

# Waiver Amendments and Renewals



ISAC  
April 12, 2022

## ➤ Difference Between Renewals and Amendments

**Waiver Renewal:** Each waiver must go through CMS's renewal process every 5 years, regardless if changes are made or not.

**Waiver Amendments:** When a state determines a change needs to be made to a waiver before the renewal. This can happen at anytime.

# ➤ CMS Waiver Review Process – IRAI

This process applies to renewals and amendments.

The Centers for Medicare and Medicaid Services (CMS) has **90 calendar days** within which to approve or disapprove the waiver or formally request additional information in order to address problems that have been identified in the waiver.

- During this 90-day period, CMS will send ODP informal requests for additional information (IRAI). ODP responds with the information requested.



# ➤ CMS Waiver Review Process - RAI

If CMS determines that problems identified during the initial 90 days are not addressed satisfactorily, they issue a **formal request for additional information (RAI)**.

This stops the requirement that CMS complete their review within 90 calendar days from submission. CMS now has an additional 90 calendar days to review information. The additional 90 days starts once ODP responds to the RAI.



# **“April” 2022 Amendments**

# Information Included in All Waiver Amendments

01

Delivery of services  
while the participant is  
hospitalized

02

Waivers cannot fund  
home accessibility  
durable medical  
equipment covered  
by MA



**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES

# Major Changes in the ID/A Waiver Amendments

01

Expanded eligibility to children with a medically complex condition

02

New Family Medical Support Assistance service

03

Transition to Independent Living payments

04

Residential Services require completion of provider readiness tool and CEO training



**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES

# ➤ Major Changes in the AAW Amendment

- Alignment with changes made in the November 2021 ID/A Amendments:
  - Extension of time frames for staff training or credentialing for employment related services.
  - Increase in the threshold for obtaining an independent evaluation for Assistive Technology devices.
  - Clarification on the inclusion of physical restraints in the Behavioral Support Plan
  - Requirements for obtaining criminal history clearances for staff.



## ▶ April AAW Waiver Amendment Timeline

- **December 23, 2021** – Adult Autism Waiver submitted to the Centers for Medicare and Medicaid Services (CMS)
  - January 31, 2022 – First Informal Request for Additional Information received from CMS
  - February 15, 2022 – Second Informal Request for Additional Information received from CMS
  - **March 21, 2022 – CMS approved the amendment effective April 1, 2022**

## ▶ “April” ID/A Waiver Amendments Timeline

- **January 3, 2022** – ID/A Waivers submitted to CMS
  - **February 15, 2022** – Informal Request for Additional Information received from CMS
  - **March 17, 2022** – Second Informal Request for Additional Information received from CMS
  - **March 31, 2022** – Formal Request for Additional Information received from CMS. **We now propose that the waivers be effective on May 1, 2022.**

# ➤ CMS Amendment Concerns

- **Delivery of direct services using remote technology**
  - CMS needs more time to determine the assurances they need to see in waivers to approve this method of service delivery.
    - This has been removed from the amendments and added to the renewals.
- **Family Medical Support Assistance service** – CMS is trying to ensure that the service meets federal requirements such as not being covered through Medical Assistance or EPSDT.

# Next Steps for the ID/A Waiver Amendments

ODP will make any changes required by CMS as part of the formal Request for Additional Information

Once the waivers are approved by CMS, ODP will publish:

- A communication,
- Updated Record of Change,
- Full waivers, and
- Dates and registration links for webinars to discuss changes in the approved amendments.



# Where To Find More Information

- ID/A Waivers
  - <https://www.dhs.pa.gov/Services/Disabilities-Aging/Pages/April-2022-Waiver-Amendments-to-the-Consolidated-PFDS-Community-Living-Adult-Autism-Waivers.aspx>
- Adult Autism Waiver
  - <https://www.dhs.pa.gov/Services/Disabilities-Aging/Pages/Adult%20Autism%20Waiver.aspx>

# July 2022 Renewals/Amendments

## ▶ July 2022 ID/A Waiver Renewals

Public Comment from February 12 through March 14

ODP reviewed 500 written and verbal comments from approximately 80 people/organizations and made revisions

The ID/A Waiver Renewals were submitted to CMS on April 1, 2022

## ➤ Major Renewal Changes Based on Public Comment

- Music, Art, and Equine Assisted Therapy cannot be rendered as a vendor service due to these services being subject to Ordering, Referring, and Prescribing requirements.
  - This means providers must continue to enroll with ODP and bill the fee schedule rate for services. The service cannot be rendered through an OHCDs or a participant directed service model.
- Life Sharing in homes owned by a provider has been removed.
- The limit on the amount of tuition covered by Education Support Services was increased from \$35,000 to \$40,000



## ➤ Major Renewal Changes Based on CMS Guidance

- Delivery of direct services using remote technology was removed from the “April” amendments and is now in the July renewals/amendments
- Temporary increases to Supports Broker and Specialized Supplies were added to ensure coverage for the full Fiscal Year in which the Federal COVID public health emergency ends
- Temporary exceptions to the fiscal year limits in the P/FDS and Community Living waivers were added to ensure coverage for the full Fiscal Year in which the Federal COVID public health emergency ends.

## Next Steps for ID/A Renewals

Goal to publish a communication, updated Record of Change, and full waivers submitted to CMS by the end of this week.

We may make more changes based on conversations with CMS.

Once the renewals are approved by CMS, we will publish a communication and schedule webinars to go over changes.



# ▶ AAW July 2022 Waiver Amendment

Public Comment from March 12 through **April 11**

Public comment webinar held on March 31

Communication [22-030](#)

# Questions

