

COMMONWEALTH of VIRGINIA

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 COMMISSIONER

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April 30, 2024

To: The Honorable Louise Lucas, Chair, Senate Finance & Appropriations Committee

The Honorable Luke Torian, Chair, House Appropriations Committee

Fr: Nelson Smith

Pursuant to 311 R.2 of the 2022 *Appropriation Act*, the purpose of this letter is to report on the allocation and assignment of new (FY 2024) Developmental Disability (DD) waivers slots, as well as the authorization of services for those new slots.

Specifically, the language requires:

*2. The department shall report within 30 days after the close of each quarter, the number of new slots for the fiscal year that have been allocated by Community Services Boards and of those how many are accessing services. The report shall be provided on the department's website.*

**Introduction**

This fiscal year there is a slightly atypical situation with the funding of Developmental Disabilities (DD) waivers slots. 600 slots were appropriated with a July 1, 2023 availability date and 500 slots were appropriated with a January 1, 2024 availability date. Therefore, since the first set of slots have a longer history of being available than the second set, this report and subsequent ones reporting on the status of FY24 slots will report separately on the two sets of slots.

All DD waivers slots appropriated for a July 1, 2023 start (hereafter called the “first batch” of slots), as well as those appropriated for a January 1, 2024 start (hereafter called the “second batch” of slots) were allocated to the Community Services Boards (CSBs) by DBHDS.

**FY24 DD Waivers Slots Assigned to Individuals**

Table 1 details the total number of **first batch** FY24 DD waivers slots appropriated, and the total number assigned as of the end of each quarter. 90 percent of the funded DD waivers slots were assigned to individuals by the end of the first quarter through local Waiver Slot Assignment Committees (WSACs). All but two of the remaining 10 percent of the FY24 were assigned during the second quarter through the ***regional*** WSAC process. Therefore, 99.6 percent of these slots have been assigned.

Per waiver policy, if there are no individuals on the waiting list at a given CSB who are Priority 1 or require the types of services in a given waiver (e.g., group home or sponsored residential services for Community Living (CL) waiver slots), the available slot may be held for 90 days in case an individual presents who does need those services. If no one presents, a regional WSAC will be held to assign the vacant waiver slot(s). The status of the two remaining unassigned slots (both of which are CL waiver slots) is as follows: one was just assigned at the beginning of the fourth quarter and the other will be used as a reserve slot to enable an individual to move from the Family and Individual Supports (FIS) or Building Independence (BI) waiver to the CL due to a change in needs.

**Table 1.** **Total number of first batch DD waivers slots appropriated for FY24 by category and the number assigned by quarter.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Slot Type - FY 2024** | **# of Slots Appropriated** | **# of Slots Assigned as of Quarter End** | | |
| **FY24 Q1** | **FY24 Q2** | **FY24 Q3** |
| CL - Regular (No Restriction) | 100 | 91 | 7 | 0 |
| FIS - Regular (No Restriction) | 500 | 448 | 52 | 0 |
| Total | 600 | 539 | 59 | 0 |

Table 2 details the total number of **second batch** FY24 DD waivers slots appropriated, and the total number assigned as of the end of each quarter. As these slots only became available for allocation to the CSBs and thus assignment to individuals on the waiting list as of January 1, 2024, their history begins with the third quarter of the fiscal year. As of this date, 95% of the slots have been assigned to individuals. The remaining 5% were unable to be used by the CSB to which they were allocated within the 90-day period required by regulations. This is due to those CSBs having assigned slots to all individuals currently on their portion of the Priority 1 waiting list. The slots are now in the process of being assigned to individuals in the regions to which they were initially allocated.

