



ODP Communication

Public Comment Opportunity -Appendices A through H of the Consolidated and P/FDS Waiver Renewals Effective July 1, 2017

ODP Communication Number: Memo 095-16

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: Individuals and families, Administrative Entities, Supports Coordination Organizations and Providers of Consolidated or Person/Family Directed Support (P/FDS) Waiver services.

PURPOSE: To announce that the proposed renewals to Appendices A through H of the Consolidated and Person/Family Directed Support (P/FDS) waivers are available for public review and comment. **There is a 45 day public comment period on the information proposed in Appendices A through H that starts on December 3, 2016 and ends on January 17, 2017.**

DISCUSSION: The Office of Developmental Programs (ODP) is pleased to announce the opportunity for public comment on Appendices A through H of the Consolidated and P/FDS waivers. The Centers for Medicare and Medicaid Services (CMS) approves waivers for a five year period. The current Consolidated and P/FDS waivers expire on June 30, 2017. As such, ODP must submit renewals for these two waivers to CMS no later than March 2017. The waiver renewals are anticipated to be effective on July 1, 2017. As part of this process, ODP is seeking your valuable feedback and comments on the proposed renewals to Appendices A through H.

The following substantive changes are proposed to Appendices A through H:

- Expand the target group to the following:
 - People with a diagnosis of autism who do not have an intellectual disability.
 - Children under eight years of age who have a developmental disability with a high probability of resulting in an intellectual disability or autism.
 - Children under three years of age with an intellectual disability.

- Add new services and revise existing services to expand opportunities for community living, to promote community integration and to increase supports to families as recommended by stakeholders in the publication *Everyday Lives Values in Action*; to promote employment in alignment with Governor Wolf’s Executive Order: 2016-03 – Establishing “Employment First” Policy; and to ensure alignment with CMS’ Home and Community-Based Services (HCBS) Rule (See 79 FR 2948 [June 16, 2014]).
- Enhance participant-centered service planning and delivery and participant-direction of services and strengthen participant rights and safeguards.
- Revise the quality improvement strategy to align with CMS requirements, enhance stakeholder participation, and simplify reporting requirements. These changes include the following:
 - Align participant-centered service planning and delivery with CMS’ HCBS Rule and clarify expectations related to monitoring of waiver service delivery.
 - Strengthen enforcement powers to apply progressive sanctions to under-performing common law and managing employers.
 - Specify when ODP’s fair hearing and appeals process is not available.
 - Strengthen safeguards to ensure participant rights, including refinement of critical incident protocols, oversight of medication administration, and oversight of restrictive interventions.
 - Revise the quality oversight and reporting process to align with the new CMS Quality Strategy and streamline performance measures.

Information regarding the proposed Appendices A through H of the Consolidated and P/FDS waiver renewals, including how to provide comments, can be found in the Pennsylvania Bulletin, Volume 46, Number 49 published on Saturday, December 3, 2016 at: <http://www.pabulletin.com/secure/data/vol46/46-49/2086.html>.

The proposed documents regarding the renewals of the Consolidated and P/FDS Waivers are available at: <http://www.dhs.pa.gov/provider/developmentalprograms/2017waiverrenewals/>.

ODP will also hold three webinars to receive comments on the proposed renewals of the Consolidated and P/FDS Waivers. The dates, times and registration link to participate in these webinars are as follows:

- January 12, 2017 from 1:00 p.m. to 4:00 p.m.
- January 13, 2017 from 9:00 a.m. to 12:00 p.m.
- January 17, 2017 from 1:00 p.m. to 4:00 p.m.

The following link must be used to register for any of the above webinars <https://attendee.gotowebinar.com/rt/9193340354940671748>. Participants are able to participate in the webinar by phone, but will need a computer to provide comments during the webinar. To assist the Department in accurately capturing comments provided during the webinars, individuals are asked to submit a written copy of their comments by email or to mail to the address provided above. If you are unable to attend one of these sessions, a recording will be made available. ODP will publish a communication when the recording is available.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Relay Service by dialing 711 or by using one of the following toll free numbers:

- (800) 654-5984 (TDD users)
- (800) 654-5988 (voice users)
- (844) 308-9292 (Speech-to-Speech)
- (844) 308-9291 (Spanish)

Interested persons are invited to submit written comments regarding the proposed renewals of the waivers. Comments should be addressed to Julie Mochon, Department of Human Services, Office of Developmental Programs, 625 Forster Street, Room 501, Harrisburg, PA 17120. Comments may also be submitted to ODP at RA-odpcomment@pa.gov. **Comments received by the end of the day on January 17, 2017 will be reviewed and considered for revisions to the waiver renewals that will be submitted to CMS in March 2017.**

Copies of the Appendices A through H of the Consolidated and P/FDS waivers may be obtained at the regional Office of Developmental Programs in the corresponding regions:

- *Western Region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast Region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast Region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central Region:* P.O. Box 2675, Harrisburg, PA 17105, (717) 772-6507

We anticipate that Appendices I and J of the Consolidated and P/FDS waiver renewals will be made available for a 30 day public comment period in January 2017. A communication will be published when these appendices are available.

CONTACT: Questions about this communication should be directed to RA-odpcomment@pa.gov.