## OLTL Updates LTSS Sub MAAC

April 12, 2022





### OLTL Updates

- HCBS Settings Rule
- Agency w/Choice
- FMS Transition
- CHC Contract Re-Procurement
- Racial & Social Disparity
- IEB & LIFE Enrollments
- FED Appeals Data
- COVID-19 & Vaccination



# **OLTL Updates**



## **HCBS Settings Rule**



### CMS Medicaid HCBS Final Rule

- Home and Community-Based Settings is a communityintegrated alternative to institutional care
  - Integrated in and supports full access to the greater community.
  - Provides opportunities to seek employment and work in competitive integrated settings, engage in community life and control personal resources.
  - Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS.
  - Facilitates individual choice regarding services and supports and who provides them



### CMS Medicaid HCBS Final Rule

- HCBS providers must meet requirements of CMS' HCBS Final Rule, for example:
  - Ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint
  - Participants may engage in community activities of their own choosing
  - Participants are able to have visitors of their own choosing at any time



### CMS Medicaid HCBS Final Rule

- Additional Requirements for Residential Settings
  - Unit is owned, rented or occupied under a legally enforceable agreement
  - Privacy, lockable doors, choice of roommates, freedom to furnish and decorate
  - Freedom to control one's own schedule/activities
  - Access to food at any time
  - Is selected by the individual from among settings options including nondisability specific settings and an option for a private unit in a residential setting.



## Heightened Scrutiny



## Heightened Scrutiny

## Heightened Scrutiny

- Provider site must not be located in a building that is also a publicly or privately operated facility that provides inpatient institutional treatment (Category I)
- Settings must not be in a building located on the grounds of, or immediately adjacent to, a public institution (Category II)
- Must not have the effect of isolating individuals receiving Medicaid HCBS from the broader community of individuals not receiving Medicaid HCBS (Category III)



# CMS Extension due to Public Health Emergency



### CMS Extension due to PHE

- Original deadline and extensions
- CMS extended compliance with the Final Rule due to the Public Health Emergency
- Sites must be compliant with Final Rule or have transferred HCBS participants to an OLTL-enrolled provider by March 2023
- CMS has stated there will be no further extensions for compliance with Final Rule



## Timeline

## for Provider Compliance



### New Timeline for Provider Compliance

- February-March
  - 1) QMET staff sent letters, asking for providers' policies and procedures
  - 2) Policy reviews begin
- April-June
  - 1) Site assessments, on-site or virtual
  - 2) Continued review of policies and procedures
  - 3) Provider training
  - 4) QMET assessment initial determinations
  - 5) Panel Review



### New Timeline for Provider Compliance

- July
  - 1) Public notice of sites targeted for Heightened Scrutiny published with 30-day stakeholder comment period
- August
  - 1) Comments from stakeholders will be reviewed, and their input considered
  - 2) Identification of providers who qualify for Heightened Scrutiny
- September
  - 1) Heightened Scrutiny submission to CMS



### New Provider Timeline for Compliance

- December
  - 1) OLTL anticipates that CMS will notify OLTL and affected providers of their final decisions on Heightened Scrutiny
- January-March
  - Non-Compliant Providers will work with OLTL to safely transition HCBS participants to an OLTL-enrolled provider
- March 2023 onward
  - 1) Continued provider monitoring process



## Agency with Choice



### **AGENCY WITH CHOICE**

- OLTL is looking to add the AWC model of Financial Management Services (FMS) for participant-directed services.
- AWC differs from the other primary model of FMS, Fiscal/Employer Agent (F/EA), which currently exists in the waivers today. Under the F/EA model, the participant directly hires his/her own worker(s) and is the sole employer of the worker(s).
- Under AWC, the participant selects and directs their worker, but is supported by an agency that provides administrative functions to the DCWs recruited by the participant.
- Under AWC, the participant directs the DCWs and is considered their managing employer. The participant, as the managing employer, is responsible for selecting and dismissing DCWs, directing the responsibilities of their DCWs, scheduling any individualized training.
- Offering this additional option is a benefit to those participants that that wish to undertake some level of employer responsibility while retaining the support of an agency for others.



