

Changes to the OBRA Waiver Effective January 1, 2020

KEY – **Bold** = Recommended additions
Strikethrough= Recommended removal

| Waiver Section | Current Approved Language | Recommended Revised Language | Reason for the Change |
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| <p>Main Module</p> <p>Purpose of Amendment</p> | | <p>The purpose of this amendment is to make substantive changes to the following:</p> <ul style="list-style-type: none"> • Revise the Residential Habilitation service definition by modifying the number of hours that are defined as a day unit from a minimum of 12 hours to 8 hours. • To the service definitions of Job Finding, Job Coaching, Employment Skills Development, Career Assessment and Benefits Counseling, add language that Office of Vocational Rehabilitation (OVR) services are considered to not be available if OVR has not made an eligibility determination within 120 days; and add language to address when employment services through the CHC waiver can be provided should OVR close the order of selection, thereby creating a waiting list for OVR services. <p>This amendment will also make technical edits to Appendix C-2:</p> <ul style="list-style-type: none"> • Update Appendix C-2.b., Abuse Registry Screening, to reflect that the Department utilizes IDEMIA as the data system to process fingerprint-based FBI criminal record checks as well as other minor editorial changes to the section. | <p>Describes the changes included in this waiver amendment.</p> |

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| <p>Appendix C Participant Services</p> <p>C-2: General Service Specifications (1 of 3)</p> <p>b. Abuse Registry Screening</p> | <p>Requests for criminal history reports can be processed through the Pennsylvania State Police web-based computer application called “Pennsylvania Access To Criminal History” (PATCH), at https://epatch.state.pa.us, or by submitting the “Request For Criminal Record Check” form SP4-164 (updated 7/2015) to the following address: Pennsylvania State Police, Central Repository – 164, 1800 Elmerton Avenue, Harrisburg, PA 17110-9758, (717) 425-5546.</p> <p>The Department of Human Services is utilizing Cogent Systems to process fingerprint-based FBI record checks. The fingerprint based background check is a multiple step process. The Cogent Systems Web site https://www.pa.cogentid.com/index_dpwNew.htm allows individuals to apply online, as well as provide detailed information regarding the application process.</p> | <p>Requests for criminal history reports can be processed through the Pennsylvania State Police web-based computer application called “Pennsylvania Access To Criminal History” (PATCH), at https://epatch.state.pa.us, or by submitting the “Request For Criminal Record Check” form SP4-164 (updated 12/2017) to the following address: Pennsylvania State Police, Central Repository – 164, 1800 Elmerton Avenue, Harrisburg, PA 17110-9758, 717) 425-5546 (888) 783-7972.</p> <p>The Department of Human Services is utilizing Cogent Systems utilizes IDEMIA, also referred to as Identogo and MorphoTrust, to process fingerprint-based FBI record checks. The fingerprint-based background check is a multiple step process. The Cogent Systems Web site https://www.pa.cogentid.com/index_dpwNew.htm IDEMIA website https://www.identogo.com/ allows individuals to apply online, as well as provide detailed information regarding the application process.</p> | <p>DHS now utilizes IDEMIA for FBI Criminal Background Checks. Cogent is no longer used.</p> |
| <p>Appendix C Participant Services</p> <p>C-1/C-3 Service Specifications</p> <p>Service Definitions – Residential Habilitation</p> | <p>Residential Habilitation services are provided for up to 24 hours a day. This service is authorized as a day unit. A day is defined as a period of a minimum of 12 hours of service rendered by a residential habilitation provider within a 24-hour period beginning at 12:00 am and ending at 11:59 pm.</p> | <p>Residential Habilitation services are provided for up to 24 hours a day. This service is authorized as a day unit. A day is defined as a period of a minimum of 8 hours of service rendered by a residential habilitation provider within a 24-hour period beginning at 12:00 am and ending at 11:59 pm.</p> | <p>Redefine a day unit as a minimum of 8 hours instead of 12 hours.</p> |

