COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
May 25, 2023

Dear Association Executives:

I am writing in response to your joint April 10th letter outlining concerns with the Supports Intensity Scale (SIS).

Notification Concerns

The associations expressed the following concerns related to receiving notification about a change in an individual's SIS score, which results in a rate change:

- *The majority of respondents reported that they were "never" or "rarely" notified when individuals' SIS scores changed and this score change resulted in a rate change. Many providers reported that they were unaware of rate changes resulting from SIS reassessments until billing for the individuals was denied. In some cases, providers have had to back-bill at a lower rate for months of service already provided, causing financial losses. Providers have also stated that individuals are also not notified when a SIS reassessment results in a change in Medicaid services.*
- *The majority of respondents reported that ODP is making rate changes retroactive to the SIS reassessment date.*
- *The majority of respondents reported that when SIS scores change, the scores are changed in past ISPs in the ODP system, and that the history of the individuals' past SIS scores are gone.*

***ODP Response*:**
Providers are always notified of assessment score changes through alerts from the Home and Community Services Information System (HCSIS). The HCSIS user roles **ProvIspRevr** and **ProvrRgstrDataEntry** receive alerts when an individual's need group changes and is no longer in alignment with the needs-based service in an individual's current approved plan. The HCSIS alert includes the individual's name, MCI, prior effective date, prior Needs Level/Needs Group (NL/NG) assignment, current effective begin date, current NL/NG, plan begin date, and plan end date. Historical records of SIS scores are available through review of an individual's historical plans which retain the prior service authorizations.

ODP acknowledges that the use of HCSIS to communicate changes in SIS assessment results is cumbersome. As your members are aware, the Department is in the process of replacing HCSIS with Enterprise Case Management (ECM). ODP anticipates that work on the new ECM system will begin this state fiscal year. ECM is expected to provide better access to historical data and improved notification functionality.

Until the new system is deployed, ODP will accept requests for extensions of current NL/NG assignments. In circumstances in which a provider needs time to make adjustments to how an individual's services and supports are provided in response to changes in NL/NG, providers may request up to 30 days from the effective date of the SIS at the current NL/NG.

After the SIS assessment is completed, individuals and families receive a copy of the SIS Family Friendly Report from the Supports Coordinator. Providers also have access to the report via HCSIS. Though the

document does not provide a comparison to prior assessments, it does include descriptors of the patterns and intensity of needed support across domains for the individual's current status which should inform development of the Individual Support Plan.

Accuracy and Timeliness Concerns

The associations also reported the following issues related to the accuracy of the SIS:

- *SIS reassessment results do not always accurately reflect the individual's needs.*
- *No meaningful process for individuals and providers to challenge the SIS score when it does not accurately reflect the individual's needs.*
- *SIS score results appear dependent on the assessor.*
- *Individuals in the highest needs groups appear to have their SIS scores lowered more drastically than those in lower needs groups, despite their needs being generally unchanged from previous years.*
- *Difficulties scheduling the SIS score reassessments and a lengthy and cumbersome reassessment process, even when the need is urgent.*

ODP Response:
Providers should review the Family Friendly report that is available after each SIS assessment for accuracy. Providers can contact their regional SIS leads for a "SIS Family Friendly Report Content Discrepancy Review Request Form" when there are concerns regarding the integrity of the SIS assessment. Providers should use this form when there are inaccuracies significant enough to impact ratings. Providers are asked to include supporting documentation to substantiate any content discrepancies. The form will be reviewed by regional SIS leads and when appropriate elevated to ODP central office for review and may result in a request for a reassessment by the SIS vendor.

To date, reviews of the Discrepancy Review Request Form have resulted in very few requests for a reassessment. ODP has seen that discrepancies are sometimes caused by the use of respondents who are unable to answer questions with specificity because they are unfamiliar with the individual who is being assessed. ODP has also discovered that sometimes changes between assessments are a result of the individual being initially assessed at a period of acute medical or behavioral support need which has stabilized over the 4 to 5 years since the prior review.

In addition, as a result of previous concerns expressed by the associations, ODP commissioned the American Association of Intellectual and Developmental Disabilities (AAIDD) to audit ODP's SIS assessment vendor, Kepro, for fidelity of application of the instrument. The audit is slated to conclude by May 31, 2023.

ODP plans on transitioning to the use of the SIS-A 2nd Edition in January 2024. AAIDD completed a multi-year project to assure the ongoing quality and integrity of the SIS-A. AAIDD re-validated the SIS-A as a psychometrically valid assessment of support needs among adults with intellectual and developmental disabilities (IDD). Further, several items have been added to the section of the SIS-A that identify exceptional medical, behavioral, and communication support needs that might have an overarching impact on a person's support needs. AAIDD notes that these additions will help identify finer distinctions in support need and ensure that important support needs are not overlooked.

