



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES

December 1, 2022

RE: Request for Corrective Action Plan To Achieve Compliance With the Home and Community-Based Services Rule

Pennsylvania is requesting a Corrective Action Plan to complete Heightened Scrutiny activities as described in the Statewide Transition Plan submitted on October 31, 2022. Pennsylvania has completed provider site specific assessments of all settings serving individuals through the Community HealthChoices, OBRA, Consolidated, Community Living, Person/Family Directed Support, and Adult Autism Waivers. During these assessments, Pennsylvania identified settings that meet criteria for Heightened Scrutiny. These settings were released for a 30-day public comment period starting November 19, 2022 and ending December 19, 2022. Pennsylvania will then review and consider all comments received in making a final determination as to whether each setting meets all regulatory and waiver requirements to overcome the presumption that the setting has institutional characteristics. It is anticipated that Pennsylvania's settings will be submitted to CMS no later than January 31, 2023. All settings submitted will be in full compliance with the HCBS Rule by March 1, 2023. Approval of this Corrective Action Plan will authorize opportunities for CMS to review the information submitted and complete discussions with Pennsylvania regarding the settings.

Pennsylvania also requests additional time to transition individuals who are receiving services in settings that will not be in full compliance with the HCBS Rule by March 1, 2023. At this time, all settings have demonstrated a commitment to remediating all issues identified during the site-specific assessments through the completion of provider level remediation plans. Pennsylvania is actively monitoring provider completion of required activities in these remediation plans. It is possible, however, that a setting may fail to achieve full compliance between now and March 1st. Should this happen, Pennsylvania will need additional time to ensure individuals are transitioned to a new setting or service that is compliant without disruption of services during the transition period. Pennsylvania will contact CMS as soon as a situation that meets this criterion is identified.

We appreciate your consideration of this request. Please let us know if you need additional information.