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| Appendix C Participant Services C-1/C-3 Service Specifications Service Definitions – Job Finding | <p>Job Finding services may not be rendered under the waiver to a participant under a program funded by either the Rehabilitation Act of 1973 as amended or the Individuals with Disabilities Education Act (IDEA) or any other small business development resource available to the participant. This means that Job Finding may only be provided when documentation has been obtained that one of the following has occurred:</p> <ol style="list-style-type: none"> 1. OVR has closed a case for the participant or has stopped providing services to the participant; 2. The participant was determined ineligible for OVR services; or 3. For anyone eligible for IDEA services, it has been verified that the services are not available in a complete and approved Individualized Education Program (IEP) developed pursuant to IDEA. | <p>Job Finding services may not be rendered under the waiver to a participant under a program funded by either the Rehabilitation Act of 1973 as amended or the Individuals with Disabilities Education Act (IDEA) or any other small business development resource available to the participant. This means that Job Finding may only be provided when documentation has been obtained that one of the following has occurred:</p> <ol style="list-style-type: none"> 1. OVR has closed a case for the participant or has stopped providing services to the participant; 2. The participant was determined ineligible for OVR services; or 3. For anyone eligible for IDEA services, it has been verified that the services are not available in a complete and approved Individualized Education Program (IEP) developed pursuant to IDEA; or 4. It has been determined that OVR services are not available. If OVR has not made an eligibility determination within 120 days of the referral being sent, then OVR services are considered to not be available to the participant. <p>In the event that OVR closes the order of selection, the following process will be followed until the closure is lifted:</p> <ol style="list-style-type: none"> 1. A participant who has been referred to OVR but does not have an approved Individualized Plan for Employment (IPE) may receive Job Finding. 2. A participant who has not been referred to OVR may receive Job Finding without a referral to OVR. | <p>Add language that OVR services are considered to not be available to the participant if OVR has not made an eligibility determination within 120 days.</p> <p>Add language to address the issue of OVR’s proposed closure of the order of selection which would create a waiting list for OVR services.</p> |

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| Appendix C Participant Services C-1/C-3 Service Specifications Service Definitions – Job Coaching | <p>Job Coaching services may not be rendered under the waiver to a participant under a program funded by either the Rehabilitation Act of 1973 as amended or the Individuals with Disabilities Education Act (IDEA) or any other small business development resource available to the participant. This means that Job Coaching may only be provided when documentation has been obtained that one of the following has occurred:</p> <ol style="list-style-type: none"> 1. OVR has closed a case for the participant or has stopped providing services to the participant; 2. The participant was determined ineligible for OVR services; or 3. For anyone eligible for IDEA services, it has been verified that the services are not available in a complete and approved Individualized Education Program (IEP) developed pursuant to IDEA. | <p>Job Coaching services may not be rendered under the waiver to a participant under a program funded by either the Rehabilitation Act of 1973 as amended or the Individuals with Disabilities Education Act (IDEA) or any other small business development resource available to the participant. This means that Job Coaching may only be provided when documentation has been obtained that one of the following has occurred:</p> <ol style="list-style-type: none"> 1. OVR has closed a case for the participant or has stopped providing services to the participant; 2. The participant was determined ineligible for OVR services; or 3. For anyone eligible for IDEA services, it has been verified that the services are not available in a complete and approved Individualized Education Program (IEP) developed pursuant to IDEA; or 4. It has been determined that OVR services are not available. If OVR has not made an eligibility determination within 120 days of the referral being sent, then OVR services are considered to not be available to the participant. <p>In the event that OVR closes the order of selection, the following process will be followed until the closure is lifted:</p> <ol style="list-style-type: none"> 1. A participant who has been referred to OVR but does not have an approved Individualized Plan for Employment (IPE) may receive Job Coaching. 2. A participant who has not been referred to OVR may receive Job Coaching without a referral to OVR. | <p>Add language that OVR services are considered to not be available to the participant if OVR has not made an eligibility determination within 120 days.</p> <p>Add language to address the issue of OVR’s proposed closure of the order of selection which would create a waiting list for OVR services.</p> |

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| <p>Appendix C Participant Services</p> <p>C-1/C-3 Service Specifications</p> <p>Service Definitions – Employment Skills Development</p> | <p>Employment Skills Development services may not be rendered under the waiver to a participant under a program funded by either the Rehabilitation Act of 1973 as amended or the Individuals with Disabilities Education Act (IDEA) or any other small business development resource available to the participant. This means that Employment Skills Development may only be provided when documentation has been obtained that one of the following has occurred:</p> <ol style="list-style-type: none"> 1. OVR has closed a case for the participant or has stopped providing services to the participant; 2. The participant was determined ineligible for OVR services; or 3. For anyone eligible for IDEA services, it has been verified that the services are not available in a complete and approved Individualized Education Program (IEP) developed pursuant to IDEA. | <p>Employment Skills Development services may not be rendered under the waiver to a participant under a program funded by either the Rehabilitation Act of 1973 as amended or the Individuals with Disabilities Education Act (IDEA) or any other small business development resource available to the participant. This means that Employment Skills Development may only be provided when documentation has been obtained that one of the following has occurred:</p> <ol style="list-style-type: none"> 1. OVR has closed a case for the participant or has stopped providing services to the participant; 2. The participant was determined ineligible for OVR services; or 3. For anyone eligible for IDEA services, it has been verified that the services are not available in a complete and approved Individualized Education Program (IEP) developed pursuant to IDEA; or 4. It has been determined that OVR services are not available. If OVR has not made an eligibility determination within 120 days of the referral being sent, then OVR services are considered to not be available to the participant. <p>In the event that OVR closes the order of selection, the following process will be followed until the closure is lifted:</p> <ol style="list-style-type: none"> 1. A participant who has been referred to OVR but does not have an approved Individualized Plan for Employment (IPE) may receive Employment Skills Development. | <p>Add language that OVR services are considered to not be available to the participant if OVR has not made an eligibility determination within 120 days.</p> <p>Add language to address the issue of OVR’s proposed closure of the order of selection which would create a waiting list for OVR services.</p> |

