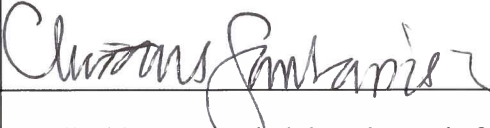


Policy Number	012
Policy Owner	Bureau of Developmental Services (BDS)
Policy Name	BDS He-M Waiver Request
From	Christine L. Santaniello, Director, Division of Long Term Supports & Services
Administrator's Signature	
Regulatory and Other Reference(s)	Applicable He-M Administrative Rule for which Waiver is Requested
Approval Date	December 29, 2017
Effective Date	January 1, 2018
Revision History	
Key Contacts	Director LTSS, BDS Bureau Chief, BDS Liaisons, Bureau of Health Facilities Certification Unit Staff, Designated BDS Staff

Policy Statement:

The Department of Health and Human Services (DHHS), BDS develops and maintains policies and procedures to outline the process for implementing BDS programs and services, ensure compliance with applicable federal/state laws, regulations and requirements, and to support the BDS mission and strategic planning goals.

Purpose and Intent of Policy:

The purpose of this policy and procedure is to set forth the criteria and procedure for submitting a Waiver Request for any portion of the applicable Administrative Rule for which the Area Agency is seeking to waive. Waivers cannot be granted for provisions that are in State Law.

Procedure:

1. The Area Agency when seeking to waive a portion of any rule shall do so by submitting a Waiver Request Form to the designated person within BDS.
2. In order for BDS to process the waiver in a timely manner, the area agency submitting the waiver request shall fill out all sections of the Waiver Request Form and attach all required documentation.
3. For waiver requests involving criminal records, the area agency seeking the waiver shall include a criminal record and Bureau of Elderly and Adult Services (BEAS) checks completed within one year of the waiver request.
4. In completing all sections of the Waiver Request Form, area agencies shall clearly include the length of time they are requesting for the waiver, not to exceed five years.
5. Waiver Request Forms that are not completed in entirety will be returned, unprocessed, to the area agency seeking the waiver.
6. Upon receipt of the waiver request, the BDS designated person will process the waiver, routing it to the regional BDS Liaison.
7. Within five (5) working days of receipt of the waiver request, the BDS Liaison will process the waiver and forward it to the Division Director or designee for review.
8. The Division Director or designee will review and process. For those waivers impacting Certification, the Division Director or designee will forward approved waivers to the Certification Unit for processing. For those not impacting certification, the Division Director or designee, upon approval, will forward the waiver to the BDS designated person. If additional information is needed or the Division Director or designee does not approve the waiver, s/he will return to the BDS Liaison for appropriate follow-up. The Division Director or designee will process all waivers within three working days of receipt.
9. The BDS Liaison will take the necessary follow-up steps regarding the waiver in question.
10. Upon approval or denial of the waiver request, the BDS designated person will communicate the outcome of the waiver request to the organization via a letter mailed to the area agency.
11. It is the intent of BDS to process all waivers, when feasible, within fourteen working days. It is imperative that agencies plan accordingly when waivers are requested. In times of high volume, the time frame will be looked at and if there are any changes, communicated by BDS.