

Updated Variance Form DP 1086 and Instructions

ODP Announcement 19-159

AUDIENCE:

Individuals and Families, Providers of Consolidated, Person/Family Directed Support (P/FDS) and/or Community Living Waiver services, Administrative Entity Administrators or Directors, Supports Coordination Organization Administrators or Directors, Supports Coordinators, and Other Interested Parties

PURPOSE:

To notify interested parties of an update to the Variance Form (DP 1086) and related Instructions.

DISCUSSION:

As part of the October 1, 2019 amendments to the Consolidated, P/FDS and Community Living waivers the following language was added and approved regarding the provision of Respite by a nurse for children with medical needs:

Respite “may be provided at the following levels in private homes, including Life Sharing homes (licensed or unlicensed):

- Level 3 Enhanced - Staff-to-individual ratio of 1:1 with a licensed nurse (only available to children with medical needs as described below) or a certified staff member.
- Level 4 Enhanced - Staff-to-individual ratio of 2:1 with one licensed nurse (only available to children with medical needs as described below) or one certified staff member and one staff member with at least a high school diploma.

Children (under age 21) who have medical needs that require Respite by a nurse can request a variance when the following criteria are met:

- The child is authorized to receive less than 24 hours a day of nursing through private insurance or Medical Assistance;

And one of the following:

- The child requires administration of intravenous fluid or medication, which is specified in a written order by a licensed doctor of the healing arts; or
- The child uses monitoring, defibrillating or resuscitating equipment, or a combination of the three; or
- The child requires other skilled activities that must be provided by a nurse. A list of non-skilled activities that can be performed by professionals other than a nurse is available at <https://www.health.pa.gov/topics/Documents/Facilities%20and%20Licensing/HCAGuidance.pdf>.

Any waiver participant age 21 or older who needs nursing services can receive this type of support through the Shift Nursing service.”

Requests for a variance to the day or 15-minute unit limit may be made for participants who have behavioral or medical support needs or for emergency circumstances using the standard ODP variance process. A request for a variance to this limit may not be approved for Respite provided by a nurse unless there is an emergency circumstance involving a child with medical needs who meets the criteria described above. Ongoing nursing needs for children with medical needs are addressed through Medical Assistance Fee-for-Service or Physical Health Managed Care Organizations.

Because of that addition, ODP has updated Variance Form DP 1086 and the related Instructions originally found in Bulletin 00-18-06, *Variance Form and Process*.

Please begin using the updated DP 1086 and Instructions found at these links on the Department of Human Services website for all variance requests:

DP 1086:

<https://www.dhs.pa.gov/docs/Publications/Documents/FORMS%20AND%20PUBS%20DP/00-18-06%20A.pdf>

Variance Form Instructions:

<https://www.dhs.pa.gov/docs/Publications/Documents/FORMS%20AND%20PUBS%20DP/00-18-06%20B.pdf>

The DP 1086 can also be found on the Forms page of MyODP.org or at **this link:**

https://s3-us-west-2.amazonaws.com/palms-awss3-repository/MyODP_Content/Resources/Forms/c_280050.pdf

COMMENTS: Comments may be directed to the appropriate ODP Regional Office.