Pennsylvania DEPARTMENT OF HUMAN SERVICES

Home Modification Quality Improvement Program – Response to Public Comment

The purpose of this communication is to summarize and address the public feedback received on the Department of Human Services' (DHS) proposed "Regional Broker Model" for the home modification waiver service. The Regional Broker Model is designed to improve the way we provide home modifications for individuals that we serve and increase the opportunity for them to live in the community. DHS has received and reviewed all comments and questions from the public comment period.

**Introduction:** In an effort to provide continuous quality improvement and to better serve participants, DHS is reviewing the current structure of its home modifications service as provided through the Consolidated, P/FDS, Autism, Aging, COMMCARE, Independence, and OBRA Waivers. DHS seeks to increase accountability and predictability; create consistency across the waivers; and identify options for quality improvement strategies and process improvement.

On June 3, 2015, DHS issued the Home Modification Quality Improvement Program Discussion Document to solicit feedback on the proposed Regional Broker Model for the home modification waiver service. DHS received over 250 comments, recommendations and questions from over 50 organizations including counties, Area Agencies on Aging, Centers for Independent Living, Service Coordination Entities, individuals and families, advocates and providers.

**Overview of the Proposed Regional Broker Model:** Under the proposed Regional Broker Model, home modification services would be coordinated through a designated broker. To achieve this new model, the commonwealth will be divided into regions with one broker selected per region through a competitive procurement process.

Brokers will be required to demonstrate construction expertise and knowledge of home modifications needs of aging individuals and those with disabilities. Additionally, brokers would manage a network of qualified contractors to provide the modifications. Participants would have choice in selecting the contractor to deliver the service.

Brokers would not be eligible to serve as a contractor, but may provide other home and community-based (HCBS) services if they can demonstrate their ability to remain conflict-free. Brokers will be required to be Medical Assistanceenrolled providers. In addition, Organized Health Care Delivery System (OHCDS) vendors will no longer be responsible for coordinating home modifications, although OHCDSs will continue to be authorized to provide other services.

**Response to Comments**: DHS catalogued the comments, recommendations and questions regarding the Regional Broker Model into the eight following areas:

- Broker Qualifications and Responsibilities
- Regional Approach
- Contractor Selection, Qualifications, Responsibilities
- Payment Processes
- Broker Model Process Topics
- Quality of Work and Complaint Processes
- Procurement Process and Timelines
- DHS Oversight

The table below provides a summary of the comments in each category along with DHS' response.

Comment Category	DHS Response
<ul> <li>Broker Qualifications and Responsibilities:</li> <li>Comments and recommendations in this category focused on the need for regional brokers to have the proper qualifications for managing home modifications services for older adults and adults with disabilities. Feedback included recommendations that brokers should be knowledgeable of ADA requirements, have construction and home modifications expertise and experience working successfully with older adults and persons with disabilities and their family members, caregivers, and support staff.</li> <li>Additionally requests were made for clarification on the responsibilities of the broker and the differences between the role of the Service/Supports Coordinator (SC) and the broker.</li> </ul>	<ul> <li>Proposed Broker Qualifications:</li> <li>DHS has developed a draft of detailed qualifications for the regional brokers. Many of the recommendations provided through the public comment process are included in this qualifications document. Please refer to Attachment A for a summary of the list of proposed broker qualifications.</li> <li>Proposed Broker Responsibilities:</li> <li>Similarly, DHS has developed a description of proposed broker responsibilities. The role of the Regional Broker will differ from the role of the Service/Supports Coordinators (SC). Some of the current tasks performed by the SC will transfer to the broker.</li> <li>In summary the role of the SC will be to work with the participants, their families and teams, to coordinate the need for service. The SC is responsible for referring the case to the broker and can work with the broker and family to select a contractor. SCs will also continue to be responsible to ensure the ISP is up to date with the service, cost of service and the contractor information. The SC is not responsible to oversee the work of the contractor. Under the new model, 'project management' and responsibility for completion of the home modification is the responsibility of the broker.</li> </ul>
<ul> <li>Regional Approach: DHS received several comments and questions regarding the regional approach. Specific questions included:</li> <li>What is the number of proposed regions?</li> <li>What counties are included in the planned regions?</li> <li>What will the staff to participant ratio be in each region? Will there be satellite offices?</li> <li>Will the regional broker have enough staff to sufficiently meet the needs of the entire region?</li> <li>How will the Regional Broker Model regions align with Managed Long-Term Services and Supports (MLTSS) regions?</li> </ul>	<ul> <li>DHS has determined that the geographical boundaries for Regional Broker Model will align with the current HealthChoices regional boundaries. These boundaries are by county as follows:</li> <li>Southeast Zone - Bucks, Chester, Delaware, Montgomery and Philadelphia counties</li> <li>Southwest Zone - Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Fayette, Green, Indiana, Lawrence, Somerset, Washington and Westmoreland counties</li> <li>Lehigh/Center Zone - Adams, Berks, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Lancaster, Lebanon, Lehigh, Northampton, Perry and York counties</li> <li>Northwest Zone - Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango and Warren counties</li> <li>Northeast Zone - Bradford, Carbon, Centre, Clinton, Columbia, Juniata, Lackawanna, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne and Wyoming counties</li> <li>Brokers must demonstrate the capacity to locate and obtain quality contractors in its designated region to provide the requested home modifications service. Brokers must demonstrate their ability to provide</li> </ul>

