



**Office of Long-Term Living**  
**Home and Community-Based Services Final Rule**  
**Provider Self-Survey Report**  
**August, 2015**

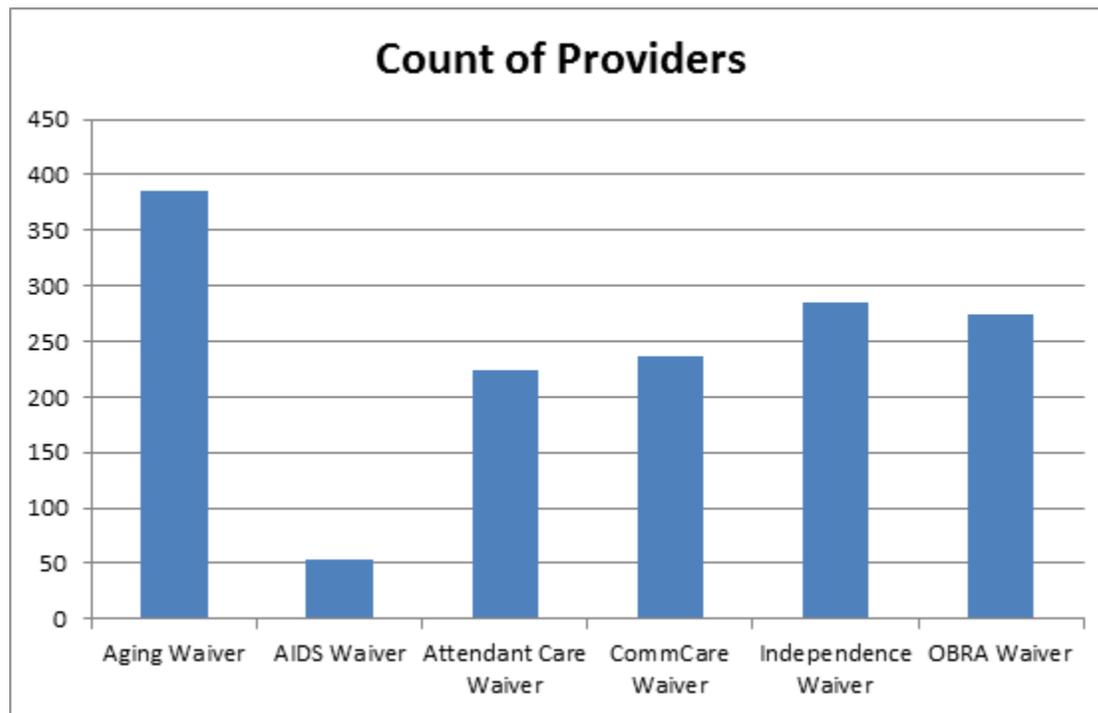
## **Background**

On January 16, 2014, the Centers for Medicare and Medicaid Services (CMS) published a final rule for home and community-based services (HCBS) in the Federal Register with an effective date of March 17, 2014. The rule defines settings in which provision of waiver services are not allowed, those which are presumed ineligible to provide waiver services, qualifications for all home and community-based settings and requirements specific to provider owned or controlled home and community-based settings. The rules apply to all settings – residential and non-residential, licensed and unlicensed. More information about the rule can be found at <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>.

CMS requires that states undergo activities to assess whether or not their waiver providers are in compliance with the new rule and to incorporate continued provider compliance into their overall monitoring activities. To begin the assessment process in Pennsylvania, the Department of Human Services' Office of Developmental Programs (ODP) and Office of Long-Term Living (OLTL) developed a survey to be completed by all ODP and OLTL providers. For OLTL, this includes providers supporting individuals within the Aging, AIDS, Attendant Care, CommCare, Independence, and OBRA waivers. The survey was open for the period of April 2, 2015 to April 30, 2015. The survey was designed so that providers could complete a survey for each setting type individually (i.e., if a respondent owned, operated or controlled more than one setting type, they should have completed one survey for each one). The purpose of the survey was to help the Department to get an overall understanding of the settings in which waiver services are being provided and help to inform policy development. Data has not been validated and this report only reflects how respondents interpreted and responded to the survey. OLTL will follow-up with providers to validate survey responses.

**OLTL Provider Survey Results Data**

OLTL received 775 completed surveys by 431 distinct providers. At the time the survey was distributed, 1100 HCBS providers were enrolled to provide services for OLTL. The 431 respondents represent a 39% response rate of all enrolled OLTL HCBS providers. The following table represents the reported waivers served.



The table below shows the services rendered by respondents.

Service	Count	Percentage	Service	Count	Percentage
Accessibility Adaptations	56	7%	Physical Therapy	47	6%
Adult Daily Living	133	17%	Prevocational Services	16	2%
Community Integration	55	7%	Residential Habilitation	58	7%
Durable Medical Equipment and Supplies	33	4%	Respite	137	18%
Home Delivered Meals	17	2%	Speech Therapy	28	4%
Home Health	152	20%	Structured Day Habilitation	56	7%
Non-medical Transportation	87	11%	Supported Employment	20	3%
Nutritional Consultation	7	1%	Telecare	3	0%
Occupational Therapy	35	5%	Therapeutic and Counseling	42	5%
Personal Assistance Services	350	45%	None of the above	128	17%
Personal Emergency Response System	45	6%			

### Unallowable Settings

The final rule indicates that waiver services may not be rendered in certain types of settings. Therefore, survey participants were asked the following question.

