



Office of Developmental Programs Home and Community-Based Services Final Rule Community Provider Survey Results

Background

On January 16, 2014, the Centers for Medicare and Medicaid Services (CMS) published a final rule for home and community-based services in the Federal Register with an effective date of March 17, 2014 (“final rule” or “rule”). The rule defines settings in which provision of waiver services are not allowed, those which are presumed ineligible to provide waiver services, qualifications for all home and community-based settings and requirements specific to provider owned or controlled home and community-based settings. The rule applies to all settings – residential and non-residential, licensed and unlicensed. More information about the rule can be found at <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>. States were given five years to come into compliance with this rule.

CMS requires that states undergo activities to assess whether or not their waiver providers are in compliance with the new rule and to incorporate continued provider compliance into their overall monitoring activities. To begin the assessment process in Pennsylvania, the Department of Human Services (Department) surveyed all providers of waiver services administered by the Offices of Developmental Programs (ODP) and Long-Term Living (OLTL) to learn how services are currently being provided. Providers were instructed to complete the survey for each enrolled site location in which services are provided. For instance, if a provider has a home office (no services provided) and four locations where services are provided, four surveys would be completed. If a provider is enrolled with both ODP and OLTL to provide services in shared settings, one survey could be used to provide information for both offices. When this occurred the information provided was reported in both the ODP and OLTL survey results. The survey was open for the period of April 2, 2015 to April 30, 2015.

This document reports survey data from ODP providers that render services in the following waivers: Consolidated and Person/Family Directed Support (P/FDS) Waivers for intellectual disability services (ID) and the Adult Autism Waiver (AAW).

Analysis methodology appears as an appendix to this report.

Respondents

The Department received 5,324 valid survey responses. Of these, 4,792 reported providing services for one or more ODP Waivers. The table below shows the number and percent of responses by provider and service location. As of this writing, there are 806 ODP providers who operate at 7,742 service locations, meaning that 83% of all providers responded to the survey (62% of all provider-operated service locations responded). Online survey research response rates that exceed 30% of the total population are considered representative in accordance with standard research practices.

Survey responses were by service location. “Providers” is a count of providers by MPI number.

The tables below show the services rendered by respondents.

Waiver Provider Type	Service Locations	Provider	Percent - Service Locations	Percent - Providers
AAW and Consolidated	121	16	3%	2%
AAW and P/FDS	9	9	0%	1%
AAW Only	70	43	1%	6%
AAW, Consolidated, and P/FDS	183	74	4%	11%
Consolidated and P/FDS	983	279	21%	42%
Consolidated Only	3,389	221	71%	33%
P/FDS Only	37	27	1%	4%
Any Type	4,792	669	100%	100%

Survey responses were by service location. “Providers” is a count of providers by MPI number.

ODP - ID	
Service	Percent of Total Respondents
Residential Habilitation - Community Homes – Licensed 6400	60.9%
Residential Habilitation - Family Living – Licensed 6500	15.1%
Supplemental Habilitation	14.4%
Additional Individualized Staffing	13.4%
Unlicensed Residential Habilitation	8.6%
Home and Community Habilitation	6.8%
Day Habilitation	4.7%
Companion	2.9%
Prevocational Services	2.6%
In-Home Respite	2.3%
Behavioral Support	2.0%
Supported Employment	1.5%
Out-of-Home Respite	1.3%
Transitional Work Services	1.2%
Day Habilitation – Older Adult Daily Living Centers	0.9%
Transportation Trip	0.6%
Public Transportation	0.5%
Homemaker-Chore	0.4%
Respite Camp	0.4%
Transportation Mile	0.4%
Residential Habilitation - Child Residential – Licensed 3800	0.3%
Home Accessibility Adaptations	0.3%
Agency With Choice Financial Management Services	0.3%
Assistive Technology	0.2%
Supports Coordination	0.2%
Specialized Supplies	0.2%
Vehicle Accessibility Adaptations	0.2%
Specialized Supplies - Assistive Technology NonMedical	0.2%
Residential Habilitation – Community Residential Rehabilitation –Licensed 5310	0.2%
Specialized Medical Equipment - Assistive Technology Medical	0.2%
Organized Health Care Delivery System	0.1%
Supports Broker	0.1%
Base Not Otherwise Specified	0.0%
Education Support Services	0.0%