Comment Category	DHS Response
	enough staff to serve all participants in their designated region. Interested brokers will demonstrate their capacity to meet these requirements in their RFP responses. Interested brokers that are unable to convey their ability to meet these requirements will not be selected by DHS as a regional broker. DHS is still considering the future alignment of the MLTSS regions.
Contractor Selection, Qualifications, Responsibilities: Comments, recommendations and questions in this category are focused on elements of the contractor including: • Contractor network • Bidding process and contractor selection	<b>Contractor Network:</b> Brokers must develop a network of contractors who are qualified to provide home modification services to expedite the bid collection process. Brokers must proactively check contractor qualifications so that when bids are needed they are able to promptly provide an adequate number of contractor bids to support individuals in making a choice between contractors. Contractors may work with brokers in more than one region.
<ul> <li>Participant choice of contractor</li> <li>Contractor qualifications</li> </ul>	DHS has developed a detailed draft of contractor qualifications. Brokers will be responsible for ensuring that all contractors within their network meet these qualifications before accepting a bid to present to participants. Additional details on the proposed contractor qualifications are below.
	<b>Bidding Process and Contractor Selection:</b> Brokers will be required to obtain at least two bids from qualified contractors. Contractors will make bids based on the job specifications developed by the brokers. Brokers will not solicit or accept bids from contractors that do not meet the qualification requirements. Under the new model, direct service providers and contractors will no longer submit their bids to the SC. Bids will be submitted directly to the brokers.
	Brokers will be responsible for presenting the bids to the participant. Once the participant selects a contractor and the service has been authorized on the individual's plan, the broker will establish an agreement with the contractor for the work to be completed.
	<b>Participant Choice:</b> Participants will have a choice of contractor in this new model. Brokers will obtain bids from qualified contractors and present the bids to the participants (and families, teams, etc.). The SC may assist the participant in contractor selection, if requested by the participant.
	Participants may request the broker obtain a bid from any contractor, as long as the contractor meets the qualifications set forth by DHS.
	<b>Contractor Qualifications:</b> DHS has developed a draft of detailed qualifications for contractors. Many of the recommendations provided through the public comment process have been included.

