



DEVELOPMENTAL PROGRAMS BULLETIN
COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE

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SUBJECT: Clarification of Payment for Room and Board for Individuals Living in Community Residential Facilities that Receive Funds through Community MR Funding

BY:

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SCOPE:

Administrative Entity Administrators/Directors
County Mental Health/Mental Retardation Administrators
Supports Coordination Entities
Chapter 6400 Facilities
Chapter 6500 Facilities

PURPOSE:

The purpose of this bulletin is to provide clarification on the policies for charging room and board to individuals living in community residential facilities that receive funds through the Pennsylvania Mental Retardation System. This bulletin addresses commonly asked questions related to allowable charges for room and board and this bulletin is intended to clarify these questions or interpret the Room and Board Regulations. The bulletin addresses the majority of situations, but may not be all inclusive.

BACKGROUND:

The Office of Developmental Programs occasionally receives questions related to Title 55 Pa. Code Ch. 6200, Room and Board charges.

Title 55 Pa. Code Ch. 6200 specifies the requirements for charging room and board for individuals living in community residential mental retardation facilities that receive funds through the Pennsylvania Mental Retardation System. The Department of Public Welfare assures the Centers for Medicare and Medicaid Services (CMS) that payments for waiver services do not include room and board except as allowed in 42 CFR Section 441.310(a)(2).

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

The Appropriate Regional Program Office

DISCUSSION:

Title 55 Pa. Code § 6200.3 defines **Room** as “the client’s share of lodging costs, utility costs such as electricity, heating, water and sewage, and annual upkeep costs of the community residential mental retardation facility”. **Board** is defined as “the client’s share of his food and food preparation costs”. Therefore, the individual receiving services or their representative is responsible for payment of room and board.

These regulations apply only for individuals funded through the Pennsylvania Mental Retardation System and living in licensed and unlicensed Chapter 6400 Community Homes, Chapter 6500 Family Living Homes, Chapter 3800 Child Residential and Day Treatment Facilities, and Chapter 5310 Community Residential Rehabilitation Services.

Calculating Room and Board Charges

Room cost can be calculated based either on prorated rent or mortgage payment (prorated by the number of people living in the home) or on comparable room rates for the area. If there is no mortgage on the home then calculation shall be based on comparable room rates for the area. If the property is debt free, actual documented value includes fair market value. This must be documented by a certified appraisal by a certified appraiser. The value must be re-documented whenever the value changes significantly. The cost of the appraisal can be included in the cost of the room.

The cost of a renovation to the home should be included in room cost only for the person who directly benefits from the renovation. If the home improvement benefits all of the residents and the mortgage is the basis for determining the cost of the room, the home equity loan payment should be included in the cost of the room. However, if the renovation is waiver eligible it should not be calculated as a room cost.

The cost of liability insurance is an allowable cost in accordance with 55 Pa. Code § 4300.101 relating to insurance.

This bulletin clarifies what is covered and not covered under Room and Board. Items that may be covered include:

- Attends or other adult diapers or briefs, if not covered by the individual's healthcare plan
- Basic Cable
- Basic telephone service, not including long distance calls, special telephone service, or telephones used exclusively by staff. If an individual wants a personal phone in his/her bedroom, the individual must pay the full cost of that additional phone.
- Cleaning and other household supplies
- Ensure or other special dietary items, if not covered by the individuals healthcare plan
- The first television in the home
- Food choice items (within reasonable household budget limits) to meet regulatory requirements
- General household furniture

- Going out to dinner at staff request
- Laundry (personal clothing and linens) whether coin or non-coin operated facilities are used
- Lawn and Housekeeping service

Items that are not covered nor paid for with Room and Board funding include:

- Special Cable Services not included in basic cable, such as HBO or other premium channels
- Special choice cosmetics items other than basic brand items
- Special telephone services such as call waiting, if used only by individuals and not by staff
- Long distance telephone calls made by the individual
- An extra telephone line in individual's bedroom
- Going out to dinner based on the individual's request/choice

Contracts for Room and Board

A client funded through the County Mental Retardation Program, or parent, guardian or representative payee, shall annually complete and sign the standard Room and Board contract as specified in 55 Pa. Code § 6200.35.

If a person moves from one community residential facility to another facility within the same agency a new room and board contract must be completed and signed.

If a change in the number of occupants to the home occurs, the change in the prorated amount will change, necessitating a change in the contract. Therefore, a new contract shall be completed, signed and copied. If, however, a new individual moves into a recently created vacancy no new computation of costs or contract should be needed for the existing residents. The new resident will need a contract.

Addendum agreements to the standard room and board contract are not permitted. If a revision is needed a new contract is required.

No contracts are required for residents who pay their own room and board.

Respite Care

This bulletin serves to clarify that room and board should be charged beginning on the 31st day of service, if an individual receives respite care for more than 30 days in a 12 month period or for more than 30 consecutive days.

Hospitalization/Extended Leave

If an individual is on extended leave (hospitalization, vacation) the individual may only be charged for room at 40 percent of the maximum Supplemental Security Income (SSI) rate if the facility is holding the residential placement for the individual. There should be no board charge during these types of vacancies.

Staffing Cost

Individuals cannot be charged extra for staffing costs related to live-in staff for room and board, nor can an individual be charged extra for staffing costs related to meal preparation.

Rent Rebates/Energy Assistance

This bulletin will also expand on the calculation of room and board as it relates to rent rebates and energy assistance. The value of the rent rebate or energy assistance is deducted from the State supplementation of room and board. For example:

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| Actual Room and Board Cost | \$500.00 |
| 72 percent of Max SSI (client share) | <u>-\$301.25</u> |
| County Supplementation | \$198.75 |
| Energy Assistance Amount | <u>- \$150.00</u> (one time check) |
| Supplemental Payment to provider | \$ 48.75 |

The Supplemental Payment to the provider may be a prorated yearly assistance amount paid over 12 months.

The money from energy assistance or a rent rebate must be used to pay the heating bill or rent. The individual must sign the energy assistance or rent rebate check over to the provider for payment of the rent or heat bill.

If the amount of the energy assistance or rent rebate exceeds the amount of the room and board supplementation, the supplement should be reduced accordingly. If the maximum SSI rate plus the rent rebate or energy assistance exceeds the actual room and board cost, the difference goes to the individual.

If the State **does not** supplement the cost of the room and board, the rent rebate or energy assistance amount goes directly to the individual.