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WELCOME TPA MEMBERS!



Membership Meeting

FEBRUARY 24, 2023





Upcoming TPA Meetings

Membership Meetings

March 31 – Rick Smith, ODP

April 21 – System Sustainability

May 11 – Live at the 2023 Disability & Mental Health Summit hosted by State Rep. Dan Miller

Summer & Fall Conferences

July 28 - ODP Policy Conference at The Regional Learning Alliance, Cranberry Township

October TBD – Annual Showcase in Collaboration with the Center for Healthcare Solutions at The Pittsburgh Convention Center, Downtown Pittsburgh

Committee Meetings & Workgroups



March 9 – ODP Tech Taskforce, Strategic Partnerships & Funding Workgroup, 3:30-4:30pm

March 16 – Human Resources Committee, 10-11am

March 23 – Financial Management Committee, 10-11am

Every Monday – Government & Advocacy Committee
9:30-10:30am

Kick-off Meetings for HR and FM committees will be used to determine key issues and meeting schedule for 2023.



2022 ID/A WORKFORCE REPORT

WHAT YOU SHOULD KNOW

The Center for Healthcare Solutions has been conducting compensation surveys for healthcare, human services, and ID/A providers for over four decades. This year they have collaborated with Arc of PA, RCPA, and TPA to produce a detailed report on the state of the ID/A industry workforce. Fifty-two organizations representing a full array of services from every region across Pennsylvania participated in this survey.* Over 9,000 employees were included representing 40 different positions to evaluate wage compression issues and critical data on over 7,000 DSPs, Residential Supervisors, and Other Program Supervisors. Here is a summary of key findings:

JOB CLASSIFICATION	AVERAGE WAGE	VACANCY FACTOR	TURNOVER RATE
DIRECT SUPPORT PROFESSIONALS	\$ 16.61	28%	38%
RESIDENTIAL SUPERVISORS	\$ 22.20	28%	42%
OTHER PROGRAM SUPERVISORS	\$ 23.12	16%	19%



January 26, 2023

The Honorable Josh Shapiro
Governor
Room 225 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Shapiro:

As the organizations representing Pennsylvania's Intellectual Disabilities/Autism (ID/A) service providers, we are asking you to include \$430 million in your 2023-2024 state general fund budget proposal to significantly improve the wage rates for the Direct Support Professionals (DSPs) who provide care to individuals with ID/A. This funding, along with its federal match, is crucial because the ID/A system is in crisis. Nearly 60,000 Pennsylvanians with ID/A are at risk of losing or experiencing a reduction of essential services because there are not enough DSPs to care for them. More specifically:

- After years of underfunding, the most recent rate increase did not provide enough of an increase to keep providers competitive with current the job market. Providers of intellectual disability and autism (ID/A) services continue to constantly struggle to recruit and retain a sufficient number of Direct Support Professionals (DSPs) to care for people with ID/A.



Unified Budget Request

	Appropriation Basis	Actual/Projected Cost	Delta	Cost Basis	Fiscal Impact	State General Funds
Inflation May 2020 - Dec 2021	3.50%	8.74%	5.24%	\$ 4,500,000,000	\$ 235,800,000	
Inflation Factor 2022 (CPI-U)	0.00%	6.50%	6.50%	\$ 4,500,000,000	\$ 292,500,000	
Inflation Factor 2023 (Mercer)	0.00%	2.50%	2.50%	\$ 4,500,000,000	\$ 112,500,000	
Inflation 2024 (Mercer)	0.00%	2.50%	2.50%	\$ 4,500,000,000	\$ 112,500,000	
Workforce Stabilization/Other	0.00%		3.26%		\$ 146,700,000	
						47.80%
Total Financial Impact					\$ 900,000,000	\$ 430,200,000
			20.00%			20.00%
Notes:						
Cost basis updated from RTK, PA Blue Book, and FY 2022-23 Executive Budget Summary and discounted to				\$ 4,500,000,000		
Inflation 2020-2021 applies net difference between published CPI-U data from U.S. Department of Labor and 3.5% Mercer Trending for the period May 2020 through Dec 2021						
Inflation 2022 applies 6.5% CPI-U (All Items) from Department of Labor report USDL-23-0017, released January 12, 2023						
Inflation for 2023 and 2024 applies 2.5% factor for projected inflation derived from Mercer Consulting and CPI projections ranging from 2.2% to 2.85%						



Editorial: An opportunity to stabilize Pa.'s disability care system



THE EDITORIAL BOARD
Pittsburgh Post-Gazette

FEB 22, 2023

12:00 AM



the provider alliance

February 23, 2023

We Need Your Help

Dear TPA Members,

On January 26, the Pennsylvania ID/A provider associations submitted a [unified budget request to Governor Shapiro](#). This letter requests \$430 million in state funds, matched by federal dollars, to address a growing workforce crisis jeopardizing the future of all community services.

