



Medicare

- Who is eligible for Medicare? 42 U.S.C section 426.
 - Individuals aged 65 years old;
 - Individuals who have received Social Security Disability Benefits (SSDI)for 24 months;
 - People with ALS get Medicare the first month they receive SSDI; and
 - People with End Stage Renal Disease get Medicare beginning the 4th month of dialysis treatment unless they qualify earlier due to taking a course in self-dialysis or are getting a kidney transplant.



Kentucky Expanded Medicaid


- Expanded Medicaid coverage started January 1, 2014. So far almost 182,000 people in KY have qualified for Medicaid and almost 60,000 people have qualified for a subsidy to purchase health insurance through the exchange.
- How to apply:
 - Adults can call KYnect at 1-855-459-6328, apply online at www.kynect.ky.gov, contact a local kynector, or apply at your local DCBS office.
 - Those seeking coverage for children can contact Legal Aid's Health Insurance Assistance line at 1-866-516-3051 to apply for KCHIP (Medicaid for children).



Income Levels for Medicaid Expansion and Health Benefit Exchange Subsidy


If Your Household Size is this:	You may be eligible for Medicaid if your income* is this:	You may be eligible for help with your insurance bill if your income is this:
1	Less than \$15,856	\$15,857-\$45,960
2	Less than \$21,404	\$21,405-\$62,040
3	Less than \$26,951	\$26,952-\$78,120
4	Less than \$32,499	\$32,500-\$94,200
5	Less than \$38,047	\$38,048-\$110,280
6	Less than \$43,595	\$43,596-\$126,360
7	Less than \$49,142	\$49,143-\$142,400
8	Less than \$54,690	\$54,691-\$158,520

*income levels based on the 2013 FPL




Additional Legal Assistance

- Kentucky Protection & Advocacy, a Division within DPA, protects and promotes the rights of Kentuckians with disabilities through information and referral, and legal individual and systemic advocacy and education.
- You can reach P & A at 1-502-564-2967 or 1-800-372-2988
 - www.kypa.net



You Can Call P &A When You:

- Feel like you are not being treated fairly because of your disability
- Have received a denial for a requested accommodation
- Have trouble accessing goods/services needed to help with your disability
- Want to know how to protect your rights
- Have trouble with Special Education in public schools
- Want to know more about voting and polling place accessibility
- Feel like you are not being treated fairly in a psychiatric hospital
- Want information on employment and keeping Social Security benefits
- Want to know what your protected rights are in certain situations
- Have issues regarding Medicaid Waivers
- Want to know how to be an advocate for yourself
- Have questions about guardianship of adults with disabilities
- Have questions about services that may be available to you



Northern KY Aging & Disability Resource Center

- The NKY Aging and Disability Resource Center can provide free information about local resources and support services to those aged or disabled.
- Assist with locating the most appropriate services or community resources.
- Single-point-of-entry for many public funded aging supportive services such as home delivered meals, homemaking and personal care.
- They can be reached at 859-692-2480 or 1-866-766-2372 or by email at adrc@nkadd.org

