



## Proposed Waiver Renewal Comments

The Department of Human Services (DHS) has made available for public review and comment the state's proposed waiver renewal to be submitted to the federal government's Center for Medicaid Services (CMS). If the current waiver renewal is submitted as is, there will be many changes to who may receive services, what services are available and how services are received. The public comment period deadline is January 17, 2017 so we must act now to voice our opinion regarding the proposed renewal.

### **Consolidated and P/FDS Waiver Renewal Appendix C "Participant Services- Service Definitions" comments related to Behavioral Supports, Community Participation Supports, and the waiver services target group .**

We applaud the inclusion of key new services (music therapy, art therapy, equine assisted therapy, family/caregiver training and support, benefits counseling, advanced supportive employment, and participant-directed goods and services) within the renewal. We further support the Everyday Lives principles of choice and control which needs to be infused into the service definitions and delivery of all waiver services.

Our primary concern is that many of the changes in the renewal related to the new waiver definitions eliminate individual choice and control, do not take into account an individual's person-centered plan and do not appear to embrace the everyday lives philosophy. These concerns are reflected in the changes proposed in the Behavioral Supports service definition. Areas of concern we have with the proposed waiver changes to Behavioral Support are:

1. It is proposed that Behavioral Specialists providing level one supports need to have a Master's Degree or a Bachelor's Degree and work under the supervision of an individual with a Master's Degree. We would like to see it include a person with a BA or an individual with a combination of education and experience.
2. The proposed renewal allows for collaboration with the individual, their family and their service plan team for the purpose of developing a behavior support plan, but is omitted from ongoing behavioral support. The current Behavioral Support Service Definition includes collaboration for ongoing behavioral support in order to develop positive interventions to address specific pressing issues. The proposed service definition needs to be changed to include collaboration in both content areas.

3. The proposed renewal restricts qualified providers of Behavioral Support Services from providing services to consumers living in provider run residential facilities. This change requires residential providers to provide its residents with any needed behavioral supports identified in the person's support plan. This is problematic for a multitude of reasons:
  - a) Eliminates choice for consumers! Behavior Supports would be available for individuals, but it would be a forced choice as the only choice for receiving the service is their residential provider.
  - b) Behavior Support Specialist's, providing supports to a consumer within the community, will not be able to provide the same supports to the consumer within their residential program. This will create an inconsistency of supports and require two separate and possibly competing behavior support plans and potential conflict or competing positive interventions.
  - c) At times, consumers need an independent professional outside of the residential provider. This is especially essential when behaviors being exhibited may likely be a result of issues within that setting.
  - d) There is no process identified for consumers having to transfer from their current behavioral specialist to accessing behavioral supports from their residential provider. At the very least, the renewal would need to include a provision that supports the safety and dignity of each consumer and allows for a transition period post July 1, 2017.
  - e) We feel strongly that eliminating choice and mandating consumers accept that the state Department of Human Services knows better than they goes against the Everyday Lives philosophy.
4. The waiver renewal includes two additional target groups eligible to access the waiver services. The two groups added are those with Autism and children under eight with a developmental disability. The impact of including these two additional groups could be large:
  - a) No indication of increased funding to support the increased number of consumers that will be eligible for waiver support and funding.
  - b) Increased waiting list.
  - c) Longer wait times before accessing services.
  - d) Those with ID waiting to receive services might be pushed further down on the waiting list as new consumers with autism, with possibly higher level needs, advance ahead on the waiting list.
5. Licensed Day Habilitation and Prevocational Services are being changed to "Community Participation Supports". It is much more than a change of name, it is a paradigm shift in service delivery with the requirement that consumers are in the community 75% of their day beginning July 2019. We support the concept of the proposed community participation supports, but there is much concern regarding the rigidity of this standard and disregard for individual choice and control. The assumption that being in the community itself makes for a meaningful day is flawed and this one size fits all approach, though meaningful for some, most certainly is not for all. There is an exception process when medical, mental health or behavioral needs affect an individual's ability to participate in the community at the required

standards. Unfortunately, the renewal does not define the exception process so we do not know exactly what it will look like. Rather than the proposed prescriptive approach, it is recommended that the new proposed Community Participation Services be implemented through the development of the Participant Centered Service Plan (previously the ISP).

**Submit your comments by:**

EMAIL: [jmochon@pa.gov](mailto:jmochon@pa.gov)

**OR**

MAIL TO:

Julie Mochon  
Department of Human Services  
Office of Developmental Programs  
625 Forster Street, Room 501  
Harrisburg, PA 17102



2569 Walnut Street | Harrisburg, Pa.17103 | 717.920.2727 | [www.arcofdc.org](http://www.arcofdc.org)

[cgeorge@arcofdc.org](mailto:cgeorge@arcofdc.org)