Comment Category	DHS Response
	Please refer to Attachment A for a summary of the list of proposed contractor qualifications.
Payment Processes:         DHS received comments and questions         regarding the payment processes that         will be used to compensate the         Brokers and the contractors. In         addition, several comments were         provided regarding the PMPM         financial model proposed by DHS,         including how the PMPM would be         established and the benefit it would         provide as opposed to the current fee         for service model.         Feedback reiterated that brokers         should be held accountable for the         quality of the work. Additional         questions included how the new         model would handle contingency         funding, stranded costs, caps or cost         limits and the use of PROMISe for         claiming submission and payment.	Administrative Fee with a Withhold Amount DHS has decided to use an administrative fee financial structure for the Regional Broker Model instead of a PMPM. DHS will pay the Broker an administrative fee for each home modification performed through the broker but will hold a portion of the fee at risk for achieving annual targets. Potential brokers will be required to propose an administrative fee in their proposal response. Payment Processes and Billing through PROMISE Contractors and brokers will negotiate cost of the modification during the bidding process. Costs must reflect the modification and the detailed job specifications; and must be itemized. Costs must be consistent with the prevailing market rate. Brokers will bill an administrative fee per home modification as well as bill the actual cost of the home modification through PROMISe. Contractors will bill the broker directly and the broker will pay the contractor directly. Contractors will determine the time frame for remittance of payment, i.e. whether contractor may be paid some money upfront. Specific timelines for payment and standard cost or fee schedules for types of home modifications The current caps, or cost limit for home modifications, established by each of the waivers remains unchanged. Contingency Funding and Stranded Costs Processes for handling a need for contingency funding were recommended to be considered by DHS. DHS is considering options with the administrative fee payment model including contingency funding and stranded costs not being a concern of the broker. Immedia to Quality of Mark
	Impacts to Quality of Work Brokers will be accountable for the quality of the home modification, enforced through the withholding of a portion of the administrative fee from the broker until the broker demonstrates that the service level agreement for that modification has been met. This practice will mitigate the risk of the broker approving poor workmanship or use of inadequate materials.
Broker Model Process Topics: Comments, recommendations and questions in this category relate to various steps in the process that are not addressed by other categories. Specifically, this category addresses:	<ul> <li>Process Steps and Timelines:</li> <li>DHS has drafted a proposed process for the Regional Broker Model. A high level summary of the steps are:</li> <li>SC and family/participant determine participant need;</li> <li>Broker visits home and evaluates job specifications;</li> <li>Broker finds contractors and obtains bids;</li> </ul>

#### **Comment Category**

- Process steps and timelines: many recommendations were provided on the maximum time allowed for the completion of a job. Other processes related feedback included service authorization and communications processes.
- Eligibility: questions were received on both the individuals eligible to participate in the new model and the types of settings eligible to receive modifications.
- Service definitions: many recommendations were received on the types of home modifications that should be allowable under the broker model.
- Provider types: questions were received regarding providers including impacts to the OHCDS delivery model.
- Nursing Home Transition Program (NHT): clarification was requested regarding the NHT program implications.
- Protection of private information: stakeholders wanted confirmation that private and personally identifiable information for waiver consumers would be protected and how DHS plans to handle disaster recovery.
- Conflict Free: feedback expressed concern that the proposed conflict free language was too prohibitive.

#### **DHS Response**

- SC (if asked by the participant) and broker work with participant/family to select contractor;
- Participant/family selects contractor;
- Service is authorized by the Administrative Entity, Regional Office or SC (depending on the waiver);
- Broker acts as project manager throughout construction process;
- SC obtains sign-off of completion from family and broker

DHS is continuing to fine-tune the above process steps, including determining if any changes to adding services to the Individual Service/Support Plan will be needed and the specifics regarding participant sign-off of the completed project.

DHS is determining appropriate timelines for each step in the process (development of job specifications, collection of contractor bids, selection of contractor, start of job, completion of job) and has created as a service level agreement (SLA) that will be included in the broker contracts for each timeline. The purpose of including timeliness as an SLA is to hold brokers and contractor accountable and to ensure participants receive home modifications in a timely manner. DHS recognizes that without timely completion of a home modification, individuals may not be able to stay or return home. Specific timelines are still be drafted and will be included in the RFP.

#### **Eligibility:**

At this time, the implementation of the Regional Broker Model for the home modifications service will only impact the Consolidated, P/FDS, Autism, Aging, COMMCARE, Independence, and OBRA waivers. Individuals in the Department of Aging's Options program will not be part of the new model. Similarly, individuals in DHS' current managed care programs (LIFE and ACAP) will not be impacted as home modifications are already included in the capitated costs of those programs.