ODP - AAW	
Service	Percent of Total Respondents
Community Inclusion	44.4%
Behavioral Specialist	10.1%
Supported Employment	10.1%
Residential Habilitation	9.1%
Day Habilitation	8.1%
Supports Coordination	7.1%
Supports Coordination - Initial Plan Development	7.1%
In-Home Respite	6.1%
Transitional Work Services	4.0%
Family Counseling	2.0%
Job Assessment	2.0%
Job Finding	2.0%
Assistive Technology	1.0%
Specialized Supplies - Assistive Technology NonMedical	1.0%

Unallowable Settings

The final rule contemplates that waiver services may not be rendered in certain types of settings. Given this, survey participants were asked the following question:

Does this location provide Home and Community-Based waiver services in any of the following settings?

1. *Nursing Facility*
2. *Institution for mental diseases*
3. *Public or private ICF/ID*
4. *Hospital*
5. *None of the Above*

If yes, please provide the name of the institution / facility:

The tables below show the distribution of respondents who reported providing services in an unallowable setting and the services rendered in such settings.

* Each of the respondents who reported providing services in unallowable settings provide both AAW and ID services; only one respondent provides an AAWservice in an unallowable setting (Community Inclusion in a SNF). Services rendered will not equal respondents based on claims match limitations.

Setting	Respondents	Percent of Total Respondents
Nursing Facility	23	0.5%
Institution for mental diseases	1	0.02%
Public or private ICF/ID	139	2.9%
Hospital	6	0.1%
Any Unallowable Setting	169	3.5%

Very few respondents reported providing services in an unallowable setting. Additionally, the Department considers the above findings to be an indicator of what may be happening in unallowable settings. Each report of service provision in an unallowable setting must be analyzed further to establish the circumstances specific to each case.

The table below shows the services rendered in unallowable settings in cases where respondents' identifiers could be matched to claims data.

Note: The information in the table above does *not represent* a distinct list of settings, since multiple services may be provided in a given type of setting. The totals shown represent the number of instances where a provider rendered a service in an unallowable setting, not the number of settings where the service was provided.

Service	Skilled Nursing Facility	Institution for Mental Disease	Intermediate Care Facilities for Persons with an Intellectual Disability	Hospital
Additional Individualized Staffing	0	0	19	0
Behavioral Support	2	0	2	0
Residential Habilitation -Community Home Services – Licensed 6400	0	0	66	0
Community Inclusion (AAW Only)	1	0	0	0
Companion	1	0	3	0
Residential Habilitation - Community Residential Rehabilitation – Licensed 5310	0	0	2	0
Day Habilitation	0	0	2	0
Day Habilitation - Older Adult Daily Living Centers	1	0	0	0
Home and Community Habilitation	4	1	5	0
In-Home Respite	1	0	1	0
Out-of-Home Respite	1	0	1	0
Prevocational Services	2	0	1	0
Public Transportation	2	0	0	0
Residential Habilitation - Family Living – Licensed 6500	0	0	4	0
Supplemental Habilitation	0	0	14	0
Supported Employment	0	0	0	1
Transitional Work Services	1	0	0	0
TOTAL	16	1	120	1

Presumed Ineligible Settings

The final rule contemplates that certain types of settings are likely noncompliant with the guidelines established in the rule. Given this, survey participants were asked the following questions:

Does this location provide waiver services in a publicly or privately operated facility that provides inpatient institutional treatment?

Does this location provide waiver services in a building on the grounds of, or immediately adjacent to, a public institution? (A public institution is an inpatient facility that is financed and operated by a county, state, municipality, or other unit of government. A privately owned nursing facility is not a public institution.)

Does this location provide waiver services in any of the following settings?

- 1. Farmstead or disability-specific farm community*
- 2. Gated/secured community for people with disabilities*
- 3. Residential school*

The tables below show the distribution of respondents who reported providing services in presumed ineligible settings and the services rendered in such settings.

