

Now Available: Amendments to the Office of Developmental Programs' (ODP) Waivers Submitted to the Centers for Medicare and Medicaid Services (CMS)

ODP Announcement 22-004

AUDIENCE:

- Individuals and Families
- Providers of Consolidated, Community Living, Person/Family Directed Support (P/FDS) and Adult Autism Waiver services
- Supports Coordination Organizations (SCOs)
- Administrative Entities (AEs)
- Other interested persons

PURPOSE:

The purpose of this communication is to inform all interested parties of the submission of the proposed amendments to the Consolidated, Community Living, P/FDS and Adult Autism Waivers to CMS.

The waiver amendments are available on the Department of Human Services' (DHS) website. It is anticipated that the amendments will be effective April 1, 2022.

DISCUSSION:

ODP is pleased to announce that the amendments for the Consolidated, Community Living and P/FDS waivers were submitted to CMS on January 3, 2022. ODP also submitted an amendment to the Adult Autism Waiver to CMS on December 23, 2021. The submitted waivers include modifications that were made as a result of public comment.

The amendments for the Consolidated, Community Living and P/FDS Waivers include the following substantive changes:

- Expanded eligibility for children with a developmental disability due to a medically complex condition.
- Delivery of direct services using remote technology. The requirements in the waivers will become effective when Appendix K flexibilities expire, six months after the expiration of the federal COVID-19 public health emergency.
- Delivery of services while the participant is hospitalized. The requirements in the waivers will become effective when Appendix K flexibilities expire, six months after the expiration of the federal COVID-19 public health emergency.
- The addition of the Family Medical Support Assistance service in all 3 ID/A waivers and the addition of Transition to Independent Living payments in the Consolidated Waiver.
- Changes to qualification requirements to ensure providers have the needed structure to support children with a developmental disability due to a medically complex condition.
- Changes to residential qualification requirements to ensure that all residential providers are adequately prepared prior to delivering a service and prior to the provider going through ODP's qualification process.

The amendment for the Adult Autism Waiver includes the following substantive changes:

- Clarification that the waiver cannot be used to fund home accessibility durable medical equipment that is covered under the Medical Assistance State Plan.
- Delivery of direct services using remote technology. The requirements in the waiver will become effective when Appendix K flexibilities expire, six months after the expiration of the federal COVID-19 public health emergency.
- Delivery of services while the participant is hospitalized. The requirements in the waiver will become effective when Appendix K flexibilities expire, six months after the expiration of the federal COVID-19 public health emergency.
- Extension of timeframes for staff training or credentialing for employment-related services.
- Increase in the threshold for obtaining an independent evaluation for Assistive Technology devices.
- Clarification on the inclusion of physical restraints in the Behavioral Support Plan.
- Requirements for obtaining criminal history clearances for staff.
- Aligning Level of Care Reevaluation procedures with current practice.

Each full waiver application, as well as a record of substantive changes, is available [online](#). CMS has 90 days to review the amendments and changes may occur to the content based upon discussion with CMS during the approval process. It is anticipated that the waiver amendments will be approved and effective April 1, 2022. ODP will inform all stakeholders when CMS has officially approved the Consolidated, Community

Living, P/FDS and Adult Autism Waivers and will make the approved waivers available at that time.

CONTACT:

Questions about this communication should be directed to the appropriate ODP Regional Office.