

Pennsylvania Department of Human Services
Systemic Assessment of Compliance with HCBS Regulations

An initial State-level assessment of regulations and bulletins was conducted to determine alignment with the federal requirements. This State-level assessment was conducted jointly by Pennsylvania’s Department of Human Services (DHS) including the Offices of Long Term Living (OLTL) and Developmental Programs (ODP) in collaboration with the Bureau of Human Services Licensing (BHSL) and the Department of Aging (PDA). The results of this assessment are included in Table 1 below.

All current OLTL and ODP regulations, bulletins, manuals and waiver service definitions that pertain to services delivered through Pennsylvania’s 1915 (c) waivers were reviewed in their entirety. All documents reviewed that contain information that complies or conflicts with the federal HCBS regulations are reflected in Table 1. All documents reviewed that are not listed in Table 1 were determined to be silent with regard to the federal HCBS regulations. A list of all documents reviewed is available in Table 2 at the end of this Appendix.

The Remediation Approach column describes the general approach that each office will take when the compliance assessment indicates anything other than “Fully Compliant”. ODP plans to release draft regulations for public comment in September 2016 with final promulgation and publication in October 2017. ODP plans to release drafts of the Consolidated, P/FDS, and Adult Autism Waiver service definitions and provider qualifications for public comment in October 2016 with the waivers becoming effective on July 1, 2017. OLTL plans to solicit public comment on an HCBS Settings Standards bulletin in August 2016 and release the bulletin in September 2016, in addition to implementing a Participant Review tool in August 2016. OLTL will revise waiver service definitions for Residential Habilitation, Structured Day Habilitation, Prevocational Services, and Adult Daily Living, effective March 17, 2019 to require providers of these services to be in full compliance with the final rule. More specific steps and timeframes for each waiver can be found in the waiver specific transition plans that are included as part of the Statewide Transition Plan (Appendices A through H).

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
1	441.301(c)(5) Unallowable Settings	Home and Community-Based Settings do not include a nursing facility, institution for mental diseases, ICF/ID and hospitals.		Remains silent on the specific qualities	ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers. Waiver service definitions, provider qualifications, regulations and/or policies will be revised to ensure that individuals receiving services through the Consolidated, P/FDS

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
					<p>and Adult Autism Waivers do not receive services in settings located in a nursing facility, institution for mental disease, ICF/ID or hospital unless such settings have been determined to overcome the institutional presumption through the Heightened Scrutiny review process conducted by CMS.</p> <p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and ensure that all settings are not located in a nursing facility, institution for mental disease, ICF/ID or hospital.</p>
2	441.301(c)(5)(v) Settings Presumed Not Eligible	Settings in a publicly or privately owned facility that provide inpatient treatment.		Remains silent on the specific qualities	<p>ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers.</p> <p>Waiver service definitions, provider qualifications, regulations and/or policies will be revised to ensure that individuals receiving services through the Consolidated, P/FDS and Adult Autism Waivers do not receive services in settings in a publicly or privately owned facility</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
					<p>that provides inpatient treatment.</p> <p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and ensure that all settings are not in a publicly or privately owned facility that provides inpatient treatment.</p>
3	441.301(c)(5)(v) Settings Presumed Not Eligible	Settings on the grounds of or immediately adjacent to a public institution		Remains silent on the specific qualities	<p>ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers.</p> <p>Waiver service definitions, provider qualifications, regulations and/or policies will be revised to ensure that individuals receiving services through the Consolidated, P/FDS and Adult Autism Waivers do not receive services in settings that are on the grounds of or immediately adjacent to a public institution.</p> <p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision,</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
					and ensure that all settings are not located on the grounds of or immediately adjacent to a public institution.
4	441.301(c)(5)(v) Settings Presumed Not Eligible	Settings that have the effect of isolating individuals receiving HCBS from the broader community of individuals not receiving HCBS		Remains silent on the specific qualities	<p>ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers.</p> <p>Waiver service definitions, provider qualifications, regulations and/or policies will be revised to ensure that individuals receiving services through the Consolidated, P/FDS and Adult Autism Waivers do not isolate individuals from the broader community of individuals not receiving waiver services. The service definitions and policies will include measurable compliance thresholds that will be included in provider monitoring protocols to ensure compliance with this requirement.</p> <p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and incorporate a Participant Review tool to ensure that all settings do not have the effect of</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
					isolating individuals from receiving HCBS from the broader community of individuals not receiving HCBS.
5	441.301(c)(4)(i) All Settings Must Meet the Following Qualifications	The setting is integrated in and supports full access to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree of access as individuals not receiving HCBS.	<p>ODP - 55 Pa. Code 3800.18: Money earned or received by a child is the child’s personal property.</p> <p>The facility may place reasonable limits on the amount of money to which a child has access.</p> <p>The facility shall maintain a separate accounting system for child funds, including the dates and amounts of deposits and withdrawals. Commingling of child and facility funds is not permitted.</p> <p>Except for children expected to be in the facility for fewer than 30 days, the facility shall maintain an interest-bearing account for child funds, with interest earned tracked and applied for each child.</p> <p>Money in the child’s account shall be returned to the child upon discharge or transfer. There shall be no borrowing of child funds by the facility or staff persons.</p> <p>55 Pa. Code 6400.1: This chapter is based on the principle of normalization which defines the right of the individual with mental retardation to live a life which is as close as possible in all aspects to the life which any member of the community might choose. For the individual with mental retardation who requires a residential service, the design of the service shall be made with the individual’s unique needs in mind so that the service will facilitate the person’s ongoing growth and development.</p> <p>55 Pa. Code 6400.22:</p>	ODP – Not in conflict	<p>ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers.</p> <p>Waiver service definitions, provider qualifications, regulations and/or policies will be revised for the Consolidated, P/FDS and Adult Autism Waivers that ensure:</p> <ul style="list-style-type: none"> • Settings are integrated in and support full access to the greater community. • Individuals have opportunities to seek employment and work in competitive integrated settings. • Individuals have opportunities to engage in community life and receive services in the community to the degree that they desire. • Individuals have opportunities to control personal resources and learn how to control

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>There shall be a written policy that establishes procedures for the protection and adequate accounting of individual funds and property and for counseling the individual concerning the use of funds and property.</p> <p>The home's policy may not prohibit the individual's right to manage the individual's own finances.</p> <p>55 Pa. Code 6400.33. and 6500.33: An individual has the right to manage personal financial affairs.</p> <p>55 Pa. Code 6400.188 and 6500.158: The residential home shall provide opportunities and support to the individual for participation in community life, including volunteer or civic-minded opportunities and membership in National or local organizations.</p> <p>55 Pa. Code 6400.189: Day services such as competitive community-integrated employment, education, vocational training, volunteering, civic-minded and other meaningful opportunities shall be provided to the individual.</p> <p>55 Pa. Code 6400.22 and 6500.24: There shall be a written policy that establishes procedures for the protection and adequate accounting of individual funds and property and for counseling the individual concerning the use of funds and property. The home's policy may not prohibit the individual's right to manage the individual's own finances.</p> <p>55 Pa. Code 6500.33: An individual has the right to manage the individual's personal financial affairs.</p>		<p>personal resources when assistance is needed.</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>55 Pa. Code 6500.159: Day services such as employment, education, training, volunteer, civic-minded and other meaningful opportunities shall be provided to the individual.</p> <p>55 Pa. Code 6500.160: The family living home shall provide recreational and social activities, including volunteer or civic-minded opportunities and membership in National or local organizations at the following locations: (1) The family living home. (2) Away from the family living home.</p> <p>Time away from the family living home may not be limited to time in school, work or vocational, developmental and volunteer facilities.</p> <p>55 Pa. Code 2380.188: The facility shall provide opportunities and support to the individual for participation in community life, including work opportunities.</p> <p>55 Pa. Code 2390.158: The facility shall provide services including work experience and other developmentally oriented, vocational training designed to develop the skills necessary for promotion into a higher level of vocational programming or competitive community-integrated employment.</p> <p>Bulletin 00-15-01 Individual Support Plans, Attachment 1, ISP Manual for Individuals with an Intellectual Disability: ODP expects AEs to institute standard practices to promote employment through the ISP. The AE shall have these practices in place for individuals ages 16-25, and for all individuals attending a facility licensed under 55 Pa. Code Chapter 2390 who are interested in obtaining employment in the community. An individual who does not</p>		

