



April 29, 2022

The Honorable Meg Snead
Acting Secretary
Pennsylvania Department of Human Services
625 Forster Street
Harrisburg, PA 17120
Via Email



Re: Requesting a Meeting on Agency With Choice

Dear Secretary Snead:

The undersigned organizations respectfully request a meeting to discuss the Department’s expedited plans to implement Agency With Choice (AWC) for Personal Assistance Services (PAS) in Pennsylvania’s Community HealthChoices and other waiver programs. We have significant concerns with both the speed and the specifics of the planned implementation.

Our organizations are diverse, representing PAS provider agencies, Centers for Independent Living, Service Coordination Entities, consumers, and other stakeholders. Together, we engage with thousands of providers, Direct Care Workers, and consumers receiving PAS services in Pennsylvania.

Among other concerns, we would appreciate the opportunity to discuss the following:

- Insufficient Comment Period & Timing - With only eight months remaining in 2022 and the current administration, the process to implement AWC feels rushed and ill-timed. Those who are most-impacted, the many consumers who use MLTSS, and other stakeholders, had very little notice and opportunity to provide meaningful input and comment on the AWC service model as proposed. The fact that the Department received fewer than 30 comments on such a significant proposal is only further evidence of the insufficient time for input. As you know, adding this model will require waiver amendments and approval from CMS, issuance of an RFP, consideration of proposals and awarding a contract, and very likely a significant number of implementation questions and challenges.
- Limiting Consumer Choice. Although DHS cites increased consumer choice as a primary goal, the model, if introduced as currently proposed, would have the opposite effect.
 - A single statewide AWC provider would limit consumer choice, not expand it.
 - If the Department establishes a “favored” vendor for AWC, by providing for higher DCW wages, paying for benefits, including healthcare, overtime, or other more favorable terms, it will negatively impact providers and caregivers who are currently providing these services to thousands of consumers across Pennsylvania, resulting in limited choice. The existing PAS models must be robust to ensure that consumers continue to have a wide range of choices in CHC, to further value-based purchasing in home care, and to ensure high quality care in CHC, including well-supported back-up plans.



- We are very concerned that the Department intends to conduct an actuarial study to determine the cost of care for AWC, with no plans to update its extremely outdated cost of care estimates for existing models, including traditional agency, consumer-delegated, and consumer-directed models.
- Unnecessary Duplication. Agency with Choice effectively already exists in Pennsylvania. We are concerned that the Department plans to invest much-needed funds and resources to duplicate services that are already provided across the Commonwealth, in a way that would harm the current system of care and have the effect of limiting consumer choice.
- RFI Questions/Inconsistencies. Certain elements of the RFI were confusing and potentially contradictory, as it related to managing employer vs. primary employer, who sets wage rates, the roles of MCOs, and more. The listed eligibility requirements are specific and restrictive, and most, if not all, current providers or entities in Pennsylvania would not qualify. The Conflict of Interest language raises additional questions and potential concerns.
- Unnecessary Costs. Costs to implement the model are not provided by the Department beyond the first year, and given the chronic underfunding of the CHC program and its massive workforce challenges, we are concerned about the diversion of funding and resources to create a duplicative model that could significantly harm the current system of care.

Thank you in advance for your consideration, and we respectfully request a meeting at your earliest convenience. Please let us know if we can provide you with any additional information.

Sincerely,

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cc: Jamie Buchenauer, Deputy Secretary, Office of Long-Term Living
 Elena Cross, Chief of Staff
 Allison Jones, Secretary of Policy and Planning