# ISAC Recommendation #2
## Promote Self-Direction, Choice and Control

**August 18, 2026**

Pennsylvania
Department of Human Services

# ISAC Recommendation #2

Personal choice and control over all aspects of life must be supported for every person. Choice about where to live, whom to live with, what to do for a living, and how to have fun all are key choices in life, as are seemingly small choices: such as what to eat, what to wear, when to wake up in the morning, and when to go to bed. It is important to be able to trust the people who provide assistance, to feel confident that they respect you and your right to manage your life, and to enjoy each other's company.

# ISAC Recommendation #2 Continued

Self-direction works when individuals have clear and understandable information, opportunities to exercise choice, and assistance with making decisions when needed. Self-direction is only possible when family, friends, and people who provide supports respect the individual's preferences and their right to make mistakes and facilitate the implementation of the individual's decisions.

# Strategy 2

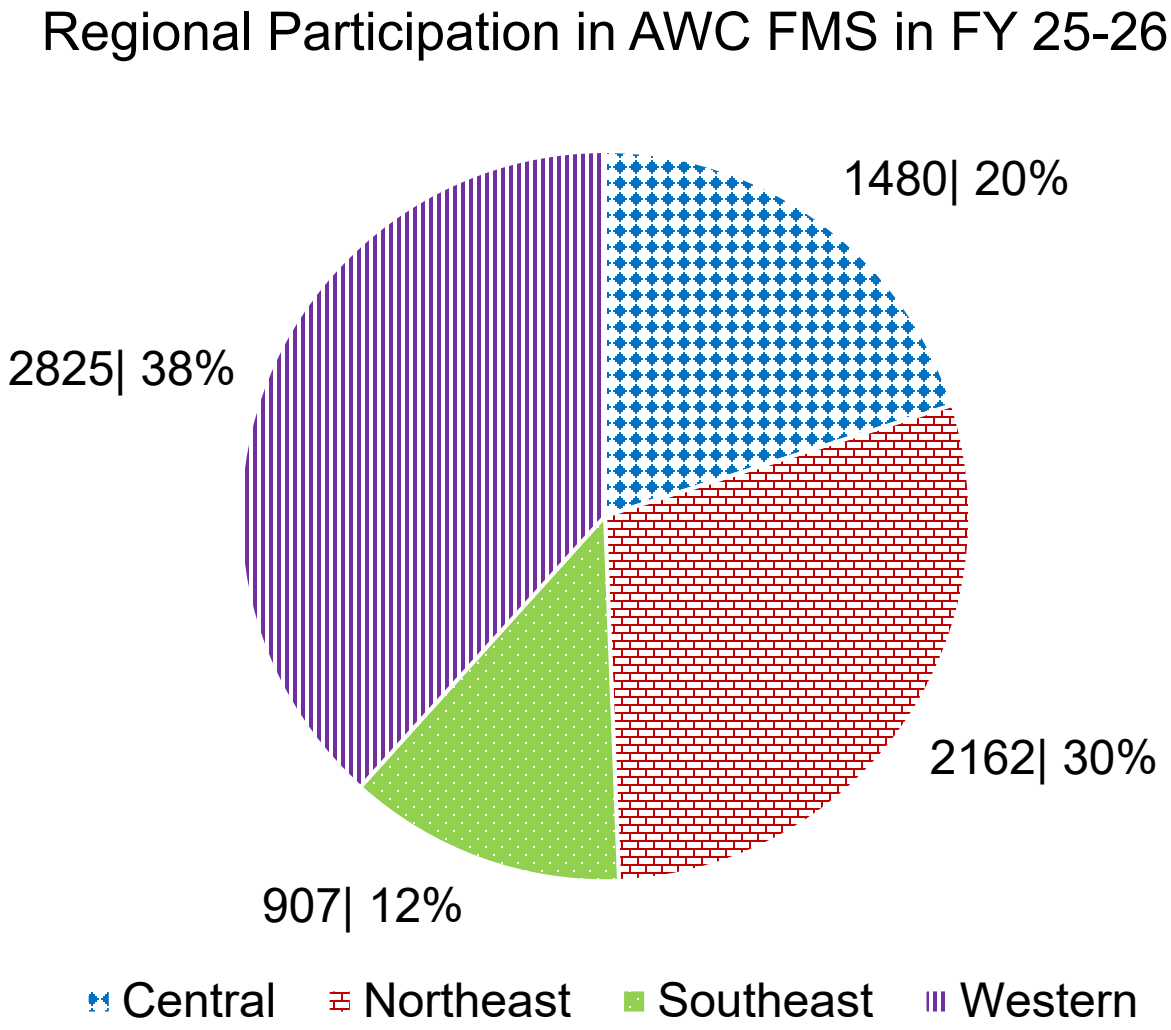
**Support personal choice and control for everyone by promoting and expanding use of Participant-Directed Services.**

