



**Draft Process to Request an Exception to the Established Limits  
or Maximum Number of Service Units**

**Effective July 1, 2009**

**Informational Packet #010-09**

**PURPOSE:** This Office of Developmental Programs (ODP) Informational Packet is intended to announce and promote the draft process to request an exception to the established limits or maximum number of service units. This packet is also intended to introduce draft form DP 1023 as a way to standardize the process for requesting exceptions.

**AUDIENCE:** Individuals and Families, Administrative Entities (AEs), Supports Coordination Organizations (SCOs), Providers, and Other Interested Parties.

The Consolidated and Person/Family Directed Support (P/FDS) waivers identify specific services that have established limits that may be waived by ODP. In addition, the limit for base funded respite services is included in the ODP Bulletin 00-08-17, “*Service Definitions.*”

In order to ensure that service limit exceptions and payment extension requests are consistently recorded, tracked and processed in a timely manner, ODP is developing a standard procedure and corresponding form to record information. The form and procedure will be included as part of a draft ODP Bulletin, which will be sent out for public comment in the near future.

Until the bulletin is released as final, we are asking that AE and SCOs use the enclosed draft form (DP 1023) and procedure so that necessary information is captured and can be used to facilitate the successful payment of claims for services provided, once an exception is granted. ODP will also continue to accept requests from AEs in any alternative written format but those requests must include all the required data elements noted on the attached draft form.

Each limit exception request must be specific to an individual and be for a specific situation and period of time. Although not explicitly listed as a required data element on the form, each request must specify the procedure code, modifier if applicable, and Master Provider Index number of the provider, if the provider is known. ODP will review the request for an exception to determine that the established limit is consistent with any relevant regulations, the approved Waiver Service Definitions, and the ODP waiver program standards and is supported by information maintained in Home and

Community Services Information System, such as the individual's Individual Support Plan and service notes.

For example, a request for an exception to the 480 units per fiscal year respite limit for someone in the Consolidated Waiver must be consistent with the approved Waiver Service Definition and describe the need to supervise/support the individual "...on a short term basis due to the absence or need for relief of those persons normally providing care."

Situations that could meet these criteria include:

- Family crisis/emergency to which the primary caregiver must attend.
- Medical illness/surgery of the caregiver or other family member.
- Temporary absence of caregiver.
- Events related to another family member (college graduation, marriage, etc.).
- Need for a vacation or relief to relieve stress.

Service limit exception requests would be rejected if the request:

- Exclusively identifies the individual's need/desire for additional activities/camp, (since respite is a service to the primary caregiver(s) not the individual).
- Fails to specify why the primary care giver requires additional respite services.
- Requests services for parents to be able to continue to work while their children are out of school ("respite services do not cover the care provided to a minor child when the primary caregiver or legally responsible individual is absent due to work").

A request based solely on the individual's need for activities or camp should be critically reviewed by the AE to determine if respite is the appropriate service designation.

If a request for approval has not been granted by ODP, any claim submitted for that service will be denied (even if the service is authorized in an approved plan).

The current process to request additional Supports Coordination units beyond the annual maximum for P/FDS and Consolidated Waiver participants **remains in effect**. Please reference the letter from Deputy Secretary Kevin Casey dated August 15, 2008 along with the *SC Unit Exception Process* and *Request for Exemption to Maximum SC Units Form* for more information regarding this process.

Please contact your Regional Program Manager if there are any questions.