

## Requirements Regarding the Number of Individuals Served in Licensed Facilities that Provide Community Participation Support or Day Habilitation Services

### ODP Announcement 19-034

#### **AUDIENCE:**

Individuals and Families; Providers of Community Participation Support in the Consolidated, Community Living, or Person/Family Directed Support Waiver; Providers of Day Habilitation in the Adult Autism Waiver; Supports Coordination Organizations; Administrative Entities; County Programs; Other Interested Parties

#### **PURPOSE:**

To clarify requirements regarding the number of individuals that can be served in a licensed Adult Training Facility (55 Pa. Code Chapter 2380) or a licensed Vocational Facility<sup>1</sup> (55 Pa. Code Chapter 2390). This communication contains requirements that apply to new licensed Adult Training Facilities and Vocational Facilities as well as relocations of these facilities.

#### **DISCUSSION:**

The Community Participation Support service definition in the Consolidated, Community Living, and Person/Family Directed Support (P/FDS) Waivers as well as the Day Habilitation service definition in the Adult Autism Waiver state that services may not be provided in a licensed facility that is newly funded on or after March 17, 2019 and serves more than 25 individuals in the facility at any one time. This number includes individuals who receive services funded through a source other than the waivers included in this communication; such as private pay, base funding, Community Health Choices, etc. This

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<sup>1</sup> Services cannot be provided in licensed Vocational Facilities in the Adult Autism Waiver.

requirement is also contained in the 55 Pa. Code Chapter 6100 regulations (regarding services for individuals with an intellectual disability or autism) which have not been published to date.

**Due to the delay in the publication of the 55 Pa. Code Chapter 6100 regulations, this requirement is being delayed to July 1, 2019.** For the purposes of this requirement, from July 1, 2019 to December 31, 2021, only new licensed Adult Training Facilities and Vocational Facilities will be considered “newly funded.” Effective January 1, 2022, relocations (facilities that are currently licensed to operate at one physical site that subsequently move to a new physical site) will be considered “newly funded” and will have to meet the requirement to serve no more than 25 individuals at any one time in a licensed setting. New requirements for relocations, which are effective immediately, are contained in the relocations section below.

Effective January 1, 2022, Community Participation Support and Day Habilitation services may not be provided in any licensed Adult Training Facility or Vocational Facility that serves more than 150 individuals at any one time. This number includes individuals who receive services funded through a source other than the waivers included in this communication.

#### Reason for Change

The Office of Developmental Programs (ODP) engaged stakeholders in the redesign of day habilitation and prevocational services as part of the Consolidated and P/FDS waiver renewals in 2017. These discussions as well as stakeholder discussions about integration standards outlined in the 55 Pa. Code Chapter 6100 regulations resulted in the establishment of size limitations for facilities providing Community Participation Support or Day Habilitation services. Further, research on service location size demonstrates that size does impact multiple quality of life dimensions and outcomes. The National Council on Disability's 2015 report "Home and Community-Based Services: Creating Systems for Success at Home, at Work and in the Community" concluded that "Small, personalized, settings increase opportunities for personal satisfaction, choice, self-determination, community participation, and feelings of well-being. Small settings are similarly associated with decreases in (1) the use of services, (2) feelings of loneliness and (3) service-related personnel and other costs."

### New Licensed Facilities

- New licensed Adult Training Facilities and Vocational Facilities that will enroll to render Community Participation Support or Day Habilitation services on or after July 1, 2019 may not serve more than 25 individuals in the facility at any one time. Serving more than 25 individuals in a facility at any one time is not a requirement for licensure; it is a requirement for reimbursement through the Consolidated, Community Living, P/FDS, and Adult Autism Waivers (hereafter referred to as ODP Waivers). The provider may not receive reimbursement through the ODP Waivers for services any individual receives in the facility during the time that more than 25 individuals are receiving services in the facility.
- When applying for a new licensed facility, applicants will be asked if they wish to limit the licensed capacity to 25 or less. Applicants that choose a licensed capacity of more than 25 individuals will be referred to ODP staff for additional technical guidance regarding the potential impact for ODP Waiver funding for services provided in the facility.
- Providers do not have to request Approved Program Capacity for this purpose.
- Ongoing compliance with the requirement to serve 25 or less individuals at any time will be verified through various methods including onsite visits, claims data reviews, and documentation reviews.

### Relocations of Existing Licensed Facilities

Effective January 1, 2022, relocations will be considered “newly funded” and will have to meet the requirement to serve no more than 25 individuals at any one time in a licensed setting.

From the publication of this communication until December 31, 2021, licensed Adult Training Facilities and Vocational Facilities that relocate an existing service location to a new service location who intend to serve more than 25 individuals at any one time in the new location must submit the following information in writing (mail or email) to the appropriate ODP staff as identified in Attachment 1:

- Explanation why the provider cannot relocate and/or reconfigure their business model to comply with the requirement to serve no more than 25 individuals at any one time.

- Information about how much time individuals receiving Community Participation Support and/or Day Habilitation services are spending in the current facility and target dates for increasing time in the community in the new location. The expectation is that providers should be looking for new service locations that promote more community participation and integration in the individuals' communities. This may mean that the provider should be considering locations in multiple communities to support those they serve.
- The number of individuals currently served in the licensed setting at any one time, as well as assurance that the provider will not exceed this number after the relocation occurs. Providers are not to relocate to new licensed settings to increase the number of people they can serve in that setting.

ODP staff will inform the provider of whether the relocation is approved or denied for the purpose of being eligible for funding through an ODP Waiver. Once approved, ongoing compliance (increases in the percentage of community participation and integration in the individuals' communities and serving the number of individuals they are approved to serve) will be verified through various methods including onsite visits, claims data reviews, and documentation reviews.

**Attachments:**

Attachment 1 – ODP Staff to Contact for Relocation Approval

Questions about this communication should be emailed to [RA-odpcomment@pa.gov](mailto:RA-odpcomment@pa.gov).