# Table A – Statewide PDS Use in FY 25-26

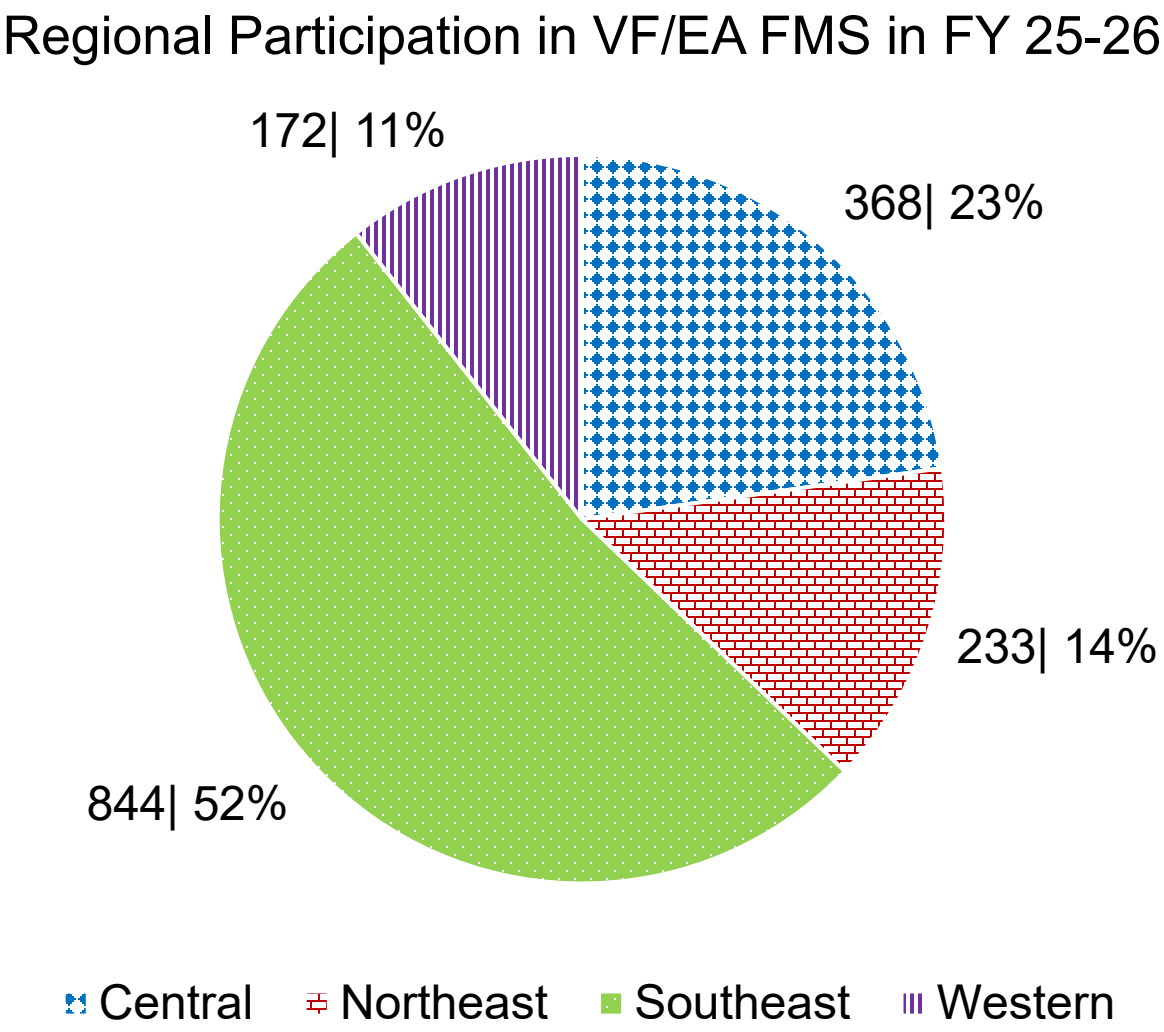
**The below table shows the number of participant's authorized to self-direct at least one service:**

| FMS Type | July 2025 | July 2026 |
|---|---|---|
| Agency With Choice (AWC) | 6,608 | 7,374 |
| Vendor Fiscal / Employer Agent (VF/EA) | 1,427 | 1,568 |
| All FMS | 8,035 | 8,942 |