### **AGENCY WITH CHOICE**

- Once implemented, Participants who choose to self-direct services will have the choice to do so through one of two FMS models: AWC or F/EA.
- OLTL will procure a contract with an AWC vendor through a Request for Application (RFA).
- OLTL released a Request for Information (RFI) and requested comments by March 25, 2022.
  - Twenty-nine commenters responded to the RFI.
  - OLTL continues to accept comments.
- Based on these comments, the following slides describe changes to be made to the RFA.



### **COMMENTS ON RFI AND CHANGES MADE**

- Licensure requirements for the AWC vendor.
  - OLTL will clarify in the RFA that the selected vendor must be a licensed Home Care Agency.
    - Since the AWC vendor will be the primary employer of direct care workers providing Personal Assistance Services, the waivers require agency providers to be a licensed Home Care Agency by the Department of Health.
- Conflict of interest requirements.
  - OLTL will revisit and change the "conflict free" requirements.
    - As originally proposed, it could limit the number of OLTL Home and Community-Based Services (HCBS) providers eligible.



### **COMMENTS ON RFI AND CHANGES MADE**

#### Vendor qualifications in RFI (summary)

- The provider requirements include 10 years' experience in health care or social services with 5 years in the consumerdirected model.
- A minimum of 10,000 employees.
- Serve participants who self-direct in at least 2 states.

Comment: These requirements would limit the entities that are able to provide this service.

#### Community HealthChoices

#### Response

OLTL will revisit this language to ensure more Pennsylvania providers meet the requirements to apply for the AWC RFA.

### **COMMENTS ON RFI AND CHANGES MADE**

- Comments were received that there are inconsistencies in the RFI about the managing employer vs. the primary employer, who sets wages and pays overtime, and how rates will compare to existing participant-directed and agency models.
  - OLTL will add language to clarify the responsibilities of the managing employer and the primary employer to clearly identify who does what in this relationship.
- Comments were received on training for participants on the AWC FMS model.
  - OLTL will add language to the RFA about training requirements. OLTL and the CHC-MCOs will develop educational and training resources.



### **AWC AMENDMENT FOR CHC AND OBRA**

Amendment will be effective January 1, 2023.

#### **Purpose of the Amendment:**

• Add AWC as an additional model of Financial Management Services (FMS) for participants to choose.

#### **Public Comment**

- A Public Notice will be published in the *Pennsylvania Bulletin* requesting public comment.
- There will be a 30-day public comment period for written comments.



## **FMS** Transition



### FMS Transition

- The CHC FMS Transition was extended to a new Go-Live date of July 1, 2022.
  - Tempus and CHC MCOs priority is getting paperwork back from common law employers (participants) and their DCWs.
  - 70% Common Law Employers and 73% of DCW had returned information (packets)
  - Tempus working on improving communication
  - Tempus Training
- There was an FMS Transition Stakeholder Meeting on April 1<sup>st</sup> and the next Stakeholder meeting is May 6<sup>th</sup>.



### FMS Transition

- FFS (OBRA and Act 150).
  - OLTL is joining ODP in their Request for Proposals for a new vendor of FMS services.
  - RFA released on March 10, 2022 proposals due April 25, 2022.
  - PPL extension if not implemented by July 1, 2022.



## CHC Contract Re-Procurement



### CHC Contract Re-Procurement

- Current CHC Contract ends December 31, 2022.
  - Executing the 2 year renewal
- Work on the new procurement (Work Statement) has begun with a tentative completion date of July of 2022 at the earliest.
- Public input may be considered on the procurement prior to issuance.
  - Please note that due to the timeline above, no public comment would be sought before August 2022.
- The tentative plan to release the new CHC RFA is on or after April 1, 2023.



## **Racial & Social Disparity**



- 2022 OLTL commitments:
  - Address recommendations made by LTSS Committee
  - Present any updates regularly
  - Continue engaging stakeholders on disparity improvements
- Milestones completed:
  - Reviewed all recommendations and determined the LOE with each recommendation.
  - Began compiling resources including preliminary data within OLTL to establish a baseline of understanding.



