

Medicaid Waivers Manual Chapter V Use of Funding in Substitute Care Page V-11

F. Variance Requirements: CBRFs With More Than 20 Beds

Local waiver agencies must receive variance approval to use CIP II or COP-W or COR funds, for services provided in a CBRF larger than twenty beds. **A variance must be obtained for regular CBRF admissions or to use the facility for Residential Respite.**

Important: The variance process will differ by waiver target group.

1. Frail Elderly Persons

Waiver agencies must submit a new service plan for a new applicant or complete an ISP Update for an ongoing participant. The service plan must contain a completed and signed copy of page 3B of the F-20445 (See F-20445.3B) See also DLTC Numbered Memo 2008-04. The completed page 3B will indicate the type of variance sought and attest to the two requirements:

- a. That the facility is non-institutional and the facility operates in a manner that enhances resident dignity and independence, **and**
- b. It is the preferred residence of the applicant/participant or his/her legal representative.

The new plan or ISP Update containing the variance request must be submitted to the appropriate Bureau or its quality assurance designee. Plan approval constitutes variance approval. **This type of variance is person-specific.** This means that every proposed admission of a frail elder applicant/participant to a facility larger than 20 beds must receive a separate, approved variance.

2. Persons Under Age 65 with A Disability

For applicants/participants with a disability who are under age 65, agencies seeking a variance to the twenty bed size limitation for particular facilities shall submit a request to the appropriate Bureau.

This variance is **facility-specific** and must include all of the following elements:

- a. A narrative of how the facility design and programming are such that the facility is non-institutional that includes the facility floor plan and photographs.
- b. A description of the CBRF efforts to provide services in a manner that enhances resident dignity, independence, privacy and choice, and that mitigates the effects of large, congregate living buildings.
- c. If the variance is requested for a facility that provides services to persons with an irreversible dementia, the request shall contain documentation provided by the CBRF that it is able to accommodate the special needs of these persons. This documentation may include the facility program statement, descriptions of the activity program and a description of staff training.
- d. Variance requests shall be reviewed and approved by the county's Long Term Support Planning Committee **prior** to submission to the Department. Ideally, members of the committee will visit the facility before approving the request. Documentation of committee approval must be sent with the variance request. This may be included in the cover letter or in actual copies of committee meeting minutes.