

Now Available: Open for Public Comment: Proposed Amendments and Fee Schedule Rates for Services Impacted by Waiver Amendments

ODP Announcement 21-072

AUDIENCE:

All Stakeholders

PURPOSE:

The purpose of this communication is to announce that the proposed amendments to the Consolidated, Community Living, Person/Family Directed Support (P/FDS) and Adult Autism (AAW) Waivers are available for public review and comment. ODP is also making available for public review and comment the rate setting methodology and proposed Fee Schedule Rates for services in the Waivers that are impacted by the proposed amendments. There is a 30-day public comment period that starts on October 16, 2021 and ends on November 15, 2021.

DISCUSSION:

The Office of Developmental Programs (ODP) is pleased to announce the opportunity for public comment on proposed changes to the Consolidated, Community Living, P/FDS and AAW Waivers. As part of this process, ODP is seeking your valuable feedback and comments on the proposed waiver amendments. Information regarding the proposed waiver amendment changes, including how to provide comments, can be found in the Pennsylvania Bulletin, Volume 51, Number 42 published on Saturday, October 16, 2021 at:

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-42/1736.html>

ODP proposes the following substantive amendments to all four waivers effective January 1, 2022:

- Promote health, wellness, and safety by allowing certain services to be provided in a hospital consistent with amendments to the Social Security Act by the Coronavirus Aid, Relief, and Economic Security (CARES) Act.
 - In the Consolidated, P/FDS, and Community Living Waivers, services that can be provided when a participant is hospitalized are: Supplemental Habilitation, In-Home and Community Support, Companion, Supports Broker, Supports Coordination, and Behavioral Support.
 - In the Adult Autism Waiver, Specialized Skill Development, Temporary Supplemental Services, and Supports Coordination can be provided when a participant is hospitalized.
 - Participants who receive services when hospitalized will not be disenrolled from the Waiver and will not need to have Waiver capacity reserved for them to allow them to reenroll in the Waiver when discharged from the hospital.
- Promote self-direction, choice, and control by allowing certain services to be provided directly to the participant using remote technology.
 - In the Consolidated, P/FDS, and Community Living Waivers, direct services that can be rendered using remote technology are: Community Participation Support, In-Home and Community Support, Companion, Behavioral Support, Supported Employment, Communication Specialist,

Music Therapy, Art Therapy, Therapy Services, Consultative Nutritional Services, and Supports Broker.

- In the Adult Autism Waiver, direct services that can be rendered using remote technology are: Day Habilitation, Career Planning, Supported Employment, Specialized Skill Development, Therapies – Counseling, and Nutritional Consultation.
- Reduce duplication of services by clarifying that the Waivers cannot be used to fund home accessibility durable medical equipment that is covered under the Medical Assistance State Plan.

The following proposed changes solely apply to the Consolidated, P/FDS, and Community Living Waivers:

- Support people with complex needs by expanding waiver eligibility for children under age 22 with a developmental disability due to a medically complex condition. This includes adding a new service, Family Medical Support Assistance service, and amending definitions and provider qualifications for Homemaker/Chore, Home Accessibility Adaptations, Life Sharing, Residential Habilitation, and Respite services to meet the needs of these participants.
- Increase participants' access to needed vendor goods and services by allowing Supports Coordination Organizations to be Organized Health Care Delivery Systems.
- Promote independence and choice by implementing payments to providers that successfully transition participants from a licensed home where Residential Habilitation services are provided to 4 or fewer people to a home where Life Sharing or Supported Living services are provided.

The revisions to the Waivers resulted in the need for the following proposed changes to Fee Schedule Rates:

- Effective January 1, 2022, additional Fee Schedule Rates will be added for Life Sharing provided through the Consolidated Waiver and for the new Family Medical Support Assistance service to support children under age 22 with a medically complex condition provided through the Consolidated, Community Living and P/FDS Waivers.
- Effective January 1, 2022, two one-time per participant Transition to Independent Living fee schedule payments will be paid to Consolidated Waiver providers that successfully transition participants from a licensed home where Residential Habilitation services are provided to 4 or fewer people to a home where Life Sharing or Supported Living services are provided. The first payment will be made after the new Life Sharing or Supported Living service is rendered to the participant. The second payment will be made after the participant has received six consecutive months of Life Sharing or Supported Living services from the provider if, the participant is still residing in the setting to which the participant transitioned and is expected to continue to reside in that location and receive the Life Sharing or Supported Living services.
- Effective six months after the expiration of the federal public health emergency, two additional Fee Schedule Rates will be added for the provision of Community Participation Support using remote technology through the Consolidated, Community Living, P/FDS and Adult Autism Waivers.

