



Informational Packet

Waiver Renewal Implementation

Request for Exception to Established Service Limits or Maximum Number of Service Units

Effective Immediately

ODP Communication Number: Packet 067-12

The mission of the Office of Developmental Programs is to support Pennsylvanians with developmental disabilities to achieve greater independence, choice and opportunity in their lives.

AUDIENCE: Individuals and Families, ODP Direct Service Providers, Administrative Entity (AE) Administrators or Directors, Supports Coordination Organization (SCO) Administrators or Directors, Supports Coordinators (SCs), and Other Interested Parties

PURPOSE: This ODP communication is intended to describe the process to request an exception to the established waiver service limits. The Consolidated and Person Family Directed Support (P/FDS) waivers, effective July 1, 2012, permit ODP to grant an exception to the established service limits for two services: respite and assistive technology. This packet includes a form, the [DP 1023](#) (dated 8/12) titled ***Request for Exception to Established Service Limits or Maximum Number of Service Units***, which is to be used to request an exception. This form, replaces the DP 1023 form, dated 5/10, and is **effective immediately**.

DISCUSSION:

The Consolidated and P/FDS waivers identify the services that have established limitations that may be waived by ODP. A process for requesting an exception to the waiver funded service limits for Waiver funded respite services has been in place.

Effective July 1, 2012, the waivers added a lifetime dollar limit of \$10,000 per participant for assistive technology. This lifetime limit may be extended by ODP by way of an exception process. ODP has modified the current service exception process and form to include assistive technology.

REQUEST PROCESS FOR AN EXCEPTION TO THE ESTABLISHED WAIVER SERVICE LIMITS

Only the following waiver funded services and limits may be extended by ODP:

Waiver Limit that may be extended by ODP	Services Included/Situation
Thirty (30) day units of 24-hour respite per participant in a period of one fiscal year	Respite—In-Home, 24 Hour Service Respite – Unlicensed Out-of-Home, 24 Hours Respite – Licensed Out-of-Home, 24 Hours Respite Camp, 24 hours
480 (15 minute) units of 15-minute respite per participant in a period of one fiscal year	Respite – In-Home, 15 Minutes Respite – Unlicensed Out-of-Home, 15 Minutes Respite – Licensed Out-of-Home, 15 minutes Respite Camp, 15 minutes
Respite service location	Provision of respite above a home's approved program capacity Provision of respite in a non-waiver funded residential setting licensed under 55 Pa Code Chapters 6400, 6500, 3800 or 5310
Lifetime limit of \$10,000 per participant	Assistive Technology

In order to ensure that service limit exceptions are consistently recorded, tracked, and processed in a timely manner, ODP developed a standard procedure and corresponding form, the [DP 1023](#), to record information. The procedure and form have been revised to reflect the approved waiver services that, as of July 1, 2012, are subject to an exception request process. The information requested in the [DP 1023](#) form will be used to process the request and facilitate the payment of claims that result from approved exception extension requests.

GENERAL REQUIREMENTS/PROCESS

If after review and discussion by an Individual Support Team (ISP) Team, a determination is made that additional respite services or assistive technology supports are needed beyond the established waiver limits, the following steps should be taken to request an exception:

1. Each limit exception request must be specific to a single individual, situation and period of time.

2. The SCO will complete the [DP 1023](#) form and forward it to the appropriate AE.
3. The AE will review the request and submit the form and their recommendation to the ODP Regional Office assigned to their area.
4. A provider should not render services beyond the applicable waiver limit without receiving ODP approval. If an extension request for approval **has not been submitted and granted** by ODP, any claim submitted for that service will be denied even if the service is authorized in an approved plan.

Please see the instruction page of the [DP 1023](#) form for more details regarding the process and information needed to request an exception to the established waiver service limits.

RESPITE SERVICE EXCEPTION REQUESTS

1. If more than one provider is requesting an exception to the fiscal year unit limitation for respite for the same individual for non overlapping dates of service, the SCO should examine the utilization in order to accurately calculate the units requested. This should be done before completing the [DP 1023](#) form and submitting the request. **A separate [DP 1023](#) form should be completed for each provider who is requesting an exception to the fiscal year unit limitation for respite.**
2. A request based solely on the individual's need for activities or camp should be critically reviewed by the AE to determine if respite is the appropriate service designation.
3. ODP will review respite service unit exception requests to determine whether the request is consistent with the approved Waiver Service definitions and is supported by information maintained in Home and Community Services Information System (HCSIS), such as the person's ISP and service notes.