- Contract Cultural Competency
  - Reviewed CHC-MCO, IEB, LIFE, APS
  - CHC
    - Defined and includes criteria for Cultural Competency, Linguistic Competency, and Disability Competency
  - LIFE
    - No language in the current LIFE agreement but in Appendix D: Participant Bill of Rights of CMS 3-way Agreement with PACE and LIFE
    - Working to update our state LIFE Provider Agreement and can include any cultural competency language that you suggest



### • LIFE Equity Data 2021

LIFE Program Populations by Race and Ethnicity

Ethnicity Breakdown For LIFE Participants								
thnicity Count of Participants % of Total Co								
Hispanic	283	3.7%						
Non-Hispanic	7,414	96.3%						
Grand Total	7,697	100.0%						
Source: CIS and Standard Legacy Report for Dec 2021								

Race Breakdown For LIFE Participants									
Race	Count of Participants	% of Total Count							
Asian	28	0.4%							
Black or African American	1,694	22.0%							
Other or system default 359 4									
Unknown	151	2.0%							
White	5,465	71.0%							
Grand Total	7,697	100.0%							
Note: Due to low volume, 'American Indian or Alaskan Native' and 'Native Hawaiian or Other Pacific Islander' have been merged with 'Other or system default' race category.									
Source: CIS and Standard Legacy Report for Dec 2021									
Disclaimer: Race and ethnicity data only represent those who answered the specific demographic question(s) during the Medicaid eligibility process.									



### • IEB Equity Data 2021

Ethnicity Breakdown for CHC Participants										
Ethnicity	J Count	Percent of Total Count								
1-White	359922	89.46%								
2-Hispanic	42397	10.54%								
X-Unknown	19	0.00%								
Z-Other	9	0.00%								
Grand Total	402347	100.00%								

Race Breakdown for CHC Participants											
Race 🗸	Count	Percent of Total Count									
1-Black or African American	99581	24.75%									
3-Native Alaskan or American Indian	674	0.17%									
4-Asian	20603	5.12%									
5-White or Caucasian	232011	57.66%									
6-Other	40523	10.07%									
7 - Native Hawaiian or Pacific Islander	535	0.13%									
8- Value not available	8420	2.09%									
Grand Total	402347	100.00%									



- Future meetings will include:
  - Statewide 2021 HCBS Consumer Assessment of Healthcare Providers and Systems (CAHPS) Survey
    - Presentation for Next LTSS on June 14
  - Area Deprivation Index overlay with HCBS population



## IEB & LIFE Enrollments



Status	6/30/2021	7/30/2021	8/30/2021	9/30/2021	10/29/2021	11/30/2021	12/30/2021	1/31/2022	2/28/2022	3/30/2022	Description
READY ASSESSMENT	10	10	) 13	18	9	13	16	13	14	10	IEB has received a referral from a third party, the IEB is outreaching to the Applicant/Representative to schedule Visit.
SCHEDULED	5	4		4	4	7	4	6	6		In Home Visit has been scheduled
ASSESSMENT INPROCESS	1	1	2	1	1	1	3	4	. 3	1	In Home Visit completed and the IEB is reviewing completeness of intake documents required.
 MA_PA_600_REVIEW	5	5	5 5	5	4	5	6	6	6	6	IEB is waiting for the PA 600 or the PA 600 received and IEB to enter in COMPASS
PC & FEDPending	4	. 4	L 5	5	5	9	7	6	6		PC sent to the identified Physician and FED Reques sent to Aging Well
PC Pending/FED Received	37	36	36	36	36	40	37	38	38	37	Completed FED received from Aging Well/ PC is pending
PC Received/FED Pending	6	ε 6	5 7	7	7	12	10	6	8	8	Completed PC received/ FED pending with Aging Well
APP_REVIEW	1	1	L C	1	1	2	0	1	1	. 0	Medical Director Review Pending
OLTL_READY	21	. 35	5 19	10	11	20	14	34	14	28	Program Eligibility under review by OLTL
READY_TRANSITION	59	64	66	62	61	63	63	63	64	58	Functionally eligible, Applicant is pending nursing facility discharge
APPROVED	16	16	5 17	17	17	18	16	16	16	14	Functionally Eligible, 1768 sent to CAO
1768_DENIAL	3	3	8 4	1	2	5	3	6	4	6	Functionally ineligible, HCBS Denial notice pending
FINANCIAL_APPROVAL	4	1	3	2	2	3	3	2	2	2	Financial Approval Received, enrollment in Process of being finalized
MMS_READY	2	2	2	6	1	11	0	5	C	0	Pending acceptance by OBRA or Act 150 Service Coordinator
FINANCIAL_DENIAL	1	1	1	1	0	2	0	1	2	1	Financial Denial Received, application in process of completion