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>fall into one of these groups should still have access to employment supports, and should discuss it with their SC. AEs shall ensure that individuals are:</p> <ul style="list-style-type: none"> • Advised about the availability of employment services. • Given the opportunity to choose employment services. • Given the opportunity to meet with employment providers and people who have jobs if they so choose. <p>The SC should discuss employment and the availability of employment supports and services at every annual review update meeting.</p> <p>Achieving employment and community inclusion are cornerstones of ODP policies, principles and practices. Achieving these results requires individuals to be engaged with community resources on an ongoing and consistent basis. Employment practices must ensure that individuals receive information about feasible employment opportunities and services and that prevocational, vocational, adult training and supported employment services promote an employment outcome.</p> <p>ODP Bulletin 00-03-05 Principles for the Mental Retardation System: Principle #1: Choice – in all aspects of life including the services people receive, who provides supports, where to live and with whom, where to work, recreation and leisure activities, vacations, planning individualized day activities, and having support provided at home.</p> <p>The Home and Community Habilitation service definition in the Consolidated and P/FDS waivers effective July 2016 was revised to make it clear that this service is to be used to support full access to the community, engage in community life, control personal resources and receive services in the community to the same degree of access as individuals not receiving waiver services.</p>		

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>Consolidated and P/FDS Waiver Supported Employment services give individuals the opportunity to seek employment and work in competitive integrated settings.</p> <p>Adult Autism Waiver, Appendix C-2-c-ii: The regulations for Personal Care Homes and Community Homes include requirements to ensure a home-like, community based environment. Requirements include: A common living room with adequate space for all residents; A dining area and kitchen; Single or double occupancy bedrooms, with requirements for adequate bedroom space.</p> <p>OLTL - 55 Pa. Code 2390.158: The facility shall provide services including work experience and other developmentally oriented, vocational training designed to develop the skills necessary for promotion into a higher level of vocational programming or competitive community-integrated employment</p> <p>55 Pa. Code 2380.188: The facility shall provide opportunities and support to the individual for participation in community life, including work opportunities.</p>	<p>OLTL – Not in Conflict</p>	<p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and incorporate a Participant Review tool to ensure that all settings are integrated in and supports full access to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community to the same degree of access as individuals not receiving HCBS..</p>
6	441.301(c)(4)(ii) All Settings Must Meet the Following Qualifications	The setting is selected by the individual from among setting options including non-disability specific settings and an option for	<p>ODP - ODP Bulletin 00-15-01, Individual Support Plans, Attachment 1, ISP Manual for Individuals with an Intellectual Disability: Once an assessed need is identified, the team should discuss whether</p>	<p>ODP – Not in Conflict</p>	<p>ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers.</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
		<p>a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and for residential settings, resources available for room and board.</p>	<p>the need can be met through natural support (i.e. family, friends, medical professionals, etc.) or if the need requires the support of a paid service.</p> <p>Discussions include recommended services and supports to address the individual's current assessed needs which lead to services that are based upon those assessed needs and the personal preferences of the individual. The individual shall exercise choice in the selection of qualified providers.</p> <p>The Supports Coordinator is responsible to make referrals to chosen providers promptly based on the selections made by the individual so that needed services and supports are secured to ensure the individual's health and safety. The choice of qualified providers by an individual should be documented on the ISP signature form.</p> <p>Adult Autism Waiver, Appendix C-1/C-3 Supports Coordination Service Specification: Develops an initial ISP using a person centered planning approach to help the planning team develop a comprehensive ISP to meet the participant's identified needs in the least restrictive manner possible.</p> <p>Adult Autism Waiver Participant Handbook page 21: An Individual Support Plan, which is often referred to as an ISP, is a written plan which outlines your goals and services. It includes the services and supports (both waiver and non-waiver) that will best help you reach your goals. ISPs are developed by a planning team that includes you, your SC, and anyone else that you choose to have involved. If you have a court-appointed guardian, that person is also part of your team. You may ask current service providers to attend the planning team meeting, including a Behavioral Specialist Services provider. The planning team uses a person centered approach to develop the ISP." " All ISPs are developed using person centered</p>		<p>Waiver service definitions, provider qualifications, regulations and/or policies will be revised for the Consolidated, P/FDS and Adult Autism Waivers that ensure settings are selected by individuals from among setting options including non-disability specific settings and options for private units in residential settings. The language will ensure that setting options will be identified and documented in the person-centered service plan and based on the individual's needs and preferences as wells as resources available for room and board in residential settings.</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>planning. Person centered planning focuses on your interests and what you do well rather than on things you cannot do. It means that your ISP will be designed just for you and will be different from anyone else's plan. Person centered planning is a way for you to say what is important to you and what is important for you in your life. Person centered planning is used because a service plan that does not reflect what you like and think is important will not be very effective in helping you become more satisfied and independent."</p> <p>OLTL – OLTL Bulletin 54-15-06, 59-15-06 - Individual Service Plan Development, Review and Implementation Procedures for OLTL Home and Community-Based (HCBS) Services Person-centered planning is a process directed by the participant with long-term service and support needs. The process may include a representative who the person has freely chosen, and/or who is authorized to make personal decisions for the participant. Person-centered planning also includes family members, legal guardians, friends, caregivers, and any others the participant or his/her representative wishes to include. The person-centered service planning process helps to identify outcomes based on the participant's goals, interests, strengths, abilities, and preferences. The person-centered planning process assists the participant to articulate a plan for the future and helps determine the supports and services that the participant needs to achieve these outcomes. The process begins with the SC review of the Level of Care Determination (LCD) and needs assessment that were completed during the eligibility and enrollment processes. These assessments provide the necessary information to begin discussions with the participant about their unmet needs and ways the participant would prefer to have those needs met. The SC is responsible for ensuring that the setting where the participant resides is chosen by the individual and is integrated and supports full access to the community in accordance with the</p>	<p>OLTL – Not in Conflict</p>	<p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and incorporate a Participant Review tool to ensure that the setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and for residential settings, resources available for room and board.</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			participant’s goals.		
7	441.301(c)(4)(iii) All Settings Must Meet the Following Qualifications	The setting ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint.	<p>ODP - 55 Pa. Code §51.17a: A participant shall be treated with dignity and respect.</p> <p>55 Pa. Code §51.13: A provider may not use the following: (1) Seclusion. (2) Chemical restraint. (3) Mechanical restraint. (4) Prone position manual restraint. (5) Manual restraint that: (i) Inhibits the respiratory and digestive system. (ii) Inflicts pain. (iii) Causes hypertension of joints and pressure on the chest or joints. (iv) Uses a technique in which the participant is not supported and allows for free fall as the participant moves to the floor.</p> <p>55 Pa. Code §51.31: Undue influence is not exerted when the participant is making the choice to a new willing and qualified provider.</p> <p>55 Pa. Code 3800.32: A child has the right to be treated with fairness, dignity and respect.</p> <p>A child has the right to communicate with others by telephone subject to reasonable facility policy and written instructions from the contracting agency or court, if applicable, regarding circumstances, frequency, time, payment and privacy.</p> <p>A child has the right to receive and send mail.</p> <p>(1) Outgoing mail may not be opened or read by staff persons.</p> <p>(2) Incoming mail from Federal, State or county officials, or from the child’s attorney, may not be opened or read by staff persons.</p>	<p>ODP – Compliant with requirements for dignity and respect and freedom from coercion and restraint.</p> <p>The 3800 regulations pertain to all licensed Child Residential Facilities in Pennsylvania. The Consolidated and P/FDS waivers and Chapter 51 regulations are more stringent regarding restraints and must be followed by Child Residential Facilities to receive waiver funding.</p> <p>Licensed 6400 and 6500 providers are compliant with requirements for privacy. Other providers are silent regarding the requirements for privacy.</p>	<p>ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers.</p> <p>Waiver service definitions, provider qualifications, regulations and/or policies will be revised for the Consolidated, P/FDS and Adult Autism Waivers to ensure each individual’s right to privacy, dignity and respect, and freedom from coercion and restraint.</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>(3) Incoming mail from persons other than those specified in paragraph (2), may not be opened or read by staff persons unless there is reasonable suspicion that contraband, or other information or material that may jeopardize the child's health, safety or well-being, may be enclosed. If there is reasonable suspicion that contraband, or other information that may jeopardize the child's health or safety may be enclosed, mail may be opened by the child in the presence of a staff person.</p> <p>A child has the right to practice the religion or faith of choice, or not to practice any religion or faith.</p> <p>A child has the right to be free from excessive medication.</p> <p>55 Pa. Code 3800.103: Privacy shall be provided for toilets, showers and bathtubs by partitions or doors.</p> <p>55 Pa. Code 3800.202: A restrictive procedure may not be used in a punitive manner, for the convenience of staff persons or as a program substitution.</p> <p>With the exception of exclusion as specified in § 3800.212 (relating to exclusion), a restrictive procedure may be used only to prevent a child from injuring himself or others.</p> <p>For each incident in which use of a restrictive procedure is considered:</p> <p>(1) Every attempt shall be made to anticipate and de-escalate the behavior using methods of intervention less intrusive than restrictive procedures.</p>		

