

**Adult Autism Waiver Amendments**

**Effective Date: January 1, 2025**

**KEY**

**Black Bold Font** = Additions proposed and submitted to CMS. No changes were made because of public comment.

**Strikethrough** = Information removed

<b>Appendix</b>	<b>Waiver Section</b>	<b>Recommended Revised Language</b>	<b>Reason for Change</b>
B-3-c	Reserved Waiver Capacity	<p><i>Purpose:</i> Hospital/Rehabilitation Care</p> <p>ODP reserves waiver capacity for participants requiring hospital/rehabilitation care up to 180 days from the first date of leave. Reserved capacity begins on:</p> <ul style="list-style-type: none"> <li>• Day 31 in medical and psychiatric hospital settings.</li> <li>• Day 1 in rehabilitation care programs and nursing homes.</li> </ul> <p>Waiver capacity will be reserved for participants requiring hospital or rehabilitation care in the following settings: medical and psychiatric hospital settings, rehabilitation care programs, and nursing homes. <b>Waiver capacity will not be reserved for participants who receive services in an acute care hospital as outlined in this waiver because they will not be disenrolled from this waiver.</b></p> <p><b>Settings which are not considered hospital/rehabilitation care include residential treatment facilities, state mental health hospitals, approved private schools, and private and state ICFs/ID.</b></p>	<p>This change clarifies that individuals who receive waiver services in an acute care hospital in accordance with requirements in the waiver and Bulletin 00-23-01 will not be disenrolled from the waiver and will not need to have waiver capacity reserved.</p> <p>Clarification regarding settings that are not considered hospital/rehabilitation care has also been added to align with other ODP waivers.</p>
C-1/C-3	Assistive Technology	<p>Assistive Technology devices costing \$750 or more must be recommended by an independent evaluation of the participant’s assistive technology needs, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the participant on the customary environment of the participant. <b>While an independent evaluation of the participant’s assistive technology needs for devices costing less than \$750 is not required, it can be completed if the service plan team believes it will be</b></p>	<p>This change clarifies that independent evaluations of assistive technology needs for devices costing less than \$750 can be covered under Assistive Technology but are not required. All independent evaluations covered under Assistive</p>

Appendix	Waiver Section	Recommended Revised Language	Reason for Change
		<p><b>beneficial.</b> Multiple devices processed in the same transaction do not necessitate an evaluation unless the cost of any one device included on the invoice exceeds \$750.</p> <p><del>The</del> <b>All independent evaluations must be conducted by a licensed physical therapist, occupational therapist, speech/language pathologist, or a professional certified by SHIFT as an Enabling Technology Integration Specialist (ETIS) or, or a professional certified by Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) as an Assistive Technology Professional.</b></p> <p><i>Specify applicable (if any) limits on the amount, frequency, or duration of this service:</i></p> <p>Assistive Technology has the following limits:</p> <ul style="list-style-type: none"> <li>• Maximum amount for this service is \$10,000 over a participant’s lifetime. An exception to this limit may be made in accordance with ODP policy. This lifetime limit includes: <ul style="list-style-type: none"> <li>○ A lifetime limit of \$5,000 for generators for the participant’s primary residence only. <del>Generators for a secondary residence are not available through the Waiver. The lifetime limit on generators may not be raised using the exception process and generators for a secondary residence are not available through the waiver.</del> 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.</li> <li>○ Repairs, warranties, ancillary supplies, software, and equipment.</li> <li>○ <b>Independent evaluations of the participant’s assistive technology needs.</b></li> </ul> </li> </ul>	<p>Technology are included in the lifetime limit of \$10,000.</p> <p>Changes have also been made to align coverage of generators with other ODP Waivers.</p>

