

ODP Regulations for Community Services

Office of Developmental Programs
September 2018

5 CHAPTERS



- **Chapter 6100** replaces Chapter 51 - Program and fiscal rules for services provided in facilities and in the home.
- **Chapters 2380, 2390, 6400 and 6500** - Program requirements for licensed residential and day facilities.
- Chapters 6100 and the four licensing chapters are aligned to provide continuity across all programs, eliminate conflict for providers and reduce DHS oversight complexity and costs. Six areas of compatibility:
 - Individual planning.
 - Individual rights.
 - Staff training.
 - Incident management.
 - Medication administration.
 - Restrictive procedures.



SCOPE



- **Programs**

- ✓ Medicaid HCBS 4 waiver programs.
- ✓ Medicaid State Plan HCBS.
- ✓ Base-funded services funded through grants to counties.

- **Individuals**

- ✓ 53,000 in residential and day facilities and living with families.

- **Service Providers**

- ✓ 1,060 provider agencies
 - ❖ 5,400 community homes with a capacity of 18,700
 - ❖ 1,600 life sharing homes with a capacity of 2,500
 - ❖ 420 adult training facilities with a capacity of 26,400
 - ❖ 170 vocational facilities with a capacity of 21,700

PURPOSE



- Alignment with Federal HCBS Rule.
- Quality in service delivery.
- Health, safety and rights protections.
- Competitive integrated employment requirements aligned with Gov's Employment First Executive Order.
- Accountability in the utilization of public resources.

Stakeholder engagement began December 2014

- Regulation Work Group of 45 individuals, families, advocates, universities, county programs, providers.
 - Met for 15 days, over 4 years.
- 60 meetings with interested stakeholder groups.
- Fiscal Work Group held 10 meetings in 2015.

Proposed Rulemaking: November 5, 2016

- Comment Period: 45 days
- 349 public comments on the proposed rulemaking

Advance Notice of Final Rulemaking (ANFR) regarding fee-based rate setting: August 19, 2017

- Comment period: 30 days
- 90 public comments on the ANFR



BENEFITS



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- **INDIVIDUALS, FAMILIES AND ADVOCATES**

- Strengthens rights.
- Protection from unplanned discharge.
- Prohibition of restraints except for emergency use.
- Medication administration by trained staff.
- New children's section.
- Stronger provider standards.
- Standards for facility size and location to assure community inclusion.

- **PROVIDERS**

- Simplify and streamline all applicable regulations.
- Clarified claims documentation and progress note requirements.
- Mandated 3-year data update for the fee-based rates.
- Changes for determining reserved capacity.
- No facility needs to close.

Cost increases:

- New costs due to the wider net of background checks
 - Cost is generally \$8.00 per person.
- New costs due to the broadened scope of staff training
 - Basic training: abuse prevention, incident reporting and rights apply to all positions.
 - ODP providing training programs at no cost to providers.
 - Training costs assumed in provider rates.

Cost savings:

- Smarter monitoring requirements; more efficient.
- Reduced training hours for CEOs, senior management staff and support coordinators.
- Financial protection for providers re: reserved capacity.
- Abbreviated medication course for life sharing homes.

Major Changes from Proposed Rulemaking to Final:

- Reduction of requirements for *Quality Management*. § 6100.45
- Addition of a new section on Children's Services. § 6100.56 *
- Elimination of the proposed concept of a broad-based *Rights Team*. § 6100.52 in proposed rulemaking *
- Elimination of the proposed *Annual Training Plan*. § 6100.141 in proposed rulemaking *
- Revision of *Documentation of Claims*; Addition of *Progress Notes*. § 6100.226
- Elimination of the proposed *Education* section. § 6100.263 in proposed rulemaking
- Revision of *Restrictive Procedures* to align with the current Licensing Chapters. § 6100.341-6100.350 *
- Revision of *Incident Management* to provide two tiers of reporting and to require that only certain incidents be investigated by a certified investigator. § 6100.401-6100.402 *
- Revision of *Facility Characteristics*. § 6100.444-6100.445; § 6100.446-6100.447 in proposed rulemaking
- Revision of the *Fee Schedule Rates* to address the concerns of the regulated community. § 6100.571

*Changes were also made to Chapters 2380, 2390, 6400 and 6500.

❖ Target Dates

- October 18, 2018 – Approval by the IRRC and Legislative Committees
- December 7, 2018 – Approval by the Attorney General
- December 29, 2018 – LRB Publication in *Pennsylvania Bulletin*

❖ Effective Dates

- Date of Publication – Reserved Capacity, Claims, Progress Notes, Payment, Enforcement, AWC, OHCDS, Vendors
- March 17, 2019 – Size of Service Location
- 120 Days following publication – Licensing and Remaining Sections of Chapter 6100