

Person/Family Directed Support Waiver Transition Plan

Remediation Strategies - ODP's overall strategy will rely heavily on its existing HCBS quality assurance processes to ensure provider compliance with the HCBS rule. This will include provider identification of remediation strategies for each identified issue, and ongoing review of remediation status and compliance. ODP may also prescribe certain requirements to become compliant. ODP will also provide guidance and technical assistance to providers to assist in the assessment and remediation process. Providers that fail to remediate noncompliant settings in a timely manner may be subject to sanctions.

Unallowable Settings, Settings Presumed Not Eligible and All Settings Must Meet the Following Qualifications

Federal Requirement - 441.301(c) (5) - Home and Community-Based Settings do not include a nursing facility, institution for mental diseases, ICF/ID and hospitals.

441.301(c) (5) (v) – Settings in a publicly or privately owned facility that provide inpatient treatment;

441.301(c) (5) (v) – Settings on the grounds of or immediately adjacent to a public institution;

441.301(c) (5) (v) – Settings that have the effect of isolating individuals receiving HCBS from the broader community of individuals not receiving HCBS;

441.301(c) (4) (ii) – 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;

441.301(c) (4) (ii) – 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;

441.301(c) (4) (iii)–The setting ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint;

441.301(c) (4) (iv) – 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;

441.301(c) (4) (v) – The setting facilitates choice regarding services and who provides them.

#	Action Item	Description	Start Date	Target End Date	Deliverable
1	Explore employment data collection system	Explore employment data collection systems that will capture information on individuals served in the waiver such as type of job, wages, benefits and length of employment as well as information on providers rendering employment services. Recommendations will then be made as to the feasibility of a system and finally a decision will be made regarding whether employment data collection system can be implemented.	November 2014	July 2015	Decision to determine if a system can be implemented
2	Draft Regulations	Create a draft of the 55 Pa. Code Chapter 6100 regulations with stakeholder input. These regulations will replace 55 Pa. Code Chapter 51 and govern home and community based services provided through the Consolidated Waiver as well as other ODP programs.	January 2015	September 2015	Draft regulations

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3	Draft and Publish Executive Order on Employment	Collaborate with other state departments and offices to draft and publish the Executive Order on Employment. This document will clearly articulate employment principles for people with all disabilities.	January 2015	March 2016	Executive Order on Employment
4	Draft Waiver Service Definitions and Provider Qualifications for the Waiver Renewal	Draft waiver service definitions and provider qualification criteria with stakeholder input. This will include a two tiered set of standards: One that must be met by current providers and a different set of standards for providers that are newly enrolling to provide services	April 2015	June 2016	Draft service definitions and provider qualifications
5	Revise SC Monitoring Tool	Revise the tool used by Supports Coordinators when monitoring individuals to capture employment data.	November 2015	July 2016	Employment Data Collection System
6	Public Comment on Regulations	Draft regulations will be published through notice in the Pennsylvania Bulletin for public comment.	March 2016	May 2016	Pennsylvania Bulletin Notice
7	Public Comment on Waiver Renewal	Draft waiver renewal changes will be published through notice in the Pennsylvania Bulletin for public comment.	October 2016	December 2016	Pennsylvania Bulletin Notice
8	Submit Final Waiver Changes to CMS	Submit final waiver renewal to CMS for approval.	January 2017	January 2017	Waiver Renewal
9	Identify where new required information is included in the ISP	Identify where the following will be documented in the ISP: <ul style="list-style-type: none"> •Setting options provided to individuals will be documented in the ISP •Modifications to one of the requirements when needed 	January 2017	July 2017	HCBS IT Changes List, Document Setting Options
10	Develop communication	Develop and publish communication regarding required ISP documentation. This communication will include the additional information that must be included in the ISP when a modification to a requirement is needed.	January 2017	July 2017	Policy Document
11	Issue Regulations	Issue final regulations.	April 2017	April 2017	Pennsylvania Bulletin Notice
12	Enrollment process for new providers and service location move	Develop and implement a process to ensure new providers enrolling to render waiver services, existing providers moving their service locations and provider requests for expansion are not unallowable.	March 2017	June 2017	Enrollment Process
13	Review/Revise Provider Agreement	Review provider agreement and revise if necessary.	March 2017	June 2017	Provider Agreement

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14	Provider Service Alignment with Waiver	Time for providers to analyze services rendered and make changes to comply with waiver.	March 2017	June 2017	No Deliverable For This Item
15	Develop/Distribute Training Tools and Policy Updates	Identify, develop, and distribute training tools and policy updates that are needed for compliance.	July 2017	March 2019	Training tools and policy updates
16	Provider Monitoring	Revise provider monitoring tool to capture new requirements. Assess approximately 50% of waiver providers for compliance with waiver and regulations. The Statement of Findings/Final Audit Report/Corrective Action Plan form is first issued electronically, via email, by the reviewing entity within 30 calendar days of the completed monitoring. The issued form will identify each of the areas of noncompliance identified during the monitoring process. Once the monitored entity receives the form, the monitored entity is responsible to complete Corrective Action Plan sections of the form and return it. The reviewing entity will then review and return the CAP indicating that the plan has been approved or that further clarification and/or correction is required.	September 2017	June 2018	Provider Tracking Tool
17	Notify Providers of Decision	Notify providers of ODP's initial decision regarding the setting's eligibility. Information regarding providers determined to be eligible will be submitted to CMS for heightened scrutiny. Providers determined to be ineligible will be provided appeal rights. Providers will be expected to comply with applicable 55 Pa. Code Chapter 6100 requirements.	August 2018	September 2018	Notification to providers
18	Notify Participant of Decision	Notify individuals served by providers determined to be ineligible, Administrative Entities and Supports Coordination Organizations of provider ineligibility and what actions individuals may expect. The ISP team must discuss the option of other willing and qualified providers or other services that will meet the individual's needs and ensure their health and safety. The Supports Coordinator will be responsible for documenting this discussion.	August 2018	September 2018	Notification to participant