Appendix	Waiver Section	Recommended Revised Language	Reason for Change
C-1/C-3	Day Habilitation	<p>Support provided <del>should</del> <b>must</b> include a comprehensive analysis of the participant in relation to the following completed <b>at least annually</b>:</p> <ul style="list-style-type: none"> <li>• Strongest interests &amp; personal preferences for community activities,</li> <li>• Skills, strengths, &amp; other contributions likely to be valuable to employers or the community, &amp;</li> <li>• Conditions necessary for successful community inclusion and/or competitive integrated employment.</li> </ul>	<p>This change clarifies expectations for the completion of a comprehensive analysis necessary to support participants in experiencing meaningful community inclusion which includes developing and sustaining a range of valued social roles and relationships and increasing potential for employment.</p>
C-1/C-3	Community Transition	<p>Community Transition Services are non-recurring set-up expenses for individuals who <del>have</del> <b>are</b> transitioning from a Medicaid-funded institution <b>or another provider-operated living arrangement to a living arrangement in</b> a private residence where the person is directly responsible for <del>his or her</del> <b>their</b> living expenses.</p>	<p>This change aligns with the CMS Instructions, Technical Guide and Review Criteria for 1915c waivers.</p>
C-1/C-3	<b>American Sign Language – English Interpreter Service</b>	<p style="text-align: center;"><b>*** New Service***</b></p> <p><b>The American Sign Language (ASL) - English Interpreter Service is for participants who utilize ASL.</b></p> <p><b>Interpreting is the process of conveying English in grammatically correct American Sign Language and the process of conveying American Sign Language in English. Interpreters maintain the role of a facilitator of communication rather than the focus or initiator of communication. Interpreters may make an exception to this to provide communication information within the scope of the interpreter’s training.</b></p> <p><b>Participants utilizing this service must have an implementation plan and a plan to fade out the use of an interpreter to promote direct communication.</b></p>	<p>An interpreter service is being added to the waiver to ensure effective communication for participants who use American Sign Language.</p>

Appendix	Waiver Section	Recommended Revised Language	Reason for Change
		<p>Interpretation teleservices may be provided in accordance with requirements in the Additional Needed Information Section of the Main Module. This service does not include payment for video equipment.</p> <p>Providers of residential services are responsible for meeting the communication needs of individuals receiving residential services. For participants who receive Residential Habilitation: Community Home and Life Sharing services, the interpreter service may only be used during:</p> <ol style="list-style-type: none"> <li>1. Incident investigations, law enforcement activity, or another crisis event,</li> <li>2. Victim’s assistance,</li> <li>3. Completion of the Health Risk Screening Tool,</li> <li>4. Annual service assessments required in Residential Habilitation: Community Home and Life Sharing, i.e., rights training, fire safety, etc.,</li> <li>5. Annual service trainings required by 55 Pa. Code Chapter 6100,</li> <li>6. Important team meetings, and</li> <li>7. Other situations as determined to be needed by the team.</li> </ol> <p>This service may not be used during personal care when privacy would generally be expected (while a participant is in a state of undress, during sexual activities, etc.).</p> <p>The interpreter is exclusively providing interpretation and is not providing any other service as described in this waiver. As such, interpreters are not counted in the participant’s staffing ratio for other direct services.</p> <p>A team of two or more interpreters is allowable based on complexity, length of time, and standard practices.</p>	

Appendix	Waiver Section	Recommended Revised Language	Reason for Change
		<p>Interpreters may bill up to 30 minutes of preparation time per participant per day billed.</p> <p>This service may only be funded when it is not the responsibility of another entity, or it is not available through the State Plan, Medicare, private insurance, or other responsible entity. Waiver funds may not be used to purchase this service if it is provided to the general public for free.</p> <p>Participants who have competitive integrated employment may only receive interpreter services funded through the waiver at their place of employment after the participant has applied for a reasonable accommodation under the Americans with Disabilities Act and the employer determines that providing an interpreter qualifies as an undue hardship for the employer.</p> <p>This service can be delivered in Pennsylvania and states contiguous to Pennsylvania.</p> <p><i>Specify applicable (if any) limits on the amount, frequency,</i>  <b>Interpreter services are limited to an average of 8 hours per day.</b></p> <p><i>Service Delivery Method (check each that applies):</i>  <input checked="" type="checkbox"/> <b>Provider managed</b></p> <p><i>Specify whether the service may be provided by (check each that applies):</i>          Legally Responsible Persons, Relatives and Legal Guardians cannot render this service</p> <p><i>Provider Specifications:</i>  <i>Provider Category:</i>  <b>Agency</b></p>	

