

## **Open for Public Comment: Proposed Implementation of Performance-Based Contracting for Residential Services, Waiver Amendments to the Consolidated, Community Living, and Person/Family Directed Waivers, and Rates**

### **ODP Announcement 24-039**

#### **AUDIENCE:**

All Stakeholders

#### **PURPOSE:**

To inform all interested stakeholders of the opportunity to submit public comments on the proposed implementation of Performance-Based Contracting for residential services and proposed amendments to the Consolidated, Community Living, and Person/Family Directed Support (P/FDS) Waivers effective January 1, 2025, as well as proposed rates effective July 1, 2024. **There is a 45-day public comment period that starts on April 20, 2024 and ends on June 4, 2024 at 11:59PM for all proposed changes in this communication.**

#### **DISCUSSION:**

The Office of Developmental Programs (ODP) is pleased to invite public comment on:

- Performance-Based Contracting for residential services scheduled to take effect January 1, 2025,
- Additional waiver amendments (not related to Performance-Based Contracting) to the Consolidated, Community Living, and P/FDS waivers scheduled to take effect January 1, 2025; and
- Rate setting methodology and fee schedule rates scheduled to take effect July 1, 2024.

Two separate notices have been published in the *Pennsylvania Bulletin*, Volume 54, Number 16, published on Saturday, April 20, 2024. The notice containing Performance-Based Contracting and additional waiver changes, including how to provide comments, can be read at

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol54/54-16/560.html>.

The notice containing the proposed rates and rate-setting methodology, including how to provide comments, can be read at

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol54/54-16/562.html>.

### **Overview of the Proposed Changes:**

- ODP proposes to implement a 1915(b)(4) waiver for Performance-Based Contracting of Residential Habilitation, Supported Living, and Life Sharing services in the Consolidated and Community Living Waivers. The following documents are available for review:
  - Residential Performance-Based Contracting Implementation Plan. This document was developed to help all interested persons understand why ODP is proposing Performance-Based Contracting for residential services and the actions that will be taken.
  - Section 1915(b)(4) Waiver Fee-For-Service Selective Contracting Program. This is the application that is submitted to CMS that will allow ODP to implement Performance-Based Contracting for residential services.
  - Residential Performance Standards. In addition to meeting regulatory requirements and provider qualification requirements in the waivers, providers of residential services will also be required to meet additional requirements called performance standards which were developed to improve the quality of services.
  - Consolidated and Community Living Waiver Record of Change to implement Performance-Based Contracting.
  
- ODP proposes to implement additional changes to the Consolidated, Community Living, and P/FDS Waivers that are not related to Performance-Based Contracting. Proposed changes include:
  - Supporting participants who utilize American Sign Language (ASL) with the addition of an ASL English Interpreter service.
  - Clarifying that participants receiving services in an acute care hospital will not be disenrolled from the waiver and will not require reserved waiver capacity.

- Adding specific indirect activities that can be billed through the Benefits Counseling service and clarifying that individuals who are not eligible for Work Incentives Planning and Assistance (WIPA) programs can receive Benefits Counseling without being referred to a WIPA program.
  - Revisions to align waiver requirements and provider qualifications with regulatory requirements, correct errors, and provide clarification requested by stakeholders.
- ODP proposes to implement Fee Schedule Rates for services funded through the Consolidated, Community Living, and P/FDS waivers and base-funded program as well as Department-Established Fees for residential ineligible services. Implementation of these rates is dependent on approval by the General Assembly which is part of the state budget process for Fiscal Year 2024-2025. The following documents are available for review:
    - Proposed Fee Schedule Rates and Department-Established Fees for Community-Based Services
    - Proposed Fee Schedule Rates for Agency With Choice Services
    - Proposed Wage Ranges for Agency With Choice and Vendor/Fiscal Employer Agent Services
    - Non-Residential Rate Assumption Summaries
    - Agency With Choice Rate Assumption Summaries
    - Residential Assumption Summaries
    - Residential Ineligible Assumption Summaries
    - The public notice outlines proposed increases to the limits on the maximum dollar amount of Waiver services in Appendix C-4 of the Community Living and P/FDS Waivers to ensure that the proposed changes to the Fee Schedule Rates do not result in a reduction or loss of Waiver services for individuals.
      - The current limit of \$85,000 per person per fiscal year for Community Living Waiver services will be increased to \$97,000. Supports Coordination services will continue to be excluded from this limit.
      - The current limit of \$41,000 per person per fiscal year for P/FDS Waiver services will be increased to \$47,000. Supports Coordination and Supports Broker services will continue to be excluded from this limit. The

