

ODP Announcement

Public Comment Opportunity: Draft HCBS Provider Self-Assessment Tools

ODP Communication Number 022-18

The mission of the Office of Developmental Programs is to support Pennsylvanians with developmental disabilities to achieve greater independence, choice and opportunity in their lives.

AUDIENCE: All Interested Parties.

PURPOSE: The purpose of this announcement is to inform stakeholders that the draft Home and Community Based Services (HCBS) Provider Self-Assessment Tools are available for public comment.

BACKGROUND:

Providers of the following services will be required to complete the HCBS Provider Self-Assessment in response to the Home and Community-Based Services (HCBS) Settings Rule, published by the Centers for Medicare and Medicaid Services (CMS) in 2014:

- Community Participation Support in the Consolidated, Person/Family Directed Support and/or Community Living waivers.
- Day Habilitation in the Adult Autism Waiver and/or Adult Community Autism Program.
- Residential Habilitation in the Consolidated waiver and/or Adult Autism Waiver.
- Life Sharing in the Consolidated and/or Community Living waivers.
- Family Living in the Adult Autism Waiver.

The HCBS Settings Rule requires that states assess all residential and non-residential settings which receive funding or payment through an approved HCBS waiver. The intent of the HCBS Settings Rule is to:

- Ensure individuals receiving HCBS have full access to benefits of community living and the opportunity to receive services in the most integrated setting appropriate;
- Enhance the quality of HCBS; and
- Provide protections to participants.

This includes opportunities to seek employment, work in competitive and integrated settings, engage in community life, control personal resources and receive services in the community to

the same degree as people who do not receive HCBS.

CMS required states to develop a Statewide Transition Plan describing the process for bringing all HCBS settings into compliance with the rule no later than March 17, 2019. As part of the Statewide Transition Plan, for which Pennsylvania has received initial approval from CMS, ODP must initially assess each HCBS setting to determine compliance. ODP has chosen a self-assessment for non-residential and residential service providers. This HCBS Provider Self-Assessment will assist in identifying potential areas of non-compliance and allow the provider to develop a corrective action plan outlining how they plan to achieve full compliance.

While CMS has given states an extension to ensure all settings have achieved compliance with the rule by March of 2022, various requirements and effective dates have been built into ODP's waivers and upcoming regulations which will impact the dates by which compliance must be achieved.

It is important to note intent of the self-assessment is not to close or terminate any home or community-based services but instead, to work with individuals, providers, and other stakeholders to transition these waiver services to meet compliance with the HCBS Settings Rule and the vision of ensuring individuals are fully integrated into the community, afforded choice, and have their health and safety needs met.

One HCBS Provider Self-Assessment will be required to be completed for each service location enrolled for the following services at the time the HCBS Provider Self-Assessment is disseminated:

- Community Participation Supports
- Day Habilitation
- Residential Habilitation
- Life Sharing
- Family Living

For the purposes of the non-residential self-assessment:

- "Services" refers to community participation support and day habilitation services.
- 'Service location' refers to the address identified in HCSIS by a provider where services are provided or managed.
- 'Setting' refers to the physical location/specific address where the service is delivered.

For purposes of the residential self-assessment:

- 'Services' refers to the array of services a participant may receive as part of their Residential Habilitation or Life Sharing service.
- 'Service location' refers to the address of the participant's home.

- ‘Residential habilitation’ services are the direct and indirect services provided to participants who live in licensed or unlicensed provider owned, rented or leased residential settings.
- ‘Life Sharing’ services are direct and indirect, provider agency managed services that occur in the licensed or unlicensed home of a host family or the participant.

Compliance with the HCBS Settings Rule for service settings for all other ODP waiver services will be completed through the Quality Assessment and Improvement (QA&I) process. ODP anticipates the HCBS Provider Self-Assessments being conducted in April and May 2018.

DISCUSSION:

ODP piloted draft HCBS Provider Self-Assessment tools for non-residential and residential services in January 2018. Adjustments to the self-assessment instruments were made based on feedback received through the pilot.

The HCBS Provider Self-Assessments are organized by section of the applicable HCBS Settings federal regulations and the accompanying federal regulation citations are included in the self-assessment tools. Please note that because ODP has included numerous provisions in our HCBS waivers to support compliance with the federal regulations, many questions that appear are specific to implementation of ODP waiver requirements and are aimed at getting a broader picture of provider efforts toward integration in each setting.

Please note that the attached draft self-assessments are provided in PDF format for ease of review and public comment. The actual HCBS Provider Self-Assessments will be completed using a web-based electronic format. If an accessible format is needed for your review during the public comment period, contact PAODPHCBS@pcgus.com to request.

The attached *PA HCBS Residential Provider Self-Assessment (Attachment 1)* and *PA HCBS Non-Residential Provider Self-Assessment (Attachment 2)* are available for public comment until March 16, 2018. Comments should be submitted to: PAODPHCBS@pcgus.com or mailed to:

Julie Mochon, Department of Human Services
Office of Developmental Programs
625 Forster Street, Room 510
Harrisburg, PA 17120.

Comments received through March 16, 2018 will be reviewed and considered for revisions to the draft self-assessment tools.

The Department will also hold a webinar to receive comments on the proposed self-assessment tools.

Webinar: March 6, 2018 1:00-2:30pm

Registration Link:

<https://pcgus.webex.com/pcgus/j.php?MTID=ea3235d9730b09444b7d3a74ed5892820>