Appendix	Waiver Section	Recommended Revised Language	Reason for Change
		<p><i>Provider Type Title</i>  <b>Interpreter Referral Agency</b></p> <p><i>Provider Qualifications:</i>  <i>Other:</i>  <b>Agencies must meet the following standards regardless of provider service location:</b></p> <ol style="list-style-type: none"> <li><b>1. Have a waiver service location in Pennsylvania or a state contiguous to Pennsylvania.</b></li> <li><b>2. Complete standard ODP required orientation and training.</b></li> <li><b>3. New providers demonstrate compliance with ODP standards through completion of a self-assessment and validation of required documentation, policies, and procedures.</b></li> <li><b>4. Have Commercial General Liability Insurance.</b></li> <li><b>5. Have Workers' Compensation Insurance, in accordance with state law.</b></li> <li><b>6. Comply with Department standards related to provider qualifications.</b></li> <li><b>7. Have a signed ODP Provider Agreement on file with ODP if enrolled directly with ODP (not through an OHCD). The ODP Provider Agreement requires the provider to comply with all applicable federal and state statutes, regulations, and policies, including but not limited to confidentiality and HIPAA requirements.</b></li> <li><b>8. Develop and implement written privacy policies and procedures that are consistent with the Privacy Rule. ODP reviews these policies and procedures when complaints are received regarding privacy or as part QA&amp;I when warranted.</b></li> </ol> <p><b>Staff working for or contracted with the agency must meet the following standards:</b></p>	

Appendix	Waiver Section	Recommended Revised Language	Reason for Change
		<ol style="list-style-type: none"> <li>1. <b>Comply with the Sign Language Interpreter and Transliterators State Registration Act of 2004, which requires registration with Pennsylvania’s Office of Deaf and Hard of Hearing.</b></li> <li>2. <b>Be at least 18 years of age.</b></li> <li>3. <b>Have a Pennsylvania State Police criminal history record check prior to the date of hire. If the prospective employee is not a resident of the Commonwealth of Pennsylvania or has not been a resident of the Commonwealth of Pennsylvania for at least two years prior to the date of employment, a Federal Bureau of Investigation criminal history record check must be obtained prior to the date of hire. If a criminal history clearance and/or the criminal history record check identifies a criminal record, providers must make a case-by-case decision about whether to hire the person that includes consideration of the following factors:</b> <ul style="list-style-type: none"> <li>• <b>The nature of the crime;</b></li> <li>• <b>Facts surrounding the conviction;</b></li> <li>• <b>Time elapsed since the conviction;</b></li> <li>• <b>The evidence of the individual’s rehabilitation; and</b></li> <li>• <b>The nature and requirements of the job.</b></li> </ul> <p style="margin-left: 40px;"><b>Documentation of the review must be maintained for any staff that were hired whose criminal history clearance results or criminal history check identified a criminal record.</b></p> <p><i>Provider Category:</i>  <b>Individual</b>  <i>Provider Type Title</i>  <b>Interpreter</b></p> </li> </ol>	

