

1915(i) MEDICAID STATE PLAN AMENDMENT

Service Duplication 510-08-99

This policy contains the following information about duplication with 1915(i) services:

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- [Service Payments for the Elderly and Disabled \(SPED\) and Expanded Service Payments for the Elderly and Disabled \(EX-SPED\)](#)
- [Program of All-Inclusive Care for the Elderly \(PACE\)](#)
- [Individuals with Disabilities Education Improvement Act of 2004 \(IDEA\)](#)
- [Children's Foster Care Services](#)
 - [Title IV-E Prevention Services](#)
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APPLICABILITY

This policy is for members receiving 1915(i) services and service providers rendering 1915(i) services.

DEFINITIONS

1915(c) Waivers – means services provided to Medicaid members who would otherwise require institutional care.

Autism Waiver – means services to help families care for a child diagnosed with autism spectrum disorder at home instead of having to place the child in a facility to receive care.

Care coordinator – means the professional responsible for plan of care development and coordinating access to needed services.

Children's Hospice Waiver – means services in the home for children with life limiting diagnoses to avoid hospital stays or institutional care.

Department – means North Dakota Department of Health and Human Services.

Department of Public Instruction – means the department that oversees the public school system in North Dakota.

Expanded Service Payments for the Elderly and Disabled (Ex-SPED) – means services to help senior and disabled individuals remain living at home or in their community.

Home and Community Based Setting (HCBS) - means a member's own home or community rather than institutions or other isolated settings.

Home and Community-Based Services (HCBS) Waiver – means services to members who need a nursing facility level of care but prefer to stay in their homes and communities.

Individualized Education Plan (IEP) – means a written plan with specific goals in which special resources are delivered to a child for free to help them succeed in school.

Individuals with Disabilities Education Improvement Act (IDEA) – means a federal program that authorizes state and local aide for special education and related services for children with disabilities. IDEA works by identifying students who need extra help, creating an IEP tailored to the child's needs, and providing services and support to enable them to succeed in school.

Individuals with Intellectual Disabilities and Developmental Disabilities (DD) Waiver – means support and training to members with an intellectual disability and families in order to maximize community and family inclusion, independence, and self-sufficiency; to prevent institutionalization; and to enable institutionalized members to return to the community.

Medically Fragile Waiver – means services for children who are medically fragile and assist families in keeping their children home instead of placing them in a nursing facility or hospital.

Member – means a recipient of ND Medicaid.

Money Follows the Person (MFP) – means assisting members with transitioning from an institutional setting back to a qualified community home.

ND Transition and Diversion Services Pilot Project (TDPP, formerly ADRL) – means assisting individuals with a disability of any age to transition from a provider operated residential situation back to a community residence.

Plan of care – means a document that identifies the supports and services provided to address the needs of a member.

Program of All-Inclusive Care for the Elderly (PACE) – means a full service delivery system that includes patient-centered and coordinated care to frail and elderly members living in the community.

Rehabilitation Act of 1973 – means federal law that prohibits discrimination against people with disabilities by federal agencies, federal contractors, or programs receiving federal funds. The law approves grants to states for vocational rehabilitation services, supported employment, independent living, and client assistance.

Render – means to provide a service.

Service duplication – means services that are the same in scope or nature.

Service Payments for the Elderly and Disabled (SPED) – means services to help senior and disabled members who are more functionally impaired than those in Ex-SPED remain living at home or in their community.

Service scope – means the range of services allowed to be provided.

Title IV-E Prevention Services – means prevention services proven to strengthen and stabilize children and families so children can stay in their family home safely. Services include both mental/behavioral health and substance abuse treatment and recovery support services as well as in-home parent skill-based programs.

SERVICE DUPLICATION

1915(i) services cannot be provided to a member at the same time as another service that is the same in nature and scope, regardless of source, including Federal, state, local, and private entities. For example, the 1915(i) community

transition service cannot be rendered at the same time as the Money Follows the Person community transition service because the service scopes overlap.

