

Date	Organization	Commenter	Issue	Comment	Response	
01.30.2015	PA Health Law Project		Assessment	The creation of a tool for obtaining feedback from waiver participants is a good idea, although the name “participant monitoring tool” makes it sound like a tool by which the participant is monitored, rather than the provider.	The intent of the participant monitoring tool is to monitor the health and safety of the participant and receive feedback regarding the services that are being provided.	
01.30.2015	PA Health Law Project		Assessment	Putting the name aside, use of that tool for participant input should not be limited to “face-to-face visits” by service coordinators.	OLTL will take this under advisement.	
01.30.2015	PA Health Law Project		Assessment	Participants should be able to have their input recorded and made part of OLTL’s provider monitoring efforts whenever participants would like to share their input.	The participant monitoring tool will be the mechanism to collect the participants input and the results will be available to OLTL.	
02.02.2015	DRN		Assessment	The transition plan should indicate that the Provider Self-Assessment tool will be issued to every provider enrolled in each waiver to ensure a comprehensive assessment of settings.	OLTL plans to distribute the Provider self-survey to all OLTL waiver providers.	
02.02.2015	DRN		Assessment	DRN supports doing on site visits of every setting. The transition plan should be clear that pursuant to the new regulations, every setting in which any waiver service is provided-residential and non-residential, licensed and unlicensed-will be evaluated.	OLTL intends to use its current provider monitoring process to monitor provider settings in addition to the participant monitoring tool to identify areas of potential non-compliance.	
02.02.2015	DRN		Assessment	DHS should issue a report of providers that share an address with or are immediately adjacent to an unallowable setting.	OLTL will share the results of assessment activities with the public through its website, advisory group meetings, and other venues as indicated in the transition plan. (section 2-Assessment # 8).	
02.02.2015	DRN		Assessment	On site visits should include participants, especially those in segregated settings such as personal care homes, sheltered workshops, and segregated day programs, this could be done with the participant monitoring tool.	OLTL intends to use the participant monitoring tool to ensure participants are receiving services in the most integrated settings that comport with the HCBS rule.	

02.02.2015	DRN		Assessment	Regarding assessment #8- DHS's reports of assessment results should include: provider, compliance status, location, services provided, waivers involved, number of participants served, and number of participants under 21. No personal identifiable or confidential information should be publically disclosed.	OLTL agrees and this was added to the transition plan. OLTL ensures that all materials are properly redacted prior to sharing with the public.	
02.02.2015	DRN		Assessment	CMS has recently issued guidance for non-residential settings, and DHS needs to assess all settings, residential and non-residential. The COMMCARE and OBRA waivers provide services in residential, nonresidential, licensed, and unlicensed settings (listed on pages 3-4 of each transition plan). The transition plans' Assessment sections, however, only state that licensed settings will be evaluated (Internal Assessment, # 2). The Assessment and Remediation sections should instead specifically list all of these residential, non-residential, licensed, and unlicensed settings to ensure that all settings are identified and assessed.	OLTL plans to assess all HCBS settings through the Provider Self Assessment and QMET monitorings.	
02.02.2015	DRN		Assessment	The Settings Analysis for the OBRA Waiver (Provider Assessment #4) should specify that ICF/ID includes ICF/ORC because ICF/ORC is the level of care for the OBRA Waiver.	OLTL will make this correction.	
01.30.2015	PA Health Law Project		Education/Outreach	The plans have one brief statement regarding "Continued engagement with stakeholder community" however there is no mention as to how that would be done. There should be additional forms of outreach and engagement of those consumers, such as by selective mailings or phone calls or email for those who have smartphones or computers.	OLTL plans to us the Long-Term Care Subcommittee, List Services, and the OLTL website to communicate activities related to the transition plan.	
02.02.2015	DRN		Education/Outreach	Use plain, first person language and all communications should be accessible. Email lists, service coordinator visits, local meetings, work groups and advisories should be part of education and outreach. DHS should involve self-advocates and peer training.	OLTL currently uses email lists and webinars to provide education and outreach to our stakeholders. OLTL will seek input from stakeholders on the best way to reach participants for comment on the HCBS transition plan. OLTL will use our key stakeholders to assist in identifying ways to reach and involve participants in the process.	
02.02.2015	DRN		Education/Outreach	Stakeholders need to be involved before policies become final. The plans should state that DHS will notify the public about proposals to revise policies and have public comment periods. All proposed changes should go through public comment via the PA Bulletin and regulatory review process.	OLTL currently circulates all drafted policies and procedures to the Long-Term Care Sub Committee of the MAAC for stakeholder review and comment as well as distributing materials through our list serve for public review and comment. OLTL will utilize the PA Bulletin to communicate substantive changes to the HCBS transition plan.	