**Table 2.** **Total number of second batch DD waivers slots appropriated for FY24 by category and the number assigned by quarter.**

|  |  |  |
| --- | --- | --- |
| **Slot Type - FY 2024** | **# of Slots Appropriated** | **# of Slots Assigned as of Quarter end** |
| **FY24 Q3** |
| CL - Regular (No Restriction) | 70 | 60 |
| FIS - Regular (No Restriction) | 430 | 416 |
| Total | 500 | 476 |

Table 3 details the number of unique individuals assigned **first batch** FY24 DD waivers slots (both CL and FIS waivers) as of the end of the third quarter, by CSB, with the first column representing the total number of FY24 DD waivers slots each CSB had to assign (i.e., “allocated” to that CSB). There has been no change in slot assignment numbers since last quarter. However, see the explanation of the disposition of the remaining two slots in the discussion regarding Table 1.

The CSBs that have assigned all FY24 first batch DD waivers slots have their total “slots allocated” block shaded in green. As mentioned previously, the two slots represented below as unassigned are CL waiver slots. As previously mentioned, one will be reflected as assigned in the fourth quarter and the other will enable an individual on the FIS or BI waiver to move to the CL waiver due to change in needs.

**Table 3:** **Total number of first batch FY24 DD waivers slots (both Community Living and Family & Individual Supports waivers) assigned by quarter and CSB.**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Community Services Board** | **# of FY24 Slots Allocated** | **# of Waivers Assigned** | | | | |
| **FY24**  **Q1** | **FY24**  **Q2** | | **FY24**  **Q3** | |
| ALEXANDRIA COMMUNITY SERV BD | 8 | 3 | 5 | | 0 | |
| ALLEGHANY HIGHLANDS CSB | 2 | 1 | 1 | | 0 | |
| ARLINGTON MENTAL HEALTH | 13 | 13 | 0 | | 0 | |
| BLUE RIDGE CSB | 19 | 19 | 0 | | 0 | |
| CHESAPEAKE INTERGRATED BEHAV HEALTHCARE | 14 | 14 | 0 | | 0 | |
| CHESTERFIELD CSB | 31 | 31 | 0 | | 0 | |
| COLONIAL BEHAVIORAL HEALTH | 11 | 11 | 0 | | 0 | |
| CROSSROADS CSB | 6 | 5 | 0 | | 0 | |
| CUMBERLAND MNTL HLTH CTR | 6 | 6 | 0 | | 0 | |
| DANVILLE-PITTSYLVANIA COM SERV | 7 | 7 | 0 | | 0 | |
| DICKENSON COUNTY BEHAVIORAL HEALTH SVCS | 2 | 2 | 0 | | 0 | |
| DISTRICT 19 MEN HLTH SER | 11 | 11 | 0 | | 0 | |
| EASTERN SHORE CSB | 3 | 2 | 1 | | 0 | |
| Encompass Community Supports (Formerly RAPPAHANNOCK RAPIDAN CSB) | 12 | 12 | 0 | | 0 | |
| FAIRFAX-FALLS CHURCH CSB | 98 | 61 | 37 | | 0 | |
| GOOCHLAND POWHATAN MENTAL HLTH | 4 | 4 | 0 | | 0 | |
| HAMPTON-NN CSB | 20 | 20 | 0 | | 0 | |
| HANOVER COUNTY COMMUNITY SERVICES | 10 | 8 | 2 | | 0 | |
| HARRISONBURG-ROCKINGHAM CSB | 9 | 9 | 0 | | 0 | |
| HENRICO AREA MENTAL HLTH & DEVLPMNTL SVC | 25 | 25 | 0 | | 0 | |
| HIGHLANDS CMNTY SVCS BOARD | 5 | 5 | 0 | | 0 | |
| HORIZON BEHAVIORAL HEALTH | 16 | 16 | 0 | | 0 | |
| LOUDOUN COUNTY CSB | 32 | 32 | 0 | | 0 | |
| MIDDLE PENINSULA NORTHERN NECK CSB | 10 | 10 | 0 | | 0 | |
| MOUNT ROGERS CSB | 6 | 6 | 0 | | 0 | |
| NEW RIVER VALLEY COMMUNITY SERVICES | 13 | 12 | 1 | | 0 | |
| NORFOLK COMMUNITY SERVICES BOARD | 16 | 16 | 0 | | 0 | |
| NORTHWESTERN COMMUNITY SVCS | 17 | 17 | 0 | | 0 | |
| PIEDMONT COMMUNITY SERVICES | 8 | 8 | 0 | | 0 | |
| PLANNING DISTRICT ONE CSB | 6 | 5 | 1 | | 0 | |
| PORTSMOUTH DEPT OF BEHAVIORAL | 6 | 5 | 1 | | 0 | |
| PRINCE WILLIAM COUNTY CSB | 37 | 37 | 0 | | 0 | |
| RAPPAHANNOCK AREA COMMUNITY SERVICES BRD | 32 | 32 | 0 | | 0 | |
| REGION TEN CMMNTY SVCS BRD | 18 | 18 | 0 | | 0 | |
| RICHMOND BHVRL HLTH AUTHORITY | 14 | 10 | | 4 | | 0 |
| ROCKBRIDGE AREA COMMUNITY SVS BOARD | 3 | 2 | | 1 | | 0 |
| SOUTHSIDE CSB | 5 | 5 | | 0 | | 0 |
| VALLEY CSB | 9 | 9 | | 0 | | 0 |
| VIRGINIA BEACH CSB | 26 | 25 | | 0 | | 0 |
| WESTERN TIDEWATER COMMUNITY SERVICES BOA | 10 | 5 | | 5 | | 0 |
| Total | 600 | 539 | | 59 | | 0 |