*Does this location provide Home and Community-Based waiver services in any of the following settings?*

1. *Nursing Facility*
2. *Institution for mental disease*
3. *Public or private ICF/ID*
4. *Hospital*
5. *None of the above*

The tables below show the distribution of respondents who reported providing services in an unallowable setting, the services rendered in the settings, and the number of participants by waiver.

Setting	Number	Percentage
Nursing Facility	11	1.42%
Institution for Mental Disease	1	0.13%
Public or Private ICF/ID	3	0.39%
Hospital	4	0.52%
None of the Above Settings (Not in an Unallowable Setting)	760	98.06%

Service	Skilled Nursing Facility	Institution for Mental Disease	Intermediate Care Facilities for Persons with an Intellectual Disability (ICF/ID)	Hospital
Accessibility Adaptations	0	0	0	0
Adult Daily Living	*9	1	1	1
Community Integration	0	0	0	0
Durable Medical Equipment and Supplies	0	0	0	0
Home Delivered Meals	0	0	0	0
Home Health	0	0	0	0
Non-Medical Transportation	0	0	0	0
Nutritional Counseling	0	0	0	0
Occupational Therapy	2	0	0	0
Personal Assistance Services	1	1	1	1
Personal Emergency Response System	0	0	0	0
Physical Therapy	2	0	0	0
Prevocational Services	0	0	0	0
Residential Habilitation	0	0	0	0
Respite	0	0	0	0
Speech Therapy	2	0	0	0
Structured Day Habilitation	0	0	0	0
Supported Employment	0	0	0	0
Telecare	0	0	0	0
Therapeutic and Counseling	0	0	0	0

\*3 of which reported being adjacent to an inpatient institution

Waiver	Self- Reported Number of participants Served in Unallowable Setting
Aging Waiver	86
Attendant Care Waiver	0
AIDS Waiver	0
CommCare Waiver	0
Independence Waiver	25
OBRA Waiver	8

### Presumed Ineligible Settings

The final rule indicates that certain types of settings are likely noncompliant with the guidelines established in the rule. Therefore, survey participants were asked the following questions:

*Does this location provide waiver services in a publically or privately operated facility that provides inpatient institutional treatment?*

*Does this location provide waiver services in a building on the grounds of, or immediately adjacent to, a public institution? (A public institution is an inpatient facility that is financed and operated by a county, state, municipality, or other unit of government. A privately owned nursing facility is not a public institution.)*

*Does this location provide waiver services in any of the following settings?*

1. *Farmstead or disability-specific farm community*
2. *Gated/secured community for people with disabilities*
3. *Residential school*

4. *None of the above*

The tables below show the distribution of respondents who reported providing services in a presumed unallowable setting, the services rendered in the settings, and the number of participants by waiver.

Setting	Respondents	Percent of Total Respondents
Inpatient Institutional	14	1.8%
Grounds of a Public Institution	4	0.5%
Farmstead or disability specific community	2	0.2%
Gated/secured community for people with disabilities	12	1.5%
Residential school	6	0.7%
None of the Above (Not in an Presumed Ineligible Setting)	755	97.4%

Service	Inpatient Institutional	Grounds of a Public Institution	Farmstead or disability specific community	Gated/Secured community for people with disabilities	Residential school
Accessibility Adaptations	0	0	0	0	0
Adult Daily Living	11	1	0	0	0
Community Integration	0	0	0	0	0
Durable Medical Equipment and Supplies	0	0	0	0	0
Home Delivered Meals	0	0	0	0	0
Home Health	0	0	0	0	0
Non-Medical Transportation	0	0	0	0	0
Nutritional Counseling	0	0	0	0	0
Occupational Therapy	2	0	0	0	0
Personal Assistance Services	3	0	0	0	0
Personal Emergency Response System	0	0	0	0	0
Physical Therapy	2	0	0	0	0
Prevocational Services	0	0	0	0	0
Residential Habilitation	0	0	0	0	0
Respite	0	0	0	0	0
Speech Therapy	2	0	0	0	0
Structured Day Habilitation	1	0	0	0	0
Supported Employment	0	0	0	0	0
Telecare	0	0	0	0	0
Therapeutic and Counseling	0	0	0	0	0

Waiver	Self- Reported Number of participants Served in a Presumed Unallowable Setting
Aging Waiver	223
Attendant Care Waiver	0
AIDS Waiver	0
CommCare Waiver	0
Independence Waiver	23
OBRA Waiver	10

## Residential Settings

The final rule establishes additional criteria for residential settings for which compliance must be achieved no later than March 2019. Ninety-seven respondents indicated that they provide services in a provider owned or controlled residential setting. Survey participants were asked a series of questions relating to the activities offered by the setting and the frequency with which the services are provided. Responses are below.

