

**Montana Department of Public Health and Human Services Developmental Disabilities  
Program Responses to Public Comments on the Proposed Children’s Autism Waiver (CAW)  
Renewal**

**September 29, 2016**

During the proposed CAW renewal public comment period, numerous comments were received pertaining to the proposed Autism Treatment Services State Plan Amendment (Autism SPA). The state Developmental Disabilities Program (DDP) has submitted the Autism SPA to the Centers for Medicare and Medicaid Services (CMS). The DDP is currently drafting administrative rules for the Autism SPA. The administrative rules will be published for public comment, at which time the state will respond to the Autism SPA comments that were submitted during the CAW renewal comment period.

1. Commenters expressed support of the CAW. Families and providers shared experiences regarding the progress of children in the CAW.

- One commenter stated that her child has made “phenomenal progress” that would not have been possible without the CAW since the family would not qualify for Medicaid otherwise, and their private insurance autism coverage is poor. The commenter went on to say she would want other families to be able to have this opportunity and does not want the CAW to stop.
- One commenter talked about how the CAW program has been a “lifesaver”.
- One commenter felt like the “luckiest person alive to have been selected by this waiver program,” and that the CAW “was the best thing that could have ever happened”.
- One commenter noted that after a few weeks of Applied Behavior Analysis (ABA) therapy, their child’s attention span increased and also helped improve his speech or his ability to benefit from speech therapy even more.
- One commenter stated that the CAW is successful and beneficial and does not need to be changed.
- Some of the families with children currently enrolled in the CAW wanted to know what they could do to ensure their child continues to receive the full 3 maximum years of CAW services.

*Response: Thank you for these comments. The DDP is proposing the continuation of services for children who are currently enrolled in the CAW in the renewal application. The phase-out schedule is based on the children’s projected completion of 3 years of service or 8<sup>th</sup> birthday, whichever comes first. Comments regarding the proposed renewal will be submitted along with the proposed CAW renewal application to CMS.*

2. Commenters stated that the CAW should not be eliminated, replaced, or substituted with the proposed Autism SPA.

*Response: Thank you for these comments.*

3. Commenters stated that the CAW helps provide ABA therapy to children when the family does not qualify for Medicaid and the families’ private insurance does not cover ABA therapy. Commenters expressed concern that children who are not Medicaid eligible, thus not eligible for Autism SPA services, will not be able to obtain autism services as the families’ private insurance may not cover the services or the coverage is not considered enough.

*Response: The DDP does not regulate private insurance coverage. Children under the age of 3 can be assessed for eligibility for Part C Early Intervention Services. Children who meet the eligibility for a developmental disability can be placed on the waiting list for the 0208 Comprehensive Waiver and the waiting list for Family Education and Support services.*

4. One commenter inquired whether children currently enrolled in the CAW will maintain their Medicaid eligibility until their 3 years of services have been completed.

*Response: The CAW renewal is not proposing any changes to the current Medicaid eligibility status of children enrolled.*

5. One commenter referenced the public notice memo and asked when the phase-out will begin.

*Response: The effective date of the proposed renewal and phase-out is January 1, 2017.*

6. One commenter asked at what date DDP will no longer enroll new children into the CAW.

*Response: No new selections into the waiver will be made after the proposed renewal effective date of January 1, 2017. This is explained in the draft waiver application. In the meantime, the CAW will continue to operate as usual through the end of December 2016 with regards to eligibility, and the waiting list will be maintained. CAW applications are still being accepted at this time. The random selections for the pre-determined slots have stopped, as the state has met the unduplicated count of 60 participants for this waiver year, which was approved by CMS in the current waiver. The DDP does not have the authority to randomly select more children. For more information on this, Appendix B of the currently approved waiver can be referenced and is available on the DDP website.*

7. One commenter asked what the purpose of having a waiting list is, if the DDP is no longer completing draws to fill open CAW slots. Continuing the waiting list and taking applications when no other children will be selected for the CAW would give families a false impression about what services are available for their children.

*Response: The DDP must continue to administer and operate the CAW as it is currently approved, which includes taking applications and maintaining a waiting list.*

8. Commenters who have children on the CAW waiting list asked if they needed to re-apply or do anything to keep their child on the CAW waiting list.

*Response: The children's names will remain on the waiting list unless they age off of the waiting list at age 5. It should be noted, however, that children are not being selected off of the waiting list at this time due to meeting the unduplicated count approved by CMS for this waiver year.*

9. One commenter whose child was recently selected and enrolled into the CAW stated it felt as though the family had just been given an opportunity to receive services and now those services were being pulled out from under them.

*Response: The DDP is proposing the continuation of services for children who are currently enrolled in the CAW in the renewal application. Therefore, this child will receive the 3 years of service.*

10. One commenter inquired how families could be more clearly informed of these changes to the CAW including what these changes mean for their child depending on whether the child is currently enrolled in the CAW or on the waiting list for the CAW. It was felt that the memo does not clearly describe what this means for families. Other commenters indicated that the letter/memo sent to families and providers was confusing. It was suggested that a follow-up letter mailed to families would be beneficial.

*Response: The public notice memo was mailed to all families who have a child currently enrolled in the CAW or have a child currently on the waiting list. The memo included links to DDP's website and contact information if families had questions, needed clarification, or had comments. There was also information in the memo regarding a public hearing on the proposed renewal in which families could attend in-person or call-in via webinar.*

11. One commenter stated that there was a gap between providers and families receiving the public notice on the proposed CAW renewal.

*Response: The public notice memo was emailed to Executive Directors and Supervisors of Child and Family Providers on August 11, 2016. Letters were mailed to families on August 12 and 15, 2016.*

12. One commenter asked what the Waiver Children's Case Manager (WCCM) service cap will be and when it will start.

*Response: It has been proposed that the WCCM service be capped at \$6,000 annually and will become effective January 1, 2017, when the proposed CAW renewal becomes effective. This is stated in the public notice memo and draft waiver application posted online.*

13. Commenters stated that the limited WCCM service is a concern. One commenter suggested that, if limits are necessary, to maximize the unit amount as opposed to the fiscal amount.

*Response: The state will revise the proposed renewal to a cap of 345 units annually, which is approximately equivalent to the \$6,000 annual maximum.*

14. One commenter asked how the WCCM service currently provided through the CAW will be provided under Autism SPA services.

*Response: Case Management is not a service under the proposed Autism SPA. The proposed Autism SPA can be reviewed on the DDP website under Autism Information.*

15. One commenter asked how the current Family Support Specialist with an Autism Endorsement (FSS-AE) certification will continue.

*Response: The DDP is going to propose that the FSS-AE certification no longer be issued after December 31, 2017 and be sunsetted on December 31, 2019.*

16. One commenter stated that it would appear that a joint effort to identify the major issues and form a working committee to draft a transition plan may be in everyone's best interest and if this would be something that DPHHS would be willing to consider.

*Response: Each child will be in a unique situation, and the DDP suggests that WCCMs work closely with the family and providers to ensure a smooth transition from the waiver. This is a current expectation of WCCMs when children have completed the 3 years of services in the CAW and transition out.*

17. One commenter asked if DDP will have a webinar on the CAW later.

*Response: Information regarding the currently approved CAW, proposed CAW renewal, and memo outlining the changes are all available on the DDP's website.*

18. One commenter asked how CAW children who are transitioned to the proposed Autism SPA services maintain their current CAW services such as respite, individual goods and services, and adaptive equipment/environmental modifications.

*Response: It is proposed that children maintain waiver services, based on identified needs, during their time in the waiver. Please review the proposed renewal draft available online regarding CAW services.*

19. One commenter stated that respite supports are needed and that parents need to be parents, not therapists.

*Response: Thank you for this comment.*

20. Commenters asked what the extended State Plan services of Occupational Therapy, Physical Therapy, and Speech Therapy described in the CAW renewal memo were and why the services were being removed from the proposed renewal.

*Response: These services are available without limits under State Plan for children who qualify and do not need to be covered under CAW services. Please review these services in the currently approved waiver available on the DDP's website.*

21. One commenter stated that all children with autism benefit from one-on-one therapy and that 20 hours of therapy per week is considered minimum for early intervention for all children with autism. It's hard to say which children will benefit the most from one-on-one therapy. A child with fewer or less severe symptoms may benefit just as much if not more from one on one therapy. These children may be more likely to be integrated into regular classrooms and ultimately lead a more independent life. Some families have both parents who work full-time jobs, while others have multiple children, and some children come from single parent homes as well. This would make it extremely difficult for parents in these families to benefit from the parent education. This ultimately makes it unfair for the children no matter what kind of family they come from.

*Response: Thank you for these comments. The DDP recognizes that the needs of each child and family are unique.*

22. One commenter noted that children and families in rural areas will not be able to access services.

*Response: Given the rural nature of the state, this is an ongoing challenge for some families for any type of service.*

23. One commenter asked who CMS was.

*Response: CMS is the Centers for Medicare and Medicaid services, a federal entity to which states submit applications for programs and services to seek federal financial participation.*

24. One commenter asked when the responses to the public comments would be made available.

*Response: The proposed CAW renewal is due to CMS on or before September 30, 2016. Responses to the public comments will be made available on the DDP website at that time.*