Each of the respondents who reported providing services in presumed ineligible settings provide both AAW and ID services; only three respondents provide an AAW service in presumed ineligible settings. Services rendered will not equal respondents based on claims match limitations.

Setting	Respondents	Percent of Total Respondents
Inpatient Institutional	28	0.6%
Public Institution	17	0.4%
Farmstead or disability-specific farm community	4	0.1%
Gated/secured community for people with disabilities	6	0.1%
Residential school	7	0.1%
TOTAL	62	1.20%

- Very few respondents reported providing services in a presumed ineligible setting. Additionally, the Department considers the above findings to be an indicator of what may be happening in presumed ineligible settings. Each report of service provision in a presumed ineligible setting must be analyzed further to establish the circumstances specific to each case.
- The table below shows the services rendered in presumed ineligible settings in cases where respondents' identifiers could be matched to claims data.

Service	Inpatient Institutional	Public Institution	Residential school	Farmstead or disability-specific farm community
Additional Individualized Staffing	1	2	0	0
Behavioral Support	1	2	0	1
Residential Habilitation -Community Home Services – Licensed 6400	4	3	0	1
Community Inclusion (AAW Only)	1	0	0	0
Companion	0	0	0	1
Residential Habilitation - Community Residential Rehabilitation – Licensed 5310	2	1	0	0
Day Habilitation	1	4	0	0
Day Habilitation - Older Adult Daily Living Centers	1	0	0	0
Home and Community Habilitation	2	1	2	2
In-Home Respite	1	0	0	0
Prevocational Services	1	1	0	0
Residential Habilitation - Family Living – Licensed 6500	4	1	0	0
Supplemental Habilitation	1	1	0	0
Supported Employment	0	1	0	0
Supports Coordination (ID)	0	1	0	0
Supports Coordination (AAW)	0	0	0	1

Supports Coordination -Initial Plan	0	0	0	1
Unlicensed Residential Habilitation	2	1	0	0
TOTAL	22	19	2	7

Note: The above is *not* a distinct list of settings, since multiple services may be provided in a given type of setting. The totals shown represent the number of instances where a provider rendered a service in an unallowable setting, not the number of settings where the service was provided.

Residential Settings

The rule establishes additional criteria relating to community integration for residential settings. In order to examine how residential settings encourage and support community integration, residential respondents were asked a series of questions relating to community activities. CMS requires for all requirements no later than March of 2019. 3,433 ODP respondents, 72% of all respondents, reported operating a residential setting. Of these, 173 provide AAW services, and 3,423 provide ID services. Survey participants were asked a series of questions relating to the activities offered by the setting and the frequency with which the services are provided. These responses should solely apply to the Consolidated and Adult Autism Waivers as residential services are not available in the P/FDS Waiver. Responses are shown below.

Most AAW providers also provide ID services.

Frequency	Shopping		Attending Religious Services		Sporting Events		Restaurants / Dining Out		Visiting Parks		Visiting Friends and Family	
	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW
Daily	1,087	36	504	11	653	13	752	37	930	13	1,300	92
Weekly	2,168	131	2,272	152	928	68	2,259	130	1,420	89	1,516	73
Monthly	86	2	270	1	824	9	319	2	721	10	413	4
Quarterly	6	0	102	4	483	18	12	0	168	56	55	0
Annually	53	0	95	1	338	59	51	0	145	1	100	0
Do Not Provide	3	0	160	0	177	2	10	0	19	0	19	0
Total	3,403	169	3,403	169	3,403	169	3,403	169	3,403	169	3,403	169
Frequency	Shopping		Attending Religious Services		Sporting Events		Restaurants / Dining Out		Visiting Parks		Visiting Friends and Family	
	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW
Daily	31.9%	21.3%	14.8%	6.5%	19.2%	7.7%	22.1%	21.9%	27.3%	7.7%	38.2%	54.4%
Weekly	63.7%	77.5%	66.8%	89.9%	27.3%	40.2%	66.4%	76.9%	41.7%	52.7%	44.5%	43.2%
Monthly	2.5%	1.2%	7.9%	0.6%	24.2%	5.3%	9.4%	1.2%	21.2%	5.9%	12.1%	2.4%
Quarterly	0.2%	0.0%	3.0%	2.4%	14.2%	10.7%	0.4%	0.0%	4.9%	33.1%	1.6%	0.0%
Annually	1.6%	0.0%	2.8%	0.6%	9.9%	34.9%	1.5%	0.0%	4.3%	0.6%	2.9%	0.0%
Do Not Provide	0.1%	0.0%	4.7%	0.0%	5.2%	1.2%	0.3%	0.0%	0.6%	0.0%	0.6%	0.0%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Most respondents are provided opportunities to partake in the activities shown at least weekly. Nearly all offered the activities at least monthly. Additionally, nearly all respondents reported offering activities not listed in the survey. The top 5 additional activities reported were movies, music and arts, festivals and community events, and bowling.