Table 4 details the number of unique individuals assigned **second batch** FY24 DD waivers slots (both CL and FIS waivers) as of the end of the third quarter, by CSB, with the first column representing the total number of FY24 DD waivers slots each CSB had to assign (i.e., “allocated” to that CSB). The CSBs that have assigned all FY24 second batch DD waivers slots have their total “slots allocated” block shaded in green. Most, if not all, of the slots represented as unassigned in Table 4 will show as assigned in the fourth quarter. Some will be required to go before regional WSACs if the CSB to which they were allocated has no one on their portion of the Priority 1 waiting list or in need of a particular type of slot.

**Table 4:** **Total number of FY24 DD waivers second batch slots (both Community Living and Family & Individual Supports waivers) assigned by quarter and CSB.**

|  |  |  |
| --- | --- | --- |
| **Community Services Board** | **# of FY24 Slots Allocated** | **# of Waivers Assigned** |
| **FY24**  **Q3** |
| ALEXANDRIA COMMUNITY SERV BD | 7 | 4 |
| ALLEGHANY HIGHLANDS CSB | 2 | 1 |
| ARLINGTON MENTAL HEALTH | 10 | 10 |
| BLUE RIDGE CSB | 16 | 16 |
| CHESAPEAKE INTERGRATED BEHAV HEALTHCARE | 11 | 11 |
| CHESTERFIELD CSB | 26 | 26 |
| COLONIAL BEHAVIORAL HEALTH | 9 | 9 |
| CROSSROADS CSB | 5 | 2 |
| CUMBERLAND MNTL HLTH CTR | 5 | 4 |
| DANVILLE-PITTSYLVANIA COM SERV | 6 | 6 |
| DICKENSON COUNTY BEHAVIORAL HEALTH SVCS | 2 | 2 |
| DISTRICT 19 MEN HLTH SER | 9 | 9 |
| EASTERN SHORE CSB | 3 | 0 |
| Encompass Community Supports (Formerly RAPPAHANNOCK RAPIDAN CSB) | 10 | 10 |
| FAIRFAX-FALLS CHURCH CSB | 82 | 82 |
| GOOCHLAND POWHATAN MENTAL HLTH | 3 | 2 |
| HAMPTON-NN CSB | 16 | 10 |
| HANOVER COUNTY COMMUNITY SERVICES | 9 | 8 |
| HARRISONBURG-ROCKINGHAM CSB | 8 | 8 |
| HENRICO AREA MENTAL HLTH & DEVLPMNTL SVC | 21 | 21 |
| HIGHLANDS CMNTY SVCS BOARD | 4 | 4 |
| HORIZON BEHAVIORAL HEALTH | 13 | 13 |
| LOUDOUN COUNTY CSB | 28 | 28 |
| MIDDLE PENINSULA NORTHERN NECK CSB | 7 | 7 |
| MOUNT ROGERS CSB | 5 | 5 |
| NEW RIVER VALLEY COMMUNITY SERVICES | 10 | 9 |
| NORFOLK COMMUNITY SERVICES BOARD | 13 | 13 |
| NORTHWESTERN COMMUNITY SVCS | 14 | 14 |
| PIEDMONT COMMUNITY SERVICES | 7 | 7 |
| PLANNING DISTRICT ONE CSB | 5 | 4 |
| PORTSMOUTH DEPT OF BEHAVIORAL | 5 | 3 |
| PRINCE WILLIAM COUNTY CSB | 31 | 31 |
| RAPPAHANNOCK AREA COMMUNITY SERVICES BRD | 28 | 28 |
| REGION TEN CMMNTY SVCS BRD | 15 | 15 |
| RICHMOND BHVRL HLTH AUTHORITY | 11 | 11 |
| ROCKBRIDGE AREA COMMUNITY SVS BOARD | 3 | 2 |
| SOUTHSIDE CSB | 4 | 4 |
| VALLEY CSB | 8 | 8 |
| VIRGINIA BEACH CSB | 21 | 21 |
| WESTERN TIDEWATER COMMUNITY SERVICES BOA | 8 | 8 |
| **Total** | 500 | 476 |