Medicaid is the payor of last resort meaning if members can obtain a service through an alternate source they must do so before receiving 1915(i) services. Similarly, members eligible for multiple Medicaid funded authorities cannot access a service in more than one authority and are required to utilize the service through the other authority rather than the 1915(i). For example, if a member is eligible for the HCBS Waiver, the member cannot receive both HCBS Waiver respite and 1915(i) respite at the same time. If eligible, the member is required to utilize the HCBS Waiver respite service instead of 1915(i) respite.

To avoid service duplication with 1915(c) Waiver services, the care coordinator will contact the State Medicaid Office to inquire if the member has any eligibility spans for any of the C Waivers in MMIS. If services are identified, the care coordinator will reach out to the C Waiver authority and do due diligence to ensure the plan of care will not include services the member could receive through the 1915(c) Waiver.

DUPLICATIVE SERVICES

The Department has identified duplication with the following 1915(i) services:

Care Coordination

The 1915(i) State Plan Amendment offers care coordination for Ages 0+. The following North Dakota 1915(c) Waivers offer case management:

- Individuals with Intellectual Disabilities and Developmental Disabilities (DD) Waiver – Age 0+
- Medically Fragile Waiver – Age 3 to 18
- Autism Waiver – Age 0 to 17
- Children’s Hospice Waiver – Age 0 to 22
- Home and Community-Based Services (HCBS) Waiver – Age 18+

It is allowable for 1915(i) members involved in multiple systems, waivers, and state plan targeted case management services, etc., to receive continued specialized case management from each. For example, a member involved in the 1915(i) to address behavioral health needs may be enrolled in the Developmental Disabilities Waiver, be in the foster care system, and also receiving special education services. Each of these

systems offer case management in their areas of expertise and serve an essential role in the member's care.

While the member may receive case management from several areas, Medicaid can only reimburse one provider delivering the same service on the same date and time to the same member. For example, targeted case management can not be billed for the same date and time for the same member as 1915(i) care coordination. The case managers will decide amongst themselves which one of them will bill.

Community Transition Service

The 1915(i) State Plan Amendment offers community transition for Age 0+. The following North Dakota 1915(c) Waivers offer community transition:

- Individuals with Intellectual Disabilities and Developmental Disabilities (DD) Waiver – Age 0+
- Home and Community-Based Services (HCBS) Waiver – Age 18+

Members who previously or are currently receiving community transition services through the DD or HCBS Waivers are not eligible to receive community transition services through the 1915(i).

Further, members who previously or are currently receiving community transition services through ND Transition and Diversion Services Pilot Project (TDPP, formerly ADRL) or Money Follows the Person (MFP) are not eligible to receive community transition services through the 1915(i).

Housing Supports

The 1915(i) State Plan Amendment offers housing supports for Age 17.5+. The following North Dakota 1915(c) Waiver offers a community transition service that is duplicative of 1915(i) housing supports:

- Home and Community-Based Services (HCBS) Waiver – Age 18+

Further, the following services are duplicative of 1915(i) housing supports and cannot be rendered at the same time:

- Housing facilitation
- ND Rent Help
- ND Housing Stability

- Money Follows the Person (MFP) Community Transition Service
- ND Transition and Diversion Services Pilot Project (TDPP, formerly ADRL) Community Transition Service
 - If only funding is needed, collaboration between TDPP and the 1915(i) housing provider is required to ensure nonduplication of services.

Non-Medical Transportation

The 1915(i) State Plan Amendment offers non-medical transportation for Age 0+. The following North Dakota 1915(c) Waivers offer transportation services:

- Medically Fragile Waiver – Age 3 to 18
- Home and Community-Based Services (HCBS) Waiver – Age 18+

Pre-Vocational Training

The 1915(i) State Plan Amendment offers pre-vocational training for Age 17.5+, or receipt of a high school diploma or GED, whichever comes first. The following North Dakota 1915(c) Waiver offers prevocational services:

- Individuals with Intellectual Disabilities and Developmental Disabilities (DD) Waiver – Age 18+.