### Current IEB Report – All Waivers

	2018QTR4	2019QTR1	2019QTR2	2019QTR3	2019QTR4	2020QTR1	2020QTR2	2020QRT3	2020 QRT4	2021QTR1	2021QTR2	2021QTR3	2021QTR4
Grand Total	24283	25320	26335	24752	34711	33402	25890	26398	26213	25106	25118	29365	29082
Complete	14703	15607	16277	17347	15617	21513	17820	16180	18098	16081	16153	18783	18953
Complete in 90 Days	12186	12068	14343	13188	13027	18963	15441	14918	17428	15491	15569	17985	18233
Complete > 90 Days With Excuse	400	344	435	484	483	1126	536	648	408	379	300	403	345
Compliance Percentage	86%	80%	91%	79%	87%	93%	90%	96%	99%	99%	98%	98%	98%
Average Days To Complete	52	60	52	56	56	52	57	45	41	40	40	37	39

- 1. Grand Total All unduplicated applications in process this quarter
- 2. Complete Total unduplicated applications completed this quarter
- 3. Total unduplicated applications completed during the quarter in 90 days
- 4. Total unduplicated applications completed during the quarter and over 90 days, but with excuse of a delayed enrollment
- 5. Using the above fields = (row 3 + row 4)/ row 2 Average to complete excluding excused applications

Note: Reapplications removed



### Current IEB Report – Under/Over 60

Over 60	2018QTR4	2019QTR1	2019QTR2	2019QTR3	2019QTR4	2020QTR1	2020QTR2	2020QRT3	2020 QRT4	2021QTR1	2021QTR2	2021QTR3	2021QTR4
Grand Total	14140	14937	15771	15134	23082	20441	16309	16848	16775	16161	17383	20414	18991
Complete	8586	9323	9885	10827	10267	12967	11172	10282	11658	10189	11069	13204	12349
Complete in 90 Days	7063	7312	8804	8447	8605	11421	9700	9500	11233	9828	10696	12673	11909
Complete > 90 Days With Excuse	275	221	272	322	336	684	327	392	267	239	194	263	200
Compliance Percentage	85%	81%	92%	75%	81%	93%	90%	96%	99%	99%	98%	98%	98%
Average Days To Complete	52	58	50	54	55	52	56	45	40	40	39	37	39

Under 60	2018QTR4	2019QTR1	2019QTR2	2019QTR3	2019QTR4	2020QTR1	2020QTR2	2020QRT3	2020 QRT4	2021QTR1	2021QTR2	2021QTR3	2021QTR4
Grand Total	10143	10383	10565	9597	11628	12101	9580	9335	9438	8964	7735	8951	10092
Complete	6114	6279	6392	6499	5350	7951	6648	5898	6439	5893	5084	5579	6604
Complete in 90 Days	4948	4751	5539	4720	4422	7006	5741	5418	6195	5663	4873	5312	6324
Complete > 90 Days With Excuse	130	123	163	162	147	418	209	256	141	140	106	140	145
Compliance Percentage	84%	84%	89%	75%	85%	93%	90%	96%	98%	98%	98%	98%	98%
Average Days To Complete	70	63	55	60	59	53	57	47	41	41	41	38	39

- 1. Grand Total All unduplicated applications in process this quarter
- 2. Complete Total unduplicated applications completed this quarter
- 3. Total unduplicated applications completed during the quarter in 90 days
- 4. Total unduplicated applications completed during the quarter and over 90 days, but with excuse of a delayed enrollment
- 5. Using the above fields = (row 3 + row 4)/ row 2 Average to complete excluding excused applications

