

## **Coronavirus Disease 2019 (COVID-19):** **Guidance for Returning to or Discharge from Community** **Participation Support (CPS) Services** **ODP Announcement 23-025 Update**

### **AUDIENCE:**

- CPS Providers
- Supports Coordination Organizations (SCOs)
- Administrative Entities (AE)
- All Stakeholders

**Note: Updates appear in RED.**

### **PURPOSE:**

To provide guidance regarding a person-centered process to discuss and begin planning for a return to, or discharge from, CPS services for those individuals who previously indicated that they wanted to continue to receive CPS but have not yet chosen to resume the service.

### **DISCUSSION:**

Between August 15, 2022 and November 14, 2022, ODP issued two surveys for CPS providers to respond to: Survey 1 collected information on CPS service locations, and Survey 2 collected information on individuals who had received less than 5% of their authorized CPS services in the 2021-2022 Fiscal Year. Of the service locations which

responded to Survey 1, 44% indicated that they have not reached out to families and individuals in the last six months to provide updates or discuss family needs and reopening strategies. Responses to Survey 2 indicated that the family refusing for the individual or the individual refusing to receive the CPS service was one of the top reasons for the individual's utilization of less than 5% of their authorized CPS services.

As a result of these survey responses, ODP strongly encourages all CPS providers to consider, if they are not already, how to effectively communicate to individuals, families, and their support teams, the service location's most up-to-date information regarding the following:

- Infection control and mitigation strategies currently in place at the service location to ensure individuals and families can make informed decisions based upon the safety protocols in place.
  - Guidance is available in [\*\*ODP Announcement 22-033: Announcing Infection Prevention Specialist Partnership with Health Care Quality Units; and ODP Announcement 22-109: Infection Control Procedures and Mitigating the Spread of COVID-19.\*\*](#)
  - There is also up-to-date guidance from the Pennsylvania Department of Health (PA DOH) on the [\*\*COVID-19\*\*](#) and [\*\*Health Alert Network\*\*](#) websites.
- Programmatic changes made to frequency, duration of services, or location of service delivery.
  - E.g., providing services for half days instead of full days or providing more services in community locations.

- Future changes the service location may be planning to implement in either, or both, of the above categories.
- If the service location is currently closed, any planned date to resume providing CPS services.

### **Guidance for the Return to CPS Service or Discharge**

ODP provided guidance in *ODPANN 20-089: Guidance for Community Participation Support Providers in Counties in the Green Phase of the Process to Reopen Pennsylvania* that a team meeting should be held to discuss changes to the Individual Support Plan (ISP) as a result of the COVID-19 pandemic. If CPS services were going to be reduced or suspended, the provider was responsible to alert the AE. In addition, providers were not to issue a termination notice to individuals who had expressed an unwillingness to resume CPS services during the public health emergency due to health concerns.

Providers were tasked with maintaining an Order of Return list of individuals who had chosen to suspend services separate from any new referrals the provider has received since the start of the COVID-19 pandemic. Individuals with suspended CPS services were not to have services ended or removed from their plans, and providers were instructed to prioritize providing services to individuals on that list when the provider was able and when the individual was ready to resume CPS.

### **Process for Individuals Who Previously Indicated They Did Not Want to Return to CPS Services**

This guidance is intended to assist CPS providers, SCOs, and individuals with understanding the options available for CPS service delivery to enable each team to make an informed decision regarding the individual's service.

- CPS providers who currently have an Order of Return list for individuals who previously indicated they did not want to return to CPS services must contact each individual no later than **March 31<sup>st</sup>, 2023** and discuss the individual's plan to resume CPS services.
  - CPS providers must update the individual on the current and future status of CPS services offered by the provider. This includes CPS providers whose service location has remained closed and have maintained an Order of Return list for these individuals.
  - As soon as this is complete, the CPS provider must share the updated information and Order of Return list with the service location's assigned AE.
- If the individual, their family, or the Supports Coordinator (SC) communicates to the provider **prior to July 1<sup>st</sup>, 2023**, the intent to resume CPS services when the provider is able to serve the individual, the individual should be given priority on the provider's general referral waiting list if one exists.
  - Any individual remaining on the Order of Return list as of **July 1<sup>st</sup>, 2023** must be moved to the provider's general referral waiting list to receive CPS services but will not be given priority unless the individual, their family, or the Supports Coordinator (SC) communicated to the CPS provider, prior to **July 1<sup>st</sup>, 2023**, the individual's intent to resume services.
  - As of **July 1<sup>st</sup>, 2023**, CPS providers will not be expected to continue maintaining a separate Order of Return list for individuals who had

indicated they did not want to return to CPS services during the COVID-19 public health emergency.

### Process For All Individuals Who Want to Return to CPS Services

The following steps should be utilized to ensure all scenarios are considered and communicated to individuals, persons designated by the individual, and their SCs:

- The SC should ensure that the ISP is up-to-date, and that the CPS provider has access to the up-to-date version.
- The CPS provider should ensure updated information on programmatic and infection control procedures and protocols is available and provide this information to the individual, including whether CPS services are able to be provided in the CPS facility and/or the community, and if there is a planned date to resume providing CPS services if they are currently suspended.
- The CPS provider must contact the individual no later than March 31<sup>st</sup>, 2023 and ask if they are ready to resume receiving CPS services. In the event that the CPS provider is unable to contact an individual, the provider should work with the individual's SC, who can assist in contacting the individual.
  - If yes, the CPS provider will explain any waiting list that may exist. If the CPS provider has a waiting list, they will communicate to the individual that the provider will update the SCO monthly on the individual's status on the waiting list. The individual's SC will then provide monthly updates to individuals about their status on the waiting list. The provider will contact the individual and their SC when the provider is able to provide CPS services to the individual. The SC will plan a team meeting

to discuss the timeline for the individual to resume CPS services. The CPS provider should ensure that the individual's preferences, choices, and interests are incorporated into the services that will resume.

