

Guidance for Enrolling Individuals who are Being Released from a Department of Corrections or Department of Health Services Institution or Treatment Center into Publicly Funded Long-Term Care

This technical assistance document provides guidance to aging and disability resource centers (ADRCs) and tribal aging and disability resource specialists (tribal ADRSs) on how to proceed when an individual residing at a correctional facility, institution, state center, or secure treatment facility is referred for potential enrollment into publicly funded long-term care.

Introduction

This technical assistance document will cover individuals currently in the following public institutions:

- 1.) [The Department of Correction's \(DOC\) institutions and centers](#)
- 2.) The Department of Health Services (DHS) secure treatment centers of Sand Ridge and Wisconsin Resource Center.
- 3.) DHS's institutes for mental disease (IMD), Mendota and Winnebago Mental Health Institutes.

Throughout the remainder of this document, the aforementioned facilities, institutions, or treatment centers will be referred to using the general term "facilities." The following procedure does not apply to individuals who are currently confined to jail, are residing in an IMD for 30 days or fewer, or are residing at a center for people with intellectual disabilities (Central, Northern, or Southern Wisconsin Centers).

Definitions

DHS facilities: Mendota Mental Health Institute (MMHI), Winnebago Mental Health Institute (WMHI), Sand Ridge Secure Treatment Center (SRSTC), and Wisconsin Resource Center (WRC).

Supervised release clients: Individuals released from Sand Ridge Secure Treatment Center, but still under commitment to DHS under Wis. Stat. § 980.08. Individuals are under civil commitment until they petition for release, and discharge is approved by the court.

Conditional release clients: Individuals released from a DHS facility, but still under commitment to DHS under Wis. Stat. § 971.17. Some conditional release clients are committed directly from court and do not spend time at a DHS facility before entering the program.

DOC earned release program participants: Individuals expected to release from a DOC institution or center prior to a planned release date, due to successful program completion.

Chapter 51 Release: Individuals released from a DHS facility, but still under a Chapter 51 civil mental health commitment per Wis. Stat. § 51.67 with their county of residence.

Chapter 54/55 Release: Individuals released from a DHS facility following conversion to a temporary Chapter 54/55. These individuals can reside at a DHS facility for up to 30 days per Wis. Stat. § 51.67.

971.17 commitment expiration: Individuals released from a DHS facility when their commitment to DHS under Wis. Stat. § 971.17 has ended per court order.

Assessment or treatment to competency: Individuals committed under Wis. Stat. § 971.14 (2) or § 971.14 (5) for assessment or treatment to competency to stand trial for pending criminal charges. These individuals are released from the DHS facility following a court decision regarding competency.

Legal residency in Wisconsin: Legal residence is defined in Wisconsin statutes as follows:

1. **Wisconsin Stat. § 49.001(6):** "Residence" means the voluntary concurrence of physical presence with intent to remain in a place of fixed habitation. Physical presence shall be prima facie evidence of intent to remain.
2. **Wisconsin Stat. § 49.001(8):** "Voluntary" means according to an individual's free choice, if competent, or by choice of his or her guardian if the individual is adjudicated incompetent.
3. **Wisconsin Stat. § 51.01(14):** "Residence" has the meaning given under s. 49.001 (6).

The following four criteria must occur simultaneously. If any one of the four criteria does not apply to a person, legal residency is not established.

- The person is physically present in the state and/or county;
- The person's physical presence is voluntary;
- The person has an intent to remain in the state and/or county; and
- The person is living in a place of fixed habitation.

Supervised release clients are typically ordered to be placed in their county of residence. (Wis. Stat. § 980.105(1m)) The designated ADRC or tribal ADRS in the individual's county of residence is required to conduct the Long-Term Care Functional Screen (LTCFS) regardless of which county the individual is ordered to reside within.

Referral from Facilities

The first step is for the facility to make a referral to the ADRC or tribal ADRS that serves the county of residence. The county of residence is not necessarily the county in which the facility is located or the county in which the order or conviction took place. If the county of residence is unknown, the facility should contact the assigned human services area coordinator in [area administration](#) to assist in residency determination before contacting the appropriate ADRC or tribal ADRS.

A facility may make a referral for potential enrollment of an individual who is likely to meet an eligible [target group](#) (frail elder, physical disability, or intellectual/developmental disability) for publicly funded long term care.

