

March 14, 2022

Julie Mochon
Department of Human Services
Office of Developmental Programs
625 Forster Street, Room 510
Harrisburg, PA 17120
RA-odpcomment@pa.gov

Dear Ms. Mochon,

Thank you for the opportunity to comment on the proposed Medicaid Home and Community-Based Services (HCBS) waiver renewals effective July 1, 2022. Coupled with amendments to the current waivers to become effective April 1, 2022 we recognize and appreciate the intent to strengthen and expand services to participants in several key areas, and to allow certain services to be provided discretely in combination with essential supports. Please consider the following comments and recommendations in finalizing the proposed waivers.

Access to the internet remains a concern for technology adoption, and for maintaining compliance under the proposed waivers. Specific provisions under Remote Supports require systems to meet the following standards,

99% system uptime that includes adequate redundancy.

A main hub, if required, must be able to connect to the internet via one or more different methods; hard-wired, wireless, or cellular.

As further noted,

Internet services are not covered as part of Remote Supports.

Particularly for participants with medically complex conditions, reliable and secure transmission for remote monitoring, evaluation of clinical data, and support for telemedicine capabilities is a critical element that should be reimbursable under the waivers.

To further support remote services, it is recommended specific provisions be included in the proposed waivers that address high-speed internet, necessary hardware adaptations, or other secure data connections necessary to support these minimum requirements.

Following the adoption of Remote Supports in Residential Habilitation it is recommended that needs-group determinations remain intact, and that the assessment process not penalize individual needs-based reimbursement exclusively on the basis of technology application.

Ongoing costs to maintain Assistive Technology to facilitate Remote Supports should be monitored and adjusted over time. Current limitations to Electronic Devices under Assistive technology state no more than one replacement is allowed every five years. Staff training should also be addressed specifically in the application of the waivers to promote effective technology adoption and to support it going forward.

No changes to rate setting methodology are proposed. The waivers state,

ODP evaluates and uses various independent data sources such as a Pennsylvania-specific compensation study & data from prior approved cost reports, as applicable, and considers the expected expenses for the delivery of the services for the major allowable cost categories listed.

Pennsylvania has routinely used published data from the United States Department of Labor, Bureau of Labor Statistics (BLS) database to estimate compensation for Direct Support Professionals. There is currently no specific Standard Occupational Classification (SOC) Code in BLS data for a Direct Support Professional (DSP) providing care to people with ID/A in HCBS programs.

Waiver renewal documents include no reference to BLS data in rate setting. Historically the Department of Human Services through Office of Developmental Programs (ODP) Announcements and Informational Memoranda has identified the specific BLS SOC codes used and the weighting of those codes in estimating DSP hourly wages in the rate development process.

The waivers should cite the use of BLS data, the specific codes and reasoning in determining their use, the weighting methodologies applied, and the methods by which historical data is trended forward to capture the *expected expenses* of waiver services.

It is further recommended that a provision be included to evaluate rates annually against prevailing market conditions and economic indicators to assess whether or not a fee schedule rate update is warranted under the waivers. This would ensure that rates and DSP compensation remain competitive to provide needed care and services to all eligible participants.

Thank you for your consideration and the opportunity to provide these comments and recommendations, and for the ongoing support to people with disabilities provided by the Office of Developmental Programs and the Commonwealth.

Sincerely,

Patrick DeMico

Patrick DeMico
Executive Director