**Individuals in Receipt of a FY24 DD Waivers Slot Who Have Started Services**

Table 5 lists the number of individuals assigned a **first batch** FY24 slot by CSB who have been authorized to receive at least one DD waiver service. By the end of the third quarter, 443 of the 598 individuals assigned a first batch FY24 slot (74 percent) had been authorized for at least one service. These slots were assigned by local WSACs between August and September, with regional WSAC assignments occurring in October. It will be noted that the second quarter total (242) in the chart below is higher than what was reported in the second quarter version of this report (222). That is due to better data capture regarding assignment of some slots to a second person when the first assignee rejected the slot, as well as some services requested during the second quarter, but pended for more information by DBHDS Service Authorization staff, being ultimately authorized for a second quarter start date.

Individuals are permitted by regulation 150 days to initiate services. Investigations by DBHDS staff as to the status of the 155 individuals assigned a first batch slot who have not started a service produced the following reasons:

* 38 slots have been assigned more than once due to the person to whom the slot was initially assigned rejecting the slot.  These second (or even third) assigned individuals are well short of the 150 days to start services mark.
* 27 slots are in the process of requesting services, with a service authorization initiated but likely pended for more information by DBHDS Service Authorization staff. These individuals should appear in the “services started” category next quarter.
* 10 slots are currently unassigned.  These have all been assigned to at least one person, who rejected the slot, and they have not yet been reassigned.
* 4 slots are in pending appeal status (i.e., appeal rights have been offered to the individual who has not started services within the required timeframe).

The CSBs responsible for the remaining individuals who have not started services have received multiple notifications from DBHDS of the need to take action (either to get needed services started for the individual or issue appeal rights if the individual/family is not agreeing to service commencement).  DBHDS has escalated this both with the CSB leadership and internally with DBHDS leadership for resolution and will work with the CSBs to break down barriers that are preventing individuals from initiating services for these remaining slots.  DBHDS has also implemented a new quarterly process whereby its monitoring of individuals who have not initiated at least one service will include contacting the CSB and/or individual/family to better understand the barriers.  We look forward to reporting this data in the future.