Facilities can make the referral using [F-02500 Facility Referral to ADRC or tribal ADRS for Publicly Funded Long-Term Care](#) and include the following information:

- Individual's name, date of birth, verified medical and psychological diagnoses, and description of the individual's functional limitations as they relate to activities of daily living (ADLs) and instrumental activities of daily living (IADLs)
- Explanation of the determined county of residence
- Anticipated discharge or release date
- Release of information for the exchange of information between the ADRC or tribal ADRS and the facility

Referrals that do not include the information listed above will be returned to the facility by the ADRC or tribal ADRS, and will not be pursued by the ADRC or tribal ADRS until a fully completed referral is received.

Facilities will make a referral to the ADRC or tribal ADRS no earlier than six months prior to the anticipated discharge or release date. ADRCs or tribal ADRSs will follow the scope of services timeline requirements regarding contact and completion of the Long Term Care Functional Screen.

Functional Eligibility Determination

The adult Long Term Care Functional Screen (LTCFS) is a web-based application used to collect information about an individual's functional status, health, and need for assistance to determine functional eligibility for publicly funded long-term care programs that serve the frail elderly and people with intellectual and/or developmental or physical disabilities. ADRCs and tribal ADRSs complete the initial LTCFS to determine eligibility for these programs. ADRCs and tribal ADRSs are responsible for verifying or determining functional eligibility prior to release or discharge.

The LTCFS instructions state the screening process requires face-to-face contact with the individual being screened. Specifically, no screen may be completed without meeting with the individual, even if they are unable to communicate, or have a guardian of person or an activated power of attorney for healthcare.

In the instances of a referral from a facility, the ADRC or tribal ADRS may request a waiver of the face-to-face contact. The ADRC or tribal ADRS must obtain prior approval from DHS following the process outlined in the LTCFS instructions to conduct this screen without face-to-face contact. This approval may require requesting a courtesy screen from another ADRC or tribal ADRS. As a reminder, ADRCs and tribes with facilities in their service area are not obligated to complete courtesy screens if requested. If DHS agrees to waive the face-to-face requirement, the functional screen must be completed based on a review of records and must

occur during a telephone or video conference call, or internet video that includes the individual, guardian or legal representative, and a credentialed professional knowledgeable about the individual and their daily needs. In the event the request to waive the face-to-face contact is denied, the ADRC or tribal ADRS should contact their assigned regional quality specialist.

The facility may include a release of information to receive a copy of the LTCFS. Release of a functional screen to another person or any other entity requires written authorization by the person screened or their legal guardian when appropriate.

Financial Eligibility Determination

Individuals in facilities are eligible for limited Medicaid services on any day in which they are residing in a public institution. The first day they can receive services in a long-term care program is the day of discharge or release.

The facility is responsible for assuring that financial eligibility for Medicaid is established upon discharge or release for the individual. An individual who had Medicaid at the time of admission and has completed the required renewal process may have their Medicaid suspended until discharge or release. The facility will assist the individual in reopening Medicaid upon discharge or release.

If an individual does not have Medicaid at the time of admission, facility staff will assist the individual in preparing the application and interview, and in identifying the correct consortium to contact. Facility staff will inform the Income Maintenance worker that they are assisting the individual with the application.

The ADRC or tribal ADRS will complete the [Pre-Release Enrollment Agreement, F-02702](#) to include in the enrollment packet provided to the managed care organization (MCO) or IRIS consultant agency (ICA) the individual has selected.

The facility will notify the ADRC or tribal ADRS and MCO or ICA selected when financial eligibility has been determined or will be reopened.

Enrollment Counseling

Once functional eligibility has been established, the ADRC or tribal ADRS will provide enrollment counseling. Enrollment counseling can occur in person, via a telephone or video conference call, or internet video. Individuals in facilities or their legal decision maker must be presented with all the long-term care programs, MCO, and (ICA) choices available in their county of residence.

Enrollment Processing

ADRCs and tribal ADRSs should follow the process to enroll eligible individuals into Family Care, PACE, Partnership, or IRIS. The enrollment or referral form and the pre-release agreement should be sent to the MCO or ICA selected without an enrollment date. The enrollment for Family Care, PACE and Partnership is expected to be the date of discharge or release. When

Applies to:
ADRC
Tribal ADRS

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financial eligibility is determined and the release date is verified, the MCO or ICA will notify the ADRC or tribal ADRS of the enrollment date. The ADRC or tribal ADRS will update the enrollment form to include the enrollment date and resend to the MCO. The enrollment date for IRIS will be determined by the ICA and included in the start date letter. Individuals are eligible to enroll regardless of any court orders or commitments that may be in place upon their discharge or release.