



The Provider Alliance  
SHARING IDEAS, RESOURCES, AND PURPOSE

# Membership Meeting

February 25, 2022

---





# Upcoming TPA Meetings

---

## **Membership Meetings**

- March 25, Kristin Ahrens, ODP Deputy Secretary
- April 29, Annual TPA Legislative Forum
- May 27

## **Other TPA Meetings & Workgroups**

- The Purchasing Edge, March 10
- Employment 1st, March 16 – Shannon Austin, OVR
- Technology Workgroup, April 13
- Council on Racial & Social Equity, April 21
- Compliance Workgroup, May 18



# TPA Updates

---

1. Statewide DSP Compensation Survey with Other PA Provider Associations
2. Representative Dan Miller Disability & Mental Health Summit
3. Equal Pay for Equal Work Advocacy Campaign Update
4. Briefing from February HR Workgroup and Council on Racial & Social Equity Meetings
5. TPA Networking Events

# EQUAL PAY FOR EQUAL WORK

AVERAGE WAGES AT STATE CENTERS ARE NOW \$4.90 MORE PER HOUR THAN COMMUNITY DSPs

When the Commonwealth Experienced Staffing Problems, the Department of Human Services Simply Increased Wages.

	AVERAGE HOURLY WAGE		
	STATE CENTERS	COMMUNITY DSPs	WAGE DIFFERENCE
JUNE 1, 2021	\$ 18.66	\$ 14.38	\$ 4.28
OCTOBER 1, 2021	\$ 19.13	\$ 14.38	\$ 4.75
JANUARY 1, 2022	\$ 19.28	\$ 14.38	\$ 4.90

STATE CENTERS NOW PAY RESIDENTIAL SERVICES AIDES \$17.48 TO \$24.19 PER HOUR

Source: Commonwealth of PA, [www.governmentjobs.com](http://www.governmentjobs.com)



# ODP Updates

---

1. Publication of Final Fee Schedule Rates for ID/A Services
2. ID Waiver Renewals Effective July 1 – Comment Period Open Through March 14
3. Neglect-Abuse Caregiver Registry Taskforce
4. Technology Taskforce
5. Information Sharing & Advisory Committee Updates (ISAC)
6. PA START Initiative in Allegheny County
7. Recent ODP Announcements and Communications



# Rick Smith

---

Director, Bureau of Financial Management and  
Program Support  
Pennsylvania Office of Developmental Programs

# Fiscal Impact of Published ID/A Fee Schedule Rates

---



Publication Date	ID Waiver Programs	ID Base Programs	Adult Autism Waiver	FY 22-23 Fiscal Impact
January 1, 2022	\$ 385,749,000	\$ 9,891,000	\$ 9,378,000	\$ 405,018,000
February 26, 2022	\$ 387,234,000	\$ 9,891,000	\$ 9,378,000	\$ 406,503,000
Difference	\$ 1,485,000	\$ -	\$ -	\$ 1,485,000

# Budget & Financial Agenda Items

---



- Proposed PA Budget for Fiscal Year 2022-23
  - ODP Initiatives and Line Items
- Publication of Final ID/A Fee Schedule Rates
  - Upload of Revised Rates and Billing Procedures
  - Gross Adjustments and Retroactive Payments: ID, AAW, Base
- American Rescue Plan Act Updates





# Budget & Financial Questions

---

1. Retroactive Payment & Gross Adjustment
  - a) ID Waiver Programs
  - b) Adult Autism Waiver
  - c) Base-Funded Services
2. Cost-reporting for ARPA one-time relief
3. ODP Claims Data Trends
  - a) Return to Services & Reopening of Programs
  - b) Location or Program Closures
4. Public Comments Received on Proposed Rates
5. Fee Schedule Changes Based on Public Comments

