

## Exceptions to the Annual Fiscal Limit for the Person/Family Directed Support Waiver ODP Announcement 19-078

### **AUDIENCE:**

Individuals and Families, Administrative Entity (AE) Administrators or Directors, Supports Coordination Organization (SCO) Administrators or Directors, Supports Coordinators (SCs), SC Supervisors, Providers of Person/Family Directed Support waiver services and Other Interested Parties

### **PURPOSE:**

To provide clarification to interested parties regarding the cap exception process for the Person/Family Directed Support (P/FDS) Waiver.

### **BACKGROUND:**

The Office of Developmental Programs (ODP) has established protocol to implement cap exceptions when the Individual Support Plan (ISP) for an individual enrolled in the P/FDS Waiver exceeds the annual fiscal limit because of rate changes. ODP is issuing this communication to provide information to interested parties, as rate changes to certain waiver services have resulted in some individuals exceeding the \$33,000 annual fiscal limit for Fiscal Year 2019-20.

### **DISCUSSION:**

ODP announced final fee schedule rates for the Community Participation Support service in the Consolidated, P/FDS and Community Living Waivers in ODP Announcement 19-061 and in the Pennsylvania Bulletin, Volume 49, Number 21 (May 25, 2019). Those rate changes, along with changes to the number of miles covered in each zone used in the Transportation Trip service, have resulted in ISPs for some

individuals to exceed the annual fiscal limit on services in the P/FDS waiver in fiscal year 2019-20.

For those individuals, a P/FDS cap exception may be approved to preserve the Community Participation Support and Transportation Trip services *currently authorized* in the ISP. A P/FDS cap exception may *not* be used to:

- Increase the overall number of units, frequency or duration of Community Participation Support services.
- Change the number of units the individual currently receives Community Participation Support services in community or facility settings.
- Increase the staffing ratios for Community Participation Support services.
- Increase the number of miles traveled as part of the Transportation Trip service.

P/FDS cap exceptions should be identified by the ISP team and a request should be submitted to the AE no later than June 30, 2019. The AE will submit exception requests to their ODP designated Regional Office for review **no later than July 14, 2019**. ODP approvals will be communicated to the AE.

### **Increases in Units for Support in Community Settings**

Please note that P/FDS cap exceptions will **not** be approved to increase the number of units/percentage of time the individual currently receives Community Participation Support in community settings. To help individuals increase their time supported in community settings without exceeding the annual fiscal cap, ODP issued this guidance in Version 2 of the Community Participation Support Question and Answer Document (ODP Communication 095-18):

To address the issue of the individual receiving needed support for Community Participation Support within the P/FDS cap, ODP expects that providers and ISP teams explore the following solutions, based on the individual's needs and preferences:

Community Participation Support is intended to build the potential for employment. Individuals are encouraged to pursue competitive integrated employment and may exceed the P/FDS cap by \$15,000 for employment services. For individuals receiving employment services, Community Participation Support can be used as a wrap-around service and may well fit within the cap as

pressure is relieved from the cap (individual would use fewer units of Community Participation Support) by the employment services.

Providers are also expected to assist individuals and families with developing natural supports. Individuals and families using cooperative arrangements or relying on natural supports for engagement in some community activities, again, may relieve pressure on the P/FDS cap.

ODP anticipates that another option will be available to ISP teams starting October 1, 2019. Pending approval from the Centers for Medicare and Medicaid Services (CMS), ODP will be adding an on-call and remote support component to the Community Participation Support service, which will enable waiver participants to have more independence while participating in community activities while compensating providers for the availability and access to provider staff to ensure the participant's health and safety.

Because amendments to the Consolidated, Community Living and P/FDS waivers must be approved by CMS before ODP can implement this on-call and remote support component, the procedure code and Fee Schedule Rate for this component of the Community Participation Support service will not be effective until October 1, 2019. ISP teams can start discussing how the on-call and remote support component can be used to help an individual achieve their goals and outcomes but the procedure code cannot be added to the ISP until notified via an ODP communication.

**CONTACT:** Questions about this communication should be directed to your Regional Program Office.