



# Office of Developmental Programs

Consolidated and Person/Family  
Directed Support Waiver  
Amendments Effective July 2016

July 2016 Teleconferences

7/6/2016

1

## Actions To Date



- Waiver Amendment 5 of the Consolidated and Person/Family Directed Support (P/FDS) Waivers has a proposed effective date of June 30, 2016.
- On January 2, 2016, a notice was published in the Pennsylvania Bulletin informing stakeholders the Amendments were available for public review and comment.
- On April 1, 2016 ODP submitted the Amendments to CMS.
- Current Status



# **AMENDMENTS TO BOTH THE CONSOLIDATED AND PERSON/FAMILY DIRECTED SUPPORT WAIVERS**



# Appendix B

## Level Of Care

- Active Treatment was removed as a requirement to meet waiver level of care.
- Level of care criteria must be met prior to enrollment in the waiver and annually thereafter.
  - Diagnosis of intellectual disability
  - Medical Evaluation



# Appendix C

## Provider Qualifications

- Updated the requirements for new providers to complete self-assessments during the initial qualification process rather than during provider monitoring.
  - This change was made for both waivers in Appendices A & C.
- Washington D.C. and Virginia were added as qualified service locations for Education Support, Home and Community Habilitation, Respite and Companion, as well as Transportation provided by a relative or legal guardian.

# Home and Community Habilitation

- The service definition has been revised to reflect the full range of activities that can be provided.
- The revisions also reflect the many ways the service can be used to maximize the opportunities for each individual to engage in community life.
- May include elements of Companion
  - No more than half of the service provided

## Home and Community Habilitation Continued

- The staff must be awake during overnight hours for the purpose of performing tasks that require continual assistance as identified in the Individual Support Plan to ensure medical or behavioral stability and which are able to be performed by a non-licensed individual.
- Clarified that transportation is included in the rate paid to agency providers.
  - For this reason, waiver Transportation services may not be authorized as a separate service for transportation related to Home and Community Habilitation activities supported by an agency provider.

## Home and Community Habilitation Qualification Criteria

- Level 4 Enhanced - The provision of the service at a staff-to-individual ratio of 2:1 with at least one staff member who has at a minimum a 4 year degree or who is a licensed nurse. The second staff member must have at least a high school diploma.

## Companion

- Relatives/legal guardians are allowed to provide Companion services.

## Home and Community Habilitation and Companion

- A limit will be implemented on the number of hours that relatives/legal guardians can provide Home and Community Habilitation, Companion or a combination of Home and Community Habilitation and Companion.
  - 40 hours per week for any one relative or legal guardian
  - 60 hours per week for multiple relatives and legal guardians
  - Exception for up to 90 calendar days in any fiscal year

## Respite

- Clarifies that room and board costs may not be charged when an individual is receiving Respite.
- Qualification Criteria
  - Level 3 Enhanced - The provision of the service at a staff-to-individual ratio of 2:1 with at least one staff member who has at a minimum a 4 year degree or who is a licensed nurse. The second staff member must have at least a high school diploma.

## Supported Employment

- To comply with federal requirements, individuals must be referred to OVR prior to receiving Supported Employment services through the waiver except if there is documentation of any one of the following:
  - The individual is competitively employed and solely needs extended supports to maintain the individual's current job.
  - The individual is utilizing Supported Employment for vocational skill development purposes.
  - The individual has an ineligibility determination from OVR.
  - OVR has previously closed the individual's case.
- The six month evaluation requirement for job finding has been removed.

# Orientation, Mobility and Vision Therapy

- Visual/mobility therapy changed to orientation, mobility and vision therapy.
  - The service definition stays the same.
- Qualification Criteria
  - Employees providing this service must be certified by the Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP) as one of the following:
    - Certified Low Vision Therapist;
    - Certified Orientation and Mobility Specialist; or
    - Certified Vision Rehabilitation Therapist.

## Assistive Technology

- Implemented a lifetime limit of \$5000 on the purchase of generators
  - While generators have a separate lifetime limit, the amount spent on a generator is included in the overall Assistive Technology lifetime limit of \$10,000.

