

Open for Public Comment: Proposed Amendments to the Office of Developmental Programs' Waivers

ODP Announcement 20-115

AUDIENCE:

All Stakeholders

PURPOSE:

The purpose of this communication is to announce that the proposed amendments to the Consolidated, Person/Family Directed Support (P/FDS), Community Living, and Adult Autism Waivers are available for public review and comment. **There is a 30-day public comment period that starts on December 18, 2020 and ends on January 18, 2021.**

DISCUSSION:

The Office of Developmental Programs (ODP) is pleased to announce the opportunity for public comment on proposed changes to the Consolidated, P/FDS, Community Living, and the Adult Autism Waivers. As part of this process, ODP is seeking your valuable feedback and comments on the proposed waiver amendments.

Whenever substantive changes are made to an approved waiver, ODP must submit an amendment to the Centers for Medicare and Medicaid Services (CMS) for approval. ODP proposes to amend the Consolidated, P/FDS, Community Living, and Adult Autism Waivers. Some of the proposed changes are as follows:

- Continuation of flexibilities currently approved through Appendix K:
 - Allow for certain waiver services to be provided to participants in a medical hospital setting when criteria are met. This change aligns the waivers with the Social Security Act, which was amended by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, to allow services to be delivered in a hospital. Clarify that when participants are receiving waiver services in a medical hospital setting, they are not to be disenrolled from the waiver and waiver capacity does not need to be reserved. Reserved waiver capacity continues to be needed for

participants who do not receive waiver services while in a medical hospital and participants who are admitted to other settings where waiver services cannot be rendered (psychiatric hospital settings, rehabilitation care programs and nursing homes).

- Allow for certain services to be provided using remote technology. Through the COVID-19 pandemic, ODP has learned that there are benefits from rendering certain services remotely, according to the participant's needs.
 - Allow Supports Coordination Organizations in the Consolidated, Community Living, and P/FDS Waivers to be Organized Health Care Delivery Systems (OHCDs), which gives participants more options for receiving needed vendor goods and services.
- Clarify that the Housing Transition service in Consolidated, Community Living and P/FDS Waivers is intended to support individuals to find homes in integrated settings and not disability specific settings in alignment with the CMS Home and Community Based Settings Rule.
 - Clarify requirements for Assistive Technology in the Consolidated, Community Living, and P/FDS Waivers including:
 - Allowing for the coverage of internet service when needed for remote support equipment to function.
 - Increasing the cost of devices that require an independent evaluation from \$500 to \$750.
 - Adding qualification and variance criteria for the provision of intensive remote support to ensure the health and safety of participants and the provision of quality services.
 - Clarify the requirements for criminal history clearances to promote the safety of participants while supporting quality services from qualified staff.
 - Clarify provider qualification requirements for executive level staff in Residential Habilitation, Life Sharing and Supported Living.
 - Clarify provider qualification requirements for Residential Habilitation providers when rendering remote supports services.

The waiver amendments in their entirety can be found at [Proposed Waiver Amendments \(pa.gov\)](#).

Information regarding the proposed waiver amendment changes, including how to provide comments, can be found in the Pennsylvania Bulletin, Volume 50, Number 50 published on Saturday, December 12, 2020 at:
<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-50/1752.html>.

COMMENTS:

Interested persons are invited to submit written comments regarding the proposed waiver amendments as outlined below. Comments received by 11:59 p.m. on January 18, 2021 will be reviewed and considered for revisions to the waiver amendments submitted to CMS.

Comments should be addressed to Julie Mochon, Department of Human Services, Office of Developmental Programs, 625 Forster Street, Room 510, Harrisburg, PA 17120. Comments may also be submitted to ODP at RA-odpcomment@pa.gov using subject header "Waiver Amendment Comments."

Webinars

ODP will also hold two webinars to receive comments on the proposed waiver amendments. Dates, times and links for registration to attend these webinars are as follows:

- Public Comment Webinar for the Consolidated, Community Living, and P/FDS Waivers
 - January 11th 1pm to 3pm
<https://attendee.gotowebinar.com/register/6919419499151760396>
- Public Comment Webinar for the Adult Autism Waiver
 - January 8th 10 am to 12pm
<https://attendee.gotowebinar.com/register/7997069537232835084>

Participants are able to participate in the webinar by phone, but will need a computer to provide comments during the webinar. To assist ODP in accurately capturing comments provided during the webinars, participants are asked to submit a written copy of their comments by email or to mail to the address provided above.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Relay Service by dialing 711 or by using one of the following tollfree numbers:

(800) 654-5984 (TDD users)

(800) 654-5988 (voice users)

(844) 308-9292 (Speech-to-Speech) or

(844) 308-9291 (Spanish)

Copies of this notice and documents containing the changes proposed in the waiver amendments may be obtained by contacting Julie Mochon, Office of Developmental Programs, 625 Forster Street, Room 510, Harrisburg, PA 17120, RA-odpcomment@pa.gov.

CONTACT:

Questions about this communication should be directed to RA-odpcomment@pa.gov.