

Heightened Scrutiny Onsite Tools for Residential Service Locations Finalized and Now Available Online

ODP Announcement 20-021

AUDIENCE:

All interested parties

PURPOSE:

The purpose of this communication is to announce that the Heightened Scrutiny Onsite Tools for Residential Service Locations have been finalized and posted at the following link: <https://www.dhs.pa.gov/contact/DHS-Offices/Pages/ODP-HCBS%20Final%20Rule.aspx>. The Office of Developmental Programs (ODP) is also using this communication to address some of the comments and concerns that were received through public comment.

DISCUSSION:

The Heightened Scrutiny Onsite Tools for Residential Service Locations were made available for public comment from January 17, 2020 through February 17, 2020. There were 71 stakeholders who responded during the public comment period. No additional service locations were identified through public comment to be added to the Heightened Scrutiny onsite list. ODP thanks all stakeholders for their valuable feedback which was incorporated into the tools that are now posted at <https://www.dhs.pa.gov/contact/DHS-Offices/Pages/ODP-HCBS%20Final%20Rule.aspx>. Below, ODP addresses major themes and concerns submitted through public comment:

- There were multiple stakeholders who were concerned that ODP is solely focusing on the location of homes as part of Heightened Scrutiny. The emphasis in the definition of a farmstead, gated community, or campus is on the programmatic isolation of individuals from the broader community that providers indicated occurs in the homes, not the physical location of the home.

Providers indicated that these homes met the definition of farmstead, gated community or campus when the self-assessments which were completed in 2018. ODP aligned its implementation of the Settings Rule with the guidance released by CMS in March 2019, which states that waiver funding cannot be used for settings that have any of the following isolating characteristics:

- Due to design or model of service provision in the setting, individuals have limited, if any, opportunities for interaction in and with the broader community, including with individuals not receiving Medicaid-funded HCBS;
 - The setting restricts beneficiary choice to receive services or to engage in activities outside of the setting;
 - The setting is physically located separate and apart from the broader community and does not facilitate beneficiary opportunity to access the broader community and participate in community services, consistent with a beneficiary's person-centered service plan.
- Stakeholders were concerned about training that will be given to the interviewers who are using the tools during the onsite visit. There is a core team of ODP staff who are conducting the onsite visit and who are using the Heightened Scrutiny tools. This core team of staff have been involved with the creation of the tools, and any additional ODP staff who may participate in the onsite visits will be trained accordingly.
 - ODP received comments regarding interviewing individuals who are receiving the residential service, specifically individuals who may not communicate verbally. Clarification was included in the onsite tool that will be used for the interview, that for individuals who communicate in a non-traditional manner, such as through Sign Language, (including American Sign Language, Sign Language from other countries, Signed Exact English, or a mixture of American Sign Language and signed English), Lip Reading, Visual Gestural Communication, Touch cues, Objects of Reference, Braille, Print and Symbol Systems, Eye Gaze and Partner-Assisted Scanning, Assistive Technology or Augmentative and Alternative Communication, or behavioral communication, ODP staff will work with the individual and his/her staff to ensure they have the opportunity to communicate with ODP in a language and means of communication he/she can understand and be understood.

- It was pointed out that on the Residential HCBS Provider Settings Self-Assessment Report, providers self-identified 52 service locations as either a farmstead, gated community, or campus. Those 52 service locations were reviewed internally by ODP regional staff who are familiar with the programs in their area to verify if those service locations were accurately identified as a farmstead, gated community or campus. As a result of this review, 48 of those service locations were determined to not meet the criteria of a farmstead, gated community, or campus. The remaining 4 service locations will be reviewed as part of the Heightened Scrutiny process.

ODP will commence scheduling the onsite visits to the identified service locations. When the onsite visit is scheduled, ODP will ensure that the visit will revolve around the individuals' schedule who reside at the service location. Please reference ODP Announcement 20-002 for the steps that will occur after the onsite visit has been completed.

Any questions about this communication or the HCBS Heightened Scrutiny process, please email the following mailbox: RA-PWODPHCBSSETTINGS@pa.gov