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>(2) A restrictive procedure may not be used unless less intrusive techniques and resources appropriate to the behavior have been tried but have failed.</p> <p>(3) A restrictive procedure shall be discontinued when the child demonstrates he has regained self-control.</p> <p>55 Pa. Code 3800.203: For each child for whom restrictive procedures will be used beyond unanticipated use specified in § 3800.204 (relating to unanticipated use), a restrictive procedure plan shall be written and included in the ISP specified in § 3800.226 (relating to content of the ISP), prior to use of restrictive procedures.</p> <p>The plan shall be developed and revised with the participation of the child, the child's parent and, if applicable, the child's guardian or custodian, if available, any person invited by the child and the child's parent, guardian or custodian, child care staff persons, contracting agency representative and other appropriate professionals.</p> <p>The plan shall be reviewed every 6 months and revised as needed.</p> <p>The plan shall be reviewed, approved, signed and dated by persons involved in the development and revision of the plan, prior to the use of a restrictive procedure, whenever the plan is revised and at least every 6 months. The child, the child's parent and, if applicable, the child's guardian or custodian shall be given the opportunity to sign the plan.</p> <p>The plan shall include:</p> <p>(1) The specific behavior to be addressed, observable signals that occur prior to the behavior and the suspected reason for the behavior.</p>		

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>(2) The behavioral outcomes desired, stated in measurable terms.</p> <p>(3) The methods for modifying or eliminating the behavior, such as changes in the child’s physical and social environment, changes in the child’s routine, improving communications, teaching skills and reinforcing appropriate behavior.</p> <p>(4) The types of restrictive procedures that may be used and the circumstances under which the restrictive procedures may be used.</p> <p>(5) The length of time the restrictive procedure may be applied, not to exceed the maximum time periods specified in this chapter.</p> <p>(6) Health conditions that may be affected by the use of specific restrictive procedures.</p> <p>(7) The name of the staff person responsible for monitoring and documenting progress with the plan.</p> <p>The plan shall be implemented as written.</p> <p>55 Pa. Code 3800.206: Seclusion, defined as placing a child in a locked room, is prohibited. A locked room includes a room with any type of door-locking device, such as a key lock, spring lock, bolt lock, foot pressure lock or physically holding the door shut.</p> <p>55 Pa. Code 3800.207: The use of aversive conditioning, defined as the application of startling, painful or noxious stimuli, is prohibited.</p> <p>55 Pa. Code 3800.208:</p>		

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>Pressure point techniques, defined as the application of pain for the purpose of achieving compliance, are prohibited, except as provided in subsection (b).</p> <p>The use of a pressure point technique that applies pressure at the child’s jaw point for the purpose of bite release, is permitted.</p> <p>55 Pa. Code 6400.31 and 6500.31: Each individual shall be encouraged to exercise his rights.</p> <p>55 Pa. Code 6400.33 and 6500.33: An individual has the right to privacy in bedrooms, bathrooms and during personal care.</p> <p>An individual has the right to reasonable access to a telephone and the opportunity to receive and make private calls, with assistance when necessary.</p> <p>55 Pa. Code 6400.193: For each incident requiring restrictive procedures: (1) Every attempt shall be made to anticipate and de-escalate the behavior using methods of intervention less intrusive than restrictive procedures. (2) A restrictive procedure may not be used unless less restrictive techniques and resources appropriate to the behavior have been tried but have failed.</p> <p>55 Pa. Code 6400.195: For each individual for whom restrictive procedures may be used, a restrictive procedure plan shall be written prior to use of restrictive procedures.</p> <p>The restrictive procedure plan shall include:</p>		

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>(1) The specific behavior to be addressed and the suspected antecedent or reason for the behavior.</p> <p>(2) The single behavioral outcome desired stated in measurable terms.</p> <p>(3) Methods for modifying or eliminating the behavior, such as changes in the individual’s physical and social environment, changes in the individual’s routine, improving communications, teaching skills and reinforcing appropriate behavior.</p> <p>(4) Types of restrictive procedures that may be used and the circumstances under which the procedures may be used.</p> <p>(5) A target date for achieving the outcome.</p> <p>(6) The amount of time the restrictive procedure may be applied, not to exceed the maximum time periods specified in this chapter.</p> <p>(7) Physical problems that require special attention during the use of restrictive procedures.</p> <p>(8) The name of the staff person responsible for monitoring and documenting progress with the plan.</p> <p>55 Pa. Code 3800.209, 6400.199 , 6500.169 and 2380.159: Administration of a chemical restraint is prohibited except for the administration of drugs ordered by a licensed physician on an emergency basis.</p> <p>55 Pa. Code 6400.200, 6500.170 and 2380.160: The use of a mechanical restraint is prohibited except for use of helmets, mitts and muffs to prevent self-injury on an interim basis not to exceed 3 months after an individual is admitted to the home</p> <p>55 Pa. Code 6400.202 , 6500.172 and 2380.161: Manual restraint shall be used only when necessary to protect the</p>		

