



DEPARTMENT OF HEALTH & HUMAN SERVICES

Health Care Financing Administration

OCT 16 1997

7500 SECURITY BOULEVARD
BALTIMORE MD 21244-1850

Ms. Feather O. Houstoun, Secretary
Department of Public Welfare
P.O. Box 2675
Health and Welfare Building
Harrisburg, PA 17120

Dear Ms. Houstoun:

I am pleased to inform you that your request for a Medicaid waiver to provide home and community-based services, as authorized under the authority of section 1915(c) of the Social Security Act, has been approved. This waiver has been assigned control number 0324 which should be used in any subsequent correspondence.

Specifically, you submitted a waiver request to provide habilitation services to children ages 0 - 3 who are in need of early intervention services and who would otherwise require the level of care provided in an intermediate care facility for mentally retarded or persons with related conditions (ICF/MR-ORC). You have also requested an effective date of October 16, 1997.

Based on the assurances and the information you provided, including the additional clarifying information in response to our concerns, I approve the waiver cited above for a 3-year period effective October 16, 1997, as per your request. With a satisfactory showing, the waiver may be renewed at the end of the 3-year period. We would note, however, that any proposed changes that would affect the policies and procedures related to the operation and/or administration of this waiver program must be formally requested by the State in the form of waiver amendments.

The following estimates of unduplicated recipients and the average per capita cost of waiver services have been approved:

Year	Unduplicated Recipients	Factor D
1	2,258	\$6,840
2	2,979	\$7,113
3	4,012	\$7,397

We appreciate the cooperation provided by you and your staff.

Sincerely,

Sally K. Richardson
for Sally K. Richardson
Director
Center for Medicaid and State Operations

cc: Philadelphia Regional Office

COMMONWEALTH OF PENNSYLVANIA

**PROCEDURAL SAFEGUARDS
FOR CHILDREN
IN EARLY INTERVENTION SERVICES**



**OFFICES OF
MENTAL HEALTH AND MENTAL RETARDATION
DEPARTMENT OF PUBLIC WELFARE**

Transportation between the individual's place of residence and the adult day health center will be provided as a component part of adult day health services. The cost of this transportation is included in the rate paid to providers of adult day health services. (Check one):

1. _____ Yes 2. _____ No

_____ Other service definition (Specify):

Qualifications of the providers of adult day health services are contained in Appendix B-2.

g. X Habilitation:

_____ Services designed to assist individuals in acquiring, retaining and improving the self-help, socialization and adaptive skills necessary to reside successfully in home and community-based settings. This service includes:

_____ Residential habilitation: assistance with acquisition, retention, or improvement in skills related to activities of daily living, such as personal grooming and cleanliness, bed making and household chores, eating and the preparation of food, and the social and adaptive skills necessary to enable the individual to reside in a non-institutional setting. Payments for residential habilitation are not made for room and board, the cost of facility maintenance, upkeep and improvement, other than such costs for modifications or adaptations to a facility required to assure the health and safety of residents, or to meet the requirements of the applicable life safety code. Payment for residential habilitation does not include

STATE: _____

DATE: _____

payments made, directly or indirectly, to members of the individual's immediate family. Payments will not be made for the routine care and supervision which would be expected to be provided by a family or group home provider, or for activities or supervision for which a payment is made by a source other than Medicaid. Documentation which shows that Medicaid payment does not cover these components is attached to Appendix G.

Day habilitation: assistance with acquisition, retention, or improvement in self-help, socialization and adaptive skills which takes place in a non-residential setting, separate from the home or facility in which the individual resides. Services shall normally be furnished 4 or more hours per day on a regularly scheduled basis, for 1 or more days per week unless provided as an adjunct to other day activities included in an individual's plan of care.

Day habilitation services shall focus on enabling the individual to attain or maintain his or her maximum functional level and shall be coordinated with any physical, occupational, or speech therapies listed in the plan of care. In addition, day habilitation services may serve to reinforce skills or lessons taught in school, therapy, or other settings.

