

# What is Emergency Waiver Capacity?

## ***What is It?***

Emergency waiver capacity is the Ohio Department of Developmental Disabilities' (DODD) attempt to keep waiver capacity available for those in emergency situations. Emergency waiver opportunities are available only if requested from DODD. Once an emergency occurs in a county, that county has the discretion to request emergency capacity to draw matching funds to assist individuals in critical situations of need. Although we hope we have adequate emergency capacity available, there should be no expectation that obtaining emergency capacity is automatic. Emergency capacity is available only to those who meet the statutory definition outlined in Ohio Revised Code (ORC) 5126.042 (A)(1) to (A)(5). Whenever emergency capacity is granted, the county covers the local match responsibility.

## ***How much is there?***

Ohio's emergency capacity has been estimated to be 3% of the total unduplicated count of current IO and LI waiver capacity. This level of emergency capacity has already been approved by CMS. Any additional waiver capacity increases will be in addition to this already-approved amount. CMS also approved that an additional 5% replacement capacity may be requested the following waiver year.

## ***How long does a county have to make a request?***

A county does not have a time limit to request emergency capacity.

## ***How do I access it?***

First, a person must meet the emergency capacity criteria established in statute. The county may make a request for emergency capacity using the form accompanying this memo. This form can be either Emailed to [waivercapacity-support@list.dodd.ohio.gov](mailto:waivercapacity-support@list.dodd.ohio.gov) or faxed to (614) 644-0501. We are working on development of a web form in the near future to allow online requests. As part of the request process, counties will need to update their PICT queue, so that the next person(s) on the county's list being requested for emergency capacity is at the top of the queue. (A function has been built into the PICT system to allow this to occur with one click of the mouse.) DODD will enter the 'DODD Approval of Submission' field, indicating the date the waiver was allocated to the individual. DODD will also notify the county when the emergency waiver has been allocated. However, like all other waiver allocations, the initial enrollment application must be submitted within 90 days of the date of allocation.

## ***Will it run out?***

We hope it won't. However, emergency capacity has not been discretely tracked at the state level in the past. We have made an estimate, and we have estimated what we felt was an adequate level of capacity devoted to cover emergencies. We will be tracking the level of emergency requests in order to make better projections of future utilization. At the beginning of the next waiver year, another allotment equal to 3% of the unduplicated count of IO and LI waiver recipients additionally will be available for emergency capacity. Again, this capacity is only available if an individual meets the definition of an emergency situation defined in statute.