While respondents were not specifically asked why certain activities are not provided, several provided information that suggests opportunities are not provided because no one living at the setting is interested in such activities. For example, one home that does not provide opportunities to attend sporting events has a population of older females who have no interest in sports. Respondents also wrote that activities are designed specifically to individuals' desires. As such, respondents who answered "do not provide" are likely willing to provide such activities, but do not do so because the individuals served are not interested in them. In some cases, certain activities might not be provided due to medical or behavioral conditions that preclude their provision (e.g. individuals with autism may become anxious in large, noisy crowds, so sporting events could cause them to decompensate).

Responders were also asked the following open-text question relating to activities:

Do participants have the opportunity to engage in the activities indicated above independent of the other program participants or must more than one participant attend?

The majority of responses indicate that individuals have the opportunity to engage in activities independently, but that does not necessarily mean that any individual may engage in any activity at any time. For example, bowling trips may be organized as a group activity. Individuals who wish to bowl alone or more frequently may not be offered the opportunity to do so. That said, many providers responded that independent activities identified on Individual Support Plans (ISPs) are provided. Some providers reported that an individual's specific needs may prohibit independent participation in some activities. In brief, the answer to this question is "yes, individuals have the opportunity to participate in activities based on what is in their ISPs."

Living Arrangements

Residential providers were asked a series of questions relating to how settings are operated with regard to individual freedoms.

Responses to the questions are shown below.

	Do participants have lease or legally-enforceable agreement?		Does this service location offer an option for a private bedroom?		Do participants who share a bedroom have a choice of roommates?		Do participants have access to food at any time?		Do participants have the freedom to lock/unlock their bedroom doors at any time?	
Frequency	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW
Yes	2,215	137	3,278	155	237	52	3,293	159	1,968	43
No	1,188	32	125	14	25	117	74	9	1,399	125
Total	3,403	169	3,403	169	262	169	3,367	168	3,367	168
	Do participants have lease or legally-enforceable agreement?		Does this service location offer an option for a private bedroom?		Do participants who share a bedroom have a choice of roommates?		Do participants have access to food at any time?		Do participants have the freedom to lock/unlock their bedroom doors at any time?	
Frequency	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW
Yes	65.1%	81.1%	96.3%	91.7%	90.5%	30.8%	97.8%	94.6%	58.4%	25.6%
No	34.9%	18.9%	3.7%	8.3%	9.5%	69.2%	2.2%	5.4%	41.6%	74.4%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Frequency	Do participants have keys to their bedroom doors?		Do participants have a key to the setting's entrance?		Is there a policy on staff access to private rooms?		Does each participant have the freedom to decorate their bedrooms / homes as they choose?		Is the setting physically accessible for each participant?	
	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW
Yes	994	28	1,821	37	2,527	93	3,357	167	3,356	168
No	2,373	140	1,546	131	840	75	10	1	11	0
Total	3,367	168	3,367	168	3,367	168	3,367	168	3,367	168
Frequency	Do participants have keys to their bedroom doors?		Do participants have a key to the setting's entrance?		Is there a policy on staff access to private rooms?		Does each participant have the freedom to decorate their bedrooms / homes as they choose?		Is the setting physically accessible for each participant?	
	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW
Yes	29.5%	16.7%	54.1%	22.0%	75.1%	55.4%	99.7%	99.4%	99.7%	100.0%
No	70.5%	83.3%	45.9%	78.0%	24.9%	44.6%	0.3%	0.6%	0.3%	0.0%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Most respondents reported that a lease or legally-enforceable agreement is used. It is important to note that a lease or legally-enforceable agreement is not currently required for residential providers.

