



COMMONWEALTH OF PENNSYLVANIA  
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**JAN 11 2008**

Dear Colleague:

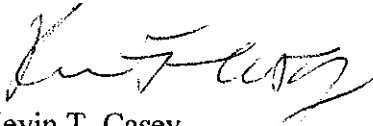
Please find enclosed a summary report of service reviews completed by the Office of Developmental Programs (ODP) for October 1, 2005 through June 30, 2007.

In October 2005, the ODP started a process to ensure that Administrative Entities (AEs) were following Consolidated and Person/Family Directed Support Waiver policies and procedures in making decisions regarding Waiver services and participants. This new process involved the review of fair hearing requests made by Waiver participants or their representatives. (This initially covered participants in the Consolidated Waiver only, effective October 1, 2005. Service reviews were extended to participants in the Person/Family Directed Support Waiver, effective July 1, 2006). The service review is completed by ODP staff before the fair hearing and the findings resulting from that review are shared with the individual and their family/representative, the AE, and the Department of Public Welfare's Bureau of Hearings and Appeals.

We believe this summary analysis of services reviews conducted over an extended period provides valuable information to ODP, AEs and other stakeholders that will help to provide greater consistency in the application of Waiver requirements, to pinpoint policy gaps and to focus on training efforts.

Please feel free to contact your Regional Program Manager if there are any questions.

Sincerely,



Kevin T. Casey

Enclosure

# Service Review Analysis

## **Purpose and General Overview**

Beginning October 1, 2005, the Office of Developmental Programs (ODP) established and implemented a protocol to ensure consistent application of waiver policies and procedures and to create a more timely appeal resolution process. This involved conducting a review of fair hearing requests for individuals enrolled in the Consolidated Waiver. The protocol required that ODP conduct a review of each fair hearing request filed for individuals in the Consolidated waiver, in advance of the fair hearing, in order to assure that applicable waiver requirements, policies, and procedures were appropriately applied. The process, commonly referred to as the service review process, was extended to include individuals in the Person/Family Directed Support Waiver (P/FDSW) as of July 1, 2006.

In addition to the review of individual situations involving waiver participants, this provides an opportunity to examine every fair hearing request and pinpoint areas where performance may need improvement and/or policies need further development or clarification. ODP is tracking the reasons for appeals and analyzing findings to identify patterns or trends that will help to inform us for continuous quality improvement.

This is the first summary report issued by ODP covering service reviews received from October 1, 2005 through June 30, 2007 and provides a summary of findings and recommendations.

## **Scope**

For the period October 1, 2005 through June 30, 2007, there was a total of one hundred and twenty-nine service reviews initiated. They were distributed regionally as follows:

<b>Number and Percentage by Waiver Type</b>	<b>Central Region No (%)</b>	<b>Northeast Region No (%)</b>	<b>Southeast Region No (%)</b>	<b>Western Region No (%)</b>	<b>Statewide Total No (%)</b>
Consolidated	12 (71%)	16 (70%)	29 (63%)	38 (88%)	95 (74%)
P/FDSW	5 (29%)	7 (30%)	17 (37%)	5 (12%)	34 (26%)
<b>Total</b>	<b>17</b>	<b>23</b>	<b>46</b>	<b>43</b>	<b>129</b>

When examining the numbers by Waiver type, it is important to consider that the service review process initially started for hearing requests related to Consolidated Waiver participants only. The distribution, based on the effective dates of the ODP policy and expansion of the protocol to the P/FDSW follows:

<b>Number of service reviews Conducted</b>	<b>Central Region</b>	<b>Northeast Region</b>	<b>Southeast Region</b>	<b>Western Region</b>	<b>Statewide Total</b>
<i>From 10/1/05 - 6/30/06 Consolidated Waiver only</i>	2 (12%)	6 (26%)	14 (30%)	8 (19%)	30 (23%)
<i>On or after 7/1/06 -6/30/07 Consolidated Waiver</i>	10 (59%)	10 (44%)	16 (35%)	31 (72%)	67 (52%)
<i>PFDSW 7/1/06 -6/30/07</i>	5 (29%)	7 (30%)	16 (35%)	4 (9%)	32 (25%)

The expansion of the service review to include P/FDSW has resulted in an expected increase in volume. The average monthly volume of reviews statewide during the initial phase (Consolidated Waiver participants only) was slightly more than three per month. The monthly average has risen to slightly more than eight per month since P/FDSW reviews have been added. The inclusion of P/FDSW participants does not solely account for the increase: the average number of Consolidated Waiver service reviews is about six per month (up from the pre-July 2006 level of 3.3 per month).

The variation among regions (in the number and percentage of P/FDSW service reviews) merits further analysis in the next ODP report.

**Timelines**

The service review bulletin (00-06-13) specifies that ODP’s “findings will be mailed to the individual or family, the Administrative Entity (AE) and the Bureau of Hearings and Appeals (BHA) within fifteen calendar days following the receipt of the appeal”.

The statewide average from the date of receipt of the Fair Hearing Request Form from the AE to completion of the review was twenty-three days. The fifteen day threshold was not met by any region, with a range of seventeen to twenty-seven days. The fifteen calendar day requirement was set in order to ensure that the service review was completed in advance of the fair hearing. ODP will re-examine the fifteen day requirement and accompanying internal procedures to determine if efficiencies can be realized or the timeline requirements can be changed and still provide the appellant and other parties with sufficient time to evaluate the findings before the fair hearing is held.

