

Coronavirus Disease 2019 (COVID-19):

Temporary Modifications to Waiver and Regulatory Requirements to Support Adequate Staffing

ODP Announcement 20-032

AUDIENCE:

All Stakeholders

PURPOSE:

To announce the temporary modification of certain regulatory requirements and requirements in the Consolidated, Community Living, Person/Family Directed Support and Adult Autism Waivers to help ensure adequate staffing during the COVID-19 pandemic.

DISCUSSION:

The Department of Human Services, Office of Developmental Programs (ODP) is temporarily modifying certain waiver and regulatory requirements in recognition of staffing issues resulting from COVID-19. These modifications are designed to provide for safe and effective staffing by offering greater flexibility in hiring, retaining and utilizing staff and will remain in place until further notice.

Please note that these modifications do not apply to Supports Coordination Organizations.

Modification #1 – Staff qualified under any service definition in the waiver may render any service, with exceptions.

Each waiver service definition includes a list of qualifications staff must meet to render the service. Staff must qualify for each service they are going to render. To allow redeployment of direct support and clinical staff to provide services where they are most needed during the COVID-19 pandemic, staff persons that meet the qualifications for any one waiver service may render any other service, even if the qualifications are different, except for services that require specific training, education, certification, or professional licensure.

Services that require specific training, education, certification, or professional licensure in the Consolidated, Person/Family Directed-Support, and Community Living waivers include:

- Behavioral Support
- Consultative Nutritional Services
- Shift Nursing
- Supports Coordination
- Therapy Services-Therapies, Music Therapy, Art Therapy, Equine Assisted Therapy

Services that require specific training, education, certification, or professional licensure in the Adult Autism Waiver include:

- Nutritional Consultation
- Family Support
- Specialized Skill Development- Behavioral Specialist Services
- Specialized Skill Development- Systematic Skill Building
- Supports Coordination
- Therapies
- Shift Nursing

Providers must ensure that staff receive training on each individual's Individual Support Plan (ISP) to whom the staff will render services, including the Behavioral Support Plan (BSP) and Crisis Intervention Plan (CIP). The training must include, at a minimum, the individual's specific abilities and needs in the areas of:

- Communication
- Mobility
- Behavior support
- Eating / Feeding

Additionally, staff must take the ODP's *Fatal Four: Understanding the Health Risks of Four Common Conditions* training at <https://www.myodp.org/course/view.php?id=1342>.

Modification #2 – A staff person may work for more than one provider, but only one provider needs to determine that the staff person is qualified to render a waiver service.

Providers are responsible for determining whether staff meet the qualifications to render a waiver service. Under normal conditions, if a staff person is employed by multiple providers to

render a waiver service, each provider is responsible for verifying that the staff person is qualified to render the service. However, in order to ensure that there are enough staff to meet individuals' needs during the COVID-19 pandemic, only one provider must verify that a staff person is qualified.

ODP encourages providers to collaborate with one another to ensure that individuals receive the services and support needed. Providers are asked to supply staff in their employ with a letter¹ that includes:

- The provider's IRS name
- The provider's Master Provider Index number
- The provider's contact information
- The staff person's name
- The staff person's date of birth, and
- A list of waiver services the staff person is currently qualified to render, **or** a statement reading that the person is "qualified to render any waiver service except those that require specific training, education, certification, or professional licensure as specified in ODP Announcement 20-032."

Staff may present this letter to any other provider as evidence of meeting qualifications to render waiver services. Providers using these letters as evidence of qualifications may contact the ODP Provider Qualification mailbox at ra-odpproviderqual@pa.gov to verify that the provider who supplied the letter is enrolled and in good standing with ODP.

Modification #3 – Initial orientation does not need to include application of person-centered practices, community integration, individual choice and assisting individuals to develop and maintain relationships / Extension granted for SPeCTRUM 2.0 training.

55 Pa.Code Chapters 2380, 2390, 6100, 6400, and 6500 provide content areas that must be presented as part of an initial orientation to new staff.

Included in these content areas is a requirement that the orientation include "the application of person-centered practices, community integration, individual choice and assisting individuals to develop and maintain relationships." The requirement to provide this content is suspended.

¹ Providers who elect to issue such letters may do so in a manner of their choosing, e.g. issuing the letter to all staff simultaneously, issuing the letter upon a request, etc.

All of the other content areas specified in regulation **must** be provided.

Under normal operating conditions, successful completion of the SPeCTRUM 2.0 training course is required for all staff rendering Adult Autism Waiver services before providing such services. This requirement is modified such that staff may complete the course within 30 days of the first date of service delivery.

