

Federal COVID-19 Public Health Emergency Ending on May 11, 2023

ODP Announcement 23-023

AUDIENCE:

All interested stakeholders

PURPOSE:

To announce that the Federal COVID-19 public health emergency ends on May 11, 2023, and to provide general information about how this will impact the delivery of services through the Office of Developmental Programs (ODP).

DISCUSSION:

On February 14, 2023, the United States Secretary of Health and Human Services provided [notice](#) that the Federal COVID-19 public health emergency will end on **May 11, 2023**. The following is a high-level summary of how this will impact services rendered through the Consolidated, Person/Family Directed Support (P/FDS), Community Living, and Adult Autism Waivers (AAW).

Effective May 11, 2023, all flexibilities approved through an 1135 waiver must end. This includes:

- The ability for individuals and other Individual Support Plan (ISP) team members to give verbal consent with the content of the ISP.

- **Team member signatures must be documented on the ISP Signature Page starting May 11, 2023 (written or electronic signatures are permitted).**
- The suspension of an individual’s right to choose with whom they share a bedroom in a Residential Habilitation or Life Sharing home.
 - **Individuals who are currently sharing a bedroom with someone they did not choose due to COVID-19 or staffing shortages, must be given the right to choose with whom they share a bedroom no later than May 11, 2023. If a Residential Habilitation or Life Sharing provider is unable to accommodate an individual’s choice of whom they share a bedroom with, the provider must notify the Supports Coordinator (SCs) of the impacted individuals. The SC will schedule an ISP team meeting as soon as possible to discuss solutions.**
- The ability for Residential Habilitation to be provided in licensed vocational facilities and adult training facilities that are currently closed/not in use when needed for quarantine purposes and the provider is unable to safely quarantine individuals in their home(s).
 - **Residential Habilitation providers should develop quarantine plans that do not include the use of vocational facilities or adult training facilities. If a provider needs assistance developing quarantine plans that meet these criteria, they should contact ID Connect through their Health Care Quality Unit (HCQU).**
- The ability for Residential Habilitation to be provided in the unlicensed private home of residential habilitation staff.

- **These living situations could transition to Life Sharing if the individual, the residential staff that the individual is living with, and the ISP team are open to this option. If Life Sharing is not a viable option, the Residential Habilitation provider should determine whether the individual can move back to the home in which they previously lived, or another home operated by the provider.**

Effective November 11, 2023, all flexibilities approved through Appendix K that have not been added to the waivers must end.

Two documents that provide a brief description of flexibilities available during the COVID-19 public health emergency, including the date that the flexibilities end, are included as Attachment A (related to the Consolidated, P/FDS and Community Living Waivers) and Attachment B (related to the AAW). Additional guidance regarding how to return to regular operations (requirements in the current waivers and policies) once each flexibility ends will be published in the future.

ATTACHMENTS:

- Attachment A - Quick Guide for End Dates of COVID-19 Flexibilities in the ID/A Waivers
- Attachment B - Quick Guide for End Dates of COVID-19 Flexibilities in the Adult Autism Waiver

CONTACT:

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