



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
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KEVIN T. CASEY

Deputy Secretary

Office of Developmental Programs

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Dear Colleague:

This letter is intended to provide policy clarification on questions that have been brought to the attention of the Office of Developmental Programs (ODP) related to the July 1, 2009, Service Definitions and other topics. The following information should provide clarification and suggested solutions to the questions and concerns raised. The following topics will be addressed in this letter:

- 1:1 Staffing in Licensed Day Program
- 1:1 Nursing services
- 1:1 Staffing during Respite
- Respite in large facilities (more than 4 and more than 10)
- Supports Broker service
- Transition to Acumen Vendor Fiscal/Employer Agent Financial Management Service

1:1 Staffing in Licensed Day Programs

There are many questions surrounding staffing issues while individuals attend a day program licensed under 55 Pa.Code Chapters 2380 or 2390 (i.e., Adult Training Facilities and Prevocational Services). The following questions have been raised:

1. How will the day program provide the 1:1 staffing?
2. Is 1:1 staffing service still allowed at day program?
3. Is the 1:1 staff that I currently use able to continue to attend the day program with me?
4. How will I get to the day program if my 1:1 staff provided my transportation?
5. Is a nurse able to be my 1:1 staff at day program?
6. Can I get nursing services and day services at the same time?

Licensed 2380 and 2390 day programs must employ adequate staff to meet the health and welfare needs of individuals who participate in the day program. In the past, some individuals who required 1:1 or greater staffing level while attending day program were provided the necessary staff from someone other than the day program provider (e.g., residential staff may have attended the day program with the individual).

Although the day program provider has always been required to provide necessary staffing for individuals who attend their programs, the service definitions that will be effective July 1, 2009, clearly reinforce this requirement. ODP recognizes that for some individuals this will create the need for discussion and decisions so the necessary staffing can be provided by the day program provider. It is imperative that service interruptions do not occur; therefore, ODP encourages open discussions with providers, participants, and teams so there is continuity of care for the person receiving services.

It is important to note that if 1:1 staffing is needed at a licensed day program, the service definitions allow for 1:1 and 2:1 staffing to be provided at day programs (i.e., licensed facilities under 55 Pa.Code Chapters 2380 and 2390). In addition the 1:1 staffing can be a licensed or degreed person (e.g., a nurse). The service would be authorized as Adult Training or Prevocational services at the 1:1 staffing ratio identified in the service definitions.

The following are some suggested solutions for teams to consider in order to accomplish the provision of 1:1 staffing while at day programs and not interfere with the existing relationships or services:

- The licensed day provider could employ the individual's current 1:1 staff person to provide the 1:1 staffing at day program using the service definition that accurately reflects the skill level of the staff needed (i.e., Level 3 for 1:1 staffing at the day service or Level 3 enhanced for 1:1 staffing with a staff member who is licensed or degreed).
- For individuals who reside in their own private home, the licensed day provider could decide to become qualified to provide unlicensed Home and Community Habilitation. This qualification would allow the day program to employ the individual's current staff used at home while the individual attends the day program. This would support the staff not having two different employers and could support the transportation needs of the person as well.
- The licensed day provider may work with the individual to hire a new 1:1 staff person who has not been previously employed at the individual's home to meet the needs of the individual while attending the licensed day program.
- For individuals who reside in Residential programs, the licensed day provider could talk with the Residential provider to work out arrangements to employ the staff member while at day program. Residential providers are responsible for the transportation needs of individuals who reside in their home so the transportation needs would not be an issue in this scenario.

NOTE: If the provider had not submitted a service with their cost report(s), they can still provide the service. The provider will be paid for the correct level of service as long as the providers update the Services and Support Directory to reflect the services that they offer. The rate the provider will receive will be based on the rate assigned to them for this same service at another location. If the provider does not offer this service at another location, the regional midpoint rate for that service level will be assigned to the provider.

1:1 Nursing Services

Other questions have been raised as to whether a nurse can provide the 1:1 staffing at the day program. This was addressed in the 1:1 Staffing in Licensed Day Programs section above. However, to reinforce this question and answer, it should be noted that a nurse can provide the 1:1 staffing service at the 2380 or 2390 facility. The service that would be added to the individual's plan would be Level 3 Enhanced for the Adult Training service or the Prevocational Service. The licensed day provider would be reimbursed at the enhanced 1:1 staffing day service rate, not the nursing service rate.