## Geographic/AE Distribution

During this period, there were twenty-seven AEs with service decisions that prompted fair hearing requests and subsequent service reviews. There were nine AEs that had five or more service reviews and three AEs (the three largest AEs in terms of number of people registered) accounted for almost one-third of the statewide total:

AE	Number of service reviews	Percentage of Statewide Total <sup>1</sup>
Allegheny	20	16%
Montgomery	17	13%
Philadelphia	16	12%
Bucks	10	8%
Lehigh	8	6%
Lancaster	7	5%
Butler	7	5%
CMSU	5	4%
Beaver	5	4%
Berks	4	3%
Lackawanna/Susquehanna	4	3%
Lebanon	4	3%
Delaware	2	2%
Erie	2	2%
Luzerne/Wyoming	2	2%
Mercer	2	2%
Schuylkill	2	2%
Washington	2	2%
Westmoreland	2	2%
Bradford/Sullivan	1	1%
Chester	1	1%
Northampton	1	1%
Wayne	1	1%
Dauphin	1	1%
Armstrong/Indiana	1	1%
Crawford	1	1%
McKean	1	1%

As part of the ODP oversight process, each AEs policies and procedures are reviewed to ensure that they adequately address due process rights and responsibilities. Adherence to Waiver requirements is verified through the review of individual records. Both the AEs that seem to

<sup>1</sup> The statewide percentage does not equal 100% due to rounding.

have “high” volume and those that had no fair hearing requests involving Waiver participants will be subject to critical examination through the oversight process.

### Reasons for Appeals

In order to facilitate this and future analyses, ODP developed a template to record basic information regarding each service review. This form includes the reason(s) that the AE cited for making the decision and/or the appellant cited for filing the appeal.

Below is a summary of the reason(s):

Reason Cited for AE Action or Appellant’s Appeal	Percentage of service reviews <sup>2</sup>				Statewide Total
	Central Region	Northeast Region	Southeast Region	Western Region	
The service/ service level requested is/are not Waiver eligible	24%	46%	34%	37%	35%
The service[s]/service levels requested has been determined to be necessary, however, the AE/County does not currently have the funds available to authorize such service[s]/service levels	29%	23%	7%	10%	13%
The service[s]/service levels has been determined not to be necessary to assure health and safety or to prevent institutionalization	6%	0	20%	7%	10%
The service[s]/service levels are available through other funding means i.e. Early Periodic Screening, Diagnostic, and Treatment (EPSDT), HealthChoices, Fee-for-Service, Office of Children Youth and Families (OCYF), Office of Mental Health and Substance Abuse Services (OMHSAS)	0	0	7%	2%	4%
Denial of choice of qualified eligible provider	0	5%	4%	5%	4%
Service[s]/service levels are reduced, suspended or terminated	47%	10%	24%	23%	24%
Procedural Violations	0	14%	11%	12%	10%

ODP will review the standard template to ensure that each region is making the same categorization. In addition, this information being used to record information from the AE may also include information from the appellant, when he/she includes a reason (other than that included by the AE) in the appeal request. We intend to revise our data collection tool so that this information is captured and analyzed separately.

<sup>2</sup> The percentage may not equal 100% due to rounding. Some of the service reviews involved more than one reason for the action and/or hearing request.

## The Office of Developmental Programs (ODPs) Findings

Summary service review findings are noted below, by region:

Type/Category of Service Review Finding	ODP "Findings", by Percent				
	Central Region	Northeast Region	Southeast Region	Western Region	Statewide Total
<i>Concur with AE</i>	82%	61%	56%	77%	69%
<i>Direct AE to</i>					
<input type="checkbox"/> Assist the individual/family in obtaining services or denial from other funding source	6%	12%	6%	2%	19%
<input type="checkbox"/> Provide requested service/service level	6%	12%	3%	4%	14%
<input type="checkbox"/> Authorize service/service level for individual's qualified provider of choice	0	4%	0	0	1%
<input type="checkbox"/> Continue/reinstate service/service level in current ISP	0	0	1%	7%	6%
<input type="checkbox"/> Convene county meeting	6%	4%	24%	0	27%
<input type="checkbox"/> Conduct an assessment to determine level of need	0	12 %	11%	9%	28%
<input type="checkbox"/> Provide appropriate notice of county action within procedurally required timeframes	0	0	3 %	0	5%

Of the one hundred and twenty nine service reviews, ODP concurred with the AEs action/decision in 69 percent of the reviews. Because a consistent determination was not made by each region about whether any instructions or directions provided to the AE constituted "non-concurrence", a precise percentage of reviews resulting in a finding of non-concurrence could not be made. For example, the AE is procedurally required to offer the appellant a county meeting. In the absence of making such an offer, it is important to advise all parties of the need to do so. That may not alter the fact that the AE appropriately determined that a requested service is not Waiver eligible but in such instances a "concur with AE finding" may be accompanied by a request for the AE to take specific action(s).

"Procedural" issues should be captured separately and, for each service review, ODP should explicitly determine if there is concurrence or non-concurrence with the AEs decision.

### Next Steps

Based on this initial report, the following are recommended next steps:

1. Re-examination of the fifteen day time frame for ODP to complete the service review. This should include an examination of factors affecting current timing and potential changes to the process.

2. Enhanced tracking of the results of fair hearing to determine the extent to which ODPs findings were upheld.
3. Revise the service review data collection tool and policy as noted in this summary.
4. Development of quality management process to examine inter-rater reliability and ensure consistency of decision making by ODP.
5. Review and revise internal tracking form and process to track trends and facilitate future analysis, including reasons for appeals and service review findings. Trends will be added to future service review summary reports.
6. Continue to evaluate service review findings and analysis for training and policy needs.