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>individual from injuring himself or others.</p> <p>55 Pa. Code 6500.33: An individual may not be neglected, abused, mistreated or subjected to corporal punishment.</p> <p>55 Pa. Code §6500.79: Bedrooms shall have doors at all entrances for privacy.</p> <p>Bulletin 00-04-05, Positive Approaches, Consolidated Waiver and P/FDS Waiver: ODP promotes a philosophy of “positive approaches” which focuses on eliminating restrictive and aversive procedures, helping participants maintain contacts with family and friends and supporting participants in becoming an interactive part of the community. A positive approach assumes that all behavior has meaning and that a participant’s behavior can be a method to communicate needs and wants or the manifestation of some clinical issues.</p> <p>Adult Autism Waiver, Appendix G-2-a-i: BAS is clear on its mission to eliminate restraints as a response to challenging behaviors, and restraints have not been used in the Adult Autism Waiver. BAS articulated a policy to prevent restraint use in a provider manual for all providers and in a manual specifically for supports coordinators. In addition, providers licensed by ODP to serve people with intellectual disabilities must follow practices articulated in the licensing regulations related to restraints and seclusion (Title 55 PA Code, Chapters 2380, 6400, and 6500).</p> <p>Adult Autism Waiver Participant Handbook page 31: You have the right to be treated with dignity and respect. You have the right to privacy and confidentiality regarding the waiver</p>		

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>services you receive. If you get residential services from the AAW, you have the right to privacy and confidentiality, including the right to make private phone calls, receive unopened mail, and have privacy in the bedroom and bathroom.</p> <p>OLTL – As indicated in the waivers, OLTL does not permit or prohibits the use of restraints or seclusion. Appendix G: Participant Safeguards, Appendix G-2 Safeguards Concerning Restraints and Restrictive Interventions At time of enrollment, the AAA (or IEB as applicable) informs participants, and their families or legal representatives, of the prohibition on the use of restraint, seclusion and other forms of restrictive interventions. This information is provided through the participant information materials developed by OLTL. The Service Coordinator is responsible for reviewing this information and discussing the prohibition of restraints and restrictive interventions at least annually with the participant. As part of the participant informational materials, participants and their families are encouraged to either call their Service Coordinator or the OLTL Participant HelpLine to report the unauthorized use restrictive interventions.</p> <p>55 Pa. Code 52.16: (a) Abuse is an act or omission that willfully deprives a participant of rights or human dignity, or which may cause or causes actual physical injury or emotional harm to a participant including a critical incident and one or more of the following: (3) Restraining a participant.</p>	<p>OLTL – Not in Conflict</p>	<p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and incorporate a Participant Review tool to ensure the setting ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint.</p>
8	441.301(c)(4)(iv) All Settings Must Meet the Following Qualifications	The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to: daily activities,	<p>ODP - 55 Pa. Code 6400.33 and 6500.33: An individual who is of voting age shall be informed of the right to vote and shall be assisted to register and vote in elections. An individual has the right to practice the religion or faith of the</p>	<p>ODP – Not in Conflict</p>	<p>ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers. Waiver service definitions, provider</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
		physical environment, and with whom to interact.	<p>individual's choice.</p> <p>55 Pa. Code 6400.188 and 6500.158: The residential home shall provide opportunities and support to the individual for participation in community life, including volunteer or civic-minded opportunities and membership in National or local organizations.</p> <p>55 Pa. Code § 6400.189: Day services such as competitive community-integrated employment, education, vocational training, volunteering, civic-minded and other meaningful opportunities shall be provided to the individual.</p> <p>55 Pa. Code §6500.160: The family living home shall provide recreational and social activities, including volunteer or civic-minded opportunities and membership in National or local organizations at the following locations: (1) the family home (2) away from the family home.</p> <p>ODP Bulletin 00-03-05 Principles for the Mental Retardation System: Principle #1: Choice – in all aspects of life including the services people receive, who provides supports, where to live and with whom, where to work, recreation and leisure activities, vacations, planning individualized day activities, and having support provided at home. Principle #10: Contributing to the Community – being full citizens of the community, voting, working for pay or volunteering, participating in leisure and recreation activities, belonging to a religious community, owning or renting one's own home, living among family and friends and not being segregated. People want to be recognized for their abilities and gifts and to have dignity and status.; and Principle #14: Community Integration – in all aspects of the person's life. People want to be able to use community resources, like banks</p>		<p>qualifications, regulations and/or policies will be revised for the Consolidated, P/FDS and Adult Autism Waivers to ensure the setting optimizes but does not regiment individual initiative, autonomy, and independence in making life choices and will ensure that HCBS individuals experience non-residential settings consistent with how those settings would be experienced by individuals who are not HCBS service recipients</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>and food stores, just as other people in the community do, without feeling left out because of a disability. Integration means both being in the community and having the opportunity to participate in all that the community has to offer; including generic resources that don't label people as "special."</p> <p>OLTL – 55 Pa. Code chapter 52- LONG-TERM LIVING HOME AND COMMUNITY-BASED SERVICES FOR ALL PROVIDERS 52.3 Definitions Service Plan – The Department-approved comprehensive written summary of a participant's services, TPR and informal community supports Participant Goal – A service plan requirement that states a participant's objective towards obtaining or maintaining independence in the community Participant-Centered Approach – a holistic approach to serving participant which focuses on a participant's individual and specific strengths, interests, and needs.</p> <p>52.14 Ongoing Responsibilities of Providers 52.14(q) A provider shall implement and provide services to the participant in the type, scope, amount, duration and frequency as specified in the service plan.</p> <p>52.25 Service Plan 52.25(a) A service plan must be developed for each participant that contains the following: (2) the participant goal (4) Service, TPR, or information community support that meets the participant need, participant goal, or participant outcome. (5) The type scope, amount, duration, and frequency of services needed by the participant.</p>	<p>OLTL – Not in Conflict</p>	<p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, ensure that HCBS individuals experience non-residential settings consistent with how those settings would be experienced by individuals who are not HCBS service recipients, and incorporate a Participant Review tool to ensure the setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to: daily activities, physical environment, and with whom to interact.</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>6 Pa. Code 11, 6 Pa. Code 21 § 11.123.: Core services for Adult Day (4) <i>Therapeutic activities.</i> Activities shall be an integral part of the care plan for the individual. The planning of activities shall reflect professional understanding of the needs and abilities of the clients. Activities, while reflecting awareness of impairment, shall emphasize the individual client’s strengths and abilities so they can contribute to client feelings of accomplishment.</p> <p>(i) <i>Scope.</i></p> <p>(A) The center shall provide for a balance of purposeful activities to meet the client’s interrelated needs and interests—including social, intellectual, cultural, economic, emotional, physical and spiritual.</p> <p>(B) Provision shall be made for individuals to participate at their optimal level of functioning and to progress according to their own pace.</p> <p>(C) Activities shall be designed in a holistic manner to promote personal growth and enhance the self-image or to improve or maintain the functioning level of clients, or both. Activities may offer opportunities to:</p> <p>(I) Maintain lifelong skills.</p> <p>(II) Learn new skills and gain knowledge.</p> <p>(III) Challenge and tap potential abilities.</p> <p>(IV) Participate in activities of interest.</p> <p>(V) Improve capacity for independent functioning.</p> <p>(VI) Develop interpersonal relationships.</p> <p>(VII) Develop creative capabilities.</p> <p>(VIII) Improve physical and emotional well-being.</p> <p>(IX) Be exposed to and involved in activities and events within the greater community.</p> <p>(X) Experience cultural enrichment.</p> <p>(XI) Have fun and enjoyment.</p> <p>(D) Activity programming shall take into consideration individual differences in health status, lifestyle, ethnicity, religious affiliation, values, experiences, needs, interests, abilities and skills by providing</p>		