Almost half of all respondents reported that participants may not lock their bedroom doors and do not have a key to setting's entrance, and 70% reported that participants do not have keys to their bedroom doors. Respondents generally reported that key-locking devices are not used because they are a fire-safety hazard and are prohibited by regulation (note: in 1996, a fatal fire occurred at a community residential setting. The cause of the fatalities was attributed to key-locking devices). Many respondents reported that keypads or keyless locks are in place as a safe option for individual privacy. Another common response was that locks are not used because individuals require constant supervision or are unable to safely use keys.

The small percentage of participants who do not have access to food at all times (2-5%) do not have such access due to behavioral or medical conditions (e.g. a diagnosis of Prader-Willi Syndrome or the need for a special-texture diet).

Exploratory Questions for All Providers

Respondents were asked a series of questions designed to gather more information about how services are provided at their settings. Responses to the questions are shown below.

	Do you provide participants with privacy, especially when bathing or dressing?		Does the setting encourage visitors or other persons other than paid staff to be present at the setting?		Do you encourage participants' interaction with the general public?		Do you ensure that staff address and interact with participants in a manner of participants' choosing?		Does the setting optimize participants' independence in making choices?		Do you have a policy relating to consideration of individual choice?		Are setting staff educated on participants' needs, abilities, and interests?		Do participants have access to public transportation at this location?	
Frequency	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW
Yes	4,068	304	3,947	265	4,005	303	4,079	326	4,066	322	3,870	304	4,039	321	2,792	215
No	149	46	270	85	121	34	27	10	37	14	214	32	21	13	1,093	95
Total	4,217	350	4,217	350	4,126	337	4,106	336	4,103	336	4,084	336	4,060	334	3,885	310
	Do you provide participants with privacy, especially when bathing or dressing?		Does the setting encourage visitors or other persons other than paid staff to be present at the setting?		Do you encourage participants' interaction with the general public?		Do you ensure that staff address and interact with participants in a manner of participants' choosing?		Does the setting optimize participants' independence in making choices?		Do you have a policy relating to consideration of individual choice?		Are setting staff educated on participants' needs, abilities, and interests?		Do participants have access to public transportation at this location?	
Frequency	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW	ID	AAW
Yes	96.5%	86.9%	93.6%	86.9%	97.1%	89.9%	99.3%	97.0%	99.1%	95.8%	94.8%	90.5%	99.5%	96.1%	71.9%	69.4%
No	3.5%	13.1%	6.4%	13.1%	2.9%	10.1%	0.7%	3.0%	0.9%	4.2%	5.2%	9.5%	0.5%	3.9%	28.1%	30.6%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Nearly all of the respondents who answered “no” to the question relating to individual privacy were non-residential providers who do not provide a service where privacy is a factor (e.g. transportation or adaptive equipment). The remainder answered “no” on the basis of the individuals’ need for assistance with bathing or dressing (the Department does not consider assisting with such tasks to be an invasion of privacy). All of the respondents who answered “no” to the other questions in this section were providers who do not provide a service where the question applies (e.g. home modifications or adaptive equipment).

Responders were also asked the following open-text question:

What systematic barriers exist to providing services in integrated settings?

Insufficient funding was the most common barrier cited, but the major operational issues reported were the lack of public transportation, the inability to recruit and pay qualified staff, regulatory compliance, the lack of available competitive employment for individuals, acceptance of individuals with an intellectual disability or autism in the community, and ISP implementation.

Next Steps

The information provided in this survey will be used to develop the home and community characteristics policy for non-residential settings. This information will also be used to develop the home and community characteristics policy for residential settings. Once the home and community characteristics policies are published and the requirements are in effect, ODP will add questions to the provider monitoring tools to ensure all providers are compliant with the requirements.