A question has been raised whether nursing services can be delivered and billed while an individual is attending the day program. If an individual requires nursing services while attending the licensed day program, the nurse may administer the nursing service at the day program facility. However, only the nursing service unit cost may be billed for the time that the nurse provided the nursing service. The day program provider would not be eligible to bill for day programming unit costs for the time that the nursing service was occurring.

The new Nursing service definition was an attempt to differentiate actual nursing services for the receipt of medical services versus supervision provided by a nurse. A nurse may provide 1:1 staffing at a day service if the team determines that the level of staff ratio and skill is needed by the individual.

If the team believes the individual requires Nursing service, the prior authorization process will evaluate the need for the nursing service on a case-by-case basis.

1:1 Staffing during Respite

Respite service may be provided at a staffing ratio of 1:1 and 2:1. Respite can also have a skilled individual who is licensed or degreed provide the service. The need for a licensed person (e.g., a nurse) or a degreed person to provide the respite is allowable under the new service definitions based on the individual's need. If there is concern about using the individual's current staff while the individual receives the respite service, the suggested solutions identified above for Licensed Day Programs may be considered.

Respite in Large Licensed Facilities

Respite is able to be provided in 55 Pa.Code Chapter 6400 licensed settings of 10 or fewer beds or 4 or fewer beds depending upon the established date of the licensed setting. A larger facility may be used for respite when the size limit identified above is waived by ODP. Therefore, if an individual needs to use a larger Chapter 6400 licensed setting for respite, the Supports Coordination Organization (SCO), Supports Coordinator (SC), or Administrative Entity (AE) should request a waiver from ODP.

Supports Broker Service

Questions have been raised regarding who can provide Supports Broker services. The following is an attempt to provide clarification regarding who can use the Supports Broker Service and who can provide the Supports Broker Service.

Supports Broker services are available to individuals or their surrogates who are self-directing their services through employer/budget authority using the Vendor Fiscal/Employer Agent Financial Management Service (FMS) or the Agency With Choice FMS. Supports Broker services must be supplied by a conflict-free provider of the service. This means the Supports Broker provider may not provide other direct waiver services or administrative services such as Independent Monitoring for Quality and Health Care Quality Unit. This means that providers of Supports Broker services are not permitted to provide any other service.

Questions have been raised about whether a Supports Coordinator may render the Supports Broker service. A provider of Supports Coordination services could not provide Supports Broker services. However, if a person who holds the position of a Supports Coordinator chooses to pursue a distinctly separate job opportunity as a Supports Broker, ODP currently does not prohibit that. However, ODP recommends that SCOs have policies in place that limit Supports Coordinators employed by their organization from working with individuals registered with that SCO in any other capacity.

Individual Support Plan (ISP) Team Meeting Process

If individuals have any questions or concerns about their proposed FY 09-10 renewal ISPs, these questions should be discussed with the SC; if needed, the individual should request a meeting to discuss. All service needs of the individual should be discussed and agreed upon as part of the individual support plan team meeting process. The meeting can be in person or by phone and is a time to discuss the individual's needs and to agree upon the services that will meet those needs. Providers are encouraged to be a part of the team and to participate in this process. The team meeting is the appropriate time and place for all involved parties to discuss any barriers to meeting an individual's needs and to work out solutions to the barriers. The ISP team meeting process is especially important to ensure a smooth transition to the service definitions that will be in effect as of July 1, 2009.

Transition to Acumen Vendor Fiscal/Employer Agent Financial Management Service

The transition to the statewide Vendor Fiscal/Employer Agent Financial Management Service, Acumen, has been completed successfully overall. Currently, there are 889 individuals being served by Acumen. Efforts continue to resolve those few instances where the process is not yet completed. Frequent contact to the individuals

and families by Acumen, the SCO, AE, and the ODP Regional Offices continues to occur. In addition to the follow-up procedures performed by these groups, a status report documenting all outstanding information is sent to each Administrative Entity. ODP is monitoring this progress on a weekly basis and is working to promptly resolve any issues that arise.

If you have any questions regarding this policy clarification, please contact the appropriate ODP Regional Office.

Sincerely,

A handwritten signature in cursive script that reads "Kevin T. Casey".

Kevin T. Casey