

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 134 Session of 2025

INTRODUCED BY CERRATO, M. BROWN, HOHENSTEIN, D. MILLER, KHAN, SANCHEZ, HILL-EVANS, WAXMAN, GUENST, HARKINS, GIRAL, PROBST, McNEILL, MADDEN, OTTEN, HOWARD, HANBIDGE, DEASY, KAZEEM, CEPEDA-FREYTIZ, RIVERA, D. WILLIAMS, STEELE, DALEY, GREEN, FLICK, O'MARA AND CIRESI, MARCH 19, 2025

AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 28, 2026

A RESOLUTION

1 ~~Directing the Joint State Government Commission to conduct a~~ <--
2 ~~study and issue a report on the programs administered by the~~
3 ~~Office of Long Term Living and the Office of Developmental~~
4 ~~Programs focused on how to improve the experience of~~
5 ~~individuals with disabilities that receive a Home and~~
6 ~~Community Based Services waiver.~~

7 ~~WHEREAS, More than 2 million Pennsylvanians have a~~
8 ~~disability, or approximately one fourth of Pennsylvanians, which~~
9 ~~includes mobility and cognitive disabilities; and~~

10 ~~WHEREAS, Adults with disabilities are more likely to~~
11 ~~experience other health issues, such as obesity, diabetes and~~
12 ~~heart disease, than the average adult and they face barriers to~~
13 ~~independent living and employment; and~~

14 ~~WHEREAS, Home and Community Based Services waivers offer~~
15 ~~resources through a variety of Medical Assistance waivers which~~
16 ~~support the particular needs of residents of this Commonwealth~~
17 ~~in community settings, enabling recipients to live in their~~
18 ~~communities rather than seeking care in an institutional~~

1 ~~setting, such as an intermediate care facility for individuals~~
2 ~~with intellectual disabilities, an intermediate care facility~~
3 ~~for individuals with other related conditions or a nursing~~
4 ~~facility; and~~

5 ~~WHEREAS, Home and Community Based Services waivers were first~~
6 ~~created by an act of Congress in 1981 that amended the Social~~
7 ~~Security Act to address a bias in the structure of Medicaid~~
8 ~~towards providing benefits in institutional settings; and~~

9 ~~WHEREAS, Congress created the waiver program to allow states~~
10 ~~to apply for waivers that enable the state to target services to~~
11 ~~areas of need and particular populations, especially to help~~
12 ~~recipients remain in their community, rather than residing in an~~
13 ~~institution; and~~

14 ~~WHEREAS, Home and Community Based Services waivers are~~
15 ~~required to be cost neutral and, by providing care equivalent to~~
16 ~~Medicaid care in the community, costs are often lower than under~~
17 ~~standard Medicaid; and~~

18 ~~WHEREAS, There are multiple waivers available for home and~~
19 ~~community based services in this Commonwealth that vary in their~~
20 ~~target population and the benefits provided, with waivers~~
21 ~~available for residents with conditions, including autism and~~
22 ~~developmental physical disabilities, and older Pennsylvanians;~~
23 ~~and~~

24 ~~WHEREAS, Home and Community Based Services waivers are~~
25 ~~administered by the Department of Human Services, and some of~~
26 ~~the programs, like the Community HealthChoices Waiver and the~~
27 ~~OBRA Waiver, are administered by the Office of Long Term Living~~
28 ~~(OLTL), and other programs, like the Community Living Waiver and~~
29 ~~the Adult Autism Waiver, are administered by the Office of~~
30 ~~Developmental Programs (ODP); and~~

1 ~~WHEREAS, Home and Community Based Services waivers give the~~
2 ~~Commonwealth the flexibility to offer care that is not typically~~
3 ~~available under Medicaid so that vulnerable individuals can~~
4 ~~continue to live in the community rather than an institution;~~
5 ~~and~~

6 ~~WHEREAS, In 1978, the Congress of the United States defined~~
7 ~~developmental disability as a severe, chronic disability due to~~
8 ~~a physical or mental impairment, manifesting before 22 years of~~
9 ~~age, likely to continue indefinitely, and resulting in~~
10 ~~substantial functional limitations in three or more major life~~
11 ~~activities; and~~

12 ~~WHEREAS, This definition was updated in 2000 by the~~
13 ~~Developmental Disabilities and Bill of Rights Act of 2000,~~
14 ~~emphasizing the need for lifelong, individualized support; and~~