## Vacancy & Turnover

Poll ended | 2 questions | 24 of 24 (100%) participated

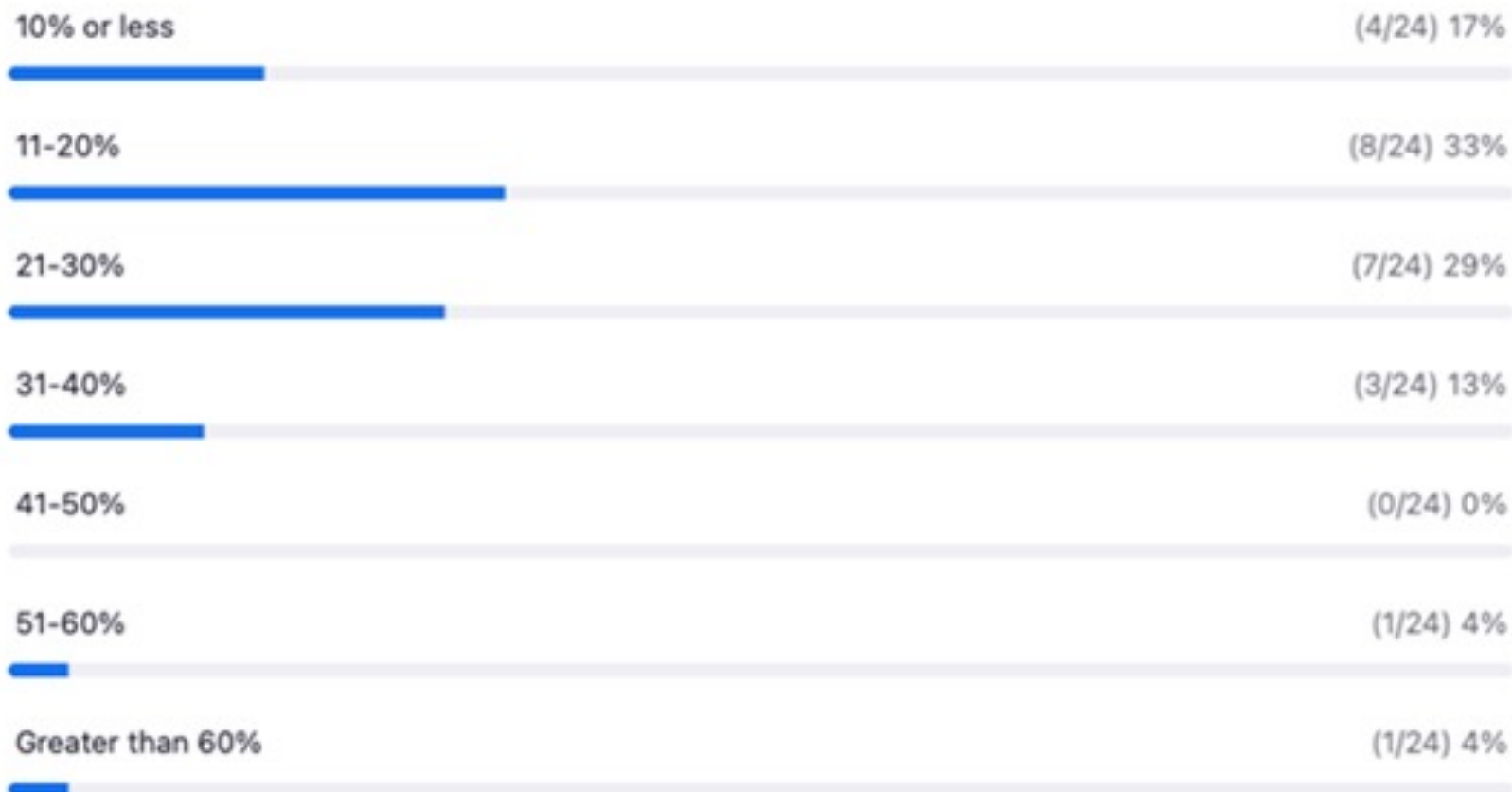
### 1. What is your current DSP Vacancy Factor? (Single Choice) \*

24/24 (100%) answered



## 2. What is your current DSP Turnover Rate? (Single Choice) \*

24/24 (100%) answered





# Questions & Discussion

---





Thank You!

---

# Fee Schedule Rate Appeal Briefing

February 25, 2022

---





Tony Holtzman  
Travis Gery

---

K&L GATES

# PA Code Title 55, Chapter 41

## MA Appeal Procedures

---



### **REQUESTS FOR HEARING, PETITIONS FOR RELIEF AND OTHER PRELIMINARY MATTERS**

#### **§ 41.31. Request for hearing.**

(a) A provider that is aggrieved by an agency action may appeal and obtain review of that action by the Bureau by filing a request for hearing in accordance with this chapter.