Appendix	Waiver Section	Recommended Revised Language	Reason for Change
		<p><i>Provider Qualifications:</i>  <i>Other:</i>  <b>Individuals must meet the following standards:</b></p> <ol style="list-style-type: none"> <li><b>1. Comply with the Sign Language Interpreter and Transliterators State Registration Act of 2004, which requires registration with Pennsylvania’s Office of Deaf and Hard of Hearing.</b></li> <li><b>2. Have Commercial General Liability Insurance.</b></li> <li><b>3. Be at least 18 years of age.</b></li> <li><b>4. Have a signed ODP Provider Agreement on file with ODP if enrolled directly with ODP (not through an OHCD). The ODP Provider Agreement requires the provider to comply with all applicable federal and state statutes, regulations, and policies, including but not limited to confidentiality and HIPAA requirements.</b></li> <li><b>5. Develop and implement written privacy policies and procedures that are consistent with the Privacy Rule. ODP reviews these policies and procedures when complaints are received regarding privacy or as part of QA&amp;I when warranted.</b></li> <li><b>6. Have a Pennsylvania State Police criminal history record check prior to the date of hire. If the prospective employee is not a resident of the Commonwealth of Pennsylvania or has not been a resident of the Commonwealth of Pennsylvania for at least two years prior to the date of employment, a Federal Bureau of Investigation criminal history record check must be obtained prior to the date of hire. If a criminal history clearance and/or the criminal history record check identifies a criminal record, providers must make a case-by-case decision about whether to hire the person that includes consideration of the following factors:</b> <ul style="list-style-type: none"> <li><b>○ The nature of the crime;</b></li> <li><b>○ Facts surrounding the conviction;</b></li> <li><b>○ Time elapsed since the conviction;</b></li> </ul> </li> </ol>	



Appendix	Waiver Section	Recommended Revised Language	Reason for Change
		<ul style="list-style-type: none"> <li>○ The evidence of the individual’s rehabilitation; and</li> <li>○ The nature and requirements of the job.</li> </ul> <p>Documentation of the review must be maintained for any staff that were hired whose criminal history clearance results or criminal history check identified a criminal record.</p>	
C-1/C-3	Residential Habilitation: Residential Provider (Community Home) and Life Sharing Provider	<b>The Residential Habilitation/Life Sharing provider is also responsible for providing physical health maintenance services, including those required by a licensed nurse when required to assure health and wellness or as required in the service plan.</b>	This change clarifies that Residential Habilitation and Life Sharing providers must have licensed nurses available when serving participants with needs that require care by a licensed nurse. This requirement applies to the Residential Habilitation and Life Sharing services in their entirety.
C-1/C-3	Residential Habilitation: Community Home and Life Sharing and Supports Coordination	Annually submit to ODP the most recent financial statements ( <b>Income Statement and Balance Sheet</b> ). <del>that has been audited by an independent Certified Public Accountant.</del>	This change clarifies the requirement for submission of financial statements to align with policy.

Appendix	Waiver Section	Recommended Revised Language	Reason for Change
C-1/C-3	Residential Habilitation: Community Home and Life Sharing	<p>SUPPORTIVE TECHNOLOGY PROFESSIONAL</p> <p>When rendering remote support services to participants, the Residential Habilitation provider must have a supportive technology professional (direct, contracted, or in a consulting capacity) available who has either a current Assistive Technology Professional certificate from the Rehabilitation Engineering and Assistive Technology Society of North America (RESNA) or Enabling Technology Integration Specialist SHIFT certification. The supportive technology professional is responsible for:</p> <ol style="list-style-type: none"> <li>1. Completion of evaluations of participants' assistive technology needs, including a functional evaluation of the impact of appropriate remote supports.</li> <li>2. Completion of an evaluation plan that, at a minimum, includes: the need(s) of the participant that will be met by the remote supports; how the remote supports will ensure the participant's health, welfare and independence; the training needed to successfully utilize the technology; and the back-up plan that will be implemented should there be a problem with the remote supports.</li> <li>3. Informing the participant, and anyone identified by the participant, of what impact the remote supports will have on the participant's privacy. This information must be provided to the participant in a form of communication <del>reasonably calculated</del> to be understood by the participant. <b>This process must be completed prior to the utilization of remote supports and any time there is a change, including technology devices utilized.</b> <del>After this has been completed, the Residential Habilitation provider must then obtain either the participant's consent in writing or the written consent of a legally responsible party for the participant. This process must be completed prior to the utilization of remote supports, and any time there is a change to the remote supports including technology devices utilized.</del></li> <li>4. Ensuring that the remote supports technology is in working order.</li> </ol>	This change aligns qualification requirements for supportive technology professionals in the AAW with the ID/A Waivers.