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| | | <p>2. A participant who has not been referred to OVR may receive Employment Skills Development without a referral to OVR.</p> | |
| <p>Appendix C Participant Services C-1/C-3 Service Specifications Service Definitions – Career Assessment</p> | <p>Career Assessment services may not be rendered under the waiver to a participant under a program funded by either the Rehabilitation Act of 1973 as amended or the Individuals with Disabilities Education Act (IDEA) or any other small business development resource available to the participant. This means that Career Assessment services may only be provided when documentation has been obtained that one of the following has occurred:</p> <ol style="list-style-type: none"> 1. OVR has closed a case for the participant or has stopped providing services to the participant; 2. The participant was determined ineligible for OVR services; or 3. For anyone eligible for IDEA services, it has been verified that the services are not available in a complete and approved Individualized Education Program (IEP) developed pursuant to IDEA. | <p>Career Assessment services may not be rendered under the waiver to a participant under a program funded by either the Rehabilitation Act of 1973 as amended or the Individuals with Disabilities Education Act (IDEA) or any other small business development resource available to the participant. This means that Career Assessment services may only be provided when documentation has been obtained that one of the following has occurred:</p> <ol style="list-style-type: none"> 1. OVR has closed a case for the participant or has stopped providing services to the participant; 2. The participant was determined ineligible for OVR services; or 3. For anyone eligible for IDEA services, it has been verified that the services are not available in a complete and approved Individualized Education Program (IEP) developed pursuant to IDEA; or 4. It has been determined that OVR services are not available. If OVR has not made an eligibility determination within 120 days of the referral being sent, then OVR services are considered to not be available to the participant. <p>In the event that OVR closes the order of selection, the following process will be followed until the closure is lifted:</p> | <p>Add language that OVR services are considered to not be available to the participant if OVR has not made an eligibility determination within 120 days.</p> <p>Add language to address the issue of OVR’s proposed closure of the order of selection which would create a waiting list for OVR services.</p> |

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| | | <ol style="list-style-type: none"> 1. A participant who has been referred to OVR but does not have an approved Individualized Plan for Employment (IPE) may receive Career Assessment. 2. A participant who has not been referred to OVR may receive Career Assessment without a referral to OVR. | |
| <p>Appendix C</p> <p>Participant Services</p> <p>C-1/C-3 Service Specifications</p> <p>Service Definitions – Benefits Counseling</p> | <p>Benefits Counseling may not be rendered under the waiver to a participant under a program funded by either the Rehabilitation Act of 1973 as amended or any other small business development resource available to the participant. Initial Benefits Counseling may only be provided if it is documented in the service plan that Benefits Counseling services provided by a Certified Work Incentives Counselor through a Pennsylvania-based federal Work Incentives Planning and Assistance (WIPA) program were sought and it was determined that such services were not available either because of ineligibility or because of wait lists that would result in services not being available within 30 calendar days.</p> | <p>Benefits Counseling may not be rendered under the waiver to a participant under a program funded by either the Rehabilitation Act of 1973 as amended or any other small business development resource available to the participant. This means that Benefits Counseling services may only be provided when documentation has been obtained that one of the following has occurred:</p> <ol style="list-style-type: none"> 1. OVR has closed a case for the participant or has stopped providing services to the participant; 2. The participant was determined ineligible for OVR services; or 3. It has been determined that OVR services are not available. If OVR has not made an eligibility determination within 120 days of the referral being sent, then OVR services are considered to not be available to the participant. <p>Initial Benefits Counseling may only be provided if it is documented in the service plan that Benefits Counseling services provided by a Certified Work Incentives Counselor through a Pennsylvania-based federal Work Incentives Planning and Assistance (WIPA) program were sought and it was determined that such services were not available either</p> | <p>Added language to match the Service Specifications for the other employment-related services (Job Finding, Job Coaching, Employment Skills Development and Career Assessment) with regard to utilizing OVR services and that OVR services are considered to not be available to the participant if OVR has not made an eligibility determination within 120 days.</p> <p>Add language to address the issue of OVR’s proposed closure of the order of selection which would create a waiting list for OVR services.</p> |

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| | | <p>because of ineligibility or because of wait lists that would result in services not being available within 30 calendar days.</p> <p>In the event that OVR closes the order of selection, the following process will be followed until the closure is lifted:</p> <ol style="list-style-type: none"> 1. A participant who has been referred to OVR but does not have an approved Individualized Plan for Employment (IPE) may receive Benefits Counseling. 2. A participant who has not been referred to OVR may receive Benefits Counseling without a referral to OVR. | |