

## **MR WAIVER FUNDING FOR CAMP AND RECREATION**

For many individuals with mental retardation and their families, recreation and camp can provide important benefits. Funding for these services may be available for those individuals who participate in DPW's Home and Community-Based Services Waivers for Persons with Mental Retardation. This fact sheet briefly outlines the recreational and camp services may be covered under the Waivers.

### **What are "Waivers" for persons with mental retardation?**

Under the Medical Assistance program, states can develop "waivers" to provide services to persons with disabilities who might otherwise be institutionalized. The waivers can fund an array of services, including those that might not otherwise be covered by the Medical Assistance program (such as respite care, vocational training, and habilitation). The state can cap the number of participants in a waiver and, if it chooses, the amount of service provided.

### **What are the Pennsylvania MR Waivers?**

In Pennsylvania, there are two MR Waivers -- the "Consolidated" Waiver and the Person/Family Directed Services ("P/FDS") Waiver. The Consolidated Waiver serves about 15,000 people and makes available a broad array of community-based services for persons with mental retardation. A person accepted into the Consolidated Waiver is entitled to receive whatever waiver services he needs. The P/FDS Waiver serves about 7,300 people, but, more importantly, an individual's services provided under the P/FDS Waiver can cost no more than \$21,225 per year. Under both the Consolidated and P/FDS Waiver, individual program plans (IPPs) are developed to determine what services will be provided.

### **To what extent is camp covered under the Consolidated and P/FDS Waivers?**

Both the Consolidated and P/FDS Waivers offer "habilitation" and "respite" services. It is conceivable that some camps could be covered as "habilitation" if they provide services to assist people to acquire, retain, or improve self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings. If the program is "habilitation," there would be no limit on the amount available under either Waiver, though in the P/FDS Waiver the amount spent on camp would count against the \$21,225 annual service cap.

For the most part, however, DPW and Counties do not consider camp programs as "habilitation." Instead, such programs are considered as "respite." "Respite" means services that are "provided on a short-term basis because of the absence or need for relief of those persons normally providing the care." The Waivers explicitly refer to summer camp as a respite service. Under both Waivers, individuals are entitled to receive up to 30 days of overnight respite care (including overnight camp) per year. There is no cap on the amount of non-overnight respite care (including day camp) that can be provided under the MR Waivers; individuals are entitled to receive whatever

amount of non-overnight respite care is designated in their IPPs. Again, though, the cost of any respite care is part of the \$21,225 annual total services allowed under the P/FDS Waiver.

**Are fees at other types of recreation programs, such as YMCAs, covered through the Waivers?**

Dues and fees at certain types of recreational programs may be covered as "respite" care under the Consolidated and P/FDS Waivers, at least to the extent that the provider is a licensed provider under 55 Pa. Code Ch. 6350 (relating to "family resource services") and the individual can show that the services are used to provide short-term relief to his/her caregiver.

**Are other supports available for recreation programs through the Waivers?**

Support services to assist an individual to participate in a community recreational program may be funded as "habilitation" under both the Consolidated and P/FDS Waivers.

**What can you do if the County denies your request for camp/recreation services?**

If an individual enrolled in one of the MR Waivers is denied camp/recreation services or provided with a lesser amount than s/he requested, s/he can file an administrative appeal to DPW to challenge the County's decision. The County MR Office should issue a written notice of its decision not to provide the services or amount of services requested along with a Fair Hearing Request form and instructions for completing and filing the form to appeal the decision. An individual should request a notice from the County MR Office if it does not issue one as well as the Fair Hearing Request form and instructions. If the County issues a written notice, your appeal must be filed within thirty (30) days.

**Who can I contact for further information?**

To obtain further information about your rights under MR Waivers, including recreational and camp services, you can contact the intake system of Disability Rights Network of Pennsylvania at 800-692-7443 (voice) or 877-375-7139 (TDD).