Appendix	Waiver Section	Recommended Revised Language	Reason for Change
C-1/C-3	Residential Habilitation: Residential Provider (Community Home) and Life Sharing Provider	<p>Agencies must meet the following standards:</p> <p>...</p> <p><del>5. Be qualified and enrolled to provide Residential Habilitation/Life Sharing services in the Consolidated or Community Living Waiver</del></p> <p><b>5. Actively provided direct non-residential HCBS as a provider enrolled to provide ODP Waiver services for the two years immediately prior to enrolling to provide Residential Habilitation/Life Sharing services and be in good standing (not subject to sanctions or enforcement actions by the Department).</b></p> <p>...</p> <p><b>15. At least one of the following must have experience working with individuals with an intellectual disability, developmental disability, and/or autism and have a bachelor's degree:</b></p> <ul style="list-style-type: none"> <li>• Executive Director,</li> <li>• Chief Executive Officer,</li> <li>• Chief Operations Officer, or</li> <li>• Director, Assistant or Associate Director.</li> </ul> <p><b>16. The organization must have a chief financial officer with 5 years' experience or evidence of contracted financial management services.</b></p> <p><b>17. Have a person fill the role of Chief Executive Officer (CEO) at all times. The agency must have a written plan stating who will fill the role of the CEO should the current CEO leave their position.</b></p> <p><b>18. In the case of an entity newly enrolled to provide Residential Habilitation/Life Sharing services, or a current provider hiring new executive level staff, one of the following positions:</b></p> <ul style="list-style-type: none"> <li>• Executive Director,</li> <li>• Chief Executive Officer,</li> <li>• Chief Operations Officer, or</li> </ul>	<p>Supporting participants through residential services can be complex and dynamic. Providing Residential Habilitation or Life Sharing services requires a provider to be prepared to meet the needs of each participant supported, as well as initiate and participate in ongoing planning and support to facilitate each participant's vision for an Everyday Life. The proposed changes were previously implemented for Residential Habilitation and Life Sharing services in other waivers administered by ODP due to input about operations which support the success of participants gathered from residential providers across Pennsylvania. ODP proposes similar changes in the Adult Autism Waiver to the qualifications providers must meet to ensure that all residential providers are financially prepared, new providers have prior experience before delivering residential services, and the provision of services will continue without interruption due to organizational changes at the executive level.</p>

Appendix	Waiver Section	Recommended Revised Language	Reason for Change
		<ul style="list-style-type: none"> <li>• <b>Director, Assistant or Associate Director must have a bachelor's degree &amp; a minimum of 5 years' experience in an executive-level position relating to the provision of residential services to individuals with an intellectual disability, developmental disability, autism, and/or serious mental illness, with responsibility for all of the following:</b> <ul style="list-style-type: none"> <li>• <b>Day-to-day residential agency operations;</b></li> <li>• <b>Oversight of the development and implementation of residential agency-wide policies and procedures;</b></li> <li>• <b>Supervision of management-level staff; and</b></li> <li>• <b>Compliance with applicable state and federal regulations.</b></li> </ul> </li>   <li><b>19. Newly hired CEOs must complete the ODP approved Health Risk Screening Tool Orientation and Dual Diagnosis Training within 30 days of hire.</b></li>   <li><b>20. Notify the ODP Regional Office within 10 business days of the hiring date of a new CEO, including an interim or acting CEO.</b></li> </ul>	
I-2-a	Rate Determination Methods	Vendor Goods and Services for Assistive Technology, Community Transition Services, Remote Supports, Transportation (Public), Home Modifications, <del>and</del> Vehicle Modifications, <b>and the American Sign Language - English Interpreter Service</b> , providers are reimbursed at the invoice cost for the service or equipment provided. DHS reimburses those services based on the cost charged to the general public for the service or equipment.	An interpreter service is being added to the waiver to ensure effective communication for participants who use American Sign Language. The waiver will pay what the provider charges to anyone who is not enrolled in the waiver.