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Julie Mochon
Department of Human Services
Office of Developmental Programs
Health & Human Services Building
625 Forster Street, Room 510
Harrisburg, PA 17120

By Email to: RA-odpcomment@pa.gov
Subject: Waiver and Rate Comments

Dear Ms. Mochon,

Thank you for the opportunity to provide comments on proposed rates for new services, extension of temporary rates adopted during the pandemic, and waiver amendments. We recognize the permanent extension of many flexibilities involving technology and alternative methods to deliver care and service initiated under Appendix K amendments as a positive development that will promote continued efficiency and innovation for service providers and the people they serve.

Please consider the following comments and recommendations prior to finalizing your proposed actions.

Specialty Health Assessment and Coordination

This new service provides the opportunity to better support people's health and wellbeing at home through consultation with a qualified professional to support individuals, families, and Direct Support Professionals. We request stakeholder involvement in its development and the specific services, qualifications specific to ID/A, and the quality standards that vendors must meet to effectively deliver this service and to facilitate its responsiveness to needed changes and specialties unique to our community.

Supplemental Payments for Recovery & Service Expansion

Proposed waiver language states,

Provider recovery or expansion status is determined by comparing the provider's pre-pandemic number of program participants (discrete participants in service in January 2020) with the number of participants in service in June 2023. The average units per participant must be maintained or increased from 7/1/22 baseline.

The average units per participant over what period of time is not clear. Furthermore, imposing a condition requiring average units per participant to be equal or greater than baseline unfairly and unnecessarily removes the incentive to return more people to service prior to June 30, 2023 or any subsequent period thereafter. We recommend that this requirement be eliminated.

Extension of Temporarily Enhanced CPS Rates

Temporary rates were published on April 3, 2021 as temporary increases to certain CPS and Transportation Trip rates effective retroactively to January 1, 2021. At that time the published rates represented a 30% rate increase for all identified CPS services. Presumably this was enacted to offset an anticipated decrease in utilization of 30%.

Service	Proc Code	Staff : Ind Ratio	Temp Rate	2017 Fees	Temp Increase
Community Participation Support — Facility	W7222	1:11 to 1:15	\$ 2.96	\$ 2.27	30%
	W7223	1:7 to 1:10	\$ 3.18	\$ 2.44	30%
	W7226	1:14 to 1:6	\$ 5.23	\$ 4.01	30%
	W7224	1:2 to 1:3	\$ 6.84	\$ 5.26	30%
	W7244	1:1	\$ 12.40	\$ 9.52	30%
	W9353	1:1 Enhanced	\$ 17.27	\$ 13.25	30%
	W7269	2:1	\$ 23.77	\$ 18.26	30%
	W9356	2:1 Enhanced	\$ 28.65	\$ 21.98	30%
Community Participation Support — Community	W9351	1:2 to 1:3	\$ 6.98	\$ 5.36	30%
	W9352	2:3	\$ 10.43	\$ 8.01	30%
	W5996	1:1	\$ 12.81	\$ 9.84	30%
	W5997	1:1 Enhanced	\$ 17.83	\$ 13.68	30%
	W5993	2:1	\$ 24.62	\$ 18.94	30%
	W5994	2:1 Enhanced	\$ 29.70	\$ 22.78	30%

Subsequently, on February 26, 2022 new fee schedule rates were adopted retroactively to January 1, 2022. While CPS rates were included in this publication, temporary rates remained higher and additional federal funding remained available due to the Public Health Emergency. Accordingly, temporary rates no longer produced the intended 30% increase over the standard fees.

Service	Proc Code	Staff : Ind Ratio	Temp Rate	2022 Fees	Temp Increase
Community Participation Support — Facility	W7222	1:11 to 1:15	\$ 2.96	\$ 2.38	24%
	W7223	1:7 to 1:10	\$ 3.18	\$ 2.49	28%
	W7226	1:14 to 1:6	\$ 5.23	\$ 4.13	27%
	W7224	1:2 to 1:3	\$ 6.84	\$ 5.33	28%
	W7244	1:1	\$ 12.40	\$ 11.68	6%
	W9353	1:1 Enhanced	\$ 17.27	\$ 15.64	10%
	W7269	2:1	\$ 23.77	\$ 22.20	7%
	W9356	2:1 Enhanced	\$ 28.65	\$ 26.16	10%
Community Participation Support — Community	W9351	1:2 to 1:3	\$ 6.98	\$ 5.81	20%
	W9352	2:3	\$ 10.43	\$ 8.99	16%
	W5996	1:1	\$ 12.81	\$ 11.84	8%
	W5997	1:1 Enhanced	\$ 17.83	\$ 15.87	12%
	W5993	2:1	\$ 24.62	\$ 22.58	9%
	W5994	2:1 Enhanced	\$ 29.70	\$ 26.61	12%

Since updated fee schedule rates were adopted effective January 1, 2022 the resulting difference in CPS rates has been reduced from 30% across the board to a weighted average of 18%.

Updated rate assumptions supporting the proposed CPS rates note that “for community and facility CPS, ODP adjusted the productivity assumption in FY 2023-2024.” The productivity factor addresses only the number of billable hours per day, which ODP has proposed changing from 6 to 4.6 hours of a 7-hour day. The absentee factor for CPS was not adjusted at all for either Community or Facility services. As absenteeism is more directly aligned with utilization, this is the more significant factor in determining an equitable rate adjustment necessary to offset decreased utilization. We recommend that ODP analyze its CPS utilization data and adjust its absentee factor accordingly to reflect current CPS utilization.

Needs Group 5 Definition, Policy, and Rates

Proposed waiver language for Needs Group 5 adds the statement, “Needs Group 5 (this only applies to Residential Habilitation settings.” Residential rate assumptions state that “definitions of Needs Group 4 and Needs Group 5 based on ODP policy.”

There are no stated criteria or definitions that determine which participants qualify for Needs Group 5. It is presumed that individuals qualifying for Needs Exception Allowances would be eligible for Needs Group 5; however, specific criteria should be developed and “ODP policy” clearly defined to ensure that other individuals who may qualify for this level of service, are authorized to receive it. At this point it is unclear what is meant or intended by “ODP policy” in this context.

Rate Setting Methodology

The public notice states that all rates “were developed using a market-based approach.” It further lists the required elements of Title 55 PA Code 6100.571 titled Fee Schedule Rates. ODP originally modified previously developed fee schedule rates from FY 2017-18 rate assumptions, increased them by 30% during the pandemic, and have now proposed them as final. While we support the adoption of the temporary rates as permanent rates, we further recommend that a thorough rate review process involving stakeholder input be initiated as soon as feasible to ensure that CPS rates are in fact sufficient to maintain provider solvency of this critical service in the current economic environment.

In developing Needs Group 5 residential habilitation fee schedule rates, we are unaware of any further analysis or reporting comparing current Needs Exception Allowances with the expected utilization and payment related to Needs Group 5 services. We request that ODP release the data, calculations, and recommendations that produced the rates and ranges that now appear in the residential rate assumptions, and that the aforementioned ODP policy applicable to Needs Group 5 be issued for review and public comment.

We further request that this policy provide clarification on any anticipated changes to the Needs Exception Allowance process as we expect financial resources previously dedicated to needs exceptions will be needed at least in part to fund the higher reimbursement rates proposed for Needs Group 5.

Thank you for your consideration and the opportunity to provide these comments and recommendations. We greatly appreciate your time, dedication to the ID/A service community, and the ongoing efforts of ODP to support people with disabilities across the Commonwealth.

Grateful regards,

Patrick DeMico

Patrick DeMico
Executive Director