Governor Shapiro's proposed budget for the upcoming state fiscal year will be released on March 7.

Yesterday, the Pittsburgh Post-Gazette editorial board weighed in with their strong support for investment in the ID/A system, "[An Opportunity to Stabilize Pennsylvania's Disability Care System](#)."

We are now asking for your help. Please visit our [Action Center](#) to share your personal story with Governor Shapiro.

Please forward this message to others who share your passion and concern for the needs of people with intellectual disability and autism, their families, and the DSPs who provide their needed care and support.

Thank you for your generous time and dedicated support to this mission.



ACTION CENTER

Governor Shapiro Needs to Hear from YOU!

On January 26, Organizations representing Pennsylvania Intellectual Disability & Autism (ID/A) providers collaborated and submitted a letter to Governor Josh Shapiro urging him to invest \$430M in the 2023-2024 state general fund budget proposal to significantly improve the wage rates for the Direct Support Professionals (DSPs) who provide care to individuals with ID/A. This funding and its federal match are crucial because the ID/A system is in crisis. Nearly 60,000 Pennsylvanians living with ID/A risk losing or experiencing a significant reduction of essential services because there are not enough DSPs to support them.

Governor Shapiro needs to hear from **YOU!** Your **STORIES** are the most powerful and compelling tools to drive advocacy and share how this crisis affects YOUR life daily. He needs to hear stories of individuals, their families, and the dedicated staff working hard to support them to understand what this funding will mean. Your stories WILL make a difference!



Compose Your Message

- Governor
- Lt. Governor

Subject

Gov. Shapiro - We NEED your Help!

Message Body

Please add your own story about this issue to personalize your message

There are many issues that create service gaps and sometimes lead to reduced services or no services at all. Our workforce is not sufficient to meet the needs of everyone who requires care.

Enter Your Info

Your Information

Prefix * First Name * Last Name *

Email *

Home Information

Street Address *

ZIP Code * Enter Zip for City and State

- Send me email alerts
- Remember me

Send Message

CLICK HERE TO VISIT OUR

ACTION CENTER

SHARE YOUR STORY WITH GOVERNOR SHAPIRO



ODP Policy Updates & Announcements



- New ID/A HCBS Medicaid Waiver Approvals
- Ending of the COVID-19 Federal PHE
 - Unwinding of Appendix K Flexibilities
 - CPS Rate Implications
- Technology Taskforce 2023 Workgroup Initiatives
- Recent ODP News & Announcements
 - ARPA, START, HRST, State Center Closures



ID/A Waiver Approvals

- Effective January 1, 2023
- ODP Webinar February 9, 2023
- Telehealth vs. Remote Supports
- Assistive Technology
- Privacy & Consent

Teleservices

Community Participation Supports

In-Home and Community Support

Supported Employment

Therapy Services (Including Music and Art)

Supports Broker

Behavioral Support

Communication Specialist

Companion

Consultative Nutritional Services

*Supports Coordination

Next Steps

- ▶ Update the ISP Manual
- ▶ Update the Technology Evaluation Tool used in residential settings and hold webinar.
- ▶ Create a Remote Supports checklist to be used in private home and community settings and hold webinar
 - This will replace completion of the variance form.



Ending of the COVID-19 PHE

- CMS Webinar February 8, 2023
- Broad Overview of Public Health Emergency
- Guidance to States

Unwinding Home and Community-Based Services (HCBS) Public Health Emergency (PHE) Flexibilities

February 8, 2023

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Unwinding HCBS-Related Flexibilities Granted During the COVID-19 PHE

- For the purposes of this HCBS-specific presentation, the term “unwinding” refers to the assessment process that each state designs and implements to systematically determine how it will:
 - Either return its HCBS programs, services and supports to their pre-pandemic operation; and/or
 - Adapt techniques and strategies learned from flexibilities approved for use during the pandemic to re-configure the delivery of services; to adjust to the changing needs of participants and providers through permanent amendments to the authority and/or program.

HCBS-Related PHE Flexibilities

Authority / Provision	Effective Date	Termination Date
Appendix K of the 1915(c) HCBS Waiver Instructions and Technical Guidance	January 27, 2020 or any later date elected by state	For Appendix Ks in response to the COVID-19 PHE, the termination date will be no later than six months after the expiration of the PHE.
Medicaid Disaster Relief SPA for the COVID-19 PHE	March 1, 2020 or any later date elected by state	Expires at the end of PHE or any earlier approved date elected by state.
Medicaid & CHIP 1135 Waivers	March 1, 2020	Expires at the end of PHE.