## Home Accessibility Adaptations

- Clarifies that glass window panes can be replaced with a shatterproof or break resistant material for individuals with behavioral issues as noted in the ISP. Plexiglas will no longer be specified.
- Clarifies that modifications must be made to existing bathrooms.
- Clarifies that Home Accessibility Adaptations may not be used in the construction of a new home.

## Specialized Supplies

- Changed to an Extended State Plan Service
  - Can only be provided to adult waiver participants (participants age 21 and older).
  - All medically necessary Specialized Supplies for children under age 21 are covered in the state plan pursuant to the EPSDT benefit.

## Transitional Work Services

- May be provided without referring a participant to OVR unless the participant is under the age of 24.
  - When a participant is under the age of 24, Transitional Work Services may only be authorized as a new service in the ISP when documentation has been obtained that OVR has closed the participant's case or that the participant has been determined ineligible for OVR services.

# Criminal History and Background Investigations

- Section C-2-a of the waivers
- Updated to align with Act 15 of 2015 which amended the Child Protective Services Law.
- Changes to definitions and terminology
- Certifications are required to be renewed every 60 months versus every 36 months.
- <http://keepkidssafe.pa.gov/>

## Service By Relatives and Legal Guardians

- Appendix C-2-e
- Spouses of the individual are classified as relatives.
- Companion services can be provided by relatives and legal guardians within established limits.
- Nursing services can be provided by relatives and legal guardians.
- Individuals are to express a preference for having the relative or legal guardian provide the service.



# AMENDMENTS TO THE CONSOLIDATED WAIVER ONLY



# Appendix B

## Reserved Capacity

- Unanticipated Emergencies
- Appendix B-3-c
  - For individuals/participants-who are identified as meeting the unanticipated emergency criteria in accordance with ODP's unanticipated emergency policy.
  - Year 5 (FY 16/17) – Increase from 20 to 60
  - Increase needed due to historical usage and implementation of Adult Protective Services.

## Reserved Capacity

- Hospital/Rehabilitation Care
- Appendix B-3-c
  - For individuals requiring hospital/rehabilitation care beyond 30 consecutive days and up to 6 consecutive months from the first date of leave.
  - Year 4 (FY 15/16) – Decrease from 550 to 200
  - Year 5 (FY 16/17) – Decrease from 550 to 200
  - Decrease needed to reflect usage from the past three years.



# Appendix C

## Supports Broker

- This service may be provided for individuals in a waiver residential habilitation setting in the following circumstances:
  - The individual has a plan to transition from a residential setting to a private residence, and
  - The individual has a plan to self-direct their services through an AWC or VF/EA FMS once they are in a private residence.
- This change is also reflected in Section E-1-c



# AMENDMENTS TO THE P/FDS WAIVER ONLY



# Appendix B

## Unduplicated Number of Participants

- Appendix B-3-a
  - Year 4 (FY 15/16) – Increase from 13,300 to 13,900
  - Year 5 (FY 16/17) – Increase from 13,300 to 13,900
- Increase the number of individuals that can be served in the P/FDS waiver to accommodate the FY 15/16 waiting list initiative as approved in the budget

## Reserved Capacity

- Appendix B-3-c
- Reserved Capacity for Waiting List Initiative
  - Year 4 (FY 15/16) – Increase from 0 to 600
- Reserved Capacity for Competitive Employment Initiative
  - New category for 50 individuals who have, or expect to have a successful closure with OVR
  - Year 5 (FY 16/17)



# Appendix C

## Respite

- Increase the number of 15 minute units allowed from 480 to 1440.

## Additional Limits

- Appendix C-4
- A \$30,000 per person per fiscal year total limit is established for all P/FDS Waiver services, with the exception of Supports Coordination and Supports Broker services.

## Questions

- If there are any additional questions regarding Waiver Amendment 5 that were not answered during the presentation, please submit them to the ODP comment box at [RA-odpcomment@pa.gov](mailto:RA-odpcomment@pa.gov).
- A Question and Answer document will be developed.
- Thank you