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>opportunities for a variety of types and levels of involvement. Activities may include:</p> <ul style="list-style-type: none"> (I) Individualized activities. (II) Small and large group activities. (III) Active and spectator participation. (IV) Intergenerational experiences. (V) Involvement in community activities and events. (VI) Outdoor activities as appropriate. (VII) Opportunities to voluntarily perform services for individuals and the center, and community groups and organizations. <p>(E) Clients shall be encouraged to take part in activities, but may choose not to do so or to choose another activity. Reasons for nonparticipation shall be evaluated to determine whether they are due to personal preference or indicate a need for change in activity.</p> <p>(ii) <i>Schedule.</i></p> <ul style="list-style-type: none"> (A) Planned activities shall be available whenever the center is in operation. (B) A monthly calendar of activities shall be prepared and posted in a visible place. (C) Group daily activities shall be posted in a prominent, convenient and visible place. (D) The activities schedule shall be coordinated with other services offered at the center and with other staff persons <p>OLTL Bulletin 54-15-06, 59-15-06 Individual Service Plan Development, Review and Implementation Procedures for OLTL Home and Community-Based (HCBS) Service</p> <p>‘The SC reviews the Level of Care Assessment and CMI with the participant and actively engages the participant to identify OLTL HCBS Waiver and non- Waiver/Program services that will best meet his/her needs, goals, and preferences.</p> <p>The SC discusses with the participant the services and supports that are</p>		

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>available in the participant's area.</p> <p>The SC must discuss the participant's strengths, including existing support systems, participant's capabilities (physical, emotional, intellectual, etc), skills and available community resources. These must be incorporated into the ISP.</p> <p>The ISP must address the preferences of the participant. When having the discussion and review of a participant's identified unmet needs, the SC will listen to the participant express how they prefer to have those identified unmet needs met. This may include, but is not limited to, agency staff and informal or natural supports such as friends, family, neighbors, local businesses, schools, civic organizations, community resources, and/or volunteer organizations.</p> <p>The ISP must be individualized for the participant and account for the participant's preferences. “</p>		
9	441.301(c)(4)(v) All Settings Must Meet the Following Qualifications	The setting facilitates individual choice regarding services and supports, and who provides them.	<p>ODP -</p> <p>55 Pa. Code 51.29: Ensure each participant is offered choice of willing and qualified providers by providing the participant and ISP team a list of willing and qualified providers at the annual review ISP meeting or as requested by the participant. Document annually that the participant or his representative understands the right of choice of willing and qualified providers and have the participant sign the documentation.</p> <p>Bulletin 00-15-01 Individual Support Plans, Attachment 1, ISP Manual for Individuals with an Intellectual Disability: “Once an assessed need is identified, the team should discuss whether the need can be met through natural support (i.e. family, friends, medical professionals, etc.) or if the need requires the support of a paid service...Discussions</p>	ODP – Not in Conflict	<p>ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers.</p> <p>Waiver service definitions, provider qualifications, regulations and/or policies will be revised for the Consolidated, P/FDS and Adult Autism Waivers to ensure each setting facilitates choice regarding services and supports and who provides them.</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>include recommended services and supports to address the individual’s current assessed needs which lead to services that are based upon those assessed needs and the personal preferences of the individual.”</p> <p>Adult Autism Waiver, Appendix B-7-a: The Supports Coordinator will notify the participant or his or her legal representative in writing that the participant has freedom of choice among feasible service delivery alternatives. A Waiver Service Provider Choice form documents that the person received a list of available providers and has been informed of his or her freedom to choose willing and qualified providers.</p> <p>Adult Autism Waiver, MA Supplemental Provider Agreement: The Provider shall not restrict a Waiver Participant’s freedom of choice to be served by any qualified provider. The Provider of Supports Coordination shall provide each Waiver Participant with information on any qualified provider when requested.</p> <p>Adult Autism Waiver Participant Handbook page 31: You have the right to know about all of the services offered by the AAW. You have the right to choose which agency will provide your services and to change your service providers at any time.</p> <p>OLTL - OLTL Bulletin 59-16-03 Office of Long-Term Living Home and Community-Based Program Policy Clarification Update- Provide Choice Protocol “OLTL has developed a standard form for all home and community-based service programs. The form is called “Service Provider Choice Form”. All Service Coordinators (SC) must present and explain the form to participants at the time of the Individual Service Plan (ISP) development and at each subsequent re-evaluation.</p>	<p>OLTL – Not in Conflict</p>	<p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and incorporate a Participant Review tool to ensure the setting facilitates individual choice</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			The Service Provider Choice Form will provide information to participants that they may receive both service coordination and choose waiver services from different providers based on their preference. In addition, participants have the right to change providers at any time.”		regarding services and supports, and who provides them.
10	441.301(c)(4)(vi)(A) Requirements for Provider-owned or Controlled Home and Community-Based Residential Settings	In a provider-owned or controlled residential setting, the unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity. For settings which landlord tenant laws do not apply, the State must ensure that a lease, residency agreement, or other form of written agreement will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction’s landlord tenant law.	<p>OLTL - 55 Pa. Code §2600.25.: Resident-home contract. (a) Prior to admission, or within 24 hours after admission, a written resident-home contract between the resident and the home shall be in place. The administrator or a designee shall complete this contract and review and explain its contents to the resident and the resident’s designated person if any, prior to signature.</p>	<p>ODP - Remains silent on the specific qualities</p> <p>OLTL – Not in Conflict</p>	<p>ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers.</p> <p>Waiver service definitions, provider qualifications, regulations and/or policies will be revised for the Consolidated and Adult Autism Waivers to ensure each adult in a residential setting has a legally enforceable agreement that provides protections from eviction.</p> <p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and ensure in a provider-owned or controlled residential setting, the unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum,</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
					the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity.
11	441.301(c)(4)(vi)(B)(1) Requirements for Provider-owned or Controlled Home and Community-Based Residential Settings	In a provider-owned or controlled residential setting, each individual's unit has an entrance door lockable by the individual, with only appropriate staff having keys to the door.	<p>ODP - 55 Pa. Code 3800.121: Stairways, hallways, doorways, passageways and egress routes from rooms and from the building shall be unlocked and unobstructed, unless the fire safety approval specified in § 3800.14 (relating to fire safety approval) permits locking of certain means of egress. If a fire safety approval is not required in accordance with § 3800.14, means of egress may not be locked.</p> <p>Doors used for egress routes from rooms and from the building may not be equipped with key-locking devices, electronic card operated systems or other devices which prevent immediate egress of children from the building.</p> <p>55 Pa. Code 6400.33: An individual has the right to privacy in bedrooms, bathrooms and during personal care.</p> <p>55 Pa. Code 6400.81: A bedroom shall have doors at all entrances for privacy.</p> <p>Adult Autism Waiver Participant Handbook page 31: If you get residential services from the AAW, you have the right to privacy and confidentiality, including the right to make private phone calls, receive unopened mail, and have privacy in the bedroom and</p>	<p>ODP – Remains silent on the specific qualities</p> <p>OLTL - Remains silent on the specific qualities</p>	<p>ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers.</p> <p>Waiver service definitions, provider qualifications, regulations and/or policies will be revised for the Consolidated and Adult Autism Waivers to ensure that residential settings for adults have lockable entrance doors with only appropriate staff having keys to the door. Guidance will be developed to ensure privacy of beneficiaries is appropriately maintained while adhering to requirements around safe egress in emergency situations.</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			bathroom.		<p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and ensure in a provider-owned or controlled residential setting, each individual's unit has an entrance door lockable by the individual, with only appropriate staff having keys to the door.</p>
12	441.301(c)(4)(vi)(B)(2) Requirements for Provider-owned or Controlled Home and Community-Based Residential Settings	In a provider-owned or controlled residential setting, individuals sharing units have a choice of roommates.	<p>ODP - ODP Bulletin 00-03-05 Principles for the Mental Retardation System: Principle #1: Choice – in all aspects of life including the services people receive, who provides supports, where to live and with whom, where to work, recreation and leisure activities, vacations, planning individualized day activities, and having support provided at home.</p>	<p>ODP - Remains silent on the specific qualities</p> <p>OLTL – Remains silent on the</p>	<p>ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers.</p> <p>Waiver service definitions, provider qualifications, regulations and/or policies will be revised for the Consolidated and Adult Autism Waivers to ensure individuals sharing units have a choice of roommates.</p> <p>OLTL - Policies and revised service</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
				specific qualities	definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and incorporate a Participant Review tool to ensure in a provider-owned or controlled residential setting, individuals sharing units have a choice of roommates.
13	441.301(c)(4)(vi)(B)(3) Requirements for Provider-owned or Controlled Home and Community-Based Residential Settings	In a provider-owned or controlled residential setting, individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.	ODP - 55 Pa. Code 6400.33 and 6500.33: An individual has the right to receive, purchase, have and use personal property.	ODP - Remains silent on the specific qualities OLTL – Remains silent on the specific qualities	ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers. Waiver service definitions, provider qualifications, regulations and/or policies will be revised for the Consolidated and Adult Autism Waivers to ensure individuals in residential settings have the freedom to furnish their sleeping or living units. OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and ensure individuals in residential settings have the freedom to furnish their sleeping or living units.