Prevocational services not available under a program funded under section 110 of the Rehabilitation Act of 1973 or section 602(16) and (17) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(16) and 17)). Services are aimed at preparing an individual for paid or unpaid employment, but are not job-

STATE: _____

-17-

DATE: _____

task oriented. Services include teaching such concepts as compliance, attendance, task completion, problem solving and safety. Prevocational services are provided to persons not expected to be able to join the general work force or participate in a transitional sheltered workshop within one year (excluding supported employment programs). Prevocational services are available only to individuals who have previously been discharged from a SNF, ICF, NF or ICF/MR.

Check one:

_____ Individuals will not be compensated for prevocational services.

_____ When compensated, individuals are paid at less than 50 percent of the minimum wage.

Activities included in this service are not primarily directed at teaching specific job skills, but at underlying habilitative goals, such as attention span and motor skills. All prevocational services will be reflected in the individual's plan of care as directed to habilitative, rather than explicit employment objectives.

Documentation will be maintained in the file of each individual receiving this service that:

1. The service is not otherwise available under a program funded under the Rehabilitation Act of 1973, or P.L. 94-142; and

STATE: _____

-18-

DATE: _____

2. The individual has been deinstitutionalized from a SNF, ICF, NF, or ICF/MR at some prior period.

Educational services, which consist of special education and related services as defined in sections (15) and (17) of the Individuals with Disabilities Education Act, to the extent to which they are not available under a program funded by IDEA. Documentation will be maintained in the file of each individual receiving this service that:

1. The service is not otherwise available under a program funded under the Rehabilitation Act of 1973, or P.L. 94-142; and
2. The individual has been deinstitutionalized from a SNF, ICF, NF, or ICF/MR at some prior period.

Supported employment services, which consist of paid employment for persons for whom competitive employment at or above the minimum wage is unlikely, and who, because of their disabilities, need intensive ongoing support to perform in a work setting. Supported employment is conducted in a variety of settings, particularly work sites in which persons without disabilities are employed. supported employment includes activities needed to sustain paid work by individuals receiving waiver services, including supervision and training. When supported employment services are provided at a work site in which persons without disabilities are employed, payment will be made only for the adaptations, supervision and training required by individuals receiving waiver

STATE: _____

DATE: _____

services as a result of their disabilities, and will not include payment for the supervisory activities rendered as a normal part of the business setting.

Supported employment services furnished under the waiver are not available under a program funded by either the Rehabilitation Act of 1973 or P.L. 94-142. Documentation will be maintained in the file of each individual receiving this service that:

1. The service is not otherwise available under a program funded under the Rehabilitation Act of 1973, or P.L. 94-142; and
2. The individual has been deinstitutionalized from a SNF, ICF, NF, or ICF/MR at some prior period.

FFP will not be claimed for incentive payments, subsidies, or unrelated vocational training expenses such as the following:

1. Incentive payments made to an employer to encourage or subsidize the employer's participation in a supported employment program;
2. Payments that are passed through to users of supported employment programs; or
3. Payments for vocational training that is not directly related to an individual's supported employment program.

Transportation will be provided between the individual's place of residence and the site of the habilitation services, or between habilitation sites (in cases where the individual receives habilitation services in

more than one place) as a component part of habilitation services. The cost of this transportation is included in the rate paid to providers of the appropriate type of habilitation services.

1. _____ Yes 2. _____ No

 X Other service definition

Habilitation consists of a range of services provided for the child by a qualified professional with the participation of the child's family or caregiver.

Services can be provided directly to the child while the family or caregiver is present and participating, or services can be provided as instruction to the family or caregiver to benefit the child's development in everyday life.

For purposes of this waiver, family means a parent, guardian, surrogate parent, or person acting as parent of the child. A caregiver means a person responsible for providing care for the child in the home and community, such as relative, a day care provider, or another adult at the family's discretion.

Instruction to families and caregivers is limited to service techniques, information and procedures which the family or caregiver needs to support the child's development.

Participation of the family or caregiver is based on their willingness and ability as determined by the family or caregiver, the child's multi-disciplinary team and the provider of services.

Habilitation funded under this waiver must be provided in a natural environment which means the child's home, the home of a relative or friend, or a community setting that is typical for the child's age peers where children without a disability are likely to attend.