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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2016	.	
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The Committee on Appropriations (Garcia) recommended the following:

Senate Amendment

Delete lines 495 - 578

and insert:

~~(b)~~ The allocation methodology shall determine ~~provide the algorithm that determines~~ the amount of funds allocated to a client's iBudget.

(b) The agency may authorize funding ~~approve an increase in the amount of funds allocated, as determined by the algorithm,~~ based on a ~~the~~ client having one or more of the following needs



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11 that cannot be accommodated within the funding ~~as~~ determined by
12 the algorithm and having no other resources, supports, or
13 services available to meet the need:

14 1. An extraordinary need that would place the health and
15 safety of the client, the client's caregiver, or the public in
16 immediate, serious jeopardy unless the increase is approved.
17 However, the presence of an extraordinary need in and of itself
18 does not warrant authorized funding by the agency. An
19 extraordinary need may include, but is not limited to:

20 a. The loss of or a change in the client's caregiver
21 arrangement or a documented need based on a medical, behavioral,
22 or psychological assessment;

23 b.a. A documented history of significant, potentially life-
24 threatening behaviors, such as recent attempts at suicide,
25 arson, nonconsensual sexual behavior, or self-injurious behavior
26 requiring medical attention;

27 c.b. A complex medical condition that requires active
28 intervention by a licensed nurse on an ongoing basis that cannot
29 be taught or delegated to a nonlicensed person;

30 d.e. A chronic comorbid condition. As used in this
31 subparagraph, the term "comorbid condition" means a medical
32 condition existing simultaneously but independently with another
33 medical condition in a patient; or

34 e.d. A need for total physical assistance with activities
35 such as eating, bathing, toileting, grooming, and personal
36 hygiene.

37
38 ~~However, the presence of an extraordinary need alone does not~~
39 ~~warrant an increase in the amount of funds allocated to a~~



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40 ~~client's iBudget as determined by the algorithm.~~

41 2. A significant need for one-time or temporary support or
42 services that, if not provided, would place the health and
43 safety of the client, the client's caregiver, or the public in
44 serious jeopardy, ~~unless the increase is approved.~~ A significant
45 need may include, but is not limited to, the provision of
46 environmental modifications, durable medical equipment, services
47 to address the temporary loss of support from a caregiver, or
48 special services or treatment for a serious temporary condition
49 when the service or treatment is expected to ameliorate the
50 underlying condition. As used in this subparagraph, the term
51 "temporary" means a period of fewer than 12 continuous months.
52 However, the presence of such significant need for one-time or
53 temporary supports or services alone does not in and of itself
54 warrant authorized funding by the agency ~~an increase in the~~
55 ~~amount of funds allocated to a client's iBudget as determined by~~
56 ~~the algorithm.~~

57 3. A significant increase in the need for services after
58 the beginning of the service plan year which ~~that~~ would place
59 the health and safety of the client, the client's caregiver, or
60 the public in serious jeopardy because of substantial changes in
61 the client's circumstances, including, but not limited to,
62 permanent or long-term loss or incapacity of a caregiver, loss
63 of services authorized under the state Medicaid plan due to a
64 change in age, or a significant change in medical or functional
65 status which requires the provision of additional services on a
66 permanent or long-term basis that cannot be accommodated within
67 the client's current iBudget. As used in this subparagraph, the
68 term "long-term" means a period of 12 or more continuous months.



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69 However, such significant increase in need for services of a
70 permanent or long-term nature ~~alone~~ does not in and of itself
71 warrant authorized funding by the agency ~~warrant an increase in~~
72 ~~the amount of funds allocated to a client's iBudget as~~
73 ~~determined by the algorithm.~~

74 4. A significant need for transportation services to a
75 waiver-funded adult day training program or to waiver-funded
76 employment services when such need cannot be accommodated within
77 a client's iBudget as determined by the algorithm without
78 affecting the health and safety of the client, when public
79 transportation is not an option due to the unique needs of the
80 client, or when other transportation resources are not
81 reasonably available.

82
83 The agency shall reserve portions of the appropriation for the
84 home and community-based services Medicaid waiver program for
85 adjustments required pursuant to this paragraph and may use the
86 services of an independent actuary in determining the amount ~~of~~
87 ~~the portions~~ to be reserved.

88 (c) ~~A client's iBudget shall be the total of the amount~~