

## IMPLEMENTATION OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS) SETTINGS RULE IN PENNSYLVANIA

The [Home and Community-Based Services \(HCBS\) Rule](#) ensures people who receive HCBS have full access to the benefits of community living and are able to receive services in the most integrated setting. It protects individuals' rights to privacy, to make choices and to control the decisions in their lives, including controlling personal resources; being treated with dignity and respect; freedom from coercion and restraint; and having the protections of a lease or other legally enforceable agreement. The rule requires a person-centered process for planning HCBS; individuals direct the planning process, and the plan reflects their own preferences and goals they have set for themselves.

## PA's APPROVED STATEWIDE TRANSITION PLAN (STP)

### WHAT IS A STP?

All states were required to complete an initial assessment of compliance with the HCBS Rule.

The STP describes the process and results of the initial assessment as well as how the state will ensure ongoing compliance with the HCBS Rule.

### PLAN DETAILS:

- Public comment on the STP from August 22, 2022 to September 22, 2022
- STP approved by the CMS on August 24, 2023
- Pennsylvania's STP includes Office of Child Development and Early Learning (OCDEL), Office of Long-Term Living (OLTL), and Office of Developmental Programs (ODP)

## EFFORTS TO ENSURE ONGOING COMPLIANCE

### Licensing

ODP completes licensing inspections of the following:

- Adult Training Facilities
- Vocational Facilities
- Community Homes
- Life Sharing Homes

The Office of Mental Health and Substance Abuse Services (OMHSAS) and Office of Children, Youth and Families (OCYF) complete licensing inspections of other homes funded by ODP.

### Quality Assessment & Improvement

Through the Quality Assessment and Improvement (QA&I) process, a comprehensive quality management review is conducted of all county programs, Administrative Entities, Supports Coordination Organizations, and providers who deliver services and supports to individuals.

While compliance with requirements is part of the QA&I process, the main objective is to emphasize quality and quality improvement.

### Individual Monitoring

Supports Coordinators are required to visit and speak with everyone enrolled in one of ODP's waivers on a regular basis. Supports Coordinators use the *Individual Support Plan Monitoring Tool* to verify that each individual is receiving the appropriate type, amount, scope, duration, and frequency of services to address the individual's needs and desired outcomes. Some of the questions ensure HCBS Rule requirements are being met.

### Additional Individual Feedback

ODP encourages individuals receiving services and other concerned stakeholders to submit concerns regarding provider noncompliance with the HCBS Rule to the provider or the individual's Supports Coordinator.

If anyone is uncomfortable using this process or does not believe that the provider followed the requirements to receive, document, and manage complaints outlined in the previous paragraph, they may call the ODP Customer Service Line at 1-888-565-9435 or 1-866-388-1114 for individuals with a hearing impairment. This information may also be emailed to ODP at:

[RA-odpcontactdpw@pa.gov](mailto:RA-odpcontactdpw@pa.gov).