Frequency	Shopping	Religion	Sporting Events	Restaurants	Parks	Visiting Friends and Family	Other Activities
Daily	4 or 3.8%	2 or 1.9%	2 or 1.9%	3 or 2.9%	3 or 2.9%	9 or 8.7%	11 or 10.6%
Weekly	86 or 82.7%	85 or 81.7%	70 or 67.3%	86 or 82.7%	76 or 73.1%	80 or 76.9%	72 or 69.2%
Monthly	4 or 3.8%	2 or 1.9%	12 or 11.5%	4 or 3.8%	12 or 11.5%	3 or 2.9%	10 or 9.6%
Quarterly	0 or 0.0%	3 or 2.9%	1 or 1.0%	1 or 1.0%	1 or 1.0%	0 or 0.0%	1 or 1.0%
Annually	0 or 0.0%	1 or 1.0%	4 or 3.8%	1 or 1.0%	2 or 1.9%	0 or 0.0%	1 or 1.0%
Do NOT provide	9 or 8.7%	10 or 9.6%	14 or 13.5%	8 or 7.7%	9 or 8.7%	11 or 10.6%	8 or 7.7%

Residential providers were asked a series of questions relating to how settings are operated with regard to individual freedoms. Responses are below.

These numbers represent the 97 Surveys for residential setting	
Do participants have a lease or legally enforceable agreement?	83 respondents indicated Yes (85.6%)
Does your service location offer an option for a private bedroom?	83 respondents indicated Yes (85.6%)
Do participants have access to food at any time?	91 respondents indicated Yes (93.8%)
Do participants have the freedom to lock and/or unlock their bedroom doors at any time?	24 respondents indicated Yes (24.7%)
Does the participant have a key to their bedroom door?	20 respondents indicated Yes (20.6%)
Does the participant have a key to entrance/exit doors?	19 respondents indicated Yes (19.6%)
Do you have a policy on staff access to private rooms?	22 respondents indicated Yes (22.7%)
Does each participant have the freedom to decorate their bedrooms or homes differently?	87 respondents indicated Yes (89.7%)
Is the setting physically accessible for each resident?	91 respondents indicated Yes (93.8%)

Residential providers were asked to provide an explanation for any “no” response above through the following question:  
*If you answered No to any of the questions above please explain why:*

OLTL reviewed the entries submitted from this question and below are the most frequent responses.

1. *Entrance and exit doors can be opened from inside and are kept unlocked during all day time hours. Doors are alarmed to alert staff when opened.*
2. *Individuals who express a preference to have a key. When access to bedrooms is required due to health and safety concerns, respect for participants and right to privacy is honored.*
3. *Access to food is individualized and identified in the participant’s Individual Service Plan and is in response to health and safety concerns.*

The following tables represent the residential providers’ self-reported number of participants and services provided.

Waiver	Self- Reported Number of participants Served in Provider Owned or Controlled Setting
Aging Waiver	811
Attendant Care Waiver	16
AIDS Waiver	0
CommCare Waiver	154
Independence Waiver	67
OBRA Waiver	100

Service	Self-Reported Services being provided by the Provider Owned or Controlled setting
Nutritional Consultation	4
Occupational Therapy	6
Personal Assistance Service	17
PERS	1
Physical Therapy	8
Pre-Vocational Services	4
Residential Habilitation	52
Respite	3
Speech Therapy	6
Structured Day Habilitation	43
Supported Employment	4
Telecare	0
Therapy-Counseling	38
No Services	31

### Exploratory Questions for All Providers

Respondents were asked a series of questions designed to gather more information about how services are provided at their settings. Responses are below

Exploratory Questions for ALL providers	
Do you provide participants with privacy, especially during personal assistance such as bathing and dressing?	657 or 84.8% compliance
Does the setting encourage visitors or other people from the greater community (aside from paid staff) to be present at the setting?	423 or 54.6% compliance
Do you encourage participants' interaction with the general public (example: individuals who do not receive waiver services or paid staff)?	588 or 75.9% compliance
Do you ensure staff are interacting with participants in a manner in which the person would like to be addressed?	728 or 93.9% compliance

Respondents were asked to provide input on barriers through the following question:

*What systematic barriers exist to providing services in integrated settings?*

OLTL reviewed the entries submitted for this question and below are the most frequent responses.

1. *Transportation and accessibility to integrated settings.*
2. *Service definitions, regulatory requirements.*
3. *A lack of education in order to accommodate population with a person with disabilities, community acceptance.*
4. *Financial, fee schedule.*

## **Next Steps**

OLTL will be following up with providers who have not yet completed the Department's survey, in addition to reaching out to those respondents who indicated they are providing services in an unallowable and/or presumed ineligible setting. The Quality Management Efficiency Teams (QMET) will be reaching out to providers and scheduling an on-site visit to review the requirements of the final rule, validate survey responses and provide technical assistance to providers on compliance with the HCBS Final Rule.

In addition, OLTL will be implementing a participant review tool that is to be used by Service Coordinators to gather feedback directly from participants. These activities will give OLTL a provider and participant perspective on settings.

OLTL will continue to engage stakeholders to help inform policy as well as any changes that may be necessary to become fully compliant with the HCBS final rule.