In terms of timeliness of ODP's SIS Assessment vendor, ODP is monitoring the vendor and has instructed the vendor on required steps to improve timeliness. ODP will be re-procuring the services of a SIS assessment vendor and intends to include stiffer penalties related to failures in performance measures for volume and delivery time.

Staffing Levels

The associations reported the following concerns about changes in support level:

In order to assure health & safety, a number of providers have been unable to reduce support levels to the individual when the individual is given a lower SIS score.

ODP Response:
Providers should leverage the Residential ISP staffing model that removes the staffing ratios and moves towards detailed and complete descriptions of an individual's risk and the responsibilities of direct support professionals to safely mitigate those risks not through virtue of being present but by having a clear understanding of how, when, where, and why they engage in support activities to assist individuals to live safe happy lives, rather than focus on the number of staff present. The change to the staffing model was a result of the request from providers before the training roll out in 2019 to no longer require or monitor the number of staff in the home but to move towards a framework where providers have the opportunity to utilize staffing resources in different ways. Additionally, providers should be assessing whether environmental modifications can be made or whether remote supports, assistive technology, or other ways to support independence and decrease the need for direct staffing should be used. Providers unable to adjust how an individual's services and supports are provided should engage the Administrative Entity and, if needed, ODP regional offices to assist.

Association Recommendations

The associations provided the following recommendations:

Recommendation: *Provide formal, advance notice to individuals and families/guardians of significant changes in their Medicaid services, including changes resulting from a change in SIS score, in a manner that is understandable by the individual and their family/guardian. This notice should include any adverse actions ODP intends to make, the reasons for the action, the specific authority that supports the proposed action, and an explanation of the right to appeal any reduction in Medicaid service.*

ODP Response:
ODP must provide advance notice to individuals and families/guardians when home and community-based services provided under ODP's 1915(c) waivers are reduced, suspended, denied, or terminated. While a change in SIS scores may result in a change in NL/NG assignment and a subsequent rate change, it does not result in the reduction, suspension, denial, or termination of the residential services the individual was receiving.

Recommendation: *Provide formal, advance notice to providers of individual rate changes. This notice should include any adverse actions ODP intends to make, the reasons for the action, the specific authority that supports the proposed action, the right to an administrative hearing to contest the proposed adverse action, and the circumstances under which services and rates will continue pending the outcome of an appeal. We further recommend that ODP adopt an internal review process that automatically identifies and evaluates any reductions in SIS score or SIS level prior to authorizing any changes or modifications affecting billing rates, service eligibility, or the ISP; and that all previous SIS scores and assessment data be archived within HCSIS or any succeeding information system.*

ODP Response:
As explained above, providers receive notice of assessment score changes through alerts in HCSIS and can request a 30 day extension to make adjustments to how an individual's services and supports are provided. ECM is anticipated to improve both communication and retention and access to historical data.

Also as discussed above, ODP has a process for providers to request review when there are concerns regarding the integrity of the SIS assessment. ODP will be examining this process to determine how it can

be improved and how it can be used to help ODP identify whether there are any patterns related to SIS discrepancies that require follow-up by ODP. ODP intends to use the results of the AAIDD audit to assist with enhancing the review process for providers who have concerns about the SIS. The target date for changes to the review process is September 15, 2023.

Recommendation: Retract all adverse SIS scores that have been issued since March 1, 2022 and rescind any related recoupment demands issued to ID/A providers. Repay to ID/A providers all funds that providers have repaid to ODP due to the adoption and application of invalid SIS scores; and discontinue reducing SIS scores and reducing provider payment rates and recouping payments from providers without affording individuals and their service providers effective advance notice of any proposed reductions in an individual's SIS score and the opportunity to challenge such actions.

Investigate and rectify any fidelity and process issues with SIS assessments.

ODP Response:
As noted above, ODP has commissioned AAIDD to conduct an audit of Kepro for fidelity of application of the SIS, which is expected to conclude by May 31, 2023. If the audit conducted by AAIDD reveals issues with fidelity in application of the SIS assessment, ODP will determine the appropriate steps to remediate the issue(s) based on the findings. Please note that current data suggests that NL/NG increases occur at a much higher frequency than decreases and, if fidelity concerns in application of the assessment is discovered, remediation may result in both upward and downward adjustments to NL/NG.

Recommendation: *ODP regularly release SIS score changes aggregate data to provider associations.*

ODP Response: ODP will develop a report on SIS score aggregate data and supply it to the associations. This reporting will commence in quarter one of Fiscal Year 23-24.

Sincerely,

Kristin Ahrens
Deputy Secretary
Office of Developmental Programs

Cc: Ms. Lauren House
        Mr. Jeremy Yale
        Mr. Rick Smith