(b) A provider is aggrieved by an agency action if the action adversely affects the personal or property rights, privileges, immunities, duties, liabilities or obligations of the provider.

(c) When a provider files a request for hearing to contest an agency action, the program office that issued the notice of the agency action is a party to the provider appeal.



# PA Code Title 55, Chapter 41

## MA Appeal Procedures

---



(d) A request for hearing must include the following:

- (1) The name, address and telephone number of the provider.
- (2) Detailed reasons why the provider believes the agency action is factually or legally erroneous.
- (3) Identification of the specific issues that the provider will raise in its provider appeal.
- (4) Specification of the relief that the provider is seeking.
  - (i) If the provider is challenging the validity of a regulation or statement of policy in its provider appeal, the provider shall state the challenge expressly and with particularity and identify the regulation or statement of policy involved.
  - (ii) If the provider is seeking relief from an agency action, in whole or in part, through waiver of the application of a regulation, the provider shall state its waiver request expressly and with particularity and identify the regulation involved.

# PA Code Title 55, Chapter 41

## MA Appeal Procedures

---



### § 41.32. Timeliness and perfection of requests for hearing.

(a) Except as permitted in § 41.33 (relating to appeals nunc pro tunc), the Bureau lacks jurisdiction to hear a request for hearing unless the request for hearing is in writing and is filed with the Bureau in a timely manner, as follows:

(1) If the program office gives notice of an agency action by mailing the notice to the provider, the provider shall file its request for hearing with the Bureau within 33 days of the date of the written notice of the agency action.

(2) If written notice of an agency action is given in a manner other than by mailing the notice to the provider, a provider shall file its request for hearing with the Bureau within 30 days of the date of the written notice of the agency action.

# Fee Schedule Rate Appeal Member Briefing Agenda

---



## 1. Publication of Final Fee Schedule Rates

- Review of Publication and Instructions for Appeal
- Modifications by ODP to Proposed Fee Schedule Rates
- Summary of Public Comments Received by DHS/ODP

## 2. Legal and Statutory Basis for Appeal

- Title 55 Pennsylvania Code, Chapter 41. MA Provider Appeal Procedures
  - Availability of Administrative Procedures Under Regulation
  - Bureau of Hearings and Appeals
- Distinction from Litigation in Commonwealth Court

# Fee Schedule Rate Appeal Member Briefing Agenda

---



## 3. Procedural Issues

- Engagement Process
- Filing of Appeal Documents: Request for Hearing
- Discovery
- Depositions
- Settlement or Adjudication
- Funding

# Fee Schedule Rate Appeal Member Briefing Agenda

---



## 4. Basis for Appeal: Global Arguments

- Insufficient Wage Growth Captured in Fee Schedule Rate Update
- Insufficient Overtime & Health Insurance Benefits
- Insufficient Administrative Costs
- Insufficient Published Assumptions regarding Utilization, Productivity, Staffing
- Chapter 6100.571 and 1915(c) HCBS Waiver Requirements
- No Mandate to Update Fee Schedule Data until January 1, 2025

# Fee Schedule Rate Appeal Member Briefing Agenda

---



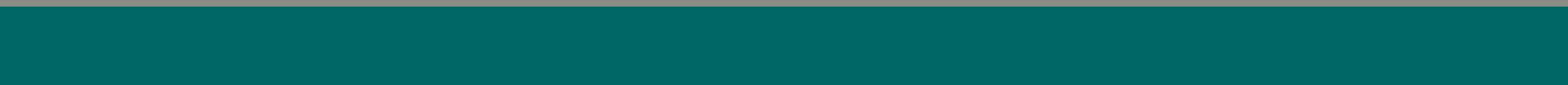
## 5. Basis for Appeal: Provider Considerations

- Financial Impact
- Service Mix
- Cost Projections
- Current Service Capacity
- Staff Vacancy & Turnover in Current Labor Market
- Strategic Considerations



# Questions & Discussion

---





Thank You!

---