

## Publication of New Chapter 6100 Regulations and Revisions of Licensing Chapters

### ODP Announcement 19-129

**AUDIENCE:**

All Interested Parties

**PURPOSE:**

To announce the publication of a new regulatory chapter, 55 Pa. Code Chapter 6100 (relating to services for individuals with an intellectual disability or autism), as well as revisions to align the following regulatory licensing chapters: 55 Pa. Code Chapter 2380 (relating to adult training facilities), 55 Pa. Code Chapter 2390 (relating to vocational facilities), 55 Pa. Code Chapter 6400 (relating to community homes for individuals with an intellectual disability or autism) and 55 Pa. Code Chapter 6500 (relating to life sharing homes).

**DISCUSSION:**

The Office of Developmental Programs (ODP) is pleased to announce that the long-anticipated regulatory package has been released for publication. This marks forward movement for our service system as the new regulatory package helps to support individuals with an intellectual disability or autism to live and participate in their community, to achieve greater independence and to have opportunities enjoyed by all citizens of this commonwealth. Additionally, these regulations strengthen community services and supports to promote person-centered approaches, community integration, personal choice, quality in service delivery, health and safety protections, competitive integrated employment, accountability in the utilization of resources, and innovation in services design. The published regulations appear in the Pennsylvania Bulletin, Volume 49, Number 40, published on Saturday, October 5, 2019 available at <https://www.pabulletin.com/secure/data/vol49/49-40/1509.html>. Due to the regulations being lengthy you will need to select Next at the bottom of the page (as

shown below) to read all information published.



In addition, ODP will be providing printed copies of the regulations to identified stakeholders.

### **Overview**

Chapter 6100 governs the program, operational and fiscal aspects of the following:

- Home and Community-Based Services (including Supports Coordination and participant directed services under the Agency with Choice model) provided through the Consolidated, Community Living, Person/Family Directed Support and Adult Autism Waivers;
- Targeted Support Management; and
- Base-funded services.

In addition, the licensing regulations were amended to make them compatible with Chapter 6100 in the areas of training, rights, individual planning, incident management, restrictive procedures, and medication administration.

*Chapter 6100 rescinds and replaces Chapters 51 and 6200.*

A page on MyODP that will contain all information regarding the regulations is in development: <https://www.myodp.org/mod/page/view.php?id=24070>. Please check this page frequently for updates as information and training is developed and released.

### **Effective Dates of Regulatory Compliance**

ODP understands that achieving compliance with new requirements in the regulations will require extensive work. For this reason, during the initial implementation of Chapter 6100, ODP intends to use training and technical assistance in response to regulatory noncompliance resulting from unfamiliarity with how to appropriately implement new requirements. Sanctions will be used only in the event of serious or extensive noncompliance.

The following sections of Chapter 6100 will take effect **upon publication**:

<b>Section</b>	<b>Title</b>
• 6100.55	Reserved Capacity
• 6100.226	Documentation of Claims
• 6100.227	Progress Notes
• 6100.481 – 485	General Payment Provisions
• 6100.571	Fee Schedule Rates
• 6100.641 – 672	Cost-Based Rates and Allowable Costs
• 6100.741 – 744	Enforcement

All remaining sections of Chapter 6100 as well as all amended sections of Chapters 2380, 2390, 6400 and 6500 take effect **120 calendar days following publication on February 1, 2020**.

Please refer to the attached guide titled, “*Chapter 6100: Section Effective Dates, Training and Communication Plan*” for a complete listing of sections of the regulatory package that take immediate effect, and which take effect on February 1, 2020. This guide reflects ODP’s decision to delay the effective date of selected sections.

### **Training**

ODP will be implementing a broad training strategy to help all stakeholders develop an understanding of the regulatory changes associated with the 6100 regulatory package, determine impact to the service system, and provide opportunities to incorporate changes into business practices. Included with this communication is a comprehensive implementation guide, which highlights effective dates, trainings and other important information associated with implementing the Chapter 6100 regulations package.

### **Regulatory Compliance Guides**

In addition to trainings, targeted communications, and bulletins; ODP will be releasing regulatory compliance guides (RCGs) for the five (5) chapters. RCGs are intended to be a companion to the individual chapters and are intended to provide additional clarity and explanations of the regulatory requirements. The following is a tentative schedule of RCG availability:

<b>Regulatory Chapter</b>	<b>Public Comment</b>	<b>Final Publication</b>
6400	May 7 to July 15, 2019	December 2019
6100	December 2019	February 2020
6500	February 2020	May 2020
2380/2390	July 2020	October 2020

To request technical assistance or submit a question, please use the following address [RA-PWODP6100REGS@pa.gov](mailto:RA-PWODP6100REGS@pa.gov).

**ATTACHMENT:**

**Chapter 6100: Section Effective Dates, Training and Communication Plan**