

21.03-5 Priority

When a member is found to meet MaineCare eligibility and medical eligibility for these services, the priority for a funded opening shall be established in accordance with the following:

- A. **Priority 1:** Any member on the waiting list shall be identified as Priority 1 if the member has been determined by DHHS to be in need of adult protective services in accordance with 22 M.R.S.A. §3473 *et seq.*, and if the member continues to meet the financial and medical eligibility criteria at the time that need for adult protective services is determined.

- B. **Priority 2:** Any member on the waiting list shall be identified as Priority 2 if the member has been determined to be at risk for abuse in the absence of the provision of benefit services identified in his or her service plan. Examples of members who shall be considered Priority 2 include:
 - 1. a member whose parents have reached age sixty (60) and are having difficulty providing the necessary supports to the member in the family home; or
 - 2. a member living in unsafe or unhealthy circumstances but who is not yet in need of adult protective services, as determined by DHHS Adult Protective Services.

- C. **Priority 3:** Any member on the waiting list shall be identified as Priority 3 if the member is not at risk of abuse in the absence of the provision of the benefit identified in the service plan. Examples of members who shall be considered Priority 3 include:
 - 1. a member living with family, who has expressed a desire to move out of the family home;
 - 2. a member whose medical or behavioral needs are changing and who may not be able to receive appropriate services in the current living situation;
 - 3. a member who resides with family, if the family must be employed to maintain the household but cannot work in the absence of the benefit being provided to the member; or
 - 4. A member who has graduated from high school in the State of Maine, has no continuing support services outside of the school system, but is in need of such services.

21.03-6 Choosing Whom to Serve Within the Same Priority

If the number of openings is insufficient to serve all members on the waiting list who have been determined, at the time that any opening is determined to be available, to be within the same priority group, DHHS shall first determine whether each member continues to meet the financial and medical eligibility criteria to be served through

this benefit. For those who continue to meet such criteria, a planning team meeting for each member shall be held to redetermine that member's current services needs and to redevelop a current member service plan that incorporates a signed services agreement. Upon receipt of information from DHHS concerning all members within the same priority group who continue to meet financial and medical eligibility criteria and for whom current service plans have been redeveloped, DHHS shall determine which members to serve. The determination will be based on a comparison of the members' known needs, the availability of capable service providers who can adequately meet those needs, and the comparative degree of risk of abuse that each member will likely experience in the absence of the provision of the benefit.

21.03-7 Waiting List

DHHS will maintain a waiting list of eligible MaineCare members who cannot get Home and Community Benefits because a funded opening is not available. Members who are on the waiting list for the benefit services shall be served in accordance with the priorities identified above.