



# **Now Available: Waiver Amendments to the Consolidated, Community Living, and Person/Family Directed Support (P/FDS) Waivers Approved by the Centers for Medicare and Medicaid Services (CMS)**

## **ODP Announcement 21-087**

### **AUDIENCE:**

All interested stakeholders

### **PURPOSE:**

The purpose of this communication is to inform all interested parties of CMS' approval of amendments to the Consolidated, Community Living and P/FDS waivers (hereafter referred to as the Intellectual Disability and Autism [ID/A] waivers). The ID/A waiver amendments became effective on November 22, 2021 and are available on the Department of Human Services' website.

### **DISCUSSION:**

The Office of Developmental Programs (ODP) is pleased to announce that the amendments to the ID/A waivers were approved by CMS on November 22, 2021. As communicated in ODP Announcement 21-035, the ID/A waiver amendments were submitted to CMS on April 20, 2021. Since that time, ODP has been engaged in ongoing discussions with CMS. The following are examples of substantive changes that were made as a result of discussions with CMS:

- Additional clarification was added to the Remote Supports component of Assistive Technology regarding the control participants and unpaid supports have over the technology or equipment utilized and training on how to turn off the remote support device or equipment.
- Additional clarification was added regarding how the on-call and remote support component of Community Participation Support (CPS) as well as remote supports rendered as part of Residential Habilitation, Life Sharing and Supported Living services comply with the Health Insurance Portability and Accountability Act (HIPAA), enhance or increase each participant's independence, ensure participant safety through back-up plans, and maximize the participant's control over any technology or equipment used.
- To avoid duplication of service, a statement was added to clarify that the direct provision of Community Participation Support, as well as the on-call and remote support component, cannot be rendered on the same days and times as Remote Supports under Assistive Technology.

ODP has also received requests for clarification regarding changes to intensive supervision in Appendix G of the approved waiver amendments. Intensive supervision such as 1:1 or 2:1 staffing levels or higher is no longer considered a permitted restrictive intervention and does not require approval by a Human Rights Team. Restrictive procedures are defined by the interventions being used, regardless of how many staff members are present. The Human Rights webcast will be updated as soon as possible to reflect this change. This guidance makes communication 080-12 *Reporting Unauthorized Restrictive Interventions* obsolete.

It is important to note that ODP has identified an error in the unduplicated number of participants served each year in the Community Living Waiver in appendices B-3-a and J-

2-a. The unduplicated number of participants that can be served for Waiver Years 4 and 5 (calendar years 2021 and 2022) should be 4500 instead of 3750. ODP will post the corrected Community Living Waiver once the error has been resolved by CMS.

ODP developed a Record of Change document that contains all of the substantive changes in the approved ID/A amendments. Each full waiver application approved by CMS and the Record of Change document are available as follows:

[Consolidated Waiver](#)

[Community Living Waiver](#)

[Person/Family Directed Support Waiver](#)

ODP is also holding a webinar to provide an overview of all substantive changes in the approved ID/A amendments. The date, time and link for registration to attend the webinar are as follows:

December 13, 2021

10:00 AM to 11:00 AM

[https://attendee.gotowebinar.com/register/4315546174564445712.](https://attendee.gotowebinar.com/register/4315546174564445712)

ODP is developing two additional communications regarding the provision of remote supports in residential settings and non-residential settings, including information about webinars that will be held regarding the provision of remote supports.

**CONTACT:**

Questions about this communication should be directed to the appropriate Office of Developmental Programs Regional Office.



**OBSOLETE DOCUMENT:**

080-12: Reporting Unauthorized Restrictive Interventions