

## CAP Exceptions for P/FDS & Rate Impacts to the CLW Plans **ODP Announcement 22-075**

### **AUDIENCE:**

Administrative Entities (AEs), and Support Coordination Organizations (SCOs)

### **PURPOSE:**

The purpose of this communication is to obsolete ODP Announcement 20-069 and to provide guidance regarding Person/Family Directed Support (P/FDS) cap exceptions and rate impacts to the Community Living Waiver (CLW) plans.

### **DISCUSSION:**

#### **P/FDS CAP Exceptions**

ODP will continue allowing additional P/FDS cap exceptions consistent with the following guidance:

1. Community Participation Support (CPS) facility units may be re-allocated among CPS Facility, CPS Community, In-Home and Community Supports, Companion and/or Respite services.
2. Cap exceptions are needed due to the new rate schedule with no change in service for previously approved services.
3. On April 28, 2022 the Office of Developmental Programs (ODP) published [Fiscal Year \(FY\) 2022-2023 Renewal Guidance, ODP Announcement 22-050](#). AEs and SCOs should refer to the guidance as it provided additional information regarding P/FDS Cap Exceptions.

**Please note that in preparation for the unwinding of the federal Public Health Emergency (PHE), ODP will publish instructions for review of all P/FDS cap exceptions**

**to ensure that all plans are in compliance with P/FDS cap requirements with the termination of the Appendix K.**

#### **Guidance for CLW Plans**

- **The CLW funding cap is \$85,000 - cap exceptions are not permitted for the CLW.**
- For those who have ISPs that may exceed the CLW cap when annualized the SC should engage the team to discuss the following:
  - Evaluation of current and historical service utilization,
  - Ensure no new services have been/need to be added, and
  - Review the provider availability to deliver the services.
- If total authorized services continue to exceed the funding cap, SCOs should contact the AEs with details regarding the plan and attempts to address the services to bring them within the cap.
- AEs should review the information provided by the SC.
- If the AE agrees the plan exceeds \$85,000 and the services were previously authorized, no new services were added and utilization has been evaluated, the AE will need to contact the ODP regional office with details of the person and their services, plan utilization and attempts to address the services.
- The ODP regional office will review and provide guidance regarding the submitted plans.

Please direct any questions about this announcement to your respective regional Waiver Capacity Managers:

<p><b>Central Regional Office</b></p> <p><b>William Bruaw</b>  <a href="mailto:wbruaw@pa.gov">wbruaw@pa.gov</a></p> <p><b><u>Counties/Joinders Represented:</u></b>          Bedford/Somerset, Blair, Cambria, Centre,          Columbia/Montour/Snyder/Union,          Cumberland/Perry, Dauphin,          Franklin/Fulton, Huntingdon/Mifflin/Juniata,          Lancaster, Lebanon, Lycoming/Clinton,          Northumberland, York/Adams</p>	<p><b>Northeast Regional Office</b></p> <p><b>Kenley Hoats</b>  <a href="mailto:Khoats@pa.gov">Khoats@pa.gov</a></p> <p><b><u>Counties/Joinders Represented:</u></b>          Berks, Bradford/Sullivan,          Carbon/Monroe/Pike, Lehigh,          Luzerne/Wyoming, Northampton, Schuylkill,          Lackawanna/Susquehanna, Tioga, Wayne</p>
<p><b>Southeast Regional Office</b></p> <p><b>Mary Citko</b>  <a href="mailto:mcitko@pa.gov">mcitko@pa.gov</a></p> <p><b><u>Counties/Joinders Represented:</u></b>          Bucks, Chester, Delaware, Montgomery,          Philadelphia</p>	<p><b>Western Regional Office</b></p> <p><b>Michelle Walters</b>  <a href="mailto:miwalters@pa.gov">miwalters@pa.gov</a></p> <p><b><u>Counties/Joinders Represented:</u></b>          Allegheny, Armstrong/Indiana, Beaver,          Butler, Cameron/Elk, Clarion,          Clearfield/Jefferson, Crawford, Erie, Fayette,          Forest/Warren, Greene, Lawrence, McKean,          Mercer, Potter, Venango, Washington,          Westmoreland</p>

Attachment: [CAP Exception Request Template](#)