

Revision History

Date	Version	Description	Author
May 2023	1.0	Initial publication	EOEA Home Care Team

Exception to Home Care Eligibility

Aging Services Access Points (ASAPs) are required to:

- determine eligibility for the Home Care Program in accordance with 651 CMR 3.00 regulations
- have policies to ensure compliance with all assessments to support eligibility for Home Care and Exceptions to Eligibility along with other program requirements
- have policies, procedures and training for ASAP staff including the following but not limited to; Home Care, Information & Referral, Protective Services, Options Counseling, Family Caregiver Support, and any other staff who interact with constituents or consumers
- have policies and procedures for case review of any Home Care terminations where the consumer was found eligible for Home Care as an Exception to Eligibility

Exceptions to Home Care Eligibility are known as “Exceptions to Eligibility” in Home Care Program Regulations and the ASAP Contract in sections: 4.1, 4.3 4.7.

In Home Care Regulations 651 CMR 3.00, specifically 3.04 (5):

(d) Service Priority. Priority of service is determined according to the FIL and Unmet Needs. The following list identifies eight service categories in order of priority:

- 1-C: FIL 1 with one or more Critical Unmet Need(s);
- 2-C: FIL 2 with one or more Critical Unmet Need(s);
- 3-C: FIL 3 with one or more Critical Unmet Need(s);
- 4-C: FIL 4 with one or more Critical Unmet Need(s);
- 1-NC: FIL 1 with Non-critical Unmet Needs;
- 2-NC: FIL 2 with Non-critical Unmet Needs;
- 3-NC: FIL 3 with Non-critical Unmet Needs; and
- 4-NC: FIL 4 with Non-critical Unmet Needs.

(e) To qualify for Home Care Services, an Applicant's initial FIL and Service Priority must be either 1-C, 2-C or 3-C according to the list included in 651 CMR 3.04(5)(d). A Consumer's ongoing FIL and Service Priority must be determined to be either 1-C, 2-C, 3-C or 4-C, or 1-NC, 2-NC, 3-NC, or 4-NC to remain eligible to receive Home Care Services.

(f) Applicants whose Caregivers need Respite Care Services must be categorized under the appropriate FIL and be determined to have one or more Critical Unmet Needs.

(g) **Exceptions.** An Applicant or Consumer who meets the eligibility criteria set forth in 651 CMR 3.00, but is not within a Service Priority standard identified in 651 CMR 3.04(5)(e), may qualify for an exception when he or she meets one or more of the following criteria.

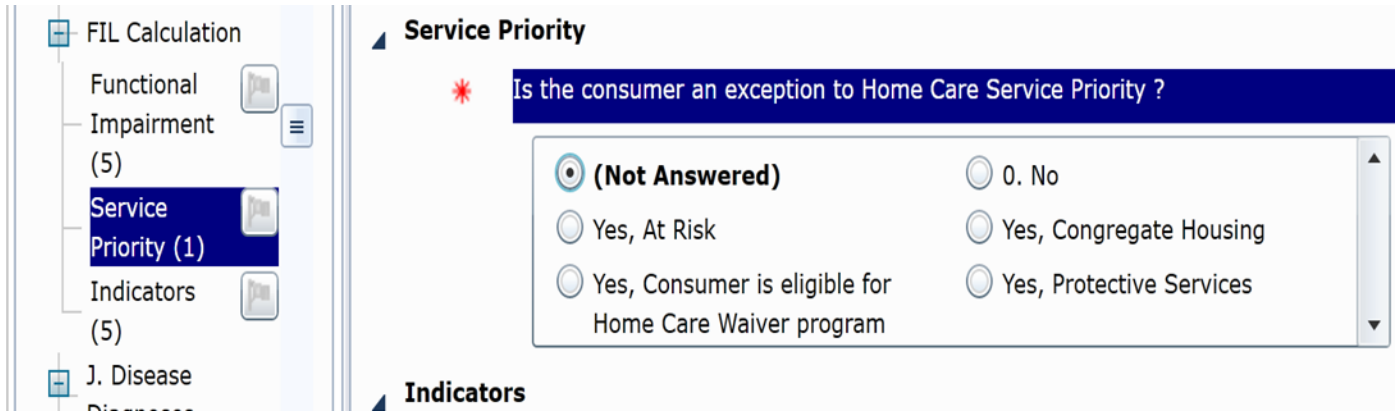
1. Elders who are at risk of being unable to remain in the community due to a variety of factors, including, but not limited to substance use disorders, cognitive, emotional, or mental health problems, or cultural and/or linguistic barriers.
2. Protective Services. Elders who are receiving or are eligible to receive Protective Services as defined in 651 CMR 3.02 shall be eligible for Home Care Program Services.
3. Congregate Housing. Consumers residing in a Congregate Housing Facility.
4. Waiver Consumers. Consumers who are eligible for the Frail Elder Home and Community Based Waiver Program.

An applicant who is a 4-C, 1-NC, 2-NC, 3-NC, 4-NC with an exception as defined above under the section (g) qualifies as an eligible applicant for Home Care.

Note: Applicants who are found to be an Exception to Eligibility due to "At Risk" or "Protective Service" criteria should be considered for Advocacy & Navigating Care in the Home with Ongoing Risks (ANCHOR) Intensive Case Management.