15 ~~WHEREAS, Pennsylvania has adopted eligibility criteria for~~
16 ~~Home and Community Based Services waivers that exclude some~~
17 ~~individuals who meet the Federal definition of developmental~~
18 ~~disability, thus preventing them from receiving the necessary~~
19 ~~services; and~~

20 ~~WHEREAS, Inadequate service availability and provision can~~
21 ~~detrimentally affect an individual's health, ability to live~~
22 ~~independently, work and have self determined lives; and~~

23 ~~WHEREAS, Data submitted by the Department of Human Services~~
24 ~~to the Employment First Oversight Commission shows that in 2023,~~
25 ~~18% of ODP's Home and Community Based Services waiver~~
26 ~~participants 18 to 64 years of age are employed in an integrated~~
27 ~~setting and earning a minimum wage or higher; and~~

28 ~~WHEREAS, Supporting access to Home and Community Based~~
29 ~~Services waivers, medical assistance and other public assistance~~
30 ~~is important to the Commonwealth's commitment to health equality~~

1 ~~and equal participation in our communities; and~~

2 ~~WHEREAS, The concerns and needs of the individuals who use~~
3 ~~these programs should be the foremost priority for legislators~~
4 ~~in delivering assistance to those individuals; therefore be it~~

5 ~~RESOLVED, That the House of Representatives direct the Joint~~
6 ~~State Government Commission to conduct a study and issue a~~
7 ~~report on the programs administered by the Office of Long Term~~
8 ~~Living and the Office of Developmental Programs focused on how~~
9 ~~to improve the experience of individuals with disabilities that~~
10 ~~receive a Home and Community Based Services waiver; and be it~~
11 ~~further~~

12 ~~RESOLVED, That the study:~~

13 ~~(1) Report on whether Home and Community Based Services~~
14 ~~waivers meet the medical needs of recipients who have a~~
15 ~~disability, and ways in which care under waivers can be~~
16 ~~improved to better meet the medical needs of individuals with~~
17 ~~disabilities, taking into consideration those differences in~~
18 ~~the needs of individuals with physical disabilities,~~
19 ~~intellectual disabilities, autism and other developmental~~
20 ~~disabilities.~~

21 ~~(2) Report on access to primary, secondary and tertiary~~
22 ~~prevention health care, medical supplies, nursing services,~~
23 ~~medically related supports such as tube feedings or catheter~~
24 ~~changing, and the social determinants of health for~~
25 ~~individuals with disabilities on Home and Community Based~~
26 ~~Services waivers and whether the access adequately meets the~~
27 ~~needs of individuals with disabilities.~~

28 ~~(3) Report on the barriers and facilitators to hiring an~~
29 ~~attendant or direct care worker to be able to provide these~~
30 ~~supports when a nurse is not available under these waivers.~~

1 ~~(4) Examine challenges faced by waiver participants to~~
2 ~~avoid institutionalization and to be supported to remain~~
3 ~~actively engaged in their community.~~

4 ~~(5) Report on cases where health or administrative~~
5 ~~challenges with waivers lead an individual with a disability~~
6 ~~to seek care in an institution instead of remaining in the~~
7 ~~community.~~

8 ~~(6) Examine and compare the service menus in the OLTL~~
9 ~~versus those in ODP, recognizing that the needs of~~
10 ~~individuals in both programs may be the same or similar, to~~
11 ~~include enhanced payments for in home supports and~~
12 ~~communication supports, supports brokers, two to one staffing~~
13 ~~ratios, housing transition and tenancy sustaining services,~~
14 ~~communication specialist, family caregiver training and~~
15 ~~support, family medical support assistance, Agency With~~
16 ~~Choice and supports provided during hospitalization.~~

17 ~~(7) Examine the root causes of the percentages of OLTL~~
18 ~~participants in competitive integrated employment being one~~
19 ~~thirteenth of those served by ODP's waivers.~~

20 ~~(8) Compare participant directed worker wage ranges, the~~
21 ~~ability to offer nonmandatory, benefits, training~~
22 ~~requirements and enhanced payments for direct care workers in~~
23 ~~OLTL's OBRA waiver and the Attendant Care Services Act to~~
24 ~~those for support service workers in the ODP's waivers.~~

25 ~~(9) Report on ways in which Home and Community Based~~
26 ~~Services waivers administrative processes and eligibility~~
27 ~~criteria could be improved to address the challenges facing~~
28 ~~individuals with disabilities eight years of age and older to~~
29 ~~access Home and Community Based Services waivers.~~