Note: Reapplications removed



#### 2021

	Ph	one	In H	Total Count	
Month 🔹	Count	Percentage	Count	Percentage	
Jun	3765	67.84%	1785	32.16%	5550
Jul	4107	77.87%	1167	22.13%	5274
Aug	4371	74.62%	1487	25.38%	5858
Sep	5228	76.69%	1589	23.31%	6817
Oct	5325	75.80%	1700	24.20%	7025
Nov	5298	76.41%	1636	23.59%	6934
Dec	5091	76.34%	1578	23.66%	6669
Grand Total	33185	75.20%	10942	24.80%	44127

### 2022

	Phone		In Home		Total Count
Month	Count	Percentage	Count	Percentage	
Jan	4939	77.65%	1422	22.35%	6361
Feb	5454	78.18%	1522	21.82%	6976
Grand Total	10393	77.93%	2944	22.07%	13337



### Participant Plan Changes

January 2022	
Reason	Count
Prefers another MCO's benefits	547
Would not give reason	67
Family/Friend Recommendation	54
Can't stay with current nonparticipating doctor for treatment	23
PCP Recommendation	14
Dissatisfied with Medical MCO Services	13
Doctor left plan	12
Prefers nonparticipating doctor or hospital	11
Language Problem	9
Location of doctors inconvenient	9
Dissatisfied with MCO's services/marketing rep	8
Dissatisfied with Doctor/PCP	7
Someone other than those listed above recommendation	6
MCO has denied/reduced my services	5
Dislikes using referrals	4
Moved/Moving Out of Area	4
Dissatisfied with dental program/provider	3
Dislikes Making Appointments	2
Mail Plan Change - No reason given	2
Dissatisfied with range or length of services - too limited	2
Receives bills for services	2
Out of plan services wanted	2
Dissatisfied with family planning services	2
Dissatisfied with vision program/provider	1
Dissatisfied with Drug/Alcohol or Mental Health Services	1
Pharmacist recommendation	1
Dissatisfied with pharmacy program/provider	1
Not Applicable - Not Disenrolling from Another Plan	1
Grand Total	813



### Participant Plan Changes

February 2022 Reason	Coun t
Prefers another MCO's benefits	454
Would not give reason	68
Doctor left plan	29
Family/Friend Recommendation	29
Dissatisfied with Medical MCO Services	16
PCP Recommendation	12
Someone other than those listed above recommendation	10
Dissatisfied with MCO's services/marketing rep	10
Prefers nonparticipating doctor or hospital	8
Language Problem	7
Can't stay with current nonparticipating doctor for treatment	6
Dissatisfied with vision program/provider	5
MCO has denied/reduced my services	5
Dissatisfied with Doctor/PCP	4
Dissatisfied with dental program/provider	3
Mail Plan Change - No reason given	3
Out of plan services wanted	3
Moved/Moving Out of Area	2
Dissatisfied with pharmacy program/provider	2
Dislikes Making Appointments	2
Pharmacist recommendation	2
Dissatisfied with range or length of services - too limited	2
Receives bills for services	1
Location of doctors inconvenient	1
Grand Total	684