States can find additional information on how to unwind Disaster Relief SPAs and 1135s at: <https://www.medicaid.gov/resources-for-states/coronavirus-disease-2019-covid-19/unwinding-and-returning-regular-operations-after-covid-19/index.html>.

Appendix K Flexibilities to Unwind

All states operating 1915(c) HCBS waiver programs requested flexibilities through multiple Appendix K submissions to CMS. The most frequently requested flexibilities were:

Options	Count of States	Number of HCBS Waivers N=258
Modify services	51 (100%)	229 (89%)
Modify provider qualifications	49 (96%)	205 (79%)
Modify payment rates	49 (96%)	231 (90%)
Other	45 (88%)	216 (84%)
Allow retainer payments	42 (82%)	175 (68%)
Modify person-centered planning	42 (82%)	183 (71%)
Allow virtual Level of Care determinations	36 (71%)	141 (55%)
Allow payment for HCBS in institutional settings	35 (69%)	135 (52%)
Changes to participant safeguards	33 (65%)	146 (57%)
Extend dates for Level of Care determinations	32 (63%)	124 (48%)
Allow payment to family caregivers	29 (57%)	107 (41%)
Modify access and/or eligibility	23 (45%)	63 (24%)



Unwinding of Appendix K

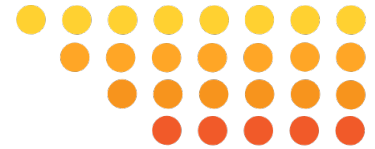
- **ODP Announcement 23-023: Federal COVID-19 Public Health Emergency Ending on May 11, 2023**
 - Attachment A – Quick Guide for ID/A Waivers
 - Attachment B – Quick Guide for AAW Waiver



ODP Announcement 23-023

End Date: May 11, 2023

- Verbal consent with the content of the Individual Support Plan (ISP).
- Suspension of an individual's right to choose with whom they share a bedroom in a Residential Habilitation or Life Sharing home.
- Provision of Residential Habilitation in licensed Vocational Facilities and Adult Training Facilities that are closed or not in use when needed for quarantine purposes.
- Residential Habilitation can be provided in the unlicensed private home of residential habilitation staff.



ODP Announcement 23-023

End Date: November 11, 2023

- **Rates**

- Payment of enhanced rates for CPS and Transportation Trip services.



CPS Rate Implications

- PA Bulletin April 3, 2021: Temporary Fee Schedule Rates for CPS, Transportation Trip Services
 - 30% Rate Increases for Select CPS Fees
 - 6-Month Fiscal Impact of \$16.337 Million
 - Succeeding Years 1 – 5 of \$0

“The Department anticipates the decrease in utilized services resulting in a decrease of expenditures, which will offset any increase as a result of the temporary enhanced rates.”



CPS Rate Implications

Service	Proc Code	Staff : Ind Ratio	Temp Rate	2017 Fees	Temp Increase
Community Participation Support – Facility	W 7222	1:11 to 1:15	\$ 2.96	\$ 2.27	30 %
	W 7223	1:7 to 1:10	\$ 3.18	\$ 2.44	30 %
	W 7226	1:14 to 1:6	\$ 5.23	\$ 4.01	30 %
	W 7224	1:2 to 1:3	\$ 6.84	\$ 5.26	30 %
	W 7244	1:1	\$ 12.40	\$ 9.52	30 %
	W 9353	1:1 Enhanced	\$ 17.27	\$ 13.25	30 %
	W 7269	2:1	\$ 23.77	\$ 18.26	30 %
	W 9356	2:1 Enhanced	\$ 28.65	\$ 21.98	30 %
Community Participation Support – Community	W 9351	1:2 to 1:3	\$ 6.98	\$ 5.36	30 %
	W 9352	2:3	\$ 10.43	\$ 8.01	30 %
	W 5996	1:1	\$ 12.81	\$ 9.84	30 %
	W 5997	1:1 Enhanced	\$ 17.83	\$ 13.68	30 %
	W 5993	2:1	\$ 24.62	\$ 18.94	30 %
	W 5994	2:1 Enhanced	\$ 29.70	\$ 22.78	30 %



