

Adult Autism Waiver Amendment



ODP Public Comment Webinar
November 3, 2021

Agenda



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- Overview of Changes – 30 minutes
- Questions – 20 minutes
- Public Comment – 40 minutes

Timeline



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February 2021

AAW renewal published for public comment

September 2021

AAW renewal with no substantive changes submitted

Still under review by CMS

May 2021

CMS published guidance on the American Rescue Plan Act (ARPA)

November 2021

Public comment for AAW amendment effective 1/1/22

ODP Announcement 21-067

- The Initial Spending Plan submitted to CMS for the American Rescue Plan funds included a proposal to refresh the data for the ODP Fee Schedule rates and adjust rates as needed.
- Any proposed changes to rates will be published in the PA Bulletin for a public comment period.

- The Office of Developmental Programs will request amendments to the Adult Autism Waiver.
- The proposed changes are considered substantive.
 - ODP will request that the amendments be effective January 1, 2022.
 - The effective date is subject to change.

Everyday Lives: Values In Action



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Everyday Lives

VALUES
IN
ACTION



- 1 Assure Effective Communication
- 2 Promote Self-Direction, Choice and Control
- 3 Increase Employment
- 4 Support Families throughout the Lifespan
- 5 Promote Health, Wellness, and Safety
- 6 Support People with Complex Needs
- 7 Develop and Support Qualified Staff
- 8 Simplify the System
- 9 Improve Quality
- 10 Expand Options for Community Living
- 11 Increase Community Participation
- 12 Provide Community Services to Everyone



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Effective Dates of Appendix K and Waiver Amendments

Appendix K and Operational Guide

- Remote Services
- Services in a Hospital
- **Will remain effective until 6 months after the end of the Public Health Emergency.**

Waiver Amendments

- Remote Services
- Services in a Hospital
- **Will become effective when Appendix K flexibility ends.**
- ***Changes that do not contradict Appendix K will be effective when the waiver amendment is effective.**



- Specialized Skill Development
- Temporary Supplemental Services
- Supports Coordination

ODP Announcement 20-098

- Services in a hospital can only assist with the following:
 - Communication;
 - Intensive Personal Care; and/or
 - Behavioral Support/stabilization as identified in the Behavioral Support Plan
- The service must:
 - Be identified in the Individual Support Plan;
 - Be provided to meet the needs of the individual that are not met through the provision of hospital services;
 - Not be a substitute for services that the hospital is obligated to provide; and
 - Be designed to ensure smooth transitions between the hospital and HCBS

ODP reserves waiver capacity for participants requiring:

Hospital care beyond 30 consecutive days and up to 6 consecutive months from the first date of leave **when they are not receiving any waiver services during that time.**



- Supported Employment
- Career Planning
- Nutritional Consultation
- Specialized Skill Development
- Therapies (Counseling)



- **Day Habilitation**
 - Maximum of 520 hours (2080 15-minute units) of direct service provided using remote technology per ISP year.
 - May only be rendered to a participant in a Residential Habilitation home when the participant:
 - Routinely participates in Day Habilitation services in-person outside the home; and
 - Has a medical or behavioral condition that precludes their in-person participation for a temporary period of time.

Change to Assistive Technology:

Increasing the cost of devices that require an independent evaluation from \$500 to \$750.

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:

- The nature of the crime;
- Facts surrounding the conviction;
- Time elapsed since the conviction;
- The evidence of the individual's rehabilitation;
- The nature and requirements of the job.

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.

ODP is clarifying that background checks are required for all staff (which includes contractors or consultants) and volunteers

A volunteer is defined as a person who:

1. Provides one or more direct waiver services to a participant as authorized in the service plan,
2. Has unsupervised contact with the participant when providing the service(s), i.e. is alone with the participant,
3. Has freely chosen not to receive monetary compensation for provision of the service(s), and
4. Provides the service(s) on behalf of a qualified provider that has been authorized in a service plan to receive reimbursement for the service(s).