For example, a request for an exception to the 480 units per fiscal year respite limit for someone in the Consolidated waiver must be consistent with the approved Waiver Service Definition and describe the need to supervise/support the individual "on a short term basis due to the absence or need for relief of those persons normally providing care."

Situations that could meet the criteria for respite services include:

- Family crisis/emergency to which the primary caregiver must attend.
- Medical illness/surgery of the caregiver or other family member.
- Temporary absence of caregiver.
- Events related to another family member (college graduation, marriage, etc.).
- Need for a vacation or relief to relieve stress of the caregiver.

Respite service limit exception requests would be rejected if the request:

- Exclusively identifies the individual's need/desire for additional activities/camp, (since respite is a service for the primary caregiver(s)).

- Fails to specify why the primary caregiver requires additional respite services.
 - Requests services for parents to be able to continue to work while their children are out of school (“respite services do not cover the care provided to a minor child when the primary caregiver or legally responsible individual is absent due to work”).
4. Waiver funded 6400 licensed residential providers are *not* permitted to provide respite beyond their approved program capacity except under emergency circumstances following the procedures outlined in [Informational Packet #066-12](#), which details the ODP procedure for emergency respite. Other Waiver funded licensed residential providers (settings licensed under 55 Pa Code Chapters 6500, 3800 or 5310) may not provide waiver funded respite beyond the setting size limits established in the current Consolidated waiver.
 5. If respite in a non-waiver funded residential setting licensed under 55 Pa Code Chapters 6400, 6500, 3800 or 5310 is being considered, ODP expects the AE to consider the following in its review prior to making a recommendation to ODP:
 - Demonstration that alternative supports in waiver funded residential settings within the region have been explored and are not available and that the proposed service location is the most appropriate, integrated, and community based setting available that can meet the persons needs ,
 - The individual and team concur with the request,
 - Adequacy of the staffing ratio,
 - There has been consideration of current residents regarding topics such as privacy, compatibility, and preferences, and
 - Safeguards exist to protect the personal possessions of current residents

In no event can waiver funded respite be provided in a nursing home, hospital, personal care home or ICF/ID.

ODP will determine if documentation substantiates that alternative supports in a waiver funded residential settings within the region have been explored and are not available and that the proposed service location is the most appropriate, integrated, and community based setting available that can meet the persons needs, or whether additional information is required from the AE to make an authorization decision.

6. If approval has already been granted by ODP (via the [DP 1037](#) form) for respite on an emergency basis resulting in an exception to the waiver limits, the [DP 1023](#) form *need not be completed in its entirety*. In the section of the form requesting a description of the circumstances, the AE should note that approval was previously granted and attach that documentation (a copy of the completed [DP 1037](#) form).

If there are concerns about ODP's decision regarding any respite exception request or questions about the effect that ODP's action concerning any respite request may have on the provision of residential habilitation waiver services, the provider should contact the ODP Regional Office assigned to their region before considering any adverse action.

ASSISTIVE TECHNOLOGY LIFETIME LIMIT EXTENSION REQUESTS

1. The limit of \$10,000 is effective July 1, 2012. Any waiver funded assistive technology costs incurred prior to that date are not included in the dollar limit.
2. The request must specify the item, equipment or product to be provided, its cost and the recommendations from the independent evaluation.
3. ODP's approval of any extension request is contingent upon demonstration that other less costly alternatives have been considered and determined not to be an effective option(s).

FORM LOCATION

The DP 1023 form, titled ***Request for Exception to Established Service Limits or Maximum Number of Service Units***, and instructions are located on www.odpconsulting.net > Resources > ODP Forms. Click on the following hyperlink to directly access the DP 1023 form:

[http://documents.odpconsulting.net/alfresco/d/d/workspace/SpacesStore/3db8b67e-c6c4-444d-bdf6-34d3c1fb11ef/Request for Exception to Established Service Limits- Respite Services Form DP 1023.pdf](http://documents.odpconsulting.net/alfresco/d/d/workspace/SpacesStore/3db8b67e-c6c4-444d-bdf6-34d3c1fb11ef/Request%20for%20Exception%20to%20Established%20Service%20Limits-%20Respite%20Services%20Form%20DP%201023.pdf)

OBSOLETE COMMUNICATION

Informational Packet # 078-10, titled "Request for exception to established service limits or maximum number of service units", is made obsolete with the issuance of Informational Packet # 067-12.