

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

ODP Announcement 19-084

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:

Due to the continued delay of the publication of the 55 Pa. Code Chapter 6100 regulations, the requirement that Community Participation Support and Day Habilitation services not be provided in a licensed facility that is newly funded that serves more than 25 individuals in the facility at any one time has been delayed to January 1, 2020. This communication maintains previous clarification contained in ODP Communication 19-034 regarding the number of individuals that can be served in a newly licensed Adult Training Facility (55 Pa. Code Chapter 2380) or a licensed Vocational Facility¹ (55 Pa. Code Chapter 2390) 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

¹ Services cannot be provided in licensed Vocational Facilities in the Adult Autism Waiver.

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 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 continued delay in the publication of the 55 Pa. Code Chapter 6100 regulations, this requirement is being delayed to January 1, 2020. For the purposes of this requirement, from January 1, 2020 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 became effective on March 15, 2019 with the release of ODP Communication 19-034, 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 licensed 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.

Reasons 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.” When it comes to employment, a study published by Parris and Granger in the Journal of Vocational Rehabilitation in 2008 estimated that 40% to 70% of those seeking employment find their jobs through others in their social network. Building social networks happens person by person which supports settings that provide personalized services to a small number of people.

New Licensed Facilities

- New licensed Adult Training Facilities and licensed Vocational Facilities that will enroll to render Community Participation Support or Day Habilitation services on or after January 1, 2020 may not serve more than 25 individuals in the facility at any one time. Serving no 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 March 15, 2019 until December 31, 2021, licensed Adult Training Facilities and licensed Vocational Facilities that relocate an existing service location to a new service location which 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

Obsolete Document:

ODP Communication 19-034, *Requirements Regarding the Number of Individuals Served in Licensed Facilities that Provide Community Participation Support or Day Habilitation Services*

Questions about this communication should be emailed to RA-odpcomment@pa.gov.