30 ~~(10) Evaluate ways in which other states have~~

1 ~~accommodated the diverse needs of individuals with~~
2 ~~disabilities and altered their public assistance programs as~~
3 ~~a result, including the utilization of the Federal definition~~
4 ~~of "developmental disabilities."~~

5 ~~(11) Report on barriers and facilitators to accessing~~
6 ~~direct care services for individuals with disabilities on~~
7 ~~Home and Community Based Services waivers, including the~~
8 ~~differing standards for authorizing direct care services~~
9 ~~among different waivers.~~

10 ~~(12) Report on the circumstances of dual eligibility for~~
11 ~~Medicare and Medicaid for an individual with disabilities,~~
12 ~~and any issues that this raises for the recipient in~~
13 ~~coordinating provider networks and benefits.~~

14 ~~(13) Evaluate possible cost savings associated with~~
15 ~~changes to waivers, including the costs of changes that would~~
16 ~~address barriers to access.~~

17 ~~(14) Make recommendations on actions that the Department~~
18 ~~of Human Services, Department of Health or other State~~
19 ~~agencies could take to better meet the needs of people who~~
20 ~~need home and community based services.~~

21 ~~(15) Make legislative recommendations on actions that~~
22 ~~the General Assembly could take to improve access to Home and~~
23 ~~Community Based Services waivers.~~

24 ~~(16) Collect and evaluate data, including satisfaction~~
25 ~~surveys, interviews with waiver recipients and interviews~~
26 ~~with advocates of Home and Community Based Services waivers;~~
27 ~~and be it further~~

28 ~~RESOLVED, That the Joint State Government Commission convene~~
29 ~~an advisory committee which contains the following members:~~

30 ~~(1) The Secretary of Health or a designee.~~

1 ~~(2) The Secretary of Human Services or a designee.~~

2 ~~(3) One member of the Senate designated by the President~~
3 ~~pro tempore of the Senate.~~

4 ~~(4) One member of the Senate designated by the Minority~~
5 ~~Leader of the Senate.~~

6 ~~(5) One member of the House of Representatives~~
7 ~~designated by the Speaker of the House of Representatives.~~

8 ~~(6) One member of the House of Representatives~~
9 ~~designated by the Minority Leader of the House of~~
10 ~~Representatives.~~

11 ~~(7) A representative from the Office of Medical~~
12 ~~Assistance Programs.~~

13 ~~(8) A representative from ODP.~~

14 ~~(9) A representative from OLTL.~~

15 ~~(10) A representative of a county assistance office or a~~
16 ~~designee.~~

17 ~~(11) A representative of an association of community~~
18 ~~providers of long term care living services in this~~
19 ~~Commonwealth.~~

20 ~~(12) A representative from two separate disability~~
21 ~~advocacy groups in this Commonwealth.~~

22 ~~(13) A representative of an organization representing~~
23 ~~members of a union that provide services to individuals~~
24 ~~receiving a Home and Community Based Services waiver.~~

25 ~~(14) A representative of a health plan.~~

26 ~~(15) A representative of a hospital.~~

27 ~~(16) A member of the Statewide Independent Living~~
28 ~~Council.~~

29 ~~(17) A consumer representative from the Long Term~~
30 ~~Services and Supports subcommittee of the Medical Assistance~~

1 ~~Advisory Committee.~~

2 ~~(18) A representative of the Long Term Care Council.~~

3 ~~(19) A family member of an individual who receives a~~
4 ~~Home and Community Based Services waiver.~~

5 ~~(20) An individual receiving services from a Home and~~
6 ~~Community Based Services waiver administered by ODP.~~

7 ~~(21) An individual receiving services from home and~~
8 ~~community based services administered by OLTL.~~

9 ~~(22) A representative of the Employment First Oversight~~
10 ~~Commission.~~

11 ~~(23) A representative of an organization that offers~~
12 ~~personal assistance services or attendant care.~~

13 ~~(24) A representative who is a service coordinator who~~
14 ~~serves the OBRA waiver population.~~

15 ~~(25) A representative who is a service coordinator who~~
16 ~~serves the Community HealthChoices Waiver population.~~

17 ~~(26) A health care economist.~~

18 ~~(27) Any other representatives who are deemed~~
19 ~~appropriate by the Joint State Government Commission;~~

20 ~~and be it further~~

21 ~~RESOLVED, That the advisory committee be dissolved no later~~
22 ~~than six months after the reporting of findings concludes; and~~

23 ~~be it further~~

24 ~~RESOLVED, That the Joint State Government Commission report~~
25 ~~its findings and recommendations to the House of Representatives~~

26 ~~no later than 24 months after the adoption of this resolution.~~

27 DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO CONDUCT A <--
28 STUDY AND ISSUE A REPORT ON HOME AND COMMUNITY-BASED SERVICES
29 PROVIDED TO INDIVIDUALS WITH PHYSICAL DISABILITIES,
30 INTELLECTUAL DISABILITIES, AUTISM AND OTHER DEVELOPMENTAL
31 DISABILITIES WITH A FOCUS ON STREAMLINING THE APPLICATION
32 PROCESS AND IMPROVING SERVICE DELIVERY.