02.02.2015	DRN		Education/Outreach	All tools and materials should go through the public comment process this includes all deliverables within the transition plan.	OLTL has received public input through the LTCS on the participant monitoring tool and we will continue to use that process in addition to using our email list serves for the Provider self survey and any subsequent materials.	
01.30.2015	PA Health Law Project		Identification	Aside from the appointed members of a specific advisory committee (Long Term Care Subcommittee of the MAAC), it is unclear which consumers, consumer organizations, and advocacy organizations have been "identified" as "key stakeholders".	OLTL has identified key stakeholders and will be posting the list on the OLTL website.	
01.30.2015	PA Health Law Project		Identification	Given the importance of input from consumers and advocates during the entire transition process (see section 4, #3 of the plans), OLTL should provide an opportunity for consumers and advocates to self identify as stakeholders to ensure input from people with a variety of experiences and viewpoints.	OLTL will provide an opportunity for consumers and advocates to self identify as stakeholders.	
01.30.2015	PA Health Law Project		Identification	The means of stakeholders input listed in the plan ("Statewide bulletins, departmental website, stakeholder meetings, webinars...") may not be sufficient to provide meaningful opportunities for consumers who don't have access to bulletins, a computer or the ability to attend meetings.	If the consumer does not have access to a computer or the ability to attend meetings, the Service Coordinator should make every effort to provide updated information to the consumers.	
01.30.2015	PA Health Law Project		Identification	The plans have one brief statement regarding "Continued engagement with stakeholder community" however there is no mention as to how that would be done.	OLTL plans to us the Long-Term Care Subcommittee, List Services, and the OLTL website to communicate activities related to the transition plan.	
01.30.2015	PA Health Law Project		Identification	There should be additional forms of outreach and engagement of those consumers, such as by selective mailings or phone calls or email for those who have smartphones or computers.	OLTL will consider this.	
02.02.2015	DRN		Identification	The plans should describe how key stakeholders were identified	OLTL will use its current LTCS in addition to distributing materials to our list serves for review and comment, and hosting webinars for public review and comment.	
02.02.2015	DRN		Remediation	The transition plan should provide for a policy that no new participant can get services in a non-compliant or presumptively non-compliant setting.	OLTL agrees that for any provider that is determined non-complaint as a result of the assessment process a corrective action plan will be developed which may or may not include a moratorium on serving new participants.	

02.02.2015	DRN		Remediation	The plan should state that DHS will not allow new provider, provider moves, or expansion of providers in settings that are non-compliant or presumed non-compliant.	OLTL will look at this on a case by case basis based on the outcome of the assessment and provider circumstances. For example, a provider may need to move operations to bring them into compliance. However, OLTL agrees that new providers will not be enrolled if they are non-compliant or presumed non-compliant.
02.02.2015	DRN		Remediation	Presumptively non-compliant settings should not remain in the system. The QMET on-site monitoring tool to be used should be revised through a public comment process to include all regulatory requirements. DHS should share with the public the evidence it intends to submit to CMS and follow all public notice and public comment requirements for settings presumed non-compliant.	OLTL will comply with CMS requirements on disclosure of findings.
02.02.2015	DRN		Remediation	The transition plan should have steps to develop services, supports, and opportunities for people with disabilities to seek and obtain competitive employment.	As stated in the transition plan, OLTL will review policies, regulations, and procedures including evaluating waiver service definitions related to employment.
02.02.2015	DRN		Remediation	OLTL should specify concrete actions to build provider capacity rather than vaguely stating "it will develop a strategy to expand the provider base"	OLTL believes an assessment is necessary to inform our strategy moving forward with the assistance of stakeholder involvement.
02.02.2015	DRN		Remediation	# 10 should state that persons who will have to transfer from non-compliant or presumed non-compliant settings will get advance, accessible notice through a phone call and/or visit from the Service Coordinator in addition to a letter, which will ensure that this important information is received and understood.	OLTL has modified the plan to include this language. In addition, § 52.61. provider cessation of services, outlines requirements for provider cessation of services.
02.02.2015	DRN		Remediation	#11 section should be revised to "Service Coordinators will work with participants to offer choices of qualified waiver providers that comply with the new regulations and to choose from among integrated settings to receive services, through person-centered planning, and facilitate a safe, timely transition to the chosen new provider. OLTL will work directly with providers to develop programs and services in compliant settings when needed to ensure participants' access to services in the community.	OLTL agrees with the comment and has added it to the transition plan.

02.02.2015	DRN		Remediation	The participant monitoring tool needs revision.	The participant monitoring tool will go through a pilot phase beginning January 5, 2015 through March 2015. OLTL will be revising the participant monitoring tool as a result of any findings and suggestions in the pilot phase.	
02.02.2015	DRN		Remediation	OLTL (DHS) should use Relay and other effective communication to ensure access to its hotline for reporting non-compliance. DHS should also allow for email and communication with service coordinators for reporting non-compliance.	OLTL will take this comment into consideration moving forward.	
01.30.2015	PA Health Law Project		Transition Plan	Many of the activities now have a target end date of December 2014. Have those activities actually been completed? Only one of those activities is listed as completed, a more realistic target end date should be included in the plans.	OLTL will be adjusting target dates prior to submission to CMS.	
02.02.2015	Pennsylvania Providers Coalition Association (PA PCA)		Transition Plan	The PA PCA supports the development of a Participant Monitoring Tool to be utilized throughout the Department of Public Welfare OLTL Waiver and Act 150 service system. Our position is that it would be good to have a uniformed assessment tool.	Thank you for your comment.	