Home modifications cannot be completed for licensed residential settings, which include group homes (regardless of the chapter under which they are licensed). Individuals that live in their own home, or the home of a relative, are able to receive home modifications through the waiver. This is not a change to the current applicability of home modifications.

# Service Definitions:

DHS' Office of Long Term Living (OLTL) and Office of Developmental Programs (ODP) have recently submitted waiver amendments to the Centers for Medicaid and Medicare (CMS) regarding service definition changes.

For OLTL, the service definitions for accessibility adaptations, equipment, technology and medical supplies are separated into four separate service definitions. Only the services allowable under the new accessibility adaptations service definition will be covered by the Regional Broker

Comment Category	DHS Response
	Model for home modifications. Similarly, ODP has removed assistive technology from the service definition for home modifications. At this time, vehicle modifications are not part of the Regional Broker Model and will continue to follow current processes.
	<b>Provider Types:</b> Direct providers of home modification services may be part of the Regional Brokers' informal network of contractors provided they meet the qualifications. Current OHCDS providers may be qualified to become Regional Brokers or contractors.
	DHS is still considering if it will be allowable for brokers to sub-contract their responsibilities and which provider types would be eligible sub-contractors.
	Nursing Home Transition Program: DHS understands that home modifications are critical for some individuals to return home. As such, DHS is reviewing the impacts of the Regional Broker Model on the home modifications processes for individuals returning home through the NHT Program.
	Currently, individuals that are returning home through NHT and will be enrolled in one of the waivers included in the model will be able to receive home modifications. Individuals not enrolling in a waiver upon returning home are not eligible to receive the home modifications service through a waiver. This remains unchanged.
	<b>Protection of Private Information:</b> All brokers and contractors will be required to sign and adhere to HIPAA agreements and other state and federal laws and regulations. DHS is currently developing the guidelines and policy for disaster recovery for this initiative.
	<b>Conflict Free:</b> DHS maintains that compliance with the CMS HCBS Final Rule requires all providers and SC entities must be conflict free. In order to ensure brokers and any subcontractors are conflict free, they cannot also provide service/support coordination to a participant. Furthermore, brokers will not be eligible to also complete the modification as the contractor.
Quality of Work and Complaint Processes: DHS received feedback articulating the need for a clear complaint/appeals processes to be provided to participants. In addition, DHS was asked to clarify how brokers will be held accountable for the quality of work and/or if the participant is not satisfied with the modification.	As part of their contracts with DHS, brokers must develop a process to accept and resolve complaints from participants. Brokers must describe how they will receive, resolve, and ensure the complaints are tracked and reported. The plan must include how the broker plans to analyze complaints and ensure the information is utilized to improve business practices. The complaint process must include at a minimum the following: documentation of the complaint in writing; first level review of the circumstances surrounding the complaint by the broker; and the timeframe by which a response will be received and the nature of that response.

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	If the issue is still unresolved at this level of review, the broker or participant may forward the complaint to the program office (which administers the waiver in which the participant is enrolled) through a process established by DHS. Copies of all complaints, responses and corrective action plans must be kept by the broker for a time period specified by DHS and made available to DHS staff upon request. The broker is required to submit quarterly reports to DHS including complaint summaries and the aggregate numbers of complaints received by type and disposition.
	Brokers will be accountable for the timeliness and quality of the home modification through SLAs. The participant satisfaction survey is one method that will be employed to measure participant satisfaction.
	DHS is still finalizing the participant satisfaction survey and potential broker sanctions.
Procurement Processes and Timelines: DHS received questions on the planned timelines for the implementation of the Regional Broker Model, the implementation approach (statewide or pilot) and the alignment to the MLTSS roll-out. Specific	DHS plans to release the RFPs in late summer 2015 with an expected implementation of the new Regional Broker Model on April 1, 2016. DHS is considering options regarding the duration of the contracts with selected brokers. Home modifications will be made available to Medicaid Waiver consumers through the new Regional Broker Model and will not be included as a service provided in MLTSS.
questions were also received about the length of the contract for the selected brokers.	
DHS Oversight: DHS was requested to provide clarification on the role and expected skill set of the DHS staff that will be responsible for Regional Broker oversight.	DHS staff will be responsible for oversight of the Regional Broker contracts. In such capacity, DHS staff will not be required to be Certified Home Modification Specialists (HMS-C), although they will have experience working with DHS' waiver programs. DHS staff will administer the participant satisfaction survey, review the results and monitor brokers' compliance with the contract and SLAs.
	DHS staff will not be responsible for reviewing the work of the contractors. Rather, this will be the responsibility of the brokers.