33 WHEREAS, IN THIS COMMONWEALTH, ALMOST 3 MILLION INDIVIDUALS

1 HAD A DISABILITY AS OF 2022, AND, AS OF 2024, APPROXIMATELY
2 166,356 INDIVIDUALS RECEIVED SERVICES THROUGH HOME AND
3 COMMUNITY-BASED SERVICES (HCBS) WAIVERS; AND

4 WHEREAS, HCBS WAIVERS ARE WAIVER-FUNDED SERVICES OR WAIVER
5 PROGRAMS UNDER WHICH THE CENTERS FOR MEDICARE AND MEDICAID
6 SERVICES WAIVES CERTAIN MEDICAID RULES FOR INSTITUTIONAL CARE,
7 ALLOWING STATES, INCLUDING THIS COMMONWEALTH, TO USE MEDICAID
8 FUNDS TO HELP INDIVIDUALS WITH DISABILITIES REMAIN IN HOME AND
9 COMMUNITY-BASED SETTINGS RATHER THAN BE ADMITTED TO LONG-TERM
10 CARE FACILITIES; AND

11 WHEREAS, THE DEPARTMENT OF HUMAN SERVICES ADMINISTERS HCBS
12 WAIVERS THROUGH MULTIPLE PROGRAM AREAS; AND

13 WHEREAS, THE DEPARTMENT OF HUMAN SERVICES ADMINISTERS THE
14 COMMUNITY LIVING WAIVER, THE CONSOLIDATED WAIVER, THE
15 PERSON/FAMILY-DIRECTED SUPPORT WAIVER AND THE ADULT AUTISM
16 WAIVER, WHICH PROVIDE ESSENTIAL SERVICES TO CHILDREN AND ADULTS
17 WITH INTELLECTUAL DISABILITIES, DEVELOPMENTAL DISABILITIES AND
18 AUTISM; AND

19 WHEREAS, HCBS WAIVER SERVICES FOR CHILDREN AND ADULTS WITH
20 INTELLECTUAL DISABILITIES, DEVELOPMENTAL DISABILITIES AND AUTISM
21 MAY INCLUDE COMMUNITY INCLUSION, TRANSITION SERVICES, COMPANION
22 SERVICES, DAY AND RESIDENTIAL HABILITATION, HOME ADAPTATIONS,
23 HOUSING AND TENANCY SUSTAINING SERVICES AND IN-HOME AND
24 COMMUNITY SUPPORTS; AND

25 WHEREAS, THE DEPARTMENT OF HUMAN SERVICES ALSO ADMINISTERS
26 THE OMNIBUS BUDGET RECONCILIATION ACT WAIVER, KNOWN AS THE OBRA
27 WAIVER, WHICH SUPPORTS ADULTS WITH DEVELOPMENTAL DISABILITIES,
28 AND COMMUNITY HEALTHCHOICES, WHICH SUPPORTS OLDER ADULTS AND
29 ADULTS WITH PHYSICAL DISABILITIES; AND

30 WHEREAS, THE DEPARTMENT OF HUMAN SERVICES ALSO ADMINISTERS

1 THE INFANTS, TODDLERS AND FAMILIES WAIVER, WHICH SUPPORTS
2 INFANTS AND TODDLERS FROM BIRTH TO THREE YEARS OF AGE WHO ARE
3 EXPERIENCING CERTAIN DEVELOPMENTAL DELAYS, NEED EARLY
4 INTERVENTION AND MEET AN INTERMEDIATE CARE FACILITY LEVEL OF
5 CARE; AND

