

## Answers to questions from the Beyond Group Homes webinar

Me to Amber Borreli (Direct Message) 10:42 AM

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Can a Special needs trust own the property?

Yes. This is a good way to ensure a person with intellectual disabilities or autism can stay in the home and protect that person from unscrupulous lenders who might try to put a lien on the house for questionable loans. Note that decisions about the home are made by the trustee of the trust although the trustee is obliged to make decisions that are in the best interest of the person.

What does HTTS stand for?

Housing Transition and Tenancy Sustaining service- a service covered under the PFDS, Community Living and Consolidated waivers (not the Adult Autism Waiver) that provides housing counseling from qualified providers.

What options are there for a young adult with aggression & self injurious behaviors?

Not a simple answer. You should seek the expert assistance of an HTTS provider to assess your child's needs, wishes and available resources to provide you with the options for your situation. You should ask your supports coordinator for a list of HTTS providers that serve your area to see if there is one who can assist you.

What day help is available under Life Sharing?

In most cases, day services are provided under the Community Participation Supports (CPS) service by the Life Sharing provider (if they also provide CPS) or another CPS provider. If the team determines that CPS is not appropriate for the individual, the Life Sharing provider agency must develop a plan for meeting the individual's daytime needs without billing for CPS. This may include having the host family provide supports during the day

Is there any way to do congregate housing?

Congregate housing of people with disabilities is disfavored by ODP as it tends to segregate people with disabilities from the greater community. In fact, there is both a regulation and a provision in the waivers that preclude waiver services being delivered to individuals living in an apartment house/condos/townhouses where more than 25% of the residents are receiving waiver services. If families wish to join together to purchase a

multiunit house or apartment building, they should be careful to ensure that at least 75% of the units are rented to people who are not on a waiver.

Can people who are on the Community HealthChoices (CHC) waiver get help from an HTTS provider?

No. Under CHC, the participant's service coordinator is responsible for providing assistance with housing. The Managed Care Organization in which the participant is enrolled may also offer additional assistance with housing but there is no separate service in CHC similar to HTTS.

Note that there are no group homes covered under CHC. The only residential option in CHC where the housing is paid for through the waiver is a nursing facility (nursing home).

What about purchasing a share in a co-op?

If the co-op share is purchased under the parent's name it will have no effect on the child's waiver eligibility. However if the child lives in that co-op rent free and is on SSI, their monthly SSI amount may be reduced. If the co-op share is in the name of the individual on the waiver and that individual is living in the co-op, it will have no effect on their eligibility for waiver. If they are also on SSI and are living there rent free, the amount of their SSI payment may be reduced.

Grandmother put her house in a special needs trust fund for her grandson with ASD & ID. This is not a home where he will live. Can this home be sold and the proceeds from the purchase be used to purchase him another home for him to live in. Can the home be sold and the proceeds be put in the SNT fund and used for grandson's wants/activities etc.? He has the consolidated waiver now.

Yes, provided the trustee agrees to the sale of the house and the purchase of another house.

Is there any new information with respect to the Commonwealth's strict interpretation of the settings rule? This would seem to rule out some much needed creative housing options.

ODP did eliminate the outright ban on farmsteads and gated communities last year although the revised language still makes it difficult to have such settings approved. The 25% maximum on waiver participants in apartments/condos/townhouses remains in effect although the feds (CMS) has stated that the federal settings rule does not require any percentage cap.

If my disabled brother owns a home, would he be able to leave the home to an heir upon his death? Or would the state take the home?

That depends on his age at the time of his death. If he were to die at age 54 or younger, the state would not be able to take the house. However, if he were to die at age 55 or older, generally the state would have a claim against his estate, including the house if it were to pass through his estate, for the cost of waiver services that he had received. This is called "estate recovery". There are several exceptions to this end there are also provisions for a "hardship waiver" where the state would waive the recovery. For more information, go to: <https://www.dhs.pa.gov/Services/Other-Services/Pages/Estate-Recovery.aspx>

Comment: Persons with complex medical needs and medically fragile are not able to use the options listed in this presentation.

Admittedly, this presentation was not focused on residential options for people with complex medical needs. Frankly, their options are more limited. Shift nursing is available under the waivers as a discrete service if the individual has other means of financing the housing. However, due to the costs, most individuals who require shift nursing will need the Consolidated waiver in order to cover the costs. In addition, there are the challenges of finding one or more home health agencies that can staff all the hours. ODP is looking to use Life Sharing to serve children with complex needs who are being transitioned from congregate care. Another option that some families have used for their adult children with complex needs is to create their own family-run group home that serves just that one adult child. This is a very complicated arrangement to set up and is beyond the scope of this presentation.