# Graph A – PDS Participation in AWC FMS



# Graph A – PDS Participation in VF/EA FMS



# Strategy 4

Create and promote the Individual's Bill of Rights

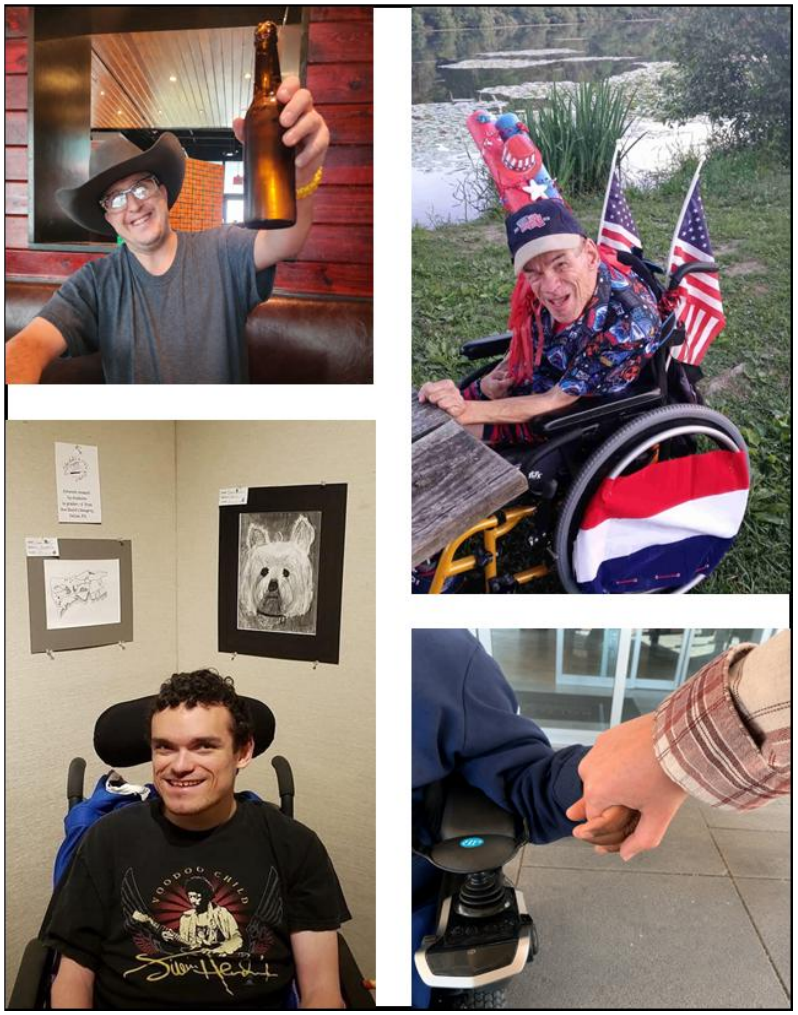
# Individual BoR - Progress to Date

- **ODP has compiled a list of Rights to be included in this project**
  - **Plain, accessible language to explain each Right has been crafted by an ODP workgroup**
- **Self Advocates United as 1 (SAU1) provided images to help visually illustrate each Right**
- **ODP is reviewing the submitted images and will follow-up with SAU1 if more are needed**

