

New §419.7

Legend: Proposed New Rule

Regular Print = Proposed new language

§419.7 Inquiry List

(a) **Inquiry List.** A list, maintained by each LMHA, of children and adolescents as defined by §419.2 of this subchapter (relating to Definitions) who are interested in receiving YES Waiver program services and who reside in the LMHA's service area.

(1) Only a child or adolescent or the child or adolescent's LAR may place a child or adolescent's name on the inquiry list.

~~(2) The LMHA must assign the child or adolescent a registration date on the inquiry list that is based on the chronological date and time the phone call or voice message requesting YES Waiver program services was received.~~

(b) **Maintenance of Inquiry List.** The LMHA must maintain an up-to-date inquiry list.

(1) The LMHA must remove a child or adolescent's name from the inquiry list if it is documented that:

(A) the child or adolescent or LAR has requested in writing that the child or adolescent's name be removed from the inquiry list;

(B) the child or adolescent or LAR has declined in writing YES Waiver program services;

(C) the child or adolescent or LAR has not responded to the LMHA's notification of a waiver vacancy within 30 calendar days of the LMHA's notification of the vacancy;

(D) the child or adolescent has moved out of the state of Texas; or

(E) the child or adolescent is deceased.

(2) If a child or adolescent's name is removed from an inquiry list in accordance with subsection (b) of this section, and if the child or adolescent, LAR, or LMHA requests that the child or adolescent's name be reinstated on the inquiry list, the child or adolescent, LAR, or LMHA may request that DSHS review the circumstances under which the child or adolescent's name was removed from the LMHA's inquiry list. At its discretion, DSHS may:

(A) reinstate the child or adolescent's name on the inquiry list according to the original date the child or adolescent or LAR requested the child or adolescent's name be added; or

(B) add the child or adolescent's name to the inquiry list according to the date the child or adolescent or LAR requested that DSHS review the circumstances under which the child or adolescent's name was removed.

(C) DSHS removes a child or adolescent's name from an LMHA's inquiry list if DSHS has denied the child or adolescent's enrollment in the YES Waiver and the child or adolescent or LAR has had an opportunity to exercise the child or adolescent's right to appeal the decision in accordance with §419.8 of this subchapter (relating to Right to Fair Hearing) and did not appeal the decision, or appealed the decision and did not prevail.

(c) Reserve capacity. There are a percentage of vacancies in the YES Waiver program that are reserved for children or adolescents who are at imminent risk of being relinquished to state custody.

(1) If a child or adolescent whose name has been added to the LMHA's inquiry list must wait to be enrolled, then the LMHA must screen the child or adolescent for imminent risk of relinquishment.

(2) If the LMHA determines that the child or adolescent may be at imminent risk of relinquishment, the LMHA must complete the YES Waiver Reserve Capacity Screening Form and submit to DSHS for review.

(3) If DSHS determines that the child or adolescent is at imminent risk of relinquishment, DSHS must authorize the LMHA to complete the enrollment process within three business days.

(4) If a child or adolescent is denied reserve capacity, then the LMHA must assign the child or adolescent a registration date on the inquiry list that is based on the chronological date and time the phone call or voice message requesting YES Waiver program services was received.