6 WHEREAS, IN 2024, 8,488 PARTICIPANTS WHO WERE 18 TO 64 YEARS
7 OF AGE AND ENROLLED IN THE COMMUNITY LIVING WAIVER, THE
8 CONSOLIDATED WAIVER, THE PERSON/FAMILY-DIRECTED SUPPORT WAIVER
9 AND THE ADULT AUTISM WAIVER WERE EMPLOYED IN COMPETITIVE
10 INTEGRATED SETTINGS EARNING AT LEAST MINIMUM WAGE, COMPARED TO
11 1,028 SIMILARLY AGED INDIVIDUALS ENROLLED IN COMMUNITY
12 HEALTHCHOICES WHO WERE EMPLOYED IN COMPETITIVE INTEGRATED
13 EMPLOYMENT; AND

14 WHEREAS, HCBS WAIVERS PLAY A VITAL ROLE IN EMPOWERING
15 INDIVIDUALS WITH DISABILITIES TO MAINTAIN INDEPENDENCE AND
16 ENGAGE MEANINGFULLY IN THEIR COMMUNITIES; THEREFORE BE IT

17 RESOLVED, THAT THE HOUSE OF REPRESENTATIVES DIRECT THE JOINT
18 STATE GOVERNMENT COMMISSION TO CONDUCT A STUDY AND ISSUE A
19 REPORT ON HOME AND COMMUNITY-BASED SERVICES PROVIDED TO
20 INDIVIDUALS WITH PHYSICAL DISABILITIES, INTELLECTUAL
21 DISABILITIES, AUTISM AND OTHER DEVELOPMENTAL DISABILITIES WITH A
22 FOCUS ON STREAMLINING THE APPLICATION PROCESS AND IMPROVING
23 SERVICE DELIVERY; AND BE IT FURTHER

24 RESOLVED, THAT, IN CONDUCTING THE STUDY, THE JOINT STATE
25 GOVERNMENT COMMISSION MAY CONSULT WITH ORGANIZATIONS THAT HAVE
26 EXPERTISE IN HCBS WAIVERS FOR INDIVIDUALS WITH PHYSICAL
27 DISABILITIES, INTELLECTUAL DISABILITIES, AUTISM AND OTHER
28 DEVELOPMENTAL DISABILITIES; AND BE IT FURTHER

29 RESOLVED, THAT, IN CONDUCTING THE STUDY, THE JOINT STATE
30 GOVERNMENT COMMISSION CONSULT WITH ALL OF THE FOLLOWING:

1 (1) THE DEPARTMENT OF HUMAN SERVICES, INCLUDING COUNTY
2 ASSISTANCE OFFICES.

3 (2) PROVIDERS OF HCBS SERVICES, INCLUDING COMMUNITY
4 PROVIDERS OF LONG-TERM CARE SERVICES AND REHABILITATION
5 SERVICES.

6 (3) ADVOCACY GROUPS IN THIS COMMONWEALTH THAT SERVE THE
7 AFFECTED POPULATION.

8 (4) THE STATEWIDE INDEPENDENT LIVING COUNCIL.

9 (5) ORGANIZATIONS THAT PROVIDE HOMEMAKER AND CHORE
10 SERVICES.

11 (6) ORGANIZATIONS THAT PROVIDE PERSONAL ASSISTANCE
12 SERVICES.

13 (7) SERVICE COORDINATORS.

14 (8) SUPPORTS BROKERS.

15 (9) INDIVIDUALS ENROLLED IN HCBS WAIVERS.

16 (10) THE EMPLOYMENT FIRST OVERSIGHT COMMISSION.

17 (11) ANY OTHER REPRESENTATIVES THAT THE JOINT STATE
18 GOVERNMENT COMMISSION DEEMS APPROPRIATE;

19 AND BE IT FURTHER

20 RESOLVED, THAT THE STUDY, BY PROGRAM AREA AND BY EACH HCBS
21 WAIVER, INCLUDE ALL OF THE FOLLOWING:

22 (1) AN ANALYSIS OF DELAYS AND DIFFERENCES IN THE
23 APPLICATION PROCESS AND THE PROVISION OF SERVICES.

24 (2) A COMPARISON OF ADMINISTRATIVE STRUCTURE,
25 ELIGIBILITY AND SERVICES OFFERED.

26 (3) AN EVALUATION AND COMPARISON OF WAGES, PAYMENT AND
27 BENEFIT STRUCTURE FOR DIRECT CARE STAFF, INCLUDING ALL OF THE
28 FOLLOWING:

29 (I) FACTORS THAT CONTRIBUTE TO DIFFERENCES BETWEEN
30 PROGRAMS.

1 (II) THE NEEDS OF THE POPULATIONS SERVED.

2 (III) FREQUENCY OF RATE REVIEWS AND WAGE
3 ADJUSTMENTS.

4 (IV) UTILIZATION OF SHIFT WORