

July 25, 2014

Julie Mochon, Policy Supervisor  
Office of Developmental Programs  
Department of Public Welfare  
625 Forster Street, Harrisburg PA 17120

Re: Transition Plan for ID Waivers for Compliance with New Federal Rules

Dear Julie,

I am writing on behalf of the Person Driven Services and Supports (PDSS) coalition which is made up of people with disabilities, family members and the following organizations: the Institute on Disabilities at Temple University; Disability Rights Network of PA; Pennsylvania Health Law Project; Pennsylvania Mental Health Consumers Association; Mental Health Association of Southeastern Pennsylvania; Values into Action-PA, Mental Health Association of PA, the Arc of PA, PA Statewide Independent Living Council, Self-Advocates United as 1, and NAMI of Southwestern Pennsylvania. The focus of our coalition's efforts is to expand and enhance person-driven services in Pennsylvania so that *all people with disabilities shall have the option to design, control and direct their own services and funding.*

As ODP is developing the required transition plan for compliance with the new federal HCBS Rules, the coalition has a few areas we would urge ODP consider for inclusion in the transition plan.

1. **Enhanced Supports Coordinator Training and Technical Assistance.** The new federal rules require that people have a choice of non-disability specific settings and plan development that is person-centered. Technically, the current ODP ISP format incorporates elements of person-centered planning but plans are rarely driven by a true person-centered planning process. The plans are more driven by the services available to the person.

Supports Coordinators need to be provided mandatory training in the person-centered planning approach and how it should fundamentally change their approaches to plan development. Moving from service driven plans to plans driven

by person-centered planning begins with the Supports Coordinator's approach and skills to facilitate plans.

We recommend the following to address this concern:

- a. Comprehensive training in planning for outcomes not just the services available. Expectation that person-centered planning approaches go beyond filling in the "Individual Preference" sections of the ISP.
  - b. Comprehensive training in non-traditional models (participant-direction, lifesharing, reverse lifesharing, customized employment, etc). There is little to no training currently available to SCs on these topics.
  - c. Training in housing resources and how to access them.
  - d. Incentivize planning. ODP should examine SC rate structures or other mechanisms that could incentivize or provide for good person-centered planning, with monitoring by ODP of these plans' results.
  - e. A mechanism for SCs and waiver participants to get quality technical assistance when they are working with people who want non-traditional models of service.
2. In relation to the new rules requiring that a person must have options of non-disability specific settings, a private unit in a residential setting, and the ability to receive services in the community to the same extent as a people not receiving MA HCBS, we have several recommendations:
- a. **Examine impact of ISP Checklist.** Though ODP's current waiver, rules and regulations may largely meet the requirement for choice of settings on paper, the PDSS coalition believes that ODP also has conflicting rules and procedures that create extensive barriers to waiver participants exercising these choices. The ISP Checklist and subsequent additional scrutiny regarding use of 1:1 staffing creates significant barriers for individuals who choose to live in non-congregate settings and to engage in non-licensed/non-group daytime activities. The use and impact of the ISP Checklist must be examined thoroughly.
  - b. **Technology.** ODP should add a service definition to the waivers for Smart Home Technology, Telecare and PERS that could have cost saving potential for people who do choose to live independently and may be able to use technology instead of staffing to manage aspects of their daily lives and/or maintain health and safety.
  - c. **Service Definitions that allow for Better Self-Direction.** ODP should add the Services My Way (Cash and Counseling) option to both the PFDS and Consolidated waivers as a way to allow for purchase of generic goods and services that can promote more integrated lives in community settings. The

Services My Way option allows for waiver participants to more creatively meet their disability-related needs without being bound to strict menus of specialized services otherwise available through the waivers. This option is already in two of PA's HCBS waivers. The PDSS coalition believes that it should be offered in all waivers to help waiver participants and to help PA meet the intent of the new federal rules.

- d. **Expand Use of the Supports Broker.** ODP should build the capacity for delivery of Supports Brokering statewide. The DD Council funded Person-Driven Services Project is building capacity in the SE Region but all waiver participants who need this service should have access to it.
- e. **Change Supports Broker Limitations.** Currently Supports Brokering is limited to people who live in private homes. There is no option for people who want to transition from residential habilitation settings to self-directing services in a private home. This creates a phenomenal barrier for people who want to make this change. For a person to transition from a residential setting, they would typically need staff in place in their new home. Without a Supports Broker, the waiver participant may have no one who can assist with recruiting and hiring the new Support Service Workers. We recommend that ODP amend the waiver to allow for people transitioning from residential settings to private homes the option to use a Supports Broker during that transition.
- f. **Housing Subsidies.** A major barrier to people choosing non-disability specific settings is a lack of accessible, affordable housing. HCBS participants who choose residential settings essentially receive subsidized housing through ODP (the ineligible billing codes). This same subsidy/assistance should be available to people who choose non-residential settings and do not have access to other federal subsidy programs like Section 8.

In addition to the issue of financing housing options outside of residential settings, there is a systems capacity issue in supporting people to find affordable, accessible housing. Support Coordination Organizations largely seem to lack the knowledge or capacity to locate and coordinate housing resources outside of the typical ID service provider system. Because residential service providers are providers of both service and housing, they typically seem unwilling to assist people to find community housing. Historically, ODP had a "Home Finding" service available in the waivers but it was removed because it was under-utilized. ODP should re-instate this service and invest in the development of quality providers of this service.

3. **Person-Centered Planning and Conflict of Interest.** In recent years ODP has amended regulations related to licensed providers participation in the Individual Support Planning process. While provider participation is essential in planning, ODP needs to examine these policies to ensure that adequate protections are in place around conflict of interest – namely, that a person-centered planning process occurs such that the individual is still freely choosing *how* their needs are being met. If all ISP meetings involve the licensed providers and the ISP meeting is the required person-centered planning process, then the individual may have undue pressure related to how and who provides their services.

Thank you so much for the opportunity to provide input as you develop the transition plan for the ID waivers. We would be happy to answer any questions or provide additional information. Please contact me at the above number or at [kahrens@temple.edu](mailto:kahrens@temple.edu).

Sincerely,



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Policy Director

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PDSS Coalition Members