Home Modification Quality Improvement Program – Response to Public Comment

## Attachment A – Summary of Broker and Contractor Qualifications and Responsibilities

Attachment A is a summary of the proposed qualifications and responsibilities of both the regional brokers and contractors under the proposed Regional Broker Model.

# Summary of Broker Qualifications and Responsibilities

#### **Proposed Broker Qualifications:**

DHS has developed a draft of detailed qualifications for the Regional Brokers. Many of the recommendations provided through the public comment process have been included. A summary of the proposed qualifications are below.

Brokers must demonstrate qualifications commensurate with the ability to deliver quality home modification services pursuant to DHS policy and regulation. To be considered by DHS, brokers must be conflict free. An Area Agency on Aging (AAA) or a Support/Service Coordination Entity (SCE) may not serve as a broker.

# Knowledge, Experience, and Requirements:

- Must demonstrate knowledge about design, construction, and costs of accessibility modifications.
- Must have experience in Americans with Disabilities Act compliance standards and design.
- Must possess understanding of assistive technology and knowledge of how to incorporate it with modifications or use it as an alternative.
- Must be knowledgeable of Home Improvement Consumer Protection Act requirements.
- Must demonstrate knowledge of the state building code and its applicability, if any.
- Must have experience in contract negotiations and be knowledgeable of contractor bidding processes.
- Must be licensed to drive and have valid driver's license.
- Must be willing to travel throughout designated region to home modification sites.
- Must comply with all DHS standards, regulations, policies and procedures.
- Must have report of criminal history from the Pennsylvania State Police (PSP) and fingerprint-based federal criminal history submitted through the PSP or its authorized agent (FBI).
- Must have a child abuse clearance.
- Must be cleared of any tax liens.
- Previous professional experience in residential remodeling and accessibility adaptations is preferred.

## **Oversight and Management:**

Selected brokers must demonstrate these capabilities as part of their RFP responses:

- A very strong ability to manage construction projects with single or multiple trade contractors, ensuring highquality jobs, timely completion and cost containment.
- The ability to obtain qualified contractors to provide appropriate home modification and ability to manage contractor network.
- The capacity to manage multiple contractors and multiple projects region-wide.
- The ability to work successfully with local code, code officials and building-inspectors.
- The ability to review construction contracts for adequate specificity, for quality of solutions, for price, for time, for code, and for warranty issues.
- The ability to review jobs for potential issues including but not limited to codes, deferred maintenance, lead, mold, asbestos, septic/sewer issues, and structural concerns.

## Professional Skills:

• Must demonstrate the ability to work successfully with people with disabilities and the elderly, and their families.

#### Summary of Broker Qualifications and Responsibilities

- Must possess an understanding of how accessibility adaptations and home modifications will enhance a participant's life if installed properly and be able to educate contractors with respect to such enhancements.
- Must be able to communicate effectively verbally and in writing.
- Must possess the ability to organize and prioritize workload and be results-oriented.
- Must be flexible to reprioritize daily activities.
- Must be able to demonstrate knowledge of and sensitivity toward various limitations that may accompany the aging process and/or various physical, cognitive, and sensory disabilities.
- Must possess the ability to communicate with program participants regarding their needs about what they need the most out of accessibility adaptations and modifications, and what they may need in the future.

## **Proposed Broker Responsibilities:**

Similarly, DHS has developed proposed broker responsibilities. The role of the regional broker will differ from the role of the Service/Support Coordinators (SC). Some of the current tasks performed by the SC will transfer to the broker.