Supported Employment, Career Planning and Small Group Employment

ACRE/CESP certification:

- Staff working directly with the participant must have one of these certificates by 7/1/2021 or within **nine** months of hire if hired after 1/1/2021.
- Effective 7/1/2021, newly hired staff who do not have the required certification when hired must work under the supervision of someone with certification (no longer than **nine** months).





The intent of this service is to support individuals in **the acquisition of knowledge, skills and experiences that lead to competitive integrated employment, including self-employment.** Small Group Employment occurs in a location other than a facility subject to 55 Pa. Code Chapter 2380 or Chapter 2390 regulations **such as an integrated industry, business, or community setting.**



Small Group Employment service options include mobile work force, work station in industry, affirmative industry, and enclave. **Each of these options are delivered in integrated business, industry or community settings that do not isolate participants from others in the setting who do not have disabilities. Services must be provided in a manner that promotes engagement in the workplace and interaction between participants and people without disabilities including co-workers, supervisors, and customers, if applicable.**

Medical Assistance now covers home accessibility durable medical equipment used by individuals with a mobility impairment.

- AAW can no longer cover home modifications like ramps, lifts, and stair glides
- Medical Assistance Bulletin 09-21-04
- ODP Communication 21-064

Other changes are being made to align the service definition with ODP's other waivers and to restructure the content for clarity.

For example, ODP is proposing to add this:

Home Modifications do not include modifications that:

- Are not specifically identified in the service definition.
- Are not of direct medical or remedial benefit to the participant.
- Are not needed as a result of the participant's medical needs or disability.
- The family or caregiver would be expected to make for an individual without a disability.
- Are for general maintenance of the home.
- Are part of room and board.
- Have a primary benefit for a caregiver, staff person, family member, or the public at large.
- Are used in the construction of a new home or a new room in the home.
- Are durable medical equipment.



Individuals on the Priority 1 interest list who are receiving long-term support services in congregate care settings will be added to the AAW waiting list.

- The Medical Assistance Evaluation form (MA-51) is no longer required for level of care re-evaluation
- Participants are encouraged to see their physician annually or more often as recommended by a medical professional.

INSTRUCTIONS FOR COMPLETING MA-51 MEDICAL EVALUATION

NOTE: THE MA-51 IS VALID AS LONG AS IT REFLECTS THE CURRENT CONDITIONS FOR THE APPLICANT

At the top of the page, mark if this is a new or updated MA-51.

Questions 1-7 are self-explanatory.

8. **Physician License Number.** Enter the physician license number, not the Medical Assistance number.
9. **Evaluation At.** Enter 1-5 to describe where evaluation took place. If 5 is used, specify where evaluation was completed.
10. **Signature.** Applicant should sign if able. If unable, legal guardian or responsible party may sign.

Waiver funding cannot be used to provide any service in any private home purchased for, developed for or promoted as serving people with Autism in a manner that isolates or segregates the participant from the community of individuals not receiving waiver services.

- Physical restraints must be included in the ~~service~~ **behavior support** plan and must be approved by a human rights team prior to implementation.
- The **behavior support plan** and service plan must be reviewed, and revised, if necessary, according to the time frame established by the human rights team, not to exceed 6 months.
- The **behavior support** ~~service~~ plan with **permitted** restrictive interventions, including physical restraints, must **be summarized in the service plan.**



PUBLIC INPUT

Today's Public Input Process



- We will now go over answers to some of the questions we have received regarding these waiver amendments.
- The remaining time is reserved for obtaining public input on the waiver amendments
 - 5-minute limit on comments

Written Comments



- While we will be recording this webinar, we encourage you to submit your comments in writing.
- You have 2 options:
 1. Email comments to ODP at RA-odpcomment@pa.gov.
 2. Mail comments to Julie Mochon, Department of Human Services, Office of Developmental Programs, 625 Forster Street, Room 510, Harrisburg, PA 17120

Comments received by **11:59 PM on November 15, 2021**, will be reviewed and considered for revisions to the proposed waiver amendments.

The documents regarding the Adult Autism Waiver Amendments are available at:

<https://www.dhs.pa.gov/Services/Disabilities-Aging/Pages/2022-Proposed-Waiver-Amendments.aspx>