

OBTAINING RESIDENTIAL SERVICES AND SUPPORTS FROM DDD



Hinkle Prior Fischer & Oberweis
Attorneys at Law

Representing people with disabilities and their families since 1974

DDD Services Include

Day programing

Job skill programs

Job coaching

Community and recreational supports

Residential Services

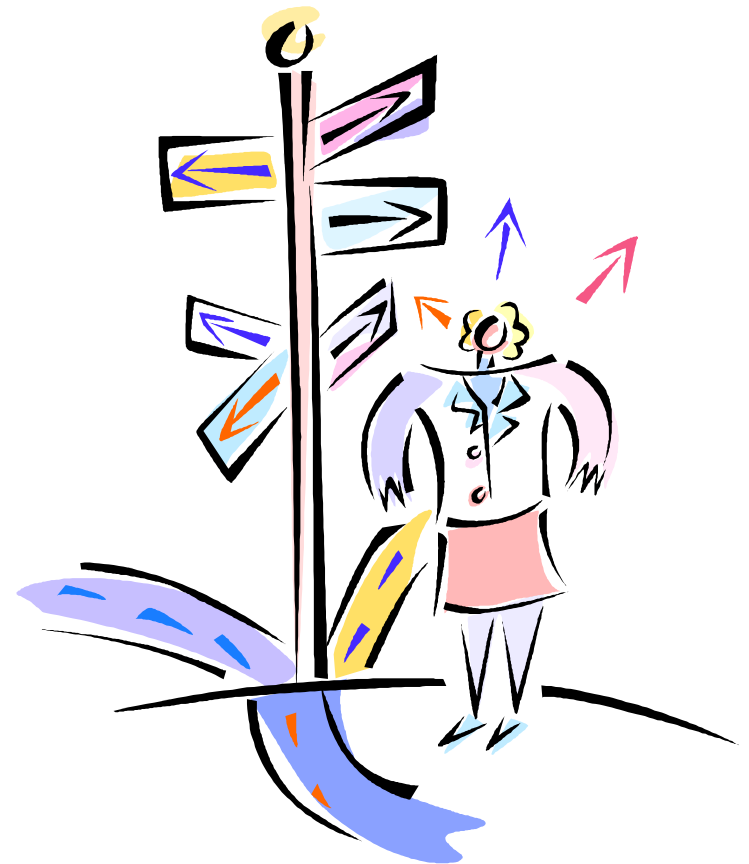
WHAT TYPES OF RESIDENTIAL SERVICES DOES DDD PROVIDE?

- Group homes
- Supervised apartments
- Supported apartments
- Self-directed in-home budgets
- “Unlicensed Setting”



WHAT CREATIVE HOUSING STRUCTURES ARE FAMILIES USING ?

- Limited Liability Corporation (“LLC”)
- 501(c) (3) – Non-profit
 - Broader mission
 - Ability to fundraise
- Organizational agreements
 - With Providers
 - With Other Families
- Microboards



APPLYING FOR DDD SERVICES

- DDD Eligibility is Based on a Functional Test
 - Mental or physical impairment
 - Manifest before the age of 22
 - Is likely to continue indefinitely
 - Substantial functional limitation in 3 of 7 areas of major life activity
 1. Self-care
 2. Expressive and Receptive Language
 3. Learning
 4. Mobility
 5. Self-direction
 6. Capacity for Independent Living
 7. Economic Self-sufficiency



APPLYING FOR DDD SERVICES

- Apply at 18 for eligibility - but cannot receive services until 21.
 - Under 21, PerformCare
- To receive services from DDD, must be Medicaid eligible
 - SSI
 - ABD
 - Workability
 - DAC
- After submitting Application and supporting docs, you will need to take the NJCAT

HOW DOES DDD DETERMINE THE LEVEL OF NEED AND SET THE BUDGET

- The New Jersey Comprehensive Assessment Tool(“NJCAT”)
 - Answers assess level of need and determine the budget
 - When responding to the questions:
 - Think of your child in a world without supports
 - Think of your child’s abilities in comparison to a typically developing peer of the same age
 - If you have to qualify your answer ... yes but... answer no.
 - Think of your child on his or her worst day, not on their best day

EXAMPLES OF COMMON PITFALLS

- Division uses very easy examples
 - Ex./ one-step direction such as “look at me”
 - Think more broadly, can they follow one-stop directions at school or at their job?
 - Other one-step directions:
 - Put your book bag down
 - Go get your shoes
 - Put away your coat
- Don’t lock yourself into only the examples provided on the NJCAT

ACTIVITIES OF DAILY LIVING

- ADL's – eating, toileting, showering, adjusting water temp, drying after showering, washing hands/face
- Answers in this section are:
 - Has Not Done (Had no opportunity or is not able)
 - Lots of Assistance (Requires lots of hands on)
 - Mainly Supervision (Requires mainly verbal prompts)
 - Independent (Starts and finishes without prompt or help)
 - Only if your child does 100% of the time and gets desired outcome

HOUSEHOLD ACTIVITIES

- Independent Living
- Imagine your child has an apartment, you get them settled (clean, bed's made, food in fridge)
- You don't return for a week, you don't call
- At the end of the week, how would the apartment look?
 - If they did all of this without anyone reminding them or helping them = independent

SELF-DIRECTION: ABILITY TO PLAN AND IMPLEMENT

- About 10 questions
- Questions such as deciding what to do on weekdays/weekends, having company over, leaving the house, going places
- Answers are:
 - Others Decide
 - Both Decide
 - Child Decides
- Instinct is often to answer both decide

ACUITY AND TIER ASSIGNMENTS

- Acuity means your child has significant behavioral and/or medical needs
- Acuity factors increase the child's budget (remember, budget is based on level of need)
- Tiers: Aa, Ba, Ca, Da, Ea
 - “a” = acuity
- Make sure you answer the behavioral and medical questions as accurately as possible

SUPPORTS PROGRAM

COMMUNITY CARE PROGRAM





Date: December 27, 2023

Topic: Quick Guide to Updated Fee-for-Service Program Budgets
Effective January 1, 2024

Supports Program			
Tier	Employment/Day	Ind/Family Supports	Total
A	\$20,564	\$7,442	\$28,006
Aa	\$28,628	\$7,442	\$36,070
B	\$26,208	\$14,883	\$41,091
Ba	\$36,519	\$14,883	\$51,402
C	\$32,429	\$14,883	\$47,312
Ca	\$45,159	\$14,883	\$60,042
D	\$48,096	\$22,324	\$70,420
Da	\$66,932	\$22,324	\$89,256
E	\$63,821	\$22,324	\$86,145
Ea	\$88,820	\$22,324	\$111,144

Community Care Program				
Tier	Employment/Day	Ind/Family Supports	Individual Supports	Total
A	\$20,564	\$7,442	\$ 36,792	\$ 64,798
Aa	\$28,628	\$7,442	\$ 67,847	\$ 103,917
B	\$26,208	\$14,883	\$ 73,584	\$ 114,675
Ba	\$36,519	\$14,883	\$ 135,693	\$ 187,095
C	\$32,429	\$14,883	\$ 122,640	\$ 169,952
Ca	\$45,159	\$14,883	\$ 226,154	\$ 286,196
D	\$48,096	\$22,324	\$ 171,696	\$ 242,116
Da	\$66,932	\$22,324	\$ 316,616	\$ 405,872
E	\$63,821	\$22,324	\$ 220,752	\$ 306,897
Ea	\$88,820	\$22,324	\$ 407,078	\$ 518,222

WHAT IS THE COMMUNITY CARE PROGRAM?

- The Community Care Waiver (“CCP”) is MEDICAID
- The CCW allows the State of New Jersey to split the cost of services for individuals with disabilities with the Federal government
 - The cost to the State of New Jersey is reduced by approximately 50%



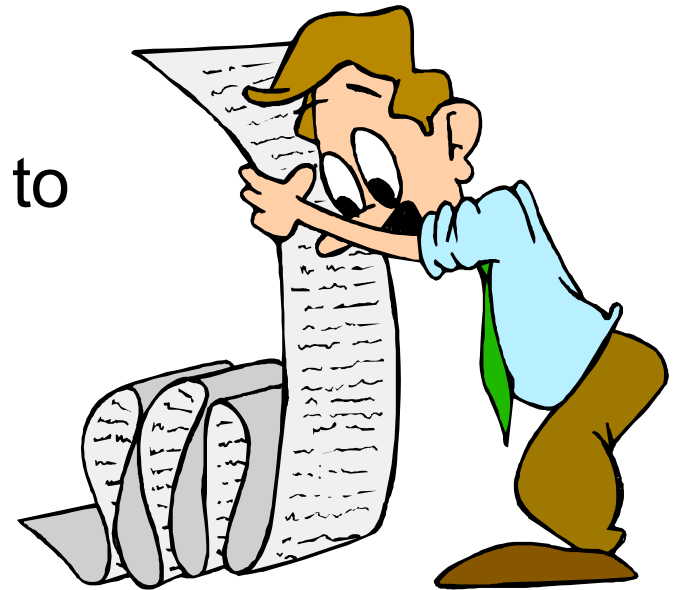
WHAT ARE THE ELIGIBILITY CRITERIA FOR THE CCP?

- Individuals determined eligible for services from the Division of Developmental Disabilities (“Division”)
- Income earned or unearned does not exceed approximately \$2,700 per month
- Assets less than \$2,000
- “Institutional level of care”



HOW DO YOU APPLY FOR THE CCP?

- Applications for the CCP can only be obtained from the Division
- Applications for the CCP are given to:
 - Individuals who reach the top of the CCP waiting list, or
 - Individuals who are determined to be emergencies



GETTING ON THE CCP WAITING LIST?

- The Default Rule
 - Youngest Parent turns 55 years old
- Exceptions:
 - Extreme behaviors
 - Intense Medical needs
- Currently individuals placed on the list in or around 2015 are receiving the Community Care Program application
 - (10-12 year approximate waiting period)



WHEN IS AN EMERGENCY DETERMINED?

- The Division can determine an emergency exists, if
 - The individual is or will become homeless, or
 - If the individual is in imminent peril



VOUCHERS

- HUD Section 8 (U.S. Dep't of Housing & Urban Development)
- New State Vouchers
- 70/30 split
- “Fair Market Value”
 - Possible Challenges



Which Brings Us Back to ...

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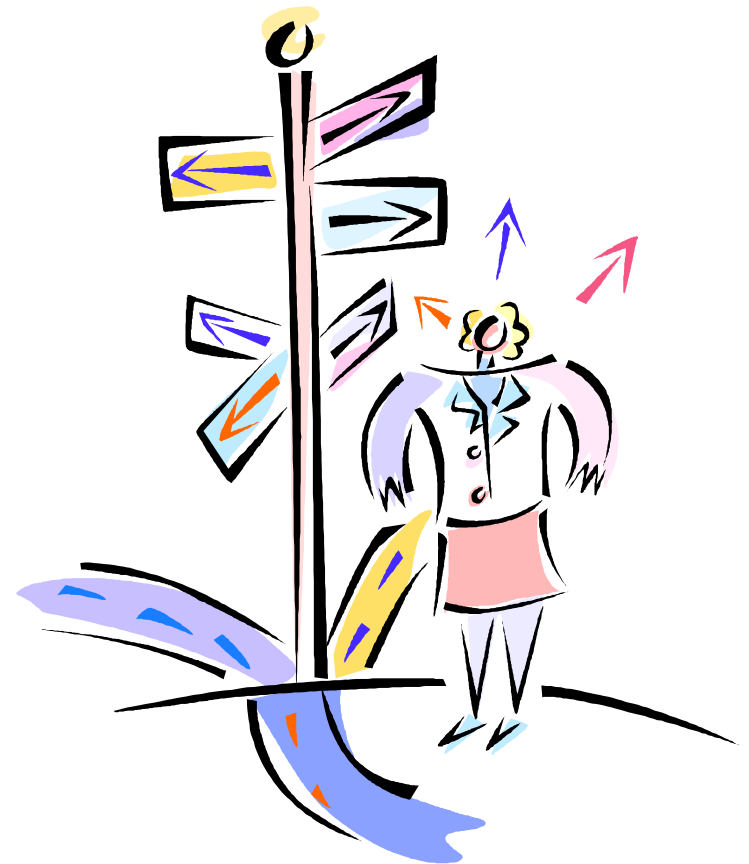
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Questions?

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