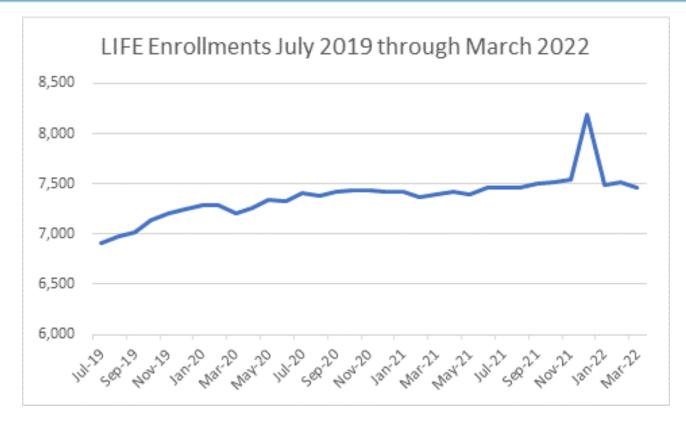


### Participant Plan Changes

March 2022 Reason	Coun t				
Prefers another MCO's benefits	455				
Would not give reason					
Family/Friend Recommendation					
Doctor left plan	28				
Someone other than those listed above recommendation	23				
Can't stay with current nonparticipating doctor for treatment	21				
Dissatisfied with Medical MCO Services	15				
MCO has denied/reduced my services	13				
Out of plan services wanted	12				
PCP Recommendation	9				
Prefers nonparticipating doctor or hospital	5				
Dissatisfied with MCO's services/marketing rep	5				
Dissatisfied with dental program/provider	5				
Dissatisfied with Doctor/PCP	4				
Language Problem	4				
Mail Plan Change - No reason given	3				
Receives bills for services	2				
Dissatisfied with range or length of services - too limited	2				
Pharmacist recommendation	2				
Dissatisfied with Drug/Alcohol or Mental Health Services	1				
Dislikes Making Appointments	1				
Disabled/Handicapped-Doctor's office not easily accessible	1				
Dissatisfied with pharmacy program/provider	1				
Location of doctors inconvenient	1				
Grand Total	720				



### LIFE Enrollments



• Over the past 12 months (March 2021 through March 2022) the LIFE program grew by 64 individuals. This growth rate of around 1% is less than the historical growth rate of the program.



# **FED** Appeals Data



### FED Appeals Data

	Dec		Jan		Feb		Mar	Grand Total	Description
Status	MEDICAL DIRECTOR REVIEW - NFI	NFI - FED AND PC NFI	MEDICAL DIRECTOR REVIEW - NFI	AND PC	MEDICAL DIRECTOR REVIEW - NFI		MEDICAL DIRECTOR REVIEW - NFI		
APPEAL_WITHDRAWN	40	2	48		24	1	23	138	Following Pre Hearing Appellant Withdrew
APPEAL_INITIATED	4		2		12		69		Appeal Received - Hearing Date has not yet been scheduled
APPEAL_HEARING_SCHEDULED	11		28		32	1	14	86	Hearing Date Scheduled
APPEAL_DISMISSED	6		13		3				ALJ Dismissed Appeal (example Appellant does cannot be reached)
APPEAL_WAITING_JUDGE_DECIS	3		2	1	1			7	Pending decision by the ALJ
APPEAL_SETTLED	6								Hearing outcome was a stipulated settlement (example - new FED or Applicant to submit additional information to be considered)
APPEAL_STIPULATED_SETTLEME NT	1		1						Hearing outcome was a stipulated settlement (example - new FED or Applicant to submit additional information to be considered)
Grand Total	71	2	94	1	72	2	106	348	



## **COVID-19 & Vaccination**



### CHC Plan Vaccination Update

МСО	Booster/3 <sup>rd</sup> shot	Fully vaccinated	Partially vaccinated
AmeriHealth/Keystone (as of 3/2022)		63.85%	
Pennsylvania Health and Wellness (As of 3/2022).	24.5%	24%	7.2%
UPMC (as of 3/2022)	23.1%	40.1%	3.4%



### COVID-19 Updates

• PCH & ALR Census Data

	Personal Care Homes			Assisted Living Facilities			
	Jan-20	Jan-21	Jan-22	Jan-20	Jan-21	Jan-22	
Licensed Facilities	1,142	1,133	1,113	56	61	64	
Licensed Capacity	64,521	65,255	64,884	4,036	4,486	5,096	
Census	43,916	41,938	39,721	2,805	2,792	2,880	



## COVID-19 Updates

Facilities Closed						
Count of LicenseNum	Column Labels 2019	2020	2021	2022	Grand T	otal
Row Labels						
COLE or SOLE		43	43	31	2	119
Dept Action Closure		8	2			10
Voluntary Closure		24	29	45	3	101
Grand Total		75	74	76	5	230

SSI Residents Impacted						
Sum of SSI	Column Labels					
	2019	202	02	2021 202	2 Grar	nd Total
Row Labels						
COLE or SOLE		163	109	148	0	420
Dept Action Closure		42	3			45
Voluntary Closure		188	140	311	36	675
Grand Total		393	252	459	36	1140