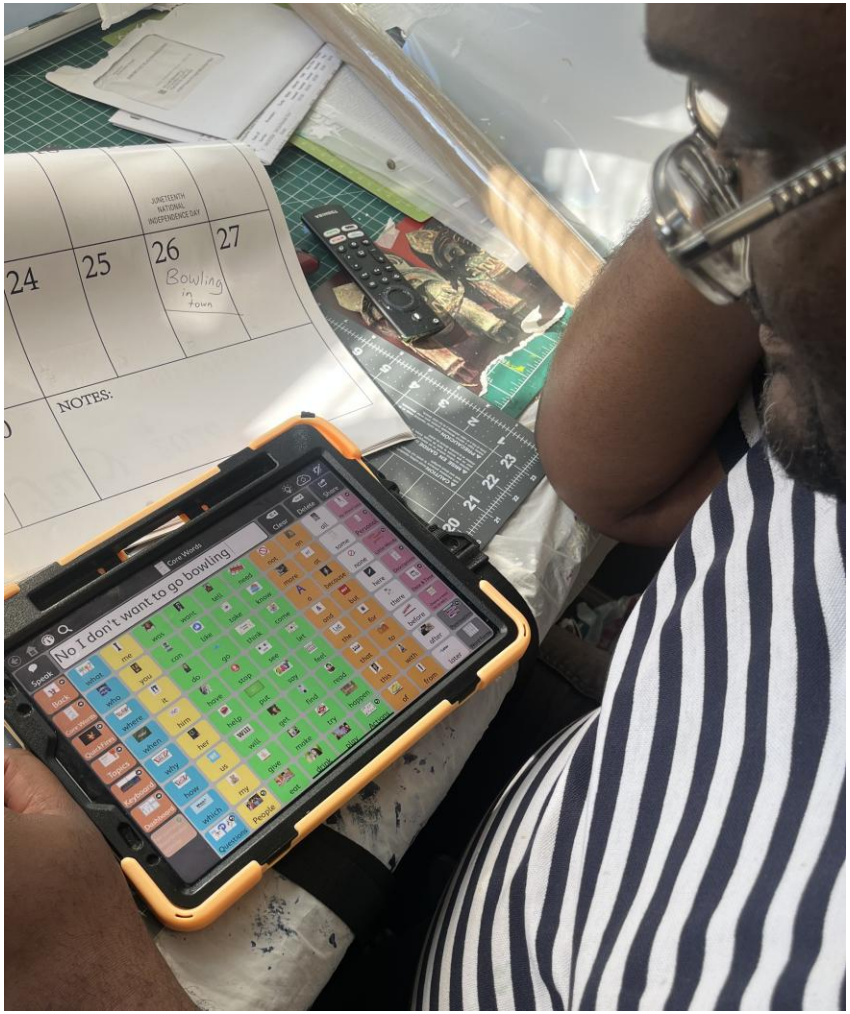
# Individual BoR – Next Steps

- **ODP's workgroup is reviewing and editing the images to maintain their quality and purpose**
- **The workgroup will develop a draft of the Individual's Bill of Rights in a booklet format**
- **Once a final product is ready, ODP will present it to the ISAC**

# Example 1 – BoR Image “Collage”



# Example 2 – BoR Image “Say No to Activities”



# Additional Updates

## Common-Law Employer & Managing Employer Agreement Forms

# CLE & ME Agreements – Exemption for Travel

- **In situations where the only medical providers available for medically necessary Medicaid paid treatment not covered by the waivers are located out of state, the requirement that waiver-funded participant directed services be provided in Pennsylvania or a state contiguous to Pennsylvania does not apply.**
- **Services provided in an Acute Care Hospital must be provided in accordance with ODP Bulletin 00-23-01: Home and Community Based Waiver Services Provided to Individuals in an Acute Care Hospital. Waiver services cannot be provided in residential treatment facilities, psychiatric facilities, and skilled nursing facilities.**
- **The individual's ISP must have documentation of the condition and prescribed treatment in the Health Evaluations and Medical Contacts fields.**

# CLE & ME Agreements – ODP Resources 1

- **ODPANN 26-051 - Requirements for Updated Common Law Employer and Managing Employer Agreements in ODP Participant-Directed Services**

- **ODPANN 26-067 - Update 2026 Operational Guidance as a Result of the Dunkelberger v. Department of Human Services (DHS) Court Decision**
  - Update FAQ for Individuals and Families

# CLE & ME Agreements – ODP Resources 2

- Session for Individuals and Families: The Office of Developmental Programs (ODP) Limitations on Overtime, Paid Relative Caregiving, and Travel

- ODPANN 26-084 - Updates to the Individual Support Plan (ISP) Bulletin

# CLE & ME Agreements – Total # Received

- **The below table shows the number of CLE & ME agreements which have been returned to the respective FMS**
  - Each AWC provided an update between 7/30-8/14
  - VF/EA provides weekly updates, last on 8/10

| FMS Type | # Agreements Signed | # FMS Participants | % Agreements Signed |
|---|---|---|---|
| Agency With Choice (AWC) | 5044 | 6531 | 77.23% |
| Vendor Fiscal / Employer Agent (VF/EA) | 1220 | 1568 | 77.81% |
| All Financial Management Service (FMS) Providers | 6264 | 8099 | 77.34% |

# CLE & ME Agreements – Current Steps

**ODP provided guidance to AWCs and the VF/EA regarding MEs and CLEs who have not yet signed an updated agreement or consent form**

- Distribution guidance and template for ME Notice of Noncompliance sent to AWCs on 8/4.
- Distribution guidance and CLE Notice of Noncompliance sent to VF/EA on 8/5.

**ODP is factoring in administrative time needed to process any forms submitted close to/at the due date for corrective action indicated in the Notices and ODP Announcement 26-067.**

- Currently preparing the second Notice of Noncompliance for distribution to the AWCs and VF/EA

# CLE & ME Agreements – Future Steps

- By 8/13, Notices of Noncompliance were sent to any ME or CLE who had not signed the relevant updated Agreement or Consent Form.
- There will be a second and a final Notice sent based on the corrective action timeline in ODP Announcement 26-067, with additional time for administrative processing.
- 30 days after the Final Notice, teams will proceed with transition planning to a traditional provider if that has not already begun.

# Questions, Comments, Feedback for ISAC Recommendation #2