

Delay in Effective Date of July Amendments for the Consolidated, Community Living and Person/Family Directed Support Waivers

ODP Announcement 21-054

AUDIENCE:

All interested stakeholders

PURPOSE:

To announce that due to the continuing review of the Consolidated, Community Living and Person/Family Directed Support (P/FDS) waiver amendments by the Centers for Medicare and Medicaid Services (CMS), the amendments will not be effective July 1, 2021 as planned. As a result, the webinar scheduled for July 26, 2021 to go over the final approved amendments is being delayed.

DISCUSSION:

As communicated in [Announcement 21-035: Amendments to the Consolidated, Community Living, AND Person/Family Directed Support \(P/FDS\) Waivers Submitted to the Centers for Medicare and Medicaid Services \(CMS\)](#), the Office of Developmental Programs (ODP) submitted the Consolidated and P/FDS waiver amendments to CMS on April 13, 2021. The Community Living Waiver was submitted to CMS on April 20, 2021. The planned effective date of all three waiver amendments was July 1, 2021. Each full waiver application submitted to CMS, as well as a side-by-side of substantive changes made as a result of public comment, is available online at <https://www.dhs.pa.gov/Services/Disabilities-Aging/Pages/Waiver-Amendments.aspx>.

Since that time, CMS has been reviewing the amendments, submitting questions, and providing feedback to ODP regarding all three waiver amendments. On July 1, 2021, CMS issued a formal Request for Additional Information, which has the effect of stopping the 90-day review period for CMS to approve the waiver amendments. As a result, the waiver amendments will not be effective July 1, 2021, as planned. It is currently unknown what the effective date of the waiver amendments will be.

The majority of the questions and feedback from CMS have been regarding the remote supports component of Assistive Technology, Residential Habilitation, Life Sharing and Supported Living, as well as the on-call and remote support component of Community Participation Support. While the exact information that will be in the final waiver amendments is currently unknown, we have been informed by CMS that the waivers will not be able to cover internet as part of the provision of the remote supports component of Assistive Technology. This is because CMS considers internet to be part of room and board which cannot be reimbursed through the waivers.

ODP will publish a communication when the waiver amendments have been approved by CMS. This will include links to the final approved waivers and an updated side-by-side that contains substantive changes made as part of the CMS review and feedback process.

Since we do not know when the waiver amendments will be approved, the webinar originally scheduled for July 26, 2021 from 10:00 AM to 11:30 AM is postponed. In addition to information about the final approved waivers, the communication will include the date, time and registration link for the rescheduled webinar. During the webinar, ODP staff will go over the information in the final approved waivers and allow time for questions.

Questions regarding this communication can be sent to RA-odpcomment@pa.gov.