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
14	441.301(c)(4)(vi)(C) Requirements for Provider-owned or Controlled Home and Community-Based Residential Settings	In a provider-owned or controlled residential setting, individuals have the freedom and support to control their own schedules and activities and have access to food at any time.	<p>OLTL – Residential Habilitation Service Definition: “Both licensed and unlicensed settings must be community-based as well as maintain a home-like environment. A home-like environment provides full access to typical facilities found in a home such as a kitchen and dining area, provides for privacy, allows visitors at times convenient to the individual, and offers easy access to resources and activities in the community. Residences are expected to be located in residential neighborhoods in the community. Participants have access to community activities, employment, schools or day programs. Each facility shall assure to each participant the right to live as normally as possible while receiving care and treatment. Home and Community character will be monitored by OLTL’s Office of Quality Management, Metrics and Analytics through ongoing monitoring. Additionally, Service Coordinators will monitor the community character of the residence during regularly scheduled contact with residents. Results of this monitoring will be reported to OLTL. Service Coordinators assist</p>	<p>ODP - Remains silent on the specific qualities</p> <p>OLTL – Not in Conflict</p>	<p>ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers.</p> <p>Waiver service definitions, provider qualifications, regulations and/or policies will be revised for the Consolidated and Adult Autism Waivers to ensure individuals in a residential setting have the freedom and support to control their own schedules and have access to food at any time.</p> <p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and incorporate a Participant Review tool to ensure individuals in a residential setting have the freedom and support to control their own schedules and activities and have access to food at any time.</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>participants in transitioning to homes of their own. Settings cannot be located on the grounds of a Nursing Facility, Intermediate Care Facility (ICF) or Hospital. Instead they must be located in residential neighborhoods in the community.</p> <p>Transportation is provided as a component of the Residential Habilitation service, and is therefore reflected in the rate for Residential Habilitation. Providers of (unlicensed and licensed) Residential Habilitation are responsible for the full range of transportation services needed by the individuals they serve to participate in services and activities specified in their individual support plans (ISPs). This includes transportation to and from day habilitation and employment services. “</p>		
15	441.301(c)(4)(vi)(D) Requirements for Provider-owned or Controlled Home and Community-Based Residential Settings	In a provider-owned or controlled residential setting, individuals are able to have visitors of their choosing at any time.	<p>ODP - 55 Pa. Code 6400.33 and 6500.33: An individual has the right to receive scheduled and unscheduled visitors, communicate, associate and meet privately with family and persons of the individual’s own choice.</p>	<p>ODP – Compliant in licensed 6400 and 6500 settings for individuals having visitors of their choosing. Silent in other provider owned or controlled residential settings about individuals having visitors of their choosing.</p> <p>While the 6400 and 6500 regulations speak to unscheduled visitors, it is not clear whether this is the same as being allowed to have visitors at any time. Silent in other provider owned or controlled residential settings.</p>	<p>ODP - Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers.</p> <p>Waiver service definitions, provider qualifications, regulations and/or policies will be revised for the Consolidated and Adult Autism Waivers to ensure adults in residential settings are able to have visitors of their choosing at any time.</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>OLTL – Residential Habilitation Service Definition: “Both licensed and unlicensed settings must be community-based as well as maintain a home-like environment. A home-like environment provides full access to typical facilities found in a home such as a kitchen and dining area, provides for privacy, allows visitors at times convenient to the individual, and offers easy access to resources and activities in the community.”</p>	<p>OLTL – Not in conflict</p>	<p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and ensure individuals are able to have visitors of their choosing at any time In a provider-owned or controlled residential setting.</p>
16	441.301(c)(4)(vi)(E) Requirements for Provider-owned or Controlled Home and Community-Based Residential Settings	In a provider-owned or controlled residential setting, the setting is physically accessible to the individual.	<p>ODP – 55 Pa. Code 6400.34 and 6500.34: Civil rights policies and procedures shall include the following: Physical accessibility and accommodations for individuals with physical disabilities.</p> <p>55 Pa. Code § 6400.43: Physical accessibility and accommodations for individuals with physical disabilities.</p> <p>55 Pa. Code 6400.61 and 6500.61: A home serving individuals with a physical disability, blindness, a visual impairment, deafness or a hearing impairment shall have accommodations to ensure the safety and reasonable accessibility for entrance to, movement within and exit from the home based upon each individual’s needs.</p> <p>A home serving individuals with a physical disability, blindness, a visual impairment, deafness or a hearing impairment shall have adaptive equipment necessary for the individuals to move about and function at the home.</p>	<p>ODP – Compliant in licensed 6400 and 6500 settings. Silent in other provider owned or controlled residential settings.</p>	<p>Promulgation of waiver regulations for the Consolidated, P/FDS and Adult Autism Waivers.</p> <p>Waiver service definitions, provider qualifications, regulations and/or policies will be revised for the Consolidated and Adult Autism Waivers to ensure all settings are physically accessible to each individual supported.</p>

Table 1
Documents that contain information that complies or conflicts with the federal HCBS regulations

#	Federal Rule [Reference]	Section [Description]	Compliance Demonstration [Specific Regulation Language]	Compliance Assessment 1) Conflicts with federal settings requirements, 2) Remains silent on the specific qualities, 3) Fully Compliant, 4) Not in Conflict	Remediation Approach [Remediation approach description]
			<p>OLTL – § 2600.81. Physical accommodations and equipment. (a) The home shall provide or arrange for physical site accommodations and equipment necessary to meet the health and safety needs of a resident with a disability and to allow safe movement within the home and exiting from the home</p>	<p>OLTL – Not in conflict</p>	<p>OLTL - Policies and revised service definitions will be drafted with stakeholder input that will improve outcomes for individuals, ensure additional choice and personalization in service provision, and ensure the setting is physically accessible to the individual In a provider-owned or controlled residential setting.</p>