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19	Public Notice	Issue a public notice which lists all settings/providers monitored along with the determination of the appropriate category as listed below: <ul style="list-style-type: none"> •Ineligible for waiver reimbursement as of March 2019, •Eligible for waiver reimbursement, or •Eligible for waiver reimbursement and meets criteria for CMS heightened scrutiny process. 	November 2018	December 2018	Public Notice
20	Access Issues	Determine whether access issues may be created by providers who are no longer eligible/willing to provide waiver services. Access issues are defined as the inability of an individual/family to locate a willing and qualified service provider and/or the inability of an Administrative Entity/Supports Coordination Organization to secure a willing and qualified provider for individuals requesting services.	November 2018	December 2018	Provider Tracking Tool
21	Transition Participants	Ensure that individuals who receive services in ineligible settings transition to willing and qualified providers, if necessary.	December 2018	March 2019	Provider Tracking Tool
22	CMS Heightened Scrutiny	Send list of settings/providers determined eligible in accordance with the waiver to CMS for Heightened Scrutiny process.	March 2019	March 2019	List of Eligible Providers
23	Ongoing Monitoring	All waiver providers are continuously monitored for compliance during a 2-year cycle per waiver requirements.	March 2019	Ongoing	Provider Tracking Tool
24	Public Notice of CMS Heightened Scrutiny Determination	Notice will be published in the Pennsylvania Bulletin regarding the settings/provider CMS accepted as being home and community based and those that CMS denied as being home and community based.	As Determined by CMS	Ongoing	Public Notice

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Requirements for Provider-owned or Controlled Home and Community Based Residential Settings

Federal Requirement-

42 CFR 441.301(c) (4) (vi) (A)- 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.

42 CFR 441.301(c) (4) (vi) (B) (1)- 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

42 CFR 441.301(c) (4) (vi) (B) (2)- In a provider-owned or controlled residential setting, individuals sharing units have a choice of roommates

42 CFR 441.301(c) (4) (vi)(B) (3) – 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

42 CFR 441.301(c) (4) (vi) (C) – 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

42 CFR 441.301(c) (4) (vi) (D) – In a provider-owned or controlled residential setting, individuals are able to have visitors of their choosing at any time

42 CFR 441.301(c) (4) (vi) (E) – In a provider-owned or controlled residential setting, the setting is physically accessible to the individual

The P/FDS waiver does not offer Residential Habilitation service. Therefore, it is presumed that this waiver is in compliance with the CMS Rule.

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Outreach & Engagement - ODP proposes to involve various stakeholders in the development and implementation of this transition plan.					
#	Action Item	Description	Start Date	Target End Date	Deliverable
1	Input Sessions	ODP held seven input sessions with various stakeholder groups to discuss what information ODP should include in the transition plan for the P/FDS Waiver.	July 2014	August 2014	Input Session Schedule
2	Develop Communication Materials	Create Transition Plan Website links, link to register for webinars, public comment mailbox, information handouts, public communication brief	December 2014	December 2014	Communication materials
3	Public Notice & Comment	Official notification through PA Bulletin to begin the public comment period on waiver amendments/revisions and published draft transition plan including: submission, consolidation, documentation, and review of public comments	December 2014	February 2015	Public notice
4	Stakeholder Webinars	Two webinars held to obtain public comment on proposed P/FDS Waiver transition plan	January 2015	January 2015	Public Notice, Notes from Webinar
5	Transition Plan Revision	Incorporation of stakeholder comment and feedback on Pennsylvania's Statewide Transition Plan, submission of final waiver amendment and transition plan to CMS, and publication of submitted plan and comments received and Department responses.	February 2015	March 2015	Waiver Amendment, Transition Plan, Comment and Response Document
6	ODP Stakeholder Meetings	Provide stakeholders with an overview of the CMS HCBS Final Rule and obtain feedback from stakeholders to help in the development of recommendations to help Pennsylvania come into compliance with the CMS final rule.	April 2015	April 2015	Summary of Stakeholder Input
7	Ongoing Stakeholder Workgroup	ODP Stakeholder Workgroup will be developed to Assist ODP in drafting waiver service definitions and provider qualification criteria.	October 2015	January 2016	Draft Service definitions and provider qualifications
8	Provider & Stakeholder Training	Ongoing engagement highlighting updates and revisions to Pennsylvania's regulations, policies, and procedures; training on compliance to the HCBS Final Rule and transitioning activities for individuals with an intellectual disability, families, supports coordinators, providers, and staff.	April 2015	March 2019	Training, Stakeholders Involvement Plan

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9	Ongoing Stakeholder Engagement	Continued engagement with stakeholder community on regulations and department updates, sustaining an inclusive, person-centric focus that is transparent to individuals and the community while providing accountability to all parties involved.	December 2014	March 2019	Stakeholder Involvement Plan
10	Develop Provider Base	Provide Ongoing engagement with service providers to help build capacity for provisions of services in more integrated settings.	January 2016	March 2019 and ongoing	Strategy document for developing an enhanced provider base