

# Open for Public Comment: Proposed Office of Developmental Programs' (ODP) Waiver Amendments and Rates for Select Services in Fiscal Year (FY) 2023-2024

## ODP Announcement 23-043

### AUDIENCE:

All Stakeholders

### PURPOSE:

The purpose of this communication is to announce that the proposed amendments to the Consolidated, Person/Family Directed Support (P/FDS), Community Living, and Adult Autism Waivers and proposed rates for select services are available for public review and comment. **There is a 30-day public comment period that starts on May 27, 2023 and ends on June 27, 2023 at 11:59 PM.**

### DISCUSSION:

ODP is pleased to announce the opportunity for public comment on proposed changes to the Consolidated, P/FDS, Community Living, and the Adult Autism Waivers. These proposed changes are scheduled to take effect November 1, 2023. ODP is also making available for public review and comment the rate setting methodology and fee schedule rates for select services in the waivers that are scheduled to take effect January 1, 2024.

Whenever substantive changes are made to an approved waiver, ODP must submit an amendment to the Centers for Medicare and Medicaid Services (CMS) for approval. As

part of this process, ODP is seeking your valuable feedback and comments on the proposed waiver amendments.

Some of the substantive proposed changes to all four waivers are as follows:

- Increase community participation for individuals receiving Community Participation Support (CPS) or Day Habilitation services and create administrative efficiencies for these services.
- Improve quality of services provided by adding provider qualification standards that address financial preparedness and experience rendering services.
- Prevent individuals from losing services due to changes in CPS or Transportation Trip rates by allowing exceptions to annual service limits in the P/FDS and Adult Autism Waivers.
- Increase employment of individuals by allowing CPS, Day Habilitation, Career Planning, and Supported Employment services to assist individuals with contacting relevant agencies and obtaining documents needed to access employment supports and services that educate participants on the impact of employment on current benefits.
- Improve quality and support provider innovation through inclusion of supplemental payments.

Some of the substantive proposed changes to the Consolidated, Community Living and P/FDS Waivers are as follows:

- Promote the health, wellness and safety of individuals receiving services by adding a Specialty Health Assessment and Coordination service.

- Support individuals with complex needs by clarifying what must be in the risk mitigation policy for Life Sharing providers when serving individuals with a medically complex condition.

Some of the substantive proposed changes to the Adult Autism Waiver (AAW) are as follows:

- Continue to allow Family Support to be delivered via teleservices when the flexibilities allowed by Appendix K expire six months after the expiration of the federal COVID-19 public health emergency.

The waiver amendments in their entirety can be found at

<https://www.dhs.pa.gov/Services/Disabilities-Aging/Pages/2023-Proposed-Waiver-Amendments.aspx>.

#### **Rates:**

Additional Fee Schedule Rates are being added for:

- Group Music Therapy, Art Therapy, and Equine Assisted Therapy services provided through the Consolidated, Community Living and P/FDS Waivers.
- Needs Group 5 Residential Habilitation services provided through the Consolidated Waiver and Life Sharing Without Day services provided through the Consolidated and Community Living Waivers.

The new Specialty Health Assessment and Coordination service in the Consolidated, Community Living, and P/FDS Waivers will be reimbursed monthly as a vendor service based on the cost that the provider charges to the general public.

The rate changes proposed above are planned to become effective January 1, 2024.

In addition, ODP proposes to adopt the temporary enhanced rates for CPS and Transportation Trip as the fee schedule rates on November 1, 2023. ODP had originally planned to end these enhanced rates six months after the end of the federal COVID-19 public health emergency.

Information regarding the proposed waiver amendment changes and rates, including how to provide comments, can be found in the Pennsylvania Bulletin, Volume 53, Number 21 published on Saturday, May 27, 2023, at:

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol53/53-21/701.html>.

#### **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 June 27, 2023, will be reviewed and considered for revisions to the waiver amendments submitted to CMS. Comments and requests for copies of this notice and documents should be addressed to Julie Mochon, Department of Human Services, Office of Developmental Programs, 625 Forster Street, Room 510, Harrisburg, PA 17120.

Comments and requests for copies of this notice and documents may also be submitted to ODP at [RA-odpcomment@pa.gov](mailto:RA-odpcomment@pa.gov). Comments submitted should use subject header "Waiver and Rate Comments."

#### **WEBINARS**

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

The dates, times, and links for registration to attend the webinars for the **Consolidated, P/FDS and Community Living Waivers** are as follows:

**June 9, 2023**

2:00 p.m. to 3:30 p.m.

<https://attendee.gotowebinar.com/register/9086430493386490975>

**June 14, 2023**

10:00 a.m. to 11:30 a.m.

<https://attendee.gotowebinar.com/register/412826365048911710>

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

**June 15, 2023**

1:00 p.m. to 2:30 p.m.

<https://attendee.gotowebinar.com/register/3649989807848063576>

Participants are able to participate in the webinar by phone but will need a computer to provide comments during the webinar.

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)

- (844) 308-9291 (Spanish)

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