




# OFFICE OF DEVELOPMENTAL PROGRAMS BULLETIN

<b>ISSUE DATE</b> September 17, 2018	<b>EFFECTIVE DATE</b> September 17, 2018	<b>NUMBER</b> 00-18-06
<b>SUBJECT</b>  Variance Form and Process: Requesting a Variance in the Consolidated, Community Living and Person/Family Directed Support Waivers	<b>BY</b>  Kristin Ahrens, Acting Deputy Secretary for Developmental Programs	

**SCOPE:**

Individuals and Families  
Providers of Consolidated, Person/Family Directed Support and/or Community Living Waiver services  
Administrative Entity Administrators or Directors  
Supports Coordination Organization Administrators or Directors, Supports Coordinators  
Other Interested Parties

**PURPOSE:**

This bulletin introduces the new Consolidated, Person/Family Directed Support and Community Living Waiver Variance Form (DP 1086). This form is to be used to request a variance to certain waiver service requirements in the approved Consolidated, Person/Family Directed Support (P/FDS) and Community Living Waivers.

**BACKGROUND:**

Since 2012, the Office of Developmental Programs (ODP) has implemented processes and procedures to allow for exceptions to established service definition limits. With the renewals of the Consolidated and P/FDS waivers on July 1, 2017 and implementation of the Community Living Waiver on January 1, 2018, there were changes to services and service limitations that broadened the scope of allowable exceptions. ODP also chose to use the term variance to denote that the process should be relevant to the individual's

<p><b>COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:</b></p> <p>The Appropriate Developmental Programs Regional Office</p> <p>Visit the Office of Developmental Programs Web site at <a href="http://www.dhs.pa.gov/provider/developmentalprograms/index.htm">http://www.dhs.pa.gov/provider/developmentalprograms/index.htm</a></p>
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current needs and reviewed on a regular basis. Variances are not expected to be permanent in the vast majority of cases.

The current approved waivers allow variances to established service definition limits in seven waiver services – Assistive Technology, Community Participation Support, Companion, Home Accessibility Adaptations, In-Home and Community Support, Respite, and the Supplemental Habilitation portion of Residential Habilitation.

There are different requirements and information that must be included in the variance form depending on the service for which the variance is being requested. The DP 1086 Form (Attachment 1) and corresponding instructions (Attachment 2) have been developed to help the Individual Support Plan (ISP) team and Supports Coordinator document the information necessary on the DP 1086 to enable the responsible entity to make informed decisions on whether to approve a variance request.

The DP 1086 form and instructions introduced with this bulletin replace and obsolete ODP Communication 065-17: *Consolidated and P/FDS Request for Variance to Established Service Requirements Effective July 1, 2017*, and the form attached to that communication. As of the effective date of this bulletin, all requests for variances must be submitted using the DP 1086.

## **DISCUSSION:**

The DP 1086 must be used in the preparation, completion and review of ISPs for individuals enrolled in the Consolidated, P/FDS or Community Living waiver when a variance request is made. The DP 1086 must be completed prior to the requested services being authorized on an ISP. When there is an emergency circumstance, and approval is required by ODP, the Administrative Entity must contact the ODP Regional Office assigned to their area.

If after review and discussion by the ISP team, a determination is made that services beyond the established waiver requirements are needed, the following steps must be taken to request a variance:

1. Each variance request must be specific to a single individual, situation and period of time.
2. The Supports Coordination Organization will complete the DP 1086 and forward it to the appropriate Administrative Entity. For Community Participation Support, no review other than the ISP team is required.

3. For variances requiring Administrative Entity determination, the Administrative Entity will review the variance request and authorize the service on the ISP if supported by their review. The Administrative Entity will provide a copy of the DP 1086 with the determination section completed to the Supports Coordination Organization and provider (if appropriate).

4. For variances requiring ODP determination, the Administrative Entity will submit the DP 1086 and their recommendation to the ODP Regional Office assigned to their area. The ODP Regional Office will provide a copy of the DP 1086 along with ODP's determination to the Administrative Entity. The Administrative Entity is responsible for providing this information to the Supports Coordination Organization and provider (if appropriate).

5. The Administrative Entity and Supports Coordination Organization must maintain a copy of the applicable sections of the DP 1086 in the individual's record.

6. Services cannot be authorized on an ISP until there is documentation that a variance has been approved. If an emergency circumstance arises, the Administrative Entity must contact the ODP Regional Office. The Administrative Entity will then convey any decisions made during the discussion to the provider.

#### ATTACHMENTS:

Attachment 1: Consolidated, Person/Family Directed Support and Community Living Waiver Variance Form (DP 1086)

Attachment 2: Instructions for Completing the Consolidated, Person/Family Directed Support and Community Living Waiver Variance Form

#### OBSOLETE DOCUMENTS:

ODP Communication 065-17: *Consolidated and P/FDS Request for Variance to Established Service Requirements Effective July 1, 2017*