In summary, the role of the SC will be to work with the participants, their families and teams, to determine the need for service. The SC is responsible for referring the broker to the case and can work with the broker and family to select a contractor. SCs also retain their responsibility to ensure the plan is up to date with the service, cost of service and the contractor information. The SC is not responsible to oversee the work of the contractor. Under the new model, 'project management' and responsibility for completion of the home modification is the responsibility of the broker.

A summary of the proposed broker responsibilities are below.

Brokers are assigned various responsibilities by DHS for the delivery, the administration and the management of the home modifications waiver service. Brokers will be held accountable for the completion of the requested modification in a satisfactory manner. Brokers:

- Will be responsible for provision and oversight of the home modification service in broker's region pursuant to the terms and conditions of broker's signed agreement with DHS.
- Will establish a process for maintaining documentation deemed necessary by DHS.
- Must meet reporting requirements determined by DHS.
- Must respect an individual's right to confidentiality and safeguard confidential information.
- Will be responsible for on-site visits to develop the job specifications.
- Will be responsible for developing the job specifications, and for assisting the participant in identifying the most appropriate home modification to address their needs.
- Will be responsible for assisting participant with selection of a qualified contractor, and be responsible for negotiating bids and terms with the proposed contractors.
- Will review the general specifications and quote of contractor.
- Will be responsible for entering into an agreement with the selected contractor and negotiating terms of the home modification specifications with the contractor.
- Will submit selected contractor bid, specifications, and agreement to participant.
- Will be responsible for communicating with the participant and the contractor.
- Will be available to participants to discuss their home modification waiver service. Will be available to answer questions during the process from participants/families and contractors.
- Must provide oversight of the contractor during the home modification process, including quality and timeliness of work.
- Will perform all contract management services including monitoring to ensure proper permits are obtained.
- Will develop an internal participant complaint process.
- Will be responsible for resolving any conflicts between the participant and contractor and will guide participants through the conflict resolution process if a conflict arises.

#### **Summary of Broker Qualifications and Responsibilities**

- Will respond to change orders, extension requests, and conduct a final inspection upon notification the project is completed. Will review contractor's warranty of workmanship.
- Will assess and evaluate completed home modification with participant. Will accept responsibility for quality of modification and ensure modification meets the needs of the participant. Will obtain participant sign-off for completed home modifications.
- Will resolve any unfinished or inadequate work or modification that does not meet the needs of participant with contractor.
- Will be responsible for payment of contractors.
- Will develop a strategy to utilize participant satisfaction survey results.

# **Summary of Contractor Qualifications**

## **Contractor Qualifications:**

DHS has developed a draft of detailed qualifications for contractors. Many of the recommendations provided through the public comment process are included. A summary of the proposed qualifications are below.

# Knowledge, Experience, and Requirements:

- Must demonstrate prior experience in providing home modification services.
- Must have experience in Americans with Disabilities Act compliance standards.
- Must possess awareness of assistive technology and knowledge of how to incorporate it with modifications or use it as an alternative.
- Must be knowledgeable of and comply with the Pennsylvania Home Improvement Consumer Protection Act requirements.
- Must demonstrate knowledge of and adhere to all applicable local and state building codes, if any.
- Must demonstrate experience in developing cost effective strategies that increase access and quality and reduce cost in the context of home modifications.
- Must demonstrate experience in completing a project within a certain time period.
- Must be able to guarantee workmanship for at least one year.
- Pennsylvania contractors must have any applicable certifications necessary.
- Must have Workers' Compensation Insurance in accordance with state statute.
- Must be licensed to drive and have valid driver's license.
- Be at least 18 years of age.
- Must comply with all Department standards, regulations, policies and procedures.
- Must have report of criminal history from the Pennsylvania State Police (PSP) and fingerprint-based federal criminal history submitted through the PSP or its authorized agent (FBI).
- Must have a child abuse clearance.
- Must be cleared of any tax liens.
- Previous professional experience in residential remodeling and accessibility adaptations is preferred.

## Professional Skills:

- Must demonstrate the ability to work successfully with people with disabilities or the elderly, and their families.
- Must possess the ability to communicate with program participants regarding their modification needs, and what they may need in the future.