Modification #4 –Minimum numbers of annual training hour requirements are suspended.

55 Pa.Code Chapters 2380, 2390, 6100, 6400, and 6500 provide minimum numbers of hours of annual training (24 hours and 12 hours, respectively) that must be provided to select staff. The requirements to provide the minimum numbers of annual training hours is suspended.

Note that the requirement to **provide** training is **not** suspended (see “Modification #5” below); the suspension is limited to the number of hours of training that must be provided.

Modification #5 – Annual training does not need to include application of person-centered practices, community integration, individual choice and assisting individuals to develop and maintain relationships.

55 Pa.Code Chapters 2380, 2390, 6100, 6400, and 6500 provide annual training content areas.

Included in these content areas is a requirement that the training include “the application of person-centered practices, community integration, individual choice and assisting individuals to develop and maintain relationships.” The requirement to provide this content is suspended.

All of the other content areas **must** be provided².

Modification #6 – ODP’s Modified Medication Administration Training Course is acceptable for new staff in licensed settings.

55 Pa.Code Chapters 2380, 2390, 6100, and 6400 provides that a staff person can administer medications to individuals if the staff person successfully completes an ODP-approved medication administration course. A “standard” medication administration course is required to administer medications in Community Homes, Adult Training Facilities, and Vocational Facilities. A modified version of the course is available for life sharers and service locations that are not licensed by ODP.

² Providers who only render Adult Autism Waiver services may delay all annual training requirements specified at 55 Pa. Code § 6100.143 until July 1, 2020. See ODP Communication 19-156 for details.

In order to ensure that individuals who require assistance with medication receive such assistance, new staff may administer medications after they:

1. Complete ODP's Modified Medication Administration Training Course, available on [www.MyODP.org \(https://www.myodp.org/course/index.php?categoryid=11\)](https://www.myodp.org/course/index.php?categoryid=11), and
2. Receive training from the provider on the use of the provider's medication record for documenting the administration of medication, and
3. Are observed administering medications four times by a Certified Medication Administration Trainer or Certified Medication Administration Observer, *unless* a trainer or observer is not available due to COVID-related conditions. Observation may be conducted in-person or remotely using video interface technology; remote observation is encouraged to maintain social distancing, and
4. Are observed applying proper handwashing and gloving techniques one time by a Certified Medication Administration Trainer or Certified Medication Administration Observer, *unless* a trainer or observer is not available due to COVID-related conditions. Observation may be conducted in-person or remotely using video interface technology; remote observation is encouraged to maintain social distancing.

Providers must retain record of staff's completion of the Modified Medication Administration Training Course by retaining a copy of the certificate of completion.

Modification #7 – Certification for Medication Administration Trainers is extended to August 31, 2020 / Annual Practicum Recertification deadline extended.

Certification for anyone who is currently a Certified Medication Administration Trainer is extended to August 31, 2020.

The standard medication administration course required to administer medications in Community Homes, Adult Training Facilities, and Vocational Facilities includes an in-person component. ODP is developing an online-only course for new trainers and current trainers who need recertification. Information about the online-only standard course will be released prior to its implementation.

Additionally, the annual practicum deadline for any current staff who would be due to be recertified on or before May 31, 2020 has been extended to June 30, 2020.

FREQUENTLY ASKED QUESTIONS CURRENTLY UNDER REVIEW

ODP has received many inquiries about waiver and regulatory requirements that are not addressed in this announcement. Please be advised that the ODP is actively reviewing these inquiries and collaborating to produce a consistent and accurate response to them. Topics currently under review include, but are not limited to:

- Initial physical examinations for individuals and staff
- Supporting individuals who are employed outside the home during the COVID-19 pandemic.
- Delays in obtaining FBI criminal background clearances per the Child Protective Services Act and the Older Adults Protective Services Act
- What to do if a staff person or an individual test presumptive positive / positive for COVID-19
- Compliance expectations for *Community Participation Supports for Direct Support Professionals* during the COVID-19 pandemic
- Compliance expectations for First Aid and CPR training COVID-19 pandemic

ONGOING GUIDANCE

ODP is continuously gathering information about COVID-19 and its potential impact on service delivery. Additional guidance regarding waiver and regulatory modifications will be provided on an ongoing basis. Please continue to monitor ODP's announcements to stay abreast of new COVID-19 developments.

CONTACT

Please contact ODP at RA-PW6100REGADMIN@pa.gov with any questions about this announcement.