The proposed Fee Schedule Rates are included in the notice and the following table.

Service Name	Staffing Level	Procedure Code	Statewide Fee	Enhanced Communication Statewide Fee
Medically Complex Life Sharing Needs Group 4	1-person home	TBD	\$435.94 (per day unit)	\$501.33 (per day unit)
	2-person home	TBD	\$274.00 (per day unit)	\$315.10 (per day unit)
Family Medical Support Assistance	1:1	TBD	\$18.41 (per 15-minute unit)	\$21.17 (per 15-minute unit)
Remote Community Participation Support	1:1 to 1:5	TBD	\$4.94 (per 15-minute unit)	\$5.68 (per 15-minute unit)
	1:6 and above	TBD	\$1.91 (per 15-minute unit)	\$2.20 (per 15-minute unit)
Transition to Independent Living Payment	First Payment	TBD	\$15,000 (paid when outcome achieved)	N/A
	Second Payment	TBD	\$15,000 (paid when outcome achieved)	N/A

The waiver amendments, the side-by-side documents and the assumption logs used to develop the Fee Schedule Rates are available at

<https://dhs.pa.gov/Services/Disabilities-Aging/Pages/2022-Proposed-Waiver-Amendments.aspx>. Please note the following:

- The format of the side-by-side documents have changed and are now referred to as record of change documents. While the column regarding current waiver language has been removed, readers can continue to see the changes to the current waiver language in the record of change documents.
- Amendments to the Consolidated, Community Living and Person/Family Directed Support Waivers that were proposed to be effective on July 1, 2021 as communicated in ODP Announcement [21-054](#) are still pending approval with the Centers for Medicare and Medicaid Services (CMS). For this reason, you will not see those changes in the waiver amendments effective January 1, 2022 that are posted for review even though ODP still plans on implementing the changes in those previous amendments as soon as they are approved by CMS.

COMMENTS:

Interested persons are invited to submit written comments regarding the proposed waiver amendments as outlined below. Comments received by 11:59 p.m. on November 15, 2021 will be reviewed and considered for revisions to the waiver amendments submitted to CMS.

Comments should be addressed to Julie Mochon, Department of Human Services, Office of Developmental Programs, 625 Forster Street, Room 510, Harrisburg, PA

17120. Comments may also be submitted to ODP at RA-odpcomment@pa.gov using subject header "Waiver Amendment Comments."

WEBINARS

ODP will also hold three webinars to receive comments on the proposed Waiver amendments: two webinars for the Consolidated, P/FDS and Community Living Waivers and one for the Adult Autism Waiver.

The date, time, and link for registration to attend the webinars for the **Consolidated, P/FDS and Community Living Waivers** are as follows:

November 2, 2021

10:00 AM. to 12:00 PM

<https://register.gotowebinar.com/register/79013522320162318>

November 4, 2021

1:00 PM. to 3:00 PM

<https://register.gotowebinar.com/register/2957278777628553998>

The date, time, and link for registration to attend the webinar for the **Adult Autism Waiver** is as follows:

November 3, 2021

1:00 PM to 2:30 PM

<https://register.gotowebinar.com/register/6427060397959469070>

Individuals are able to participate in the webinar by phone but will need a computer to provide comments during the webinar. To assist ODP in accurately capturing comments provided during the webinars, individuals are asked to submit a written copy of their comments by email or to mail to the address provided above.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Relay Service by dialing 711 or by using one of the following tollfree numbers:

(800) 654-5984 (TDD users)

(800) 654-5988 (voice users)

(844) 308-9292 (Speech-to-Speech) or

(844) 308-9291 (Spanish)

Copies of this notice and documents containing the changes proposed in the waiver amendments may be obtained by contacting Julie Mochon, Office of Developmental Programs, 625 Forster Street, Room 510, Harrisburg, PA 17120 or by emailing

RA-odpcomment@pa.gov.

CONTACT:

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