limit can continue to be exceeded by \$15,000 for Advanced Supported Employment, Supported Employment, or Benefits Counseling services.

### **Submitting Comments:**

The proposed changes and related documents discussed in the section above are available to help all interested persons provide public comment at the following links:

- Performance-Based Contracting for residential services, additional waiver amendments, and public comment webinars: <https://www.dhs.pa.gov/Services/Disabilities-Aging/Pages/Proposed-Waiver-Amendments.aspx>
- Proposed rates and rate setting methodology: <https://www.dhs.pa.gov/providers/Providers/Pages/ODP-Proposed-Rate-Information.aspx>

Public comment will be accepted via email, written comments, and verbal comments during webinars. All comments received by **11:59 p.m. on June 4, 2024**, will be reviewed and considered for revisions to the waiver amendments submitted to CMS and final rates.

- Comments regarding Performance-Based Contracting and waiver amendments should be addressed to [RA-odpcomment@pa.gov](mailto:RA-odpcomment@pa.gov) or:

Julie Mochon  
Department of Human Services, Office of Developmental Programs,  
625 Forster Street, Room 510,  
Harrisburg, PA 17120

- Comments regarding the rates, should be addressed to [ra-ratesetting@pa.gov](mailto:ra-ratesetting@pa.gov) or:

Department of Human Services  
Office of Developmental Programs, Division of Provider Assistance and Rate Setting  
4th Floor, Health and Welfare Building, 625 Forster Street,  
Harrisburg, PA 17120

### **Registering for Webinars:**

ODP is hosting a series of public comment webinars to provide an overview of how the Office proposes to implement Performance-Based Contracting for Residential Services effective

January 1, 2025. Additional proposed changes to the Consolidated, Community Living, and Person/Family Directed Support Waivers that are not related to Performance-Based Contracting will also be covered. Registered participants will have the opportunity to provide verbal comments on the waiver amendment during the session. **Sessions will be held for specific stakeholder groups. Preregistration is required. To register, follow the registration link under the session that best defines your role:**

Audience	Date	Time	Registration Link
Providers	May 2, 2024	2:00-3:30 PM	<a href="#">Providers – May 2, 2024 – 2 PM - 3:30 PM</a>
Providers	May 8, 2024	2:00-3:30 PM	<a href="#">Providers – May 8, 2024 – 2 PM – 3:30 PM</a>
Individuals/ Families	May 7, 2024	1:00-2:30 PM	<a href="#">Individuals &amp; Families – May 7, 2024 – 1 PM – 2:30 PM</a>
Individuals/ Families	May 9, 2024	2:00-3:30 PM	<a href="#">Individuals &amp; Families – May 9, 2024 -2 PM – 3:30 PM</a>
All Stakeholders	May 14, 2024	11:00 AM - 12:30 PM	<a href="#">All Stakeholders – May 14, 2024 - 11 AM - 12:30 PM</a>
All Stakeholders	May 17, 2024	1:00 - 2:30 PM	<a href="#">All Stakeholders – May 17, 2024 – 1 PM – 2:30 PM</a>

**CONTACT:**

Questions about this announcement should be directed to [ra-odpcomment@pa.gov](mailto:ra-odpcomment@pa.gov).