

# Updates to Performance Based Contracting (PBC) Timelines Resulting from Public Comments ODP Announcement 24-065

## AUDIENCE:

All Interested Stakeholders

## PURPOSE:

The purpose of this announcement is to inform stakeholders of changes to Performance Based Contracting timelines in response to public comments.

## DISCUSSION:

The Residential Habilitation, Life Sharing, and Supported Living services (“Residential Services”) are currently offered in the Department’s Consolidated and Community Living 1915(c) Waiver programs. The Office of Developmental Programs (ODP) is in the process of applying for 1915(b)(4) Selective Contracting waiver for Residential Services<sup>1</sup>. This will allow ODP to implement PBC for residential services in January 2025.

On June 4, 2024, ODP concluded a 45-day public comment period to gather stakeholder feedback about the proposed plan for PBC. ODP collected a total of 1,580 PBC-related comments from 152 distinct individual or organizational commentators. Several themes

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<sup>1</sup> 1915(b)(4) waivers are not “stand-alone” programs; rather, they govern how a state administers Medicaid services. ODP is seeking to use the 1915(b)(4) authority for the administration of residential services in the Community Living and Consolidated waivers.

emerged with general support from all stakeholder groups acknowledging the need to elevate the quality of residential services.

As a result of public comments, ODP is incorporating a number of significant changes to PBC, including but not limited to a reduction in the number of measures, changes to “new referral” requirements, and an adjusted timeline. A comprehensive list of changes will be included in the revised PBC Implementation Plan scheduled for release on July 19, 2024.

### **Adjusted Timeline**

ODP has modified the timeframes for residential providers to submit data and documentation to support tier determination.

Residential providers with a signed and submitted *Agreement for Provision of Residential Services* may now choose when to submit data and documentation to determine the PBC tier. Providers may submit information:

- Between August 1-31, 2024 or
- Between February 15 – March 15, 2025

### **Providers who Submit Data in August 2024**

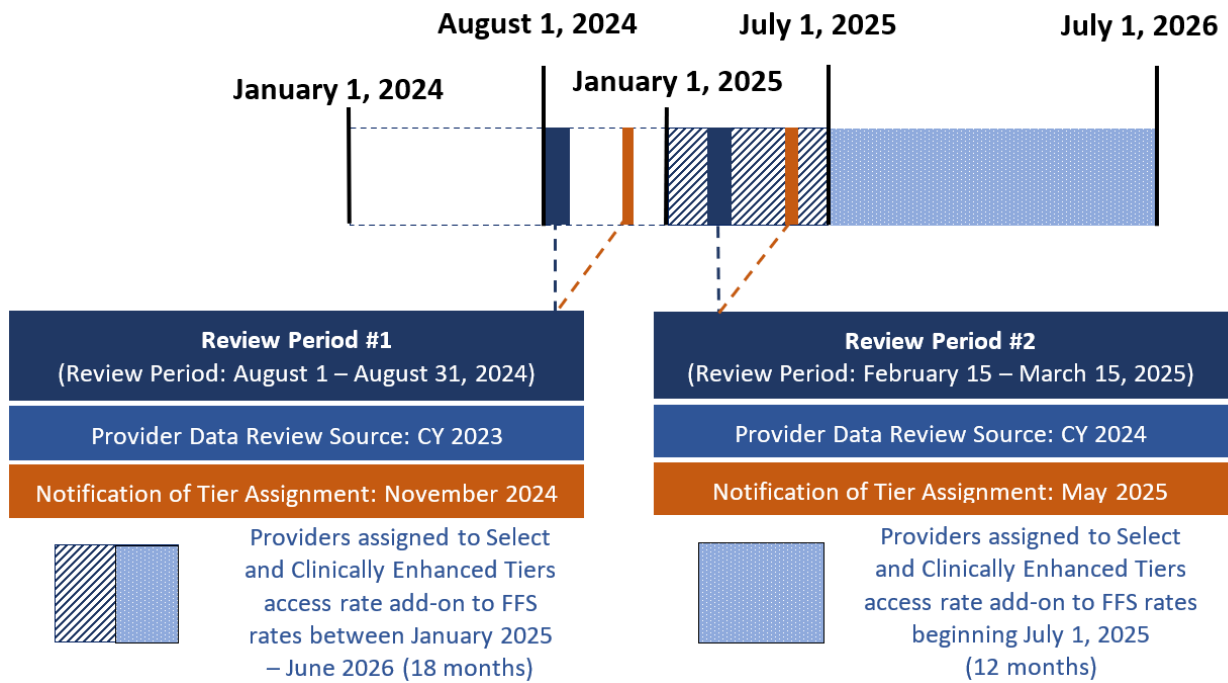
- Providers that choose to submit data and documentation in August will be reviewed using calendar year 2023 data and will be notified of tier assignment in November 2024.

- Residential providers that choose to submit data and documentation to support tier determination in August 2024 may NOT resubmit data and documentation again in February/March 2025 to support a different tier determination.
- If a provider is assigned a Select or Clinically Enhanced tier, they will begin receiving the corresponding rate add-on beginning January 1, 2025 [(pending approval of the 1915(b)(4) and 1915(c) applications by the Centers for Medicare and Medicaid Services (CMS) and the available funds through the enacted SFY24-25 budget)].

#### **Providers who Submit Data in February-March 2025**

- Providers who choose to submit data and documentation in February-March will be reviewed using calendar year 2024 data and will be notified of tier assignment in May 2025.
- If these providers are assigned a Select or Clinically Enhanced tier, they will begin receiving the corresponding rate add-on beginning July 1, 2025.

Submission deadlines, review period, and payment schedules are illustrated below:



### Important Reminder

- If a provider submits data and documentation but has not completed and submitted an *Agreement for Provision of Residential Services*<sup>2</sup> prior to the July 31 agreement submission deadline, their information **will not be reviewed**. Providers that have not submitted an *Agreement for Provision of Residential Services* by December 31, 2024 will no longer be qualified to render residential services funded through the Community Living and Consolidated waivers.

### Document Publication

The following materials are scheduled for publication on July 19, 2024:

<sup>2</sup> These agreements were sent to Residential Services providers' QA&I contacts on June 4 and 5, 2024

- PBC Attestation Form
- ODP Bulletin 00-24-01 Performance Standards for Residential Providers
- PBC Residential Services Implementation Plan
- PBC Residential Provider Data Submission Tool and Instructions
- Submitted amendments Consolidated and Community Living 1915(c)
- Submitted 1915(b)(4) application

### **Webinar Registration**

ODP will conduct a webinar for residential providers on **Monday, July 22, 2024 from 3 PM-4 PM** to review publications, changes made as a result of public comment, and instructions for tier determination and data submission.

To Register, please click on the following link:

<https://attendee.gotowebinar.com/register/1636787325394314336>

This webinar will be posted on the PBC Resource Page located at the following link:

[Performance-Based Contracting – MyODP](#)

### **QUESTIONS:**

Please direct any questions about this information to [ra-pwodppbc@pa.gov](mailto:ra-pwodppbc@pa.gov).