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By the end of the third quarter, 37 of the 476 individuals assigned a first batch FY24 slot (7.7 percent) had been authorized for at least one service. These slots were assigned by local WSACs between January 1, 2024 and March 2024, with regional WSAC assignments anticipated to occur in April 2024, so it is still early days for this batch of slots. Individuals are permitted by regulation 150 days to initiate services; therefore, all are within this time limit as of the end of the third quarter.   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | **Table 6.** **Number of individuals who received a second batch FY24 DD waiver slot (both Community Living and Family & Individual Supports waivers) by quarter of their first service approved and CSB.**   |  |  | | --- | --- | | **Community Service Board** | **Total Persons with FY24 Second Batch Slots Authorized for Services** | | **2024 Q3** | | ARLINGTON MENTAL HEALTH | 3 | | CHESAPEAKE INTERGRATED BEHAV HEALTHCARE | 1 | | COLONIAL BEHAVIORAL HEALTH | 1 | | CUMBERLAND MNTL HLTH CTR | 1 | | DANVILLE-PITTSYLVANIA COM SERV | 2 | | DICKENSON COUNTY BEHAVIORAL HEALTH SVCS | 1 | | DISTRICT 19 MEN HLTH SER | 1 | | Eastern Shore CSB | 1 | | Encompass Community Supports (Formerly RAPPAHANNOCK RAPIDAN CSB) | 2 | | HAMPTON-NN CSB | 1 | | HARRISONBURG-ROCKINGHAM CSB | 2 | | HORIZON BEHAVIORAL HEALTH | 3 | | LOUDOUN COUNTY CSB | 1 | | MIDDLE PENINSULA NORTHERN NECK CSB | 1 | | MOUNT ROGERS CSB | 3 | | NORFOLK COMMUNITY SERVICES BOARD | 1 | | NORTHWESTERN COMMUNITY SVCS | 1 | | PIEDMONT COMMUNITY SERVICES | 1 | | ROCKBRIDGE AREA COMMUNITY SVS BOARD | 1 | | SOUTHSIDE CSB | 1 | | VIRGINIA BEACH CSB | 6 | | WESTERN TIDEWATER COMMUNITY SERVICES BOA | 2 | | **Total** | **37** | |   Regarding the results of the last two tables, it is vital to be mindful that the start of services always lags behind the actual assignment of the slot due to the time needed to accomplish the following steps, which must be undertaken before services may begin:   * Individual formal acceptance of the slot offered * Confirmation/updating of functional and financial eligibility * Confirmation of updated physical exam * Individual/family selection of service providers * Service providers intake process for the new individual * Development of the Individual Support Plan * Service Authorization process   In the event that an individual does not begin services within 30 days of slot assignment, the CSB support coordinator must request to retain that slot for the individual. DBHDS then has the authority to approve the slot-retention request in 30-day extensions, up to a maximum of four consecutive extensions (thus the 150 days referenced above). Alternatively, DBHDS may deny a request to retain the waiver slot for an individual when, at the end of any extension time period, there is no evidence of the individual's efforts to utilize waiver services. This process was suspended during the Public Health Emergency but is now active again, and DBHDS will be closely monitoring the initiation of services for all new DD waivers slots. |

**Conclusion**

All of the first and second batch FY24 slots have been allocated to CSBs according to the formula outlined in the Commonwealth’s waiver applications. As the first batch of slots became available (following Centers for Medicare and Medicaid Services’ approval of the federal portion of the funding) in the fall of 2023, their assignment and activation of services is more advanced than the second batch of slots, which only became available for assignment on January 1, 2024. Across the two separate funding batches of slot, 1,074 of the 1,100 funded FY24 slots (97.6 percent) have been assigned to individuals, with most of the unassigned slots being from the second (most recently released) batch of slots. Of the 1,074 individuals paired with DD waivers slots, 456 people have begun services (42 percent). Again, the majority of individuals not yet starting services are those in the later available batch, which is to be expected as they were only released in the third quarter of the fiscal year. DBHDS anticipates that the number of assigned slots and individuals paired with services will grow as the fiscal year progresses.

cc: The Honorable John Littel, Secretary, Health & Human Resources

Leah Mills

James Williams

Mike Tweedy

Susan Massart