CPS Rate Implications

Service	Proc Code	Staff : Ind Ratio	Temp Rate	2022 Fees	Temp Increase
Community Participation Support – Facility	W 7222	1:11 to 1:15	\$ 2.96	\$ 2.38	24%
	W 7223	1:7 to 1:10	\$ 3.18	\$ 2.49	28%
	W 7226	1:14 to 1:6	\$ 5.23	\$ 4.13	27%
	W 7224	1:2 to 1:3	\$ 6.84	\$ 5.33	28%
	W 7244	1:1	\$ 12.40	\$ 11.68	6%
	W 9353	1:1 Enhanced	\$ 17.27	\$ 15.64	10%
	W 7269	2:1	\$ 23.77	\$ 22.20	7%
	W 9356	2:1 Enhanced	\$ 28.65	\$ 26.16	10%
Community Participation Support – Community	W 9351	1:2 to 1:3	\$ 6.98	\$ 5.81	20%
	W 9352	2:3	\$ 10.43	\$ 8.99	16%
	W 5996	1:1	\$ 12.81	\$ 11.84	8%
	W 5997	1:1 Enhanced	\$ 17.83	\$ 15.87	12%
	W 5993	2:1	\$ 24.62	\$ 22.58	9%
	W 5994	2:1 Enhanced	\$ 29.70	\$ 26.61	12%



CPS Rate Implications

Service	Proc Code	Staff : Ind Ratio	Temp Increase	Annual Cost Temp Fees FY19-20	Temp Units	Annual Cost 2022 Fees FY19-20	Units	Difference
Community Participation Support – Facility	W 7222	1:11 to 1:15	24%	\$ 25,606,581.12		\$ 20,589,075.36		\$ 5,017,505.76
	W 7223	1:7 to 1:10	28%	\$ 8,362,989.78		\$ 6,548,378.79		\$ 1,814,610.99
	W 7226	1:14 to 1:6	27%	\$ 98,895,722.68		\$ 78,095,475.08		\$ 20,800,247.60
	W 7224	1:2 to 1:3	28%	\$ 48,166,404.48		\$ 37,533,177.76		\$ 10,633,226.72
	W 7244	1:1	6%	\$ 49,932,878.00		\$ 47,033,549.60		\$ 2,899,328.40
	W 9353	1:1 Enhanced	10%	\$ 1,835,835.54		\$ 1,662,563.28		\$ 173,272.26
	W 7269	2:1	7%	\$ 1,567,583.96		\$ 1,464,045.60		\$ 103,538.36
	W 9356	2:1 Enhanced	10%	\$ 808,073.25		\$ 737,842.80		\$ 70,230.45
Community Participation Support – Community	W 9351	1:2 to 1:3	20%	\$ 49,983,075.02		\$ 41,604,823.19		\$ 8,378,251.83
	W 9352	2:3	16%	\$ 9,025,089.43		\$ 7,779,055.99		\$ 1,246,033.44
	W 5996	1:1	8%	\$ 72,476,763.87		\$ 66,988,671.68		\$ 5,488,092.19
	W 5997	1:1 Enhanced	12%	\$ 993,737.22		\$ 884,498.58		\$ 109,238.64
	W 5993	2:1	9%	\$ 5,262,081.84		\$ 4,826,068.56		\$ 436,013.28
	W 5994	2:1 Enhanced	12%	\$ 773,952.30		\$ 693,429.99		\$ 80,522.31
			18%	\$ 373,690,768		\$ 316,440,656		\$ 57,250,112
				85%		100%		
				\$ 316,440,656		\$ 316,440,656		\$ -

Proposed Tech Taskforce Initiatives for 2023



1. Increase Adoption of Remote Supports by 15%
2. Increase Adoption of Assistive Technology by 15%
3. Increase Published Funding Resources by 15%

Tech Taskforce Recommendations



1. Adopt a Technology First policy and train on its proper application related to ISP development
2. Develop a method to track the use of remote supports
3. Promote the adoption of technology through financial incentives
4. Eliminate or increase the lifetime cap for assistive technology
5. Ensure that all people with disabilities have reliable and secure internet access



ODP News & Announcements

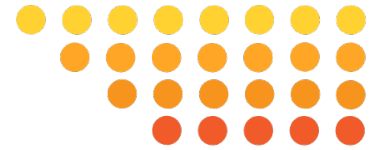
- American Rescue Plan Act (ARPA)
- Systemic Therapeutic Assessment Resources and Treatment (START) Pilot in Allegheny County
- Health Risk Screening Tool (HRST)
- State Center Closures



TPA Updates

- Website Updates & Member Access
- Membership Updates
- Rate Appeals & Litigation
 - 2023 TPA Rate Fact Sheet

