



OLTL Updates MLTSS Committee

October 4, 2022

Agenda

- Minimum Data Set (MDS) Data –
 - looking to answer the question if additional people are going into a nursing facility (NF) due to the unavailability of direct care workers (DCW).
 - Question asked on the MDS
 - Data pre-COVID and post-COVID

Effective 10-01-2017

Pennsylvania
MDS 3.0 Section S

Section S		Pennsylvania Specific Items
Demographic and Background		
S0113. Resident Living Situation Prior to Admission Complete only if A0310A = 01.		
<input type="checkbox"/> <input type="checkbox"/>	01. Resident lived alone without services 02. Resident lived alone with services 03. Resident lived with caregiver in the home who is able to assist with daily medical and custodial needs 04. Resident lived in congregate situation 99. None of the above	
S0114. Support Person Complete only if A0310A = 1 – 6 or A0310F = 10		
<input type="checkbox"/>	Resident has one or more support person(s) who are positive towards discharge. 0. No 1. Yes	
S0120. ZIP Code of Prior Primary Residence Enter the first five digits of the zip code. Complete only if A0310F = 01,12		
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
S0123. County Code of Prior Primary Residence Enter the three-digit code from table. Complete only if A0310F = 01,12		
	Code 999 if out-of-state <input type="text"/> <input type="text"/> <input type="text"/>	
S0521. Primary Reason for Admission Complete only if A0310A = 01		
<input type="checkbox"/> <input type="checkbox"/>	01. Significant change in functional status 02. Deterioration in cognitive status 03. Change in the availability/status of primary caregivers 04. Difficulty arranging or paying for needed in-home care or support 05. Failed to succeed in residential care home 06. Short term rehabilitation or skilled care 99. None of the above	
Discharge After Discharge		
S8010H1. Picture Date Reporting Complete only if A0310F = 11		
Check if applies <input type="checkbox"/>	Check this item if the assessment is a Discharge Return Anticipated assessment (DRA) AND is to be used as a Discharge Return Not Anticipated (DRNA) for Picture Date reporting requirements	

MDS – Question 0521 - Responses

Blanks mean that the item was not filled out.

“ ^ ” means that the item was skipped.

01 = Significant change in functional status

02 = Deterioration in cognitive status

03 = Change in the availability/status of primary caregivers

04 = Difficulty arranging or paying for needed in-home care or support

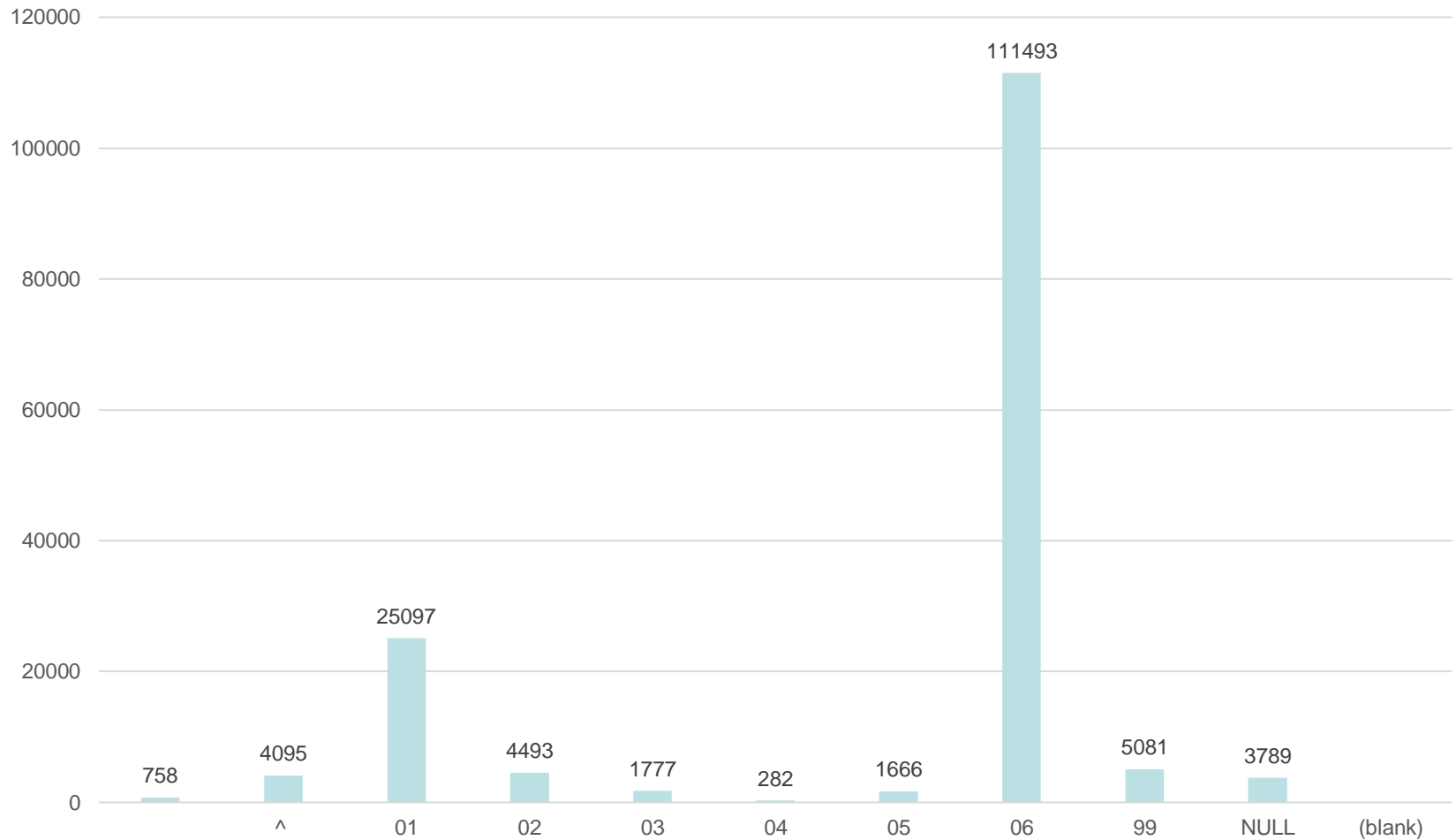
05 = Failed to succeed in residential care home

06 = Short term rehabilitation or skilled care

99 = None of the above.

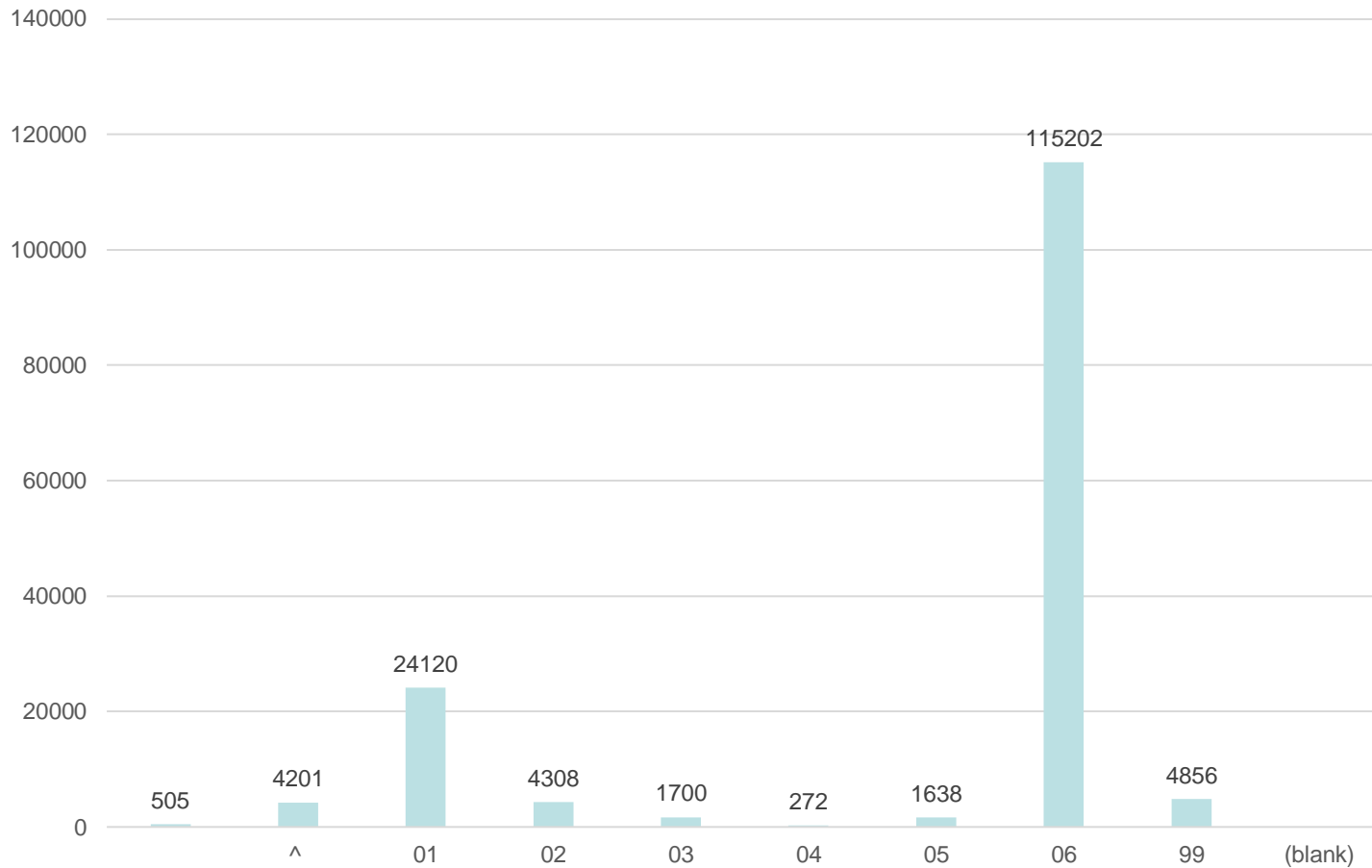
2018 Responses

2018 Results to Question 0521



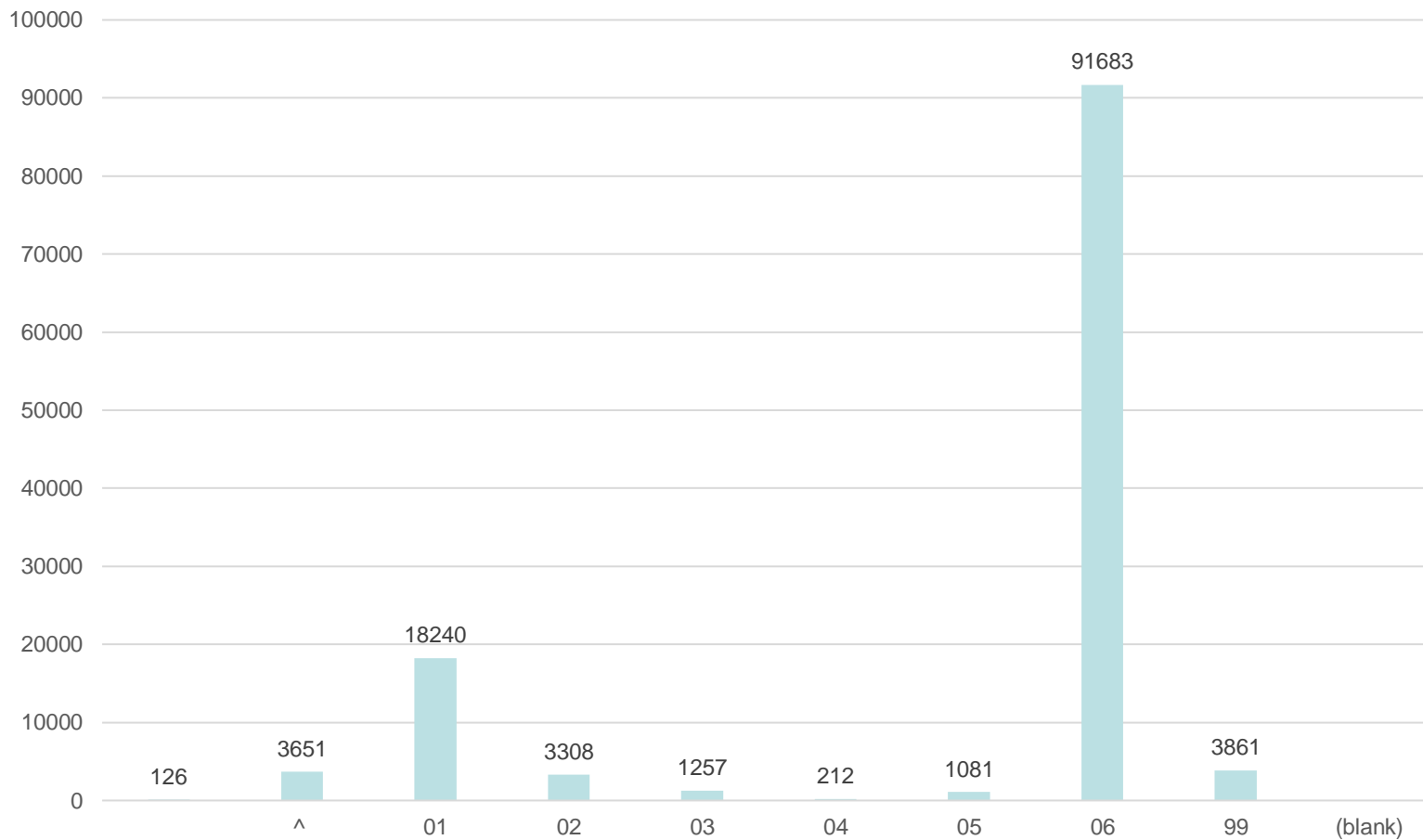
2019 Responses

2019 Results to Question 0521



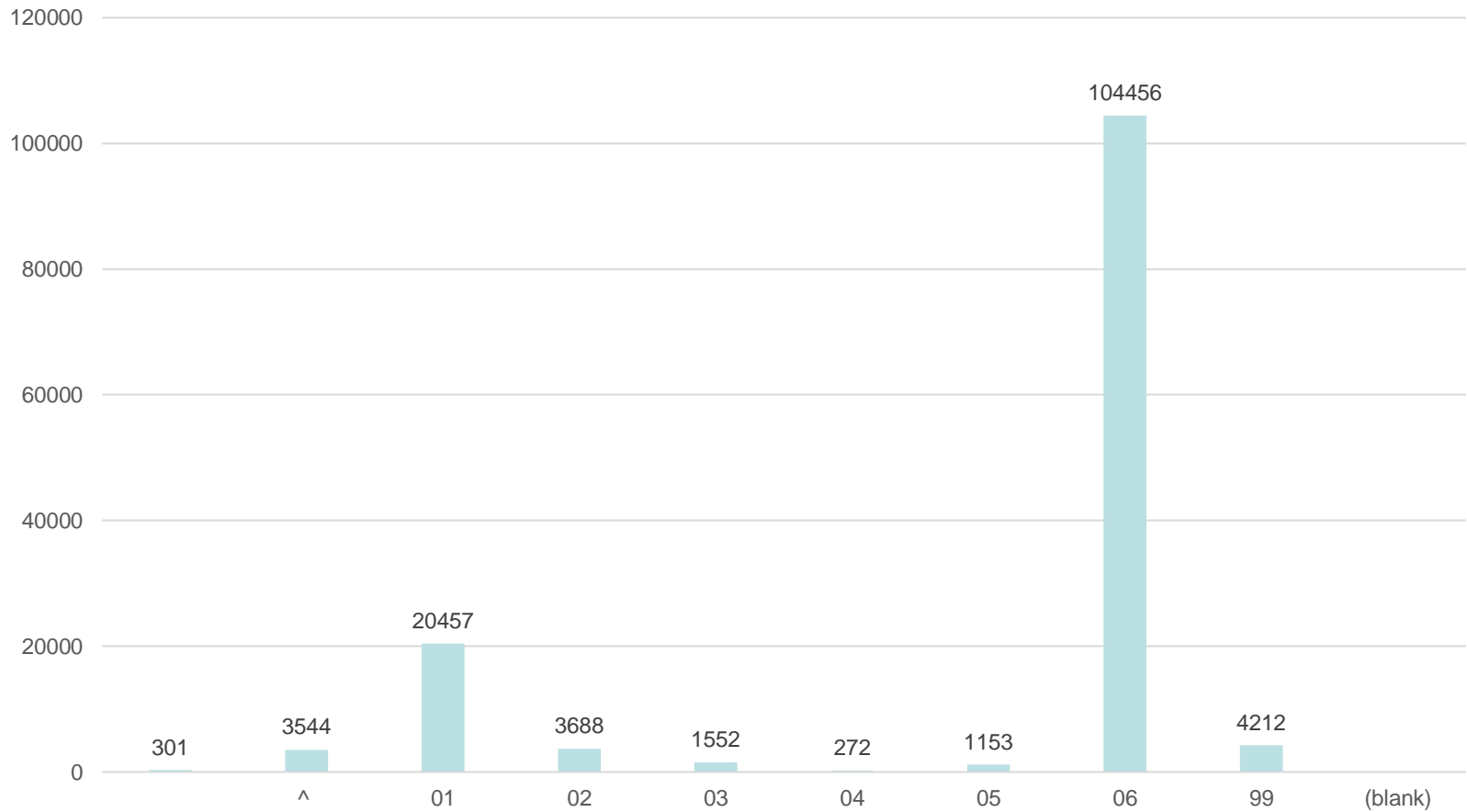
2020 Responses

2020 Results to Question 0521



2021 Responses

2021 Results to Question 0521



Summary

	2018	2019	2020	2021
03 = Change in the availability/status of primary caregivers	1777	1700	1257	1552
% of 03 Reason	1.10%	1.08%	1.02%	1.11%
04 = Difficulty arranging or paying for needed in-home care or support	282	272	212	272
% of 04 Reason	0.20%	0.17%	0.17%	0.19%

Questions?





Community HealthChoices (CHC) Waiver Amendment

**Managed Long-Term Services and Supports Subcommittee Meeting
October 4, 2022**

CHC 1915(c) WAIVER AMENDMENT

Amendment will have a proposed effective date of April 1, 2023.

Purpose of the Amendment:

- Add Agency with Choice (AWC) as Financial Management Services (FMS) model for the participant-directed services of Personal Assistance Services and Respite.
- Amend service definitions:
 - Benefits Counseling
 - Nursing Services
 - Occupational Therapy Services
 - Physical Therapy Services
 - Speech and Language Therapy Services
- Modify Service Coordinator and Service Coordinator Supervisor qualifications to align with the CHC Agreement.
- Add a performance measure to monitor the AWC vendor.

AGENCY WITH CHOICE

- OLTL is proposing to add the AWC model of Financial Management Services (FMS) for the participant-directed services of Personal Assistance Services (PAS) and Respite.
- With this amendment, OLTL will formally add AWC as a model of FMS under Employer Authority.
 - Currently, the F/EA is the only recognized model of FMS.
- Adding AWC as a model of FMS will affect Appendices A, C, D, E, and H of the CHC 1915(c) waiver.
- AWC will not change any requirements for Services My Way (Budget Authority).
- Under AWC, the participant selects and directs their worker, but is supported by an agency that provides administrative functions to the direct care workers recruited by the participant.
- Offering this additional option is a benefit to those participants that that wish to undertake some level of employer responsibility while retaining the support of an agency for others.

AGENCY WITH CHOICE APPENDIX A

- Add AWC as a model of FMS to support participant-direction and explain the AWC vendor's functions and participant responsibilities.
- Under AWC, the participant is the managing employer and OLTL adds language to explain the participant's role as a managing employer.
 - **The participant or participant's representative serves as the managing employer. Managing employers are responsible for activities that include, but are not limited to:**
 - **Selecting and dismissing direct care workers;**
 - **Referring qualified direct care workers to the AWC vendor for hire;**
 - **Directing the responsibilities of their direct care workers;**
 - **Scheduling and arranging for back-up services (with assistance from the AWC vendor as requested);**
 - **Training the direct care workers to meet the participant's needs.**
- Add OLTL's responsibility to manage the AWC agreement.
- Add Performance Measure AA-8 for OLTL to monitor and measure the AWC vendor's performance.

AGENCY WITH CHOICE APPENDIX C (1 OF 2)

- Add language that the AWC vendor will be required to complete criminal background checks just as the F/EA is required to do so.
 - Direct care workers who are employed by waiver participants must have criminal history clearances completed prior to hire, facilitated through the F/EA **or the AWC vendor** as described below, so that participants can make an informed decision on whether to employ a worker who has a criminal record.
 - Under participant-direction, the CHC-MCOs' Fiscal Employer/Agent (F/EA) vendor **or the Agency with Choice (AWC) vendor** is responsible for securing criminal history background checks for prospective direct care workers prior to hiring workers. In addition, the F/EA **or the AWC vendor** must have a system in place to 1) document that the criminal history background check was conducted, and 2) notify individuals of the results of the background check, and 3) document the individual's decision to employ a direct care worker with a criminal record and their acceptance of responsibility for their decision.

AGENCY WITH CHOICE APPENDIX C (2 OF 2)

- Add language that the AWC vendor will be required to complete child abuse clearances just as the F/EA is required to do so.
 - The CHC-MCOs' F/EA vendor **or the AWC vendor** is responsible for securing clearances for prospective direct care workers. In addition, the F/EA **or the AWC vendor** must have a system in place to document that the clearances were conducted.
- Add language that the AWC vendor must ensure service delivery matches the units authorized based on the PCSP similar to the F/EA requirement.
 - When a common-law employer (CLE) submits a timesheet for their employee, the F/EA will ensure that units are available based on the available authorization(s) and that the DCW is paid at the rate established by their CLE. **Similarly, when the AWC vendor submits a claim to the CHC-MCO, the CHC-MCO will ensure that the units are available based on the authorized PCSP. As an additional check, DHS/OLTL will review encounter data for AWC FMS participants regularly to ensure that services have been provided based on the PCSP and that rates paid are correct and only for authorized services.**

AGENCY WITH CHOICE APPENDIX D

- Add that the AWC vendor is responsible for submitting reports to monitor service utilization.
 - In addition, the Fiscal/Employer Agent (F/EA) **and the Agency with Choice (AWC) vendor assist OLTL**, the CHC-MCOs and their Service Coordinators in monitoring service utilization for Participants who are self-directing their services. The F/EA **and the AWC vendor are** required to provide monthly reports to common law employers, **managing employers**, the CHC-MCO, and CHC service coordinators, which display individual service utilization (both over and underutilization) and spending patterns.

AGENCY WITH CHOICE APPENDIX E

- Appendix E is the most revised Appendix relating to AWC.
 - AWC is described in the Appendix in more detail.
- There will be a public comment period for the proposed amendment that will include detailed information about the specific changes to the Appendix.
- A high-level overview of the proposed changes to Appendix E are:
 - Add AWC vendor's responsibilities and describe participant's role as the managing employer.
 - Add AWC responsibilities regarding orientation and training for participants and direct care workers.
 - Add AWC responsibilities for personal representatives. They are similar to that of the F/EA.
 - Add AWC vendor and the procurement process.
 - Add the scope of the AWC model of FMS.
 - Add information that the F/EA and AWC vendor must report on service utilization.
 - Add OLTL monitoring responsibilities of the AWC vendor.

AGENCY WITH CHOICE APPENDIX E: TRAINING (1 OF 2)

The AWC vendor is responsible for providing orientation and training to the participant and direct care worker. Orientation and training materials are developed by the AWC vendor and are approved by OLTL and include, at minimum, the following:

Participant (Managing Employer) Orientation and Training.

- The AWC vendor provides orientation and training materials to participants within 14 calendar days of the notification that the participant chose the AWC model of FMS and prior to participant's receipt of services from a direct care worker.
- Orientation and training materials address the role and responsibilities of the participant as a managing employer, which includes:
 - Information on selection and referral of potential direct care workers to the AWC vendor for hire;
 - Training by participants for direct care workers on how to meet the participant's needs;
 - Determining direct care worker schedules and responsibilities;
 - Managing the work performed by direct care workers in a supervisory capacity.

AGENCY WITH CHOICE APPENDIX E: TRAINING (2 OF 2)

The AWC vendor is responsible for providing orientation and training to the participant and direct care worker. Orientation and training materials are developed by the AWC vendor and are approved by OLTL and include, at minimum, the following:

Direct Care Worker Orientation and Training.

- The AWC vendor provides orientation and training and materials to direct care workers within 14 calendar days of the participant's referral of a potential direct care worker to the AWC vendor and prior to the direct care worker being able to provide services to participants. The AWC vendor must:
 - Maintain documentation to verify a direct care worker's completion of orientation and training.
 - Train direct care workers in accordance with 28 Pa. Code § 611.55 (relating to competency requirements) and 55 Pa. Code § 52.21 (relating to staff training). Such training shall also include, but is not limited to, the development and implementation of relevant participant directed orientation curriculum, program responsibilities and requirements, including but not limited to EVV requirements.

AWC AND F/EA COMPARISON (1 OF 2)

Activity	Traditional Agency Model	Agency with Choice (AWC)	Fiscal/Employer Agent (F/EA)
Employer of Record / holder of federal Employer Identification Number (EIN)	Home Care Agency	AWC entity	Participant
Recruits / selects workers	Home Care Agency	Participant	Participant
Interviews workers	Home Care Agency	Participant and AWC entity	Participant
Officially hires workers	Home Care Agency	AWC entity	Participant
Determines hourly wage	Home Care Agency	Participant and AWC entity (within established ranges)	Participant (within established ranges)
Pre-employment background checks	Required; conducted by Home Care Agency	Required; conducted by AWC entity	Required; conducted by F/EA
Trains workers	Home Care Agency	AWC entity in collaboration with the Participant	Participant
Provides employer-sponsored benefits	Home Care Agency per agency's policy	AWC entity (per requirements laid out in RFA)	Not Available

AWC AND F/EA COMPARISON (2 OF 2)

Activity	Traditional Agency Model	Agency with Choice (AWC)	Fiscal/Employer Agent (F/EA)
Schedules workers	Home Care Agency	Participant	Participant
Manages worker's on-the-job work activities	Home Care Agency	Participant	Participant
Approves worker's timesheet	Home Care Agency with participant input	Participant	Participant
Reports / pays taxes and insurance	Home Care Agency	AWC entity	F/EA
Pays workers	Home Care Agency	AWC Entity	F/EA
Evaluates worker	Home Care Agency	AWC entity with input from the participant	Participant
Decides to no longer utilize the worker for services	Home Care Agency	Participant	Participant
Terminates worker	Home Care Agency	AWC Entity	Participant

BENEFITS COUNSELING

- OLTL proposed to amend the Benefits Counseling service definition to remove the requirement that participants must access Office of Vocational Rehabilitation (OVR) services before accessing Benefits Counseling in the waiver. OLTL has found that benefits counseling from OVR is not comparable to Benefits Counseling in the waiver; therefore, OLTL is removing this barrier in the service definition so participants can access the waiver service sooner.

NURSING, PHYSICAL THERAPY, OCCUPATIONAL THERAPY, SPEECH AND LANGUAGE THERAPY

- OLTL is making the following technical edit in response to the CARES Act amendment to sections 1814(a) and 1835(a) of the Social Security Act, nurse practitioners and physician assistants, in addition to physicians, may prescribe and order the following services:
 - Nursing Services
 - Occupational Therapy Services
 - Physical Therapy Services
 - Speech and Language Therapy Services

SERVICE COORDINATOR QUALIFICATIONS

Service Coordinators must:

Be a registered nurse (RN) or have a Bachelor's degree in social work, psychology or other related fields **with practicum experience**, or in lieu of a Bachelor's degree, have at least three (3) or more years of experience in a social service or health care related setting.

Remove the requirement to have practicum experience to allow more individuals to meet Service Coordinator qualifications.

Service Coordinator supervisors must **be an RN** **or** have a Master's degree in social work or in a human services or healthcare field and three years of relevant experience with a commitment to obtain either a Pennsylvania social work or mental health professional license within one year of hire.

Correction to the supervisor paragraph in Appendix D-1-a to match Appendix C-1-c and the CHC Agreement.

OBRA Waiver Amendment

OBRA 1915(c) WAIVER AMENDMENT

Amendment will have a proposed effective date of April 1, 2023.

Purpose of the Amendment:

- Add AWC as an FMS model for the participant-directed services of Personal Assistance Services and Respite.
- Amend the Benefits Counseling service definition.
- Amend the responsibilities of the Fiscal/Employer Agent by removing the requirement to have a support broker because the support broker activities are currently being provided either by the F/EA or by the service coordinators and would be duplicative.
- Revise performance measures:
 - Remove Performance Measure AA-6 because the data is being captured in AA-5 .
 - Add Performance Measure AA-8 for OLTL to monitor and measure the AWC vendor's performance.

OBRA 1915(c) WAIVER AMENDMENT

- The proposed addition of Agency with Choice (AWC) to the OBRA waiver is the same as for the CHC waiver with some exceptions:
 - There is no role for the CHC-MCOs in the OBRA waiver.
 - OLTL Bureau names and responsibilities have been updated.
- The Benefits Counseling service definition changes are the same as in the CHC waiver.
- For Nursing, Physical Therapy, Occupational Therapy and Speech and Language Therapy – the technical edit adding nurse practitioners and physician assistant as prescribers for these services was already added to the OBRA waiver effective July 1, 2022 (not a substantive change).
- Appendix H has been updated to reflect the current Quality Improvement Strategy.
 - OLTL has consistently improved its Quality Improvement Strategy but has not updated Appendix H recently to reflect these practices.

OBRA 1915(c) WAIVER AMENDMENT

- Amend the responsibilities of the Fiscal/Employer Agent (F/EA) by removing the requirement for a Support Broker.
 - The duties designated to the Support Broker are being conducted by the F/EA and Service Coordinators.
 - This change was made to the CHC waiver effective January 1, 2021.
 - OLTL's rationale for removing the Support Broker from the OBRA waiver is the same as it was for the CHC waiver.



Public Notice and Comment Period

PUBLIC NOTICE AND COMMENT PERIOD

- Public Notices for CHC and OBRA will be published in the *Pennsylvania Bulletin* with a tentative publication date in mid to late October.
- There will be a 30-day public comment period for written comments.
- After publication of the notices, proposed changes can be viewed by going to the [OLTL Waiver Amendments and Renewals \(pa.gov\)](#)
- Specific to the OBRA waiver - the Public Notice will include rates for PAS (Agency with Choice) and Respite (Agency with Choice).

Comments or Questions?