

# Announcement

## Availability of ODP's Consolidated, P/FDS and Adult Autism Waiver Amendments and Accompanying Transition Plans Submitted to CMS

### ODP Communication Number: Announcement 033-15

*The mission of the Office of Developmental Programs is to support Pennsylvanians with developmental disabilities to achieve greater independence, choice and opportunity in their lives.*

**AUDIENCE:** All interested parties

**PURPOSE:** To announce that the Office of Developmental Programs (ODP) has submitted amendments to the Consolidated, Person/Family Directed Support (P/FDS), and Adult Autism Waivers to the Centers for Medicare and Medicaid Services (CMS). These amendments contain Home and Community-Based Settings Transition Plans that have been revised based upon public comments received.

### **BACKGROUND AND DISCUSSION:**

#### Consolidated and P/FDS Waivers

On March 31, 2015, ODP submitted a third set of amendments to the Consolidated and P/FDS Waivers to reflect the following changes:

#### *Consolidated Waiver*

- Appendix A was revised to reflect that individuals who are designated in a reserve capacity category as specified in Appendix B-3-c may also receive preference in Waiver enrollment.
- The unduplicated number of individuals was increased in Appendix B-3-a to reflect the additional number of individuals served in the Waiver through the waiting list initiative.
- Reserved capacity in Appendix B-3-c was increased for individuals who are identified as meeting the unanticipated emergency criteria to continue implementation of the Adult Protective Services Act.

- Reserved capacity in Appendix B-3-c was decreased for individuals who require hospital/rehabilitation care beyond 30 consecutive days and up to 6 consecutive months. The ODP found in the first two years of implementation of reserved capacity for this purpose that this number was higher than necessary to serve those individuals that require hospital/rehabilitation care.
- Appendix J-2-d was updated to reflect the additional participants served through the Waiver as a result of the waiting list initiative approved in Pennsylvania's Fiscal Year 2014-2015 state budget.

#### *P/FDS Waiver*

- Appendix A was revised to reflect that individuals who are designated in a reserve capacity category as specified in Appendix B-3-c may also receive preference in Waiver enrollment.
- The unduplicated number of individuals was increased in Appendix B-3-a to reflect the additional 700 young adults who are graduating from the special education system that will be served in the P/FDS Waiver.
- Reserved capacity in appendix B-3-c was increased for the waiting list initiative to reserve capacity for the 700 young adults who are graduating from the special education system.
- Appendix J-2-d was updated to reflect the additional participants served through the Waiver as a result of the waiting list initiative approved in Pennsylvania's Fiscal Year 2013-2014 state budget

The proposed effective date for these amendments is retroactive to July 1, 2014.

#### Adult Autism Waiver

The Bureau of Autism Services submitted an amendment to the Adult Autism Waiver (AAW) on April 1<sup>st</sup>, 2015. The purpose of this amendment is to increase the number of recipients served in the waiver and add reserved capacity for people who have a protective services plan under the Adult Protective Services Act (APS).

The budget for Fiscal Year (FY) 2014-2015 granted funding to serve an additional 100 individuals in the AAW. As a result, the number of participants served at any one time will increase from 418 to 518. The amendment also adds reserved capacity for five participants who are identified as meeting the APS reserve criteria.

The proposed effective date for this amendment is retroactive to July 1, 2014.

Please note that the amendments to the Consolidated, P/FDS and Adult Autism Waivers have not yet been approved by CMS and changes may be made to the amendments based upon discussions with CMS during the approval process. ODP will inform all stakeholders when CMS has officially approved the Waivers and will make the approved Waivers available at that time.

### Home and Community-Based Settings Transition Plans

On January 16, 2014, CMS published a final rule for home and community-based services in the *Federal Register*. This final rule amends the Medicaid regulation for home and community-based services waivers under section 1915(c) of the Social Security Act to provide requirements regarding characteristics of settings that are home and community-based as well as settings that may not be home and community-based. The final rule required that a transition plan be submitted with each waiver amendment. The transition plans for the Consolidated, P/FDS, and Adult Autism Waivers include the steps that ODP anticipates taking to achieve compliance in the following areas: Unallowable Settings, Settings that are Presumed not Eligible; Qualifications for all Home and Community-Based Settings; and Requirements for Provider-Owned or Controlled Home and Community-Based Residential Settings.

### Public Comment

Notice was published in the Pennsylvania Bulletin on December 20, 2014 informing stakeholders that the Office of Developmental Programs was making the amendments and accompanying transition plans for all three waivers available for public review and comment. This notice also informed stakeholders that comments would be accepted regarding the waiver amendments and accompanying transition plans from December 20, 2014 through February 2, 2015. The public was given three different methods for submitting comments: Verbally during two webinars held, electronically via the email address ([RA-odpcomment@pa.gov](mailto:RA-odpcomment@pa.gov)) or written submission by mail.

### Where to Access the Waiver Amendment Applications

The Waiver Amendment Applications submitted to CMS include revised Home and Community-Based Settings Transition Plans. The transition plans were revised based on public comment received. The transition plan can be found in the Main Section of each waiver amendment under the heading "Attachment #2 Home and Community-Based Settings Waiver Transition Plan". This section is located after the signatures in the beginning of each Waiver. The Waiver Amendment Application along with a summary of comments received during the public notice period, reasons why comments were not adopted, and any modifications to the Waiver Amendments based upon those comments are available at the following links:

The **Consolidated Waiver Amendment** documents can be found at:

<http://www.dhs.state.pa.us/learnaboutdhs/waiverinformation/consolidatedwaiverforindividualswithintellectualdisabilities/index.htm>

The **P/FDS Waiver Amendment** documents can be found at:

<http://www.dhs.state.pa.us/learnaboutDHS/waiverinformation/personfamilydirectedsupportwaiver/index.htm>

The **Adult Autism Waiver Amendment** documents can be found at:

<http://www.dhs.state.pa.us/learnaboutdhs/waiverinformation/adultautismwaiver/index.htm>

## Where to Access Documents Regarding the Home and Community-Based Settings Transition Plans

The ODP has also developed a webpage titled “Office of Developmental Programs Home and Community-Based Services (HCBS) Final Rule”. This webpage can be accessed at <http://www.dhs.state.pa.us/dhsorganization/officeofdevelopmentalprograms/ODPHCBS/index.htm>. The following documents are currently available on this webpage:

- The Revised Consolidated Waiver Transition Plan.
- The Revised P/FDS Waiver Transition Plan.
- The Revised Adult Autism Waiver Transition Plan.
- ODP Comment and Response Document - Per CMS requirements, this document summarizes the comments received during the public notice period, reasons why comments were not adopted, and any modifications made to the transition plans based upon those comments.
- Summary of Changes to ODP Transition Plans – This document provides a summary of the changes made to the ODP Transition Plans based on comments received.

If you have any questions regarding the waiver amendment process or the information posted, please email [RA-odpcomment@pa.gov](mailto:RA-odpcomment@pa.gov).