Respite Care

The 1915(i) State Plan Amendment offers respite for Age 0 to 20. The following North Dakota 1915(c) Waivers offer respite services:

- Individuals with Intellectual Disabilities and Developmental Disabilities (DD) Waiver – Age 0+
- Medically Fragile Waiver – Age 3 to 18
- Autism Waiver – Age 0 to 17
- Children’s Hospice Waiver – Age 0 to 22
- Home and Community-Based Services (HCBS) Waiver – Age 18+

Supported Employment

The 1915(i) State Plan Amendment offers supported employment for Age 14+. The following North Dakota 1915(c) Waivers offer employment services:

- Individuals with Intellectual Disabilities and Developmental Disabilities (DD) Waiver – Age 18+

- Home and Community-Based Services (HCBS) Waiver – Age 18+

SERVICE PAYMENTS FOR THE ELDERLY AND DISABLED (SPED) AND EXPANDED SERVICE PAYMENTS FOR THE ELDERLY AND DISABLED (EX-SPED)

A 1915(i) member can receive services under Service Payments for the Elderly and Disabled (SPED) and Expanded Service Payments for the Elderly and Disabled (Ex-SPED).

PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

A 1915(i) member cannot receive services through the Program of All-Inclusive Care for the Elderly (PACE).

INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004 (IDEA)

[42 CFR Section 441.720\(a\)\(7\)](#) states for individuals receiving habilitation services, no Medicaid services are provided which would otherwise be available through Individuals with Disabilities Education Improvement Act of 2004 (IDEA). This means if services are available to a student through the IDEA, they may not receive 1915(i) services that are duplicative of the services or supports identified in the student's Individual Education Plan (IEP).

To ensure duplication does not occur, the 1915(i) care coordinator must coordinate efforts with the student's IEP team. Prior to entering any services on the 1915(i) plan of care, justification that services are not otherwise available to the member through an IEP must be documented in the member's record and kept on file.

1915(i) services to check for duplication under IDEA include Supported Education, Supported Employment, and Pre-Vocational Services.

CHILDREN'S FOSTER CARE SERVICES

1915(i) services may be furnished to children in foster care living arrangements but only to the extent that 1915(i) services:

1. supplement maintenance (including room and board) and supervision services; and

2. are necessary to meet the identified needs of the child.

1915(i) funds are not available to pay for maintenance and supervision of children who are under the state's custody, regardless of whether the child is eligible under Title IV-E Prevention Services. The costs associated with maintenance and supervision are considered a state obligation.

Title IV-E Prevention Services

When 1915(i) services are furnished to children in foster care who are eligible for Title IV-E funding, the 1915(i) service provider must ensure their claims do not include costs that are charged as Title IV-E administrative expenses.

REHABILITATION ACT OF 1973

[42 CFR Section 441.720\(a\)\(7\)](#) states that for individuals receiving habilitation services, no Medicaid services are provided which would otherwise be available through Section 110 of the Rehabilitation Act of 1973. This means if services are available to a member through the Rehabilitation Act, they may not receive 1915(i) services that are duplicative of the services or supports provided through the Rehabilitation Act.

To ensure duplication does not occur, the 1915(i) care coordinator must coordinate efforts with the Vocational Rehabilitation Agency. Justification that services are not otherwise available to the member under Section 110 of the Rehabilitation Act of 1973 must be documented in the member's record and kept on file.

1915(i) services to check for duplication under the Rehabilitation Act and through Vocational Rehabilitation include Benefits Planning, Supported Employment, and Pre-Vocational services.

RELATED 1915(i) POLICIES

[Benefits Planning](#)

[Care Coordination](#)

[Community Transition](#)

[Housing Supports](#)

[Non-Medical Transportation](#)

[Pre-Vocational Training](#)

[Respite](#)

[Supported Education](#)

[Supported Employment](#)

RELATED RESOURCE

[42 CFR Section 441.720\(a\)\(7\)](#)

POLICY UPDATES

- 6/3/2024