

## ODP Regulation Package Question and Answer Document

Version<sup>1</sup> #1

<b><u>General Regulation Questions</u></b>	
<p>1. When I click on the link to read the regulations published in the <i>Pennsylvania Bulletin</i> on October 5, 2019, I only see comments and responses. Where can I see the actual changes to 55 Pa. Code Chapters 2380, 2390, 6400 and 6500 as well as the new 55 Pa. Code Chapter 6100 regulations?</p>	<p>The first page that you see when you click on the <a href="#">link</a> is called the preamble. The preamble explains the purpose and background of the regulations and contains questions received during the public comment period with the Department of Human Services' responses to those questions.</p> <p>Due to the length of the regulatory package, to see the actual changes to the licensing regulations (55 Pa. Code Chapters 2380, 2390, 6400 and 6500) as well as new 55 Pa. Code Chapter 6100 regulations:</p> <ul style="list-style-type: none"><li>• You must click "Next Doc" at the top of the page or "Continued on next Web Page" at the bottom of the page. This will take you to the changes to 55 Pa. Code Chapters 2380 and 2390.</li><li>• You must repeat the process to access Chapter 6100 and then again to access Chapters 6400 and 6500.</li></ul>
<p>2. Is there anywhere online that you can currently access the complete version of the 6100 regs, not just the affected sections?</p>	<p>The 55 Pa. Code Chapter 6100 regulations are published in their entirety in the <i>Pennsylvania Bulletin</i>. Please follow the instructions for accessing them in question and answer #1 above.</p>
<p>3. When can we expect to see each complete licensing chapter published? It is difficult to look at two different documents to see what is changing and what is staying the same.</p>	<p>It is anticipated that all of the revisions that were included in the regulatory package published on October 5th will be incorporated into each licensing chapter in February 2020. This is when you will be able to see each complete chapter with all current requirements. A communication will be published informing all stakeholders when this occurs. ODP will be providing printed booklets for each regulatory chapter to identified stakeholders.</p>

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<sup>1</sup> This document will be continuously updated as clarification is developed for questions received.

<p>4. Are all the chapters effective February 1, 2020 or just the 6100s?</p>	<p>Please see the <a href="#">Chapter 6100: Section Effective Dates, Training and Communication Plan</a> for current effective dates for all sections of the regulations, including the licensing regulations. In this plan you will see that some sections of the Chapter 6100 regulations took effect on the date of publication (October 5, 2019), some sections (including the revised licensing sections) will take effect on February 1, 2020, and ODP has decided to delay other sections based on feedback received.</p>
<p>5. Will Chapter 6100 also have a Regulatory Compliance Guide (RCG) developed?</p>	<p>Yes, ODP is actively working to develop a 6100 Regulatory Compliance Guide. We anticipate that this document will be released for public comment in January 2020.</p>
<p>6. When will the Regulatory Compliance Guide (RCG) for Chapter 6400 be finalized?</p>	<p>The Regulatory Compliance Guide was released for public comment from May 7, 2019 through July 15, 2019. ODP reviewed all comments submitted and made necessary revisions. The guide is currently in the final phases of internal review with the Department and it is anticipated that the final Regulatory Compliance Guide for Chapter 6400 will be published by the end of December 2019 or early January 2020.</p>
<p>7. If the Regulatory Compliance Guide (RCG) replaces the Licensing Inspection Instrument (LII) are providers still required to do the self-assessments before inspections? We had used the LII to complete those assessments.</p>	<p>Providers must assess all homes for regulatory compliance as required by the regulations. It is strongly recommended that detailed corrective actions are included on all completed self-assessments and providers incorporate the self-assessment process into their overall quality management process. It is always better for a provider to identify and correct a violation before it is discovered by the Department.</p> <p>It is also recommended that providers use the results of the last full inspection (the Licensing Inspection Summaries and Plans of Correction) conducted by the Department as part of their self-assessments.</p> <p>Providers may use the Department’s licensing inspection instrument or their own inspection</p>

	instruments to measure and record compliance with the regulations as long as the provider’s instrument includes <b>all</b> of the elements of the Department’s instrument. It is the provider’s responsibility to demonstrate how their instruments include all of the elements of the Department’s instrument.
<b>§6100.2 Applicability</b>	
8. Do the 6100 regulations apply to unlicensed services rendered through ODP’s waivers such as In-Home and Community Support, Companion and Behavioral Support?	Yes, §6100.2 states that Chapter 6100 requirements apply to home and community-based services provided through waiver programs for individuals with an intellectual disability or autism. This includes all services reimbursed through the Consolidated, Community Living, Person/Family Directed Support and Adult Autism Waivers. The only services rendered through these waivers to which Chapter 6100 requirements do not apply are services delivered through the Vendor Fiscal/Employer Agent (VF/EA) participant directed services model.
9. Do the 6100 regulations apply to individuals who live in ODP homes licensed under chapter 6400 that are funded by the New Jersey Division of Developmental Disabilities?	No, §6100.2 states that Chapter 6100 requirements do not apply to services funded by other states and provided to individuals in this Commonwealth. The provider would continue to be required to follow the requirements contained in Chapter 6400.  If individuals receive services in the home that are funded through the Consolidated, Community Living, Person/Family Directed Support or Adult Autism Waivers or base-funding, the Chapter 6100 regulations would apply to those individuals.
<b>§6100.227 Progress Notes</b>	
10. Can staff do progress notes quarterly starting now?	Yes, this expectation is contained in Bulletin 00-18-04 <i>Interim Technical Guidance for Claim and Service Documentation</i> published on July 25, 2018.  Adult Autism Waiver providers can continue submitting Quarterly Summary Reports until the

	<p>new Technical Guidance for Claim and Service Documentation bulletin is published. Monthly progress notes were no longer required beginning October 5, 2019.</p>
<p>11. The regulations state that progress notes must be completed at least every 3 months, beginning with the date of the initial claim relating to service for the individual. What dates do progress notes have to cover to comply with this requirement?</p>	<p>The requirement for the progress note to be completed at least every 3 months, <u>beginning with the date of the initial claim relating to service for the individual</u> would be applicable to new services initiated. For new services initiated, the progress note needs to cover the first date service was rendered and billed and the following 3 months (or more frequently if you choose). For providers of services reimbursed through the Consolidated, Community Living and/or Person/Family Directed Support Waiver, if you have been providing services prior to July 25, 2018, you would follow the guidance written in Bulletin 00-18-04: “The time period covered by the progress note should start on the day following the previous progress note and end on the date that the current progress note is completed.”</p> <p>AAW providers should continue to follow previously released guidance on Quarterly Summary Reports including the established due dates and submission into QuestionPro. Monthly progress notes were no longer required beginning October 5, 2019.</p>
<p><b>§6100.468 Medication Administration Training</b></p>	
<p>12. Is the modified course for medication administration currently available?</p>	<p>It is anticipated that the modified training course for medication administration will be released by the end of December 2019.</p>
<p>13. Will Life Sharers be required to take the modified course for medication administration?</p>	<p>Any Life Sharer who will administer medications as described in §6100.462 must successfully complete the modified course for medication administration by July 1, 2020.</p>

**§6100.641 – 672 Cost-Based Rates and Allowable Costs**

<p>14. If the services rendered by our agency all have established fee schedule rates, do items specific to allowable costs also pertain to those services or only cost based rates (6100.647 through 6100.669)?</p>	<p>Sections 6100.641 through 6100.669 only apply to cost-based rates. The Department establishes fee schedule rates for each service using allowable cost components.</p>
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