



COMMUNITY-BASED SERVICES UNIT

WYOMING MEDICAID
DIVISION OF HEALTHCARE FINANCING

PROGRAM BULLETIN

Bulletin Ref: CCW-2018-02

To: All Community Choices Waiver Program Stakeholders

From: Tyler Deines, Community-Based Services Administrator

Date: November 27, 2018

Subject: Assisted Living Facility Services

Purpose:

To provide coverage details for assisted living services provided under the Community Choices Waiver (CCW) program. This bulletin is provided as a supplement to the Policy & Procedures Manual (rev. 03/2018) in order to provide direction to CCW program participants, case managers, and assisted living service providers.

Background:

The CCW program provides eligible individuals access to an array of Medicaid home and community-based services (HCBS) as an alternative to care provided in a nursing facility. Assisted living services are a covered benefit of the CCW program.

Assisted living services must be provided in a home-like, level 1 or level 2 assisted living facility licensed by the Wyoming Department of Health, Aging Division. Included in the assisted living services benefit are personal care, homemaker, medication management, and other residential supportive services to the extent permitted by state law. The benefit also includes twenty-four hour, on-site response staff to meet the scheduled or unpredictable participant needs in a way that promotes maximum dignity and independence and to provide supervision, safety, and security based on participant needs. Assisted living service providers should consult [Chapter 12, Sections 7, 8, 10, and 11 of the Aging Division Rules](#) for additional information on the scope of services which may be provided under the assisted living licensure.

The assisted living facility benefit is reimbursed using a comprehensive per-diem rate. The services included in this benefit cannot be unbundled and reimbursed separately. In accordance with [Chapter 3, Section 11 of the Wyoming Medicaid Rules](#), providers accept Medicaid reimbursement as payment in full and may not collect additional payments from the recipient or recipient's family for covered services.

Pursuant to 42 CFR §441.310(a)(2), Medicaid funds cannot be used to reimburse room and board costs and are therefore not a covered CCW program service. The term "room" includes shelter-type expenses, including all property-related costs such as rental or purchase of real estate, and basic furnishings, maintenance, utilities, and related administrative services. The term "board" means three meals per day or any other full nutritional regimen. Federal HCBS regulatory requirements for provider-owned or

controlled residential settings also stipulate that CCW participants residing in assisted living facilities must be afforded the same responsibilities and protections against eviction that tenants have under State and local tenant/landlord laws including a requirement that a lease or similarly enforceable agreement be in place.

Procedure or Information:

Assisted living service providers shall submit claims and maintain records for services rendered in accordance with Chapter 3 of the Wyoming Medicaid Rules. Reimbursement is made on a comprehensive, per diem basis and must be accepted as payment in full for the covered services detailed above. CCW service providers shall not collect, or attempt to collect, additional reimbursement from the participant or the participant's family for covered assisted living services.

In the event that a CCW participant's needs extend beyond the facility's capability to support those needs within its licensure authority, the facility may consult with the participant's case manager to coordinate additional Medicaid or non-Medicaid services to supplement, but not replace, the care provided by the assisted living facility. These services may include, but are not limited to:

- Personal care
- Skilled nursing
- Home health
- Hospice/palliative care
- Non-medical transportation
- Non-emergent medical transportation

Pursuant to Chapter 3, Section 11(b) of the Wyoming Medicaid Rules, assisted living service providers shall not collect or attempt collect payment from participants or their families for covered services. This prohibition includes policies which require a waiting period whereby enrolled CCW participants are required to pay privately for any length of time before the provider agrees to accept Medicaid reimbursement, regardless of whether or not claims for Medicaid reimbursement are submitted. Individuals not yet enrolled, or who are temporarily disenrolled from the CCW program, may be required to pay privately for assisted living services for the time period prior to CCW program enrollment and/or the time period of temporary ineligibility.

Assisted living service providers shall institute policies for determining charges and collecting payment for room and board which shall not include payment for services reimbursed or covered by the CCW program or the Wyoming Medicaid State Plan. These policies shall ensure the execution of a lease or similarly enforceable residential agreement with the CCW participant which provides protections that address eviction processes and appeals comparable to those provided under the State and local landlord/tenant laws. Resident agreements must also include an itemized list of any additional charges and charges for items of comfort or convenience, such as:

- Move in/out fees
- Security deposits
- Cable television subscriptions
- Personal telephone lines
- Recreational/diversional activity fees