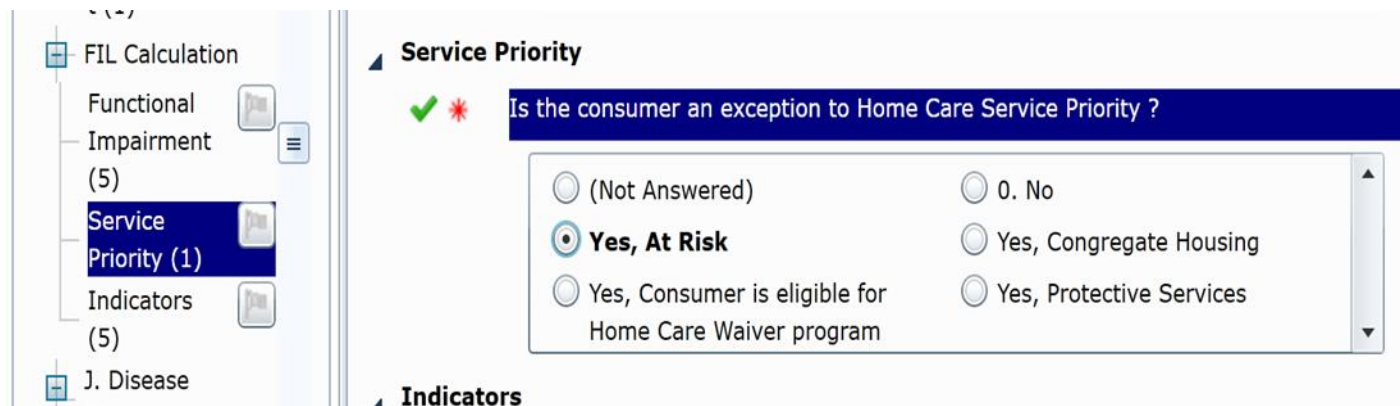
Documenting Exception to Eligibility in Aging & Disability (A&D):

If a consumer is found to meet one of the exceptions as listed above, the exception must be supported in documentation within the record, and reflected in CDS question 5736 found in the FIL section of the CDS "Is the consumer an exception to Home Care Service Priority".



Example: An applicant is found to be eligible for Home Care as an Exception to Eligibility because they are at risk.

CDS Question 5736 is answered in the corresponding CDS supporting the initial assessment and exception to eligibility is recorded:



The CDS Question 5736 must be answered within the assessment, which demonstrates support in the initial assessment that the consumer is opening into Home Care as an Exception. Any subsequent assessments utilizing the CDS must have an updated response to CDS Question 5736.

The Activity and Referral associated with the Home Care Intake must record the Exception to Eligibility:

- Once the initial assessment is **completed**, the Activity & Referral **status** is required to be updated to either **HC Intake Completed Eligible** citing the appropriate **status reason (Exception to Eligibility)**; **documentation of initial assessment in consumer record is required and must support the consumer being found eligible as an Exception to Eligibility.**

HC Intake Completed Eligible		
HC Intake Completed Eligible: An applicant has completed the intake process, including having an initial assessment completed and is found eligible for Home Care Program Enrollment		
Status	Status Reason	Definition
HC Intake Completed Eligible	Eligible for Home Care	Applicant eligible to open; Age, FIL, Need. Not for use when applicant is opened as an exception to eligibility.
HC Intake Completed Eligible	Eligible Exception Age with ADRD	Applicant eligible to open; Under age 60 with ADRD Diagnosis.
HC Intake Completed Eligible	Eligible Exception at Risk	Applicant eligible due to Medical risk, Behavioral Health concerns or Protective Services eligibility or enrollment.
HC Intake Completed Eligible	Eligible Exception Congregate Housing	Applicant eligible to open; Residing in Congregate Housing Facility.
HC Intake Completed Eligible	Eligible Exception Waiver Eligible	Applicant eligible to Open; Eligible for the Frail Elder Waiver Program.

Activity/Referral - HC Program Referral & Intake, Home Ca
[Save](#) | [Save and Close](#) | [Close](#) | [Add Next](#) | [Make a Copy](#) | [Print](#) | [Open](#)

Subject Home Care Intake

Action HC Program Referral & Intake

Agency Mystic Valley Elder Services, Inc.

Provider

Subprovider

Care Program Home Care Basic / Non-Waiver

Site

Status HC Intake Completed Eligible

Reason

Status Date 1/22/2023

Due Date 1/27/2023

Start Date Enter date

Start Time Enter time

Activity/Referral - HC Program Referral & Intake, Home Care Intak
 Save | Save and Close | Close | Add Next | Make a Copy | Print | Open Audits |

Subject Home Care Intake

Action HC Program Referral & Intake

Agency Mystic Valley Elder Services, Inc.

Provider

Subprovider

Care Program Home Care Basic / Non-Waiver

Site

Status HC Intake Completed Eligible

Reason

Status Date

- Eligible Exception Age with ADRD
- Due Date Eligible Exception At Risk
- Start Date Eligible Exception Congregate Housing
- Eligible Exception Waiver Eligible
- Start Time Eligible for Home Care

Expectations

Documentation in the consumer’s record must support the identified need and support the Exception to Eligibility.

Service provision through the Home Care Program could be for a non-critical unmet need if consumer is opened as Exception to Eligibility.

All Home Care enrolled consumers (regardless of if they were found eligible due an Exception to Eligibility) should remain eligible and enrolled in a Home Care program as long as they meet FIL, exception to eligibility is no longer required once enrolled in Home care.

Home Care enrolled consumers remain eligible for the Home Care Program as long as they continue to meet FIL.

- The exception to eligibility is only required for initial Home Care Eligibility determinations
- Once enrolled the exception is no longer required to maintain eligibility

CDS question 5736 should be updated accordingly for annual and redetermination assessments.

If you have questions regarding this procedure, please contact: Devon Garon at Devon.Garon@Mass.gov