- If the individual decides they would like a change to their CPS services, including finding a different CPS provider, changing where they receive CPS services, or ending CPS services altogether, the individual or CPS provider should contact the SC. The SC should plan a team meeting to discuss alternative options available to the individual based on the individual's needs, preferences, and goals.
- If the individual has decided to resume the CPS service but is on the CPS provider's waiting list because the provider is unable to render the service and/or has not identified a return date, the CPS service may be removed from the individual's ISP until the service is able to be resumed, if all of the following has occurred:
  - The CPS provider has reached out to the individual regarding their placement on the waiting list and has provided the AE with all updates on the provider's Order of Return list according to the guidance in this communication.
  - The CPS provider has notified the individual and their SC of the barriers to service delivery and there is a reasonable expectation that services will not begin prior to July 1, 2023.

- The CPS provider must issue notice in accordance with Chapter 6100.304 related to written notice.
- The AE must issue due process rights upon approval/authorization of ISPs where CPS is reduced, suspended, or terminated.

#### Process For Individuals Who No Longer Want to Return to CPS Services

If the individual no longer wants to receive the CPS service, from any provider, the CPS service may be removed from their ISP. Prior to the removal of the service, the CPS provider must reach out to the individual and provide the AE with all updates on the provider's Order of Return list according to the guidance in this communication. As of July 1<sup>st</sup>, 2023, this will include all individuals on the CPS provider's Order of Return list who were contacted by the CPS provider but have not responded about their intent to resume their CPS service.

#### **25% Time in Community and Variance Forms:**

**On February 4, 2022, ODP published ODP Announcement 22-010, regarding version 3 of the Operational Guide to implement services during the COVID-19 pandemic. The Operational Guide states that the requirement to provide services in community locations for a minimum of 25% of participant time in service is suspended and the Waiver Variance Form does not need to be completed when the 25% threshold is not achieved. Under current guidance, this exemption will remain in effect until Appendix K ends, which will be six months after the end of the federal public health emergency declaration. In addition, while COVID-19 may impact the amount of time individuals spend in the community, providers must still ensure that opportunities in the community are offered based on the individuals' preferences, choices, and interests.**

**The link to Version 3 of the Operational Guide can be found at the end of this announcement.**

**Masking Policies:**

ODP is aware that some providers require a mask to be worn by individuals to receive services. ODP advises CPS providers to carefully and thoughtfully review both Centers for Disease Control and Prevention (CDC) masking guidance and federal guidance on the Americans with Disabilities Act (ADA). Neither the CDC nor the ADA are overseen by the ODP. ODP cannot provide interpretation or guidance to providers on how to meet this guidance. There are resources at the end of this announcement which offer guidance to be used for CPS providers to consider when developing policies.

**Closing Service Locations:**

If a provider plans to permanently close a service location, there are several steps which must be taken. Required forms, such as the *DP 1061 (Provider Closure Notification Form)*, instructions, and tip sheets mentioned below can be found at [Provider](#)

**Qualification and Enrollment – MyODP.**

1. Per the 55 Pa. Code Chapter 6100, a service location closure is a valid reason for involuntary transfer or change of provider (55 Pa. Code § 6100.303). If a provider plans to permanently close a service location, the provider must issue written notice as required by 55 Pa. Code § 6100.304 for the individual(s) for whom they are planning to discharge from services, including individuals on the Order of Return list.
2. The provider should refer to the *HCSIS Provider Access Updates Tip Sheet* for how to remove the service location from HCSIS.



3. The assigned AE should also be informed of the planned service location closure, in addition to any other AEs with individuals who have authorizations at the service location.

The provider must comply with all applicable Chapter 6100 regulations regarding transition to a new provider (§§6100.301 – 307). After everyone has transitioned out of the service location (if applicable) and no one is receiving services in the facility:

1. The provider must fill out the Approved Program Capacity (APC) and Noncontiguous Form request to close the service location (Sections A & B) and submit this to the Regional Waiver Capacity Manager.
2. Providers must notify ODP’s Licensing Unit of the service location’s closure and complete the “PROMISe Provider Service Location Change Request” form.
3. The Regional Waiver Capacity Manager makes a determination on the APC and Noncontiguous Form and will email the form back to the provider.

If there are any questions that arise during this process, please contact your regional ODP office. The ODP regional office will review with you the steps taken and planned to ensure compliance with all regulatory requirements, including that you included the required content in the discharge notice.

**ADDITIONAL RESOURCES:**

ODP would like to remind CPS providers of the availability of assistance through the ID Connect program. Additional information can be found in [ODP Announcement 22-033](#).

*ODP Announcement 22-010 Now Available: Version 3 of the ODP Operational Guide – For the Intellectual Disability/Autism Waivers During the Federal COVID-19 Public Health Emergency*, and the attached Operational Guide, can be found at [www.myodp.org](http://www.myodp.org).

For information, guidance, and training on the ADA, you can visit the ADA National Network at <https://adata.org>.

**QUESTIONS:**

Any questions regarding infection control and mitigation strategies, or about the ID Connect program, should be directed to [ra-pwodpemrgncyrspq@pa.gov](mailto:ra-pwodpemrgncyrspq@pa.gov).

All other questions can be directed to the ODP regional offices or the ODP Customer Service Line at 1-888-565-9435.

**OBSOLETE DOCUMENTS:**

*ODP Announcement 20-089: COVID-19 Guidance for Community Participation Support Providers in Counties in the Green Phase of the Process to Reopen Pennsylvania*