Center for Healthcare Solutions - TPA Added Value



- Data Analytics
- Lobbying Services
- Group Purchasing Platform
- Grant Writing & Development
- Broader Health & Human Services Coalition
- Annual Conference
- Other Meeting & Educational Opportunities



Rate Appeals & Litigation

- 75 ODP Rate Appeals
- RCPA Litigation
- Continued Communication & Collaboration
- Relationship to Advocacy
 - 2023 TPA Rate Fact Sheet

Fact Sheet
ODP Fee Schedule Rates
February 1, 2023

Under applicable Pennsylvania regulations, the Office of Developmental Programs (ODP) must, at least once every three years, update the data that is used to establish the Fee Schedule Rates for Intellectual Disability and Autism (ID/A) services. ODP must use a market-based approach to establish the Fee Schedule Rates.

New rates became effective January 1, 2022, updating the fee schedule rates established for FY 2017-18, which commenced on July 1, 2017. Chapter 6100 regulations were not adopted until October 5, 2019; therefore, the state interpreted that no update was required until three years thereafter.

With one full year of services reimbursed through the new fee schedule rates, and taking account of information we have acquired under the Right to Know Law regarding the rate development process and application of the rate-setting methodology, we believe that the following facts are evident:

1. The Commonwealth limited its investment into ID/A fee schedule rates to \$400 million, using funds allocated to ODP from the American Rescue Plan Act (ARPA).
2. The U.S Department of Labor's Standard Occupational Classification (SOC) codes and weightings used to replicate Direct Support Professional (DSP) wages were modified from the previous fee schedule. Wages for the previously adopted SOC codes increased by 18.2% from May 2015 to May 2020 (The most recent annual published reports at the time fee schedules were developed).
3. For the majority of services ODP set the lower bound DSP wage at the 25th percentile to establish the range of rates. The lower bound DSP wage was set at \$14.78 per hour to reflect the minimum wage requirement in Philadelphia (\$14.25 plus an adjustment of 5% for overtime applied to full-time employees), despite the fact that the ODP-selected SOC codes produced a higher figure of \$15.38. An earlier version of the proposed fee schedule had set the lower bound wage at \$16.54 per hour (applying an adjustment factor of 10% for overtime).
4. Within the lower bound wage, an overtime adjustment factor of 5% was embedded into wage rates for full-time employees earning up to \$35,568 annually, incorrectly presuming that any position earning more would not qualify for overtime pay. The Fair Labor Standards Act does not permit exemption from overtime for certain positions, such as DSPs and nurses based on their duties and responsibilities, regardless of the amount earned.
5. ODP rate assumptions cite the need to address replacement costs related to a 24% staff turnover rate, 7-10 training days, 3 new hire training days, 10-25 PTO days, and 11 federal holidays per year, per employee. The 5% overtime factor does not sufficiently cover these replacement cost assumptions.

6. Health Insurance monthly expense was reduced from \$617 per month in the assumptions used to develop the 2017-18 fee schedule rates to \$571 per month in the assumptions used to develop the current fee schedule that became effective January 1, 2022.
7. Administration expenses were calculated at 10% of program expenditures, without detailed analysis of the administrative functions necessary to support Medicaid waiver requirements, or mandates imposed by federal, state, and local authorities.
8. The number of recipients receiving Community Participation Support (CPS) services remains significantly lower than pre-pandemic levels.
9. The inflation factor used to trend SOC code wages from the last BLS published annual report in May 2020 to January 1, 2022 was 3.5%. The consumer price index for all urban consumers (CPI-U) for the same period increased by 8.74%.
10. The annual inflation rate in 2022 was 6.5% (Bureau of Labor Statistics, USDL-23-0017, January 12, 2023). The current fee schedule rates include no adjustment for inflation and are likely to remain in effect until at least January 1, 2025.

Each of these issues support the argument for additional investment in fee schedule rates. Service capacity has declined and without an inflation factor for three consecutive years, the DSP workforce will fall further behind in the marketplace, increasing the likelihood of further reduction and elimination of services. This will inevitably result in fewer available community services and more individuals receiving fewer services or no services at all. An added burden will be assumed by individuals and their family members with no available service options.

There are currently more than 12,000 people on the Pennsylvania waiting list for ID/A services (5,400 are classified with emergency need and another 4,600 in the critical need category). Pennsylvania's planned closure of two of its State Centers requires the transfer of people to other state operated facilities due to the lack of service capacity in our local communities resulting from the workforce shortage.

Please visit our website or contact us for more information and to learn more about how to support efforts to increase funding for our workforce and the many people who rely on them for care and support.

The Provider Alliance
Information@ProviderAlliance.org
www.provideralliance.org



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