Table 2
All documents reviewed as part of the Systemic Assessment
 Bulletins can be accessed at <http://www.dhs.state.pa.us/publications/bulletinsearch/index.htm>

Document Reviewed	Waiver(s) the Document Pertains To
55 Pa. Code Chapter 51 – Office of Developmental Programs Home and Community-Based Services http://www.pacode.com/secure/data/055/chapter51/chap51toc.html	All services provided in the Consolidated, P/FDS and Adult Autism Waivers
55 Pa. Code Chapter 2380 – Adult Training Facilities http://www.pacode.com/secure/data/055/chapter2380/chap2380toc.html	Licensed Day Habilitation Services in the Consolidated, P/FDS, and Adult Autism Waivers, Adult Daily Living Services in the OBRA waiver
55 Pa. Code Chapter 2390 – Vocational Facilities http://www.pacode.com/secure/data/055/chapter2390/chap2390toc.html	Prevocational Services in the Consolidated, P/FDS Waivers, Independence, and OBRA waivers.
55 Pa. Code Chapter 3800 – Child Residential and Day Treatment Facilities http://www.pacode.com/secure/data/055/chapter3800/chap3800toc.html	Licensed Residential Habilitation Services in the Consolidated Waiver Respite Services in the Consolidated and P/FDS Waivers
55 Pa. Code Chapter 5310 – Community Residential Rehabilitation Services for the Mentally Ill http://www.pacode.com/secure/data/055/chapter5310/chap5310toc.html	Licensed Residential Habilitation Services in the Consolidated Waiver Respite Services in the Consolidated and P/FDS Waivers
55 Pa. Code Chapter 6400 – Community Homes for Individuals with Mental Retardation http://www.pacode.com/secure/data/055/chapter6400/chap6400toc.html	Licensed Residential Habilitation Services in the Consolidated and Adult Autism Waivers Respite Services in the Consolidated, P/FDS and Adult Autism Waivers
55 Pa. Code Chapter 6500 – Family Living Homes http://www.pacode.com/secure/data/055/chapter6500/chap6500toc.html	Licensed Residential Habilitation Services in the Consolidated and Adult Autism Waivers Respite Services in the Consolidated, P/FDS and Adult Autism Waivers
55 Pa. Code Chapter 6000, Subchapter C - Licensing http://www.pacode.com/secure/data/055/chapter6000/subchapCtoc.html	Licensed Residential Habilitation Services in the Consolidated Waiver Respite Services in the Consolidated and P/FDS Waivers Prevocational Services in the Consolidated and P/FDS Waivers

	Licensed Day Habilitation Services in the Consolidated and P/FDS Waivers
55 Pa. Code Chapter 6000, Subchapter F – Administration and Management of Client Funds http://www.pacode.com/secure/data/055/chapter6000/subchapFtoc.html	Residential Habilitation Services in the Consolidated Waiver
55 Pa. Code Chapter 6000, Subchapter Q – Incident Management http://www.pacode.com/secure/data/055/chapter6000/subchapQtoc.html	All services provided in the Consolidated and P/FDS Waivers
55 Pa. Code Chapter 6000, Subchapter R – Procedures for Surrogate Health Care Decision Making http://www.pacode.com/secure/data/055/chapter6000/subchapRtoc.html	All services provided in the Consolidated and P/FDS Waivers
ODP Bulletin 00-15-02 - Rate-Setting Methodology for Consolidated and Person/Family Directed Support Waiver and Base-Funded Services for Individuals Participating in the Office of Developmental Programs Service System http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/c_192656.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-15-01 – Individual Support Plans http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/c_179244.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-14-06 - Fee Schedule Rates and Department-Established Fees for Consolidated and Person/Family Directed Support Waiver, Targeted Services Management and the Community Intellectual Disability Based-Funded Program http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/c_132443.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-14-05 – OVR Referral Process for Employment Services http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/c_088848.pdf	Consolidated, P/FDS and Adult Autism Waivers
ODP Bulletin 00-14-04 - Accessibility of Intellectual Disability Services for Individuals Who Are Deaf http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/c_078047.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 6400-13-02 – Participant Rights – Statement of Policy http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/p_033870.pdf	Consolidated Waiver
ODP Bulletin 6400-13-01 -Clarifying the Applicability of Chapter 6400 to Private Homes - Statement of Policy http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/c_083645.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 6000-11-01 – Procedures for Surrogate Health Care Decision Making http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_006037.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-10-14 - Provider Monitoring http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_006019.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-10-09 – Prior Authorization for Supplemental Habilitation and Additional Individualized Staffing http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_006433.pdf	Consolidated Waiver
ODP Bulletin 00-10-06 – Supports Coordination Services http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_006425.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-10-04 – Recording Information on the Target of an Individual to Individual Abuse Incident Report in HCSIS http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_006422.pdf	Consolidated and P/FDS Waivers

ODP Bulletin 00-10-03 – Planning and Managing Unanticipated Emergencies http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_006274.pdf	Consolidated and P/FDS Waivers
OCYF, OMAP, OMHSAS and ODP Bulletin 00-10-02 – Complex Case Planning http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_006022.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-10-02 – Quality Management Strategy of the Office of Developmental Programs http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_004788.pdf	Consolidated and P/FDS Waivers
OCYF, OMAP, OMHSAS and ODP Bulletin 3800-09-02 – Prone Restraints in Children’s Facilities http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_006165.pdf	Consolidated Waiver
OCYF, OMAP, OMHSAS and ODP Bulletin 3800-09-01 - Strategies and Practices to Eliminate the Use of Unnecessary Restraints http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_006164.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-08-18 – Communication Supports and Services http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005383.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-08-14 - Vendor Fiscal/Employer Agent Financial Management Services (VF/EA FMS) http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005292.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-08-11 – Supports Intensity Scale (SIS) and PA Plus Manual http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005280.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-08-08 - Agency With Choice Financial Management Services (AWC FMS) http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005180.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-08-05 Due Process and Fair Hearing Procedures for Individuals with Mental Retardation http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005165.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-08-04 - Individual Eligibility for Medicaid Waiver Services http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005106.pdf	Consolidated and P/FDS Waivers
OCYF, OIM, OMHSAS and ODP Bulletin 3490-08-03 – Implementation of Act 179 of 2006 and Act 73 of 2007 Amending the Child Protective Services Law http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005259.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-08-03 Procedures for Service Delivery Preference http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005095.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-07-02 - Overview of the Supports Intensity Scale© (SIS©) and the PA Plus http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_004575.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-07-01 – Provider Billing Documentation Requirements for Waiver Services http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_004574.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-06-15 – Prioritization of Urgency of Need for Services (PUNS) Manual http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_004543.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-06-13 - Service Review Protocol for Individuals in the Consolidated and Person Family Directed Support Waivers	Consolidated and P/FDS Waivers

