

Now Available: Pennsylvania's Heightened Scrutiny Locations Submitted to the Centers for Medicare and Medicaid Services (CMS)

ODP Announcement 23-013

AUDIENCE:

All Interested Parties

PURPOSE:

To inform all interested parties of the submission of Pennsylvania's Heightened Scrutiny locations to the Centers for Medicare and Medicaid Services (CMS). The information submitted is available on the Department of Human Services' (Department) website.

DISCUSSION:

CMS requires states to identify any locations where waiver services are provided that meet one or more of the following criteria:

- Settings that are located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment
- Settings that are in a building located on the grounds of, or immediately adjacent to, a public institution; and/or
- Any other settings that have the effect of isolating individuals receiving waiver services from the broader community of individuals not receiving Medicaid Home and Community-Based Services (HCBS).

These locations are presumed to be institutional and must be submitted to CMS for a Heightened Scrutiny review. On February 1, 2023, the Department submitted all locations identified as requiring a Heightened Scrutiny review by CMS. The information submitted may be viewed at the bottom of this webpage:

<https://www.dhs.pa.gov/Services/Assistance/Pages/HCBS-Statewide-Transition-Plan.aspx>.

The Department released information about each location on November 19, 2022, for a 30-day period of public comment. The Department received written and verbal comments specific to locations that render services through ODP from 5 individual stakeholders and organizations. A summary of comments received, and Department responses are available on the Department of Human Services (DHS) webpage referenced above.

CMS will complete a Heightened Scrutiny review of the information submitted by the Department. Through the following Heightened Scrutiny review process, CMS will determine whether each location has the qualities of a home and community-based setting:

- CMS will compile a random sample of locations to review.
- CMS will review all information presented by the Department and other parties for each location selected for the review sample.
- CMS will either approve the Department's assertion that the location meets the Home and Community-Based Services Rule requirements or provide feedback to the Department on missing information, questions for clarity, or reason(s) why CMS cannot agree that a location is able to overcome the presumption that it is an institution.

- CMS may request to review additional locations or suggest changes to the Department's heightened scrutiny review process if the sample review highlights concerns. If warranted, CMS may conduct an onsite review as well.

CMS will make final heightened scrutiny review determinations available at <https://www.medicaid.gov/medicaid/home-community-based-services/statewide-transition-plans/index.html>.

COMMENT:

Questions about Heightened Scrutiny or this communication should be directed to ra-pwhcbsfinalrulepl@pa.gov.