http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005509.pdf	
ODP Bulletin 00-06-09 – Elimination of Restraints through Positive Practices http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_004581.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-05-07 – Office of Mental Retardation Policy on Employment http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_004027.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-05-04 – Lifesharing through Family Living http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_003887.pdf	Consolidated Waiver
ODP Bulletin 00-04-05 – Positive Approaches http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005879.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 6000-04-01 – Incident Management http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_004480.pdf	Consolidated and P/FDS Waivers
OMHSAS and ODP Bulletin 00-04-13 – Limited English Proficiency (LEP) http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_003715.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-04-11 – Certified Investigations http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_003882.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-04-05 – Positive Approaches http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005879.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 6000-04-01 – Incident Management http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_004480.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-03-11 - Medical Assistance for Workers with Disabilities In the Community Mental Retardation Program http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005899.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 00-03-05 – Principles for the Mental Retardation System http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_004513.pdf	Consolidated and P/FDS Waivers
ODP Bulletin 4210-02-05 - Clarifying Eligibility for Mental Retardation Services and Supports http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005905.pdf	Consolidated and P/FDS Waivers
Aging and ODP Bulletin 00-00-05 – Domiciliary Care for Persons with Mental Retardation http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005185.pdf	Consolidated Waiver
ODP Bulletin 00-96-23 – Guidelines Concerning Sexuality http://www.dhs.pa.gov/cs/groups/webcontent/documents/bulletin_admin/d_005245.pdf	Consolidated and P/FDS Waivers
Consolidated Waiver Effective July 13, 2016 http://dhs.pa.gov/learnaboutdhs/waiverinformation/consolidatedwaiverforindividualswithintellectualdisabilities/index.htm	Consolidated Waiver
Person/Family Directed Support Waiver Effective July 8, 2016 http://dhs.pa.gov/learnaboutdhs/waiverinformation/personfamilydirectedsupportwaiver/index.htm	P/FDS Waiver

Provider Agreement for Participation in Pennsylvania’s Consolidated and Person/Family Directed Support Waivers https://www.hcsis.state.pa.us/hcsis-ssd/custom/OMR_MAProviderAgreement.pdf	Consolidated and P/FDS Waivers
Adult Autism Waiver	Adult Autism Waiver
Adult Autism Waiver Participant Handbook	Adult Autism Waiver
Adult Autism Waiver, MA Supplemental Provider Agreement	Adult Autism Waiver
55 Pa. Code chapter 52-LONG-TERM LIVING HOME AND COMMUNITY-BASED SERVICES FOR ALL PROVIDERS http://www.pacode.com/secure/data/055/chapter52/chap52toc.html	All services provided in Aging, Attendant Care, CommCare, OBRA, and Independence waivers
6 Pa. Code 11, 6 Pa. Code 21-OLDER ADULT DAILY LIVING CENTERS-LICENSURE AND OPERATION REQUIREMENTS http://www.pacode.com/secure/data/006/chapter11/chap11toc.html	Adult Daily Living Services in the Aging, CommCare, OBRA, and Independence waivers
6 Pa. Code 21. Domiciliary Care Services for Older Adults. http://www.pacode.com/secure/data/006/chapter21/chap21toc.html	Dom Care settings in the Aging, Attendant Care, and OBRA waivers
55 Pa. Code chapter 2600-PERSONAL CARE HOMES http://www.pacode.com/secure/data/055/chapter2600/chap2600toc.html	Residential Habilitation services in the CommCare and OBRA waivers
54-15-06, 59-15-06 - Individual Service Plan Development, Review and Implementation Procedures for OLTL Home and Community-Based (HCBS) Services	All services provided in the Aging, Attendant Care, CommCare, OBRA, and Independence waivers.
59-16-03 Office of Long-Term Living Home and Community-Based Program Policy Clarification Update- Provide Choice Protocol	All services provided in the Aging, Attendant Care, CommCare, OBRA, and Independence waivers
05-15-02, 51-15-02, 54-15-02, 55-15-02, 59-15-02 Critical Incident Management	All services provided in the Aging, Attendant Care, CommCare, OBRA, and Independence waivers
51-14-07, 55-14-07, 59-14-07 - Service Coordination After-Hours Coverage	All services provided in the Aging, Attendant Care, CommCare, OBRA, and Independence waivers
51-14-01, 55-14-01, 59-14-01 - OLTL Home and Community-Based Services Service Authorization Form 51-13-12, 55-13-12, 59-13-12 - Hearings and Appeals	All services provided in the Aging, Attendant Care, CommCare, OBRA, and Independence waivers
05-13-10, 51-13-10, 55-13-10, 59-13-10 - Addition to the Office of Long-Term Living Standardized Home and Community-Based Services Waiver Participant Informational Materials – Your Appeal and Fair Hearing Rights	All services provided in the Aging, Attendant Care, CommCare, OBRA, and Independence waivers

51-13-06 , 55-13-06 , 59-13-06 - Additions to Office of Long-Term Living Standardized HCBS Waiver Participant Informational Materials - Abuse, Neglect and Exploitation and Self-Directed Models of Service	All services provided in the Aging, Attendant Care, CommCare, OBRA, and Independence waivers
51-13-04 , 55-13-04 , 59-13-04 - Office of Long-Term Living Standardized Home and Community-Based Services Waiver Participant Informational Materials	All services provided in the Aging, Attendant Care, CommCare, OBRA, and Independence waivers
05-13-05 , 08-13-05 , 11-13-05 , 17-13-05 , 19-13-05 , 25-13-05 , 26-13-05 , 41-13-05 , 51-13-05 , 54-13-05 , 55-13-05 , 59-13-05 - Clarification of type, scope, amount, duration and frequency of services	All services provided in the Aging, Attendant Care, CommCare, OBRA, and Independence waivers
03-13-03 , 41-13-03 , 55-13-03 - Providing For Absence Policies in the Enhanced Older Adult Daily Living Center Program	Adult Daily Living services in the Aging, CommCare, OBRA, and Independence waivers
05-13-02 , 51-13-02 , 54-13-02 , 55-13-02 , 59-13-02 - Billing Instructions - Home and Community Based Waiver Provider's billing of Procedure Codes Based on Authorized Service plans through PROMISE	All services provided in the Aging, Attendant Care, CommCare, OBRA, and Independence waivers
05-13-01 , 51-13-01 , 52-13-01 , 55-13-01 , 59-13-01 - Maintaining Waiver Eligibility While in an Institution	All services provided in the Aging, Attendant Care, CommCare, OBRA, and Independence waivers
05-11-07 , 51-11-07 , 52-11-07 , 54-11-07 , 55-11-07 , 59-11-07 - Accessibility Adaptations and Assistive Technology	Accessibility Adaptations and Assistive Technology in the Aging, CommCare, OBRA, and Independence waivers
05-11-05 , 51-11-05 , 52-11-05 , 55-11-05 , 59-11-05 - Community Integration Changes provided in the Medical Assistance Home and Community based waiver Program	Community Integration Services in CommCare, OBRA, and Independence waivers
05-11-04 , 51-11-04 , 52-11-04 , 54-11-04 , 55-11-04 , 59-11-04 - Program Fraud & Financial Abuse in Office of Long Term Living MA Home and Community-Based Service (HCBS) Programs	All services provided in the Aging, Attendant Care, CommCare, OBRA, and Independence waivers
05-10-08 , 51-10-08 , 55-10-08 , 59-10-08 - Office of Long-Term Living Home and Community-Based Program Policy Clarification Update	All services provided in the Aging, Attendant Care, CommCare, OBRA, and Independence waivers
05-10-05 , 51-10-05 , 52-10-05 , 55-10-05 , 59-10-05 - - Nursing Home Transition Outreach Form	Nursing Home Transition Program
03-10-02 , 41-10-02 , 55-10-02 - STANDARDS AND REIMBURSEMENT RATES FOR THE ENHANCED OLDER ADULT DAILY LIVING CENTER PROGRAM FOR MEDICAID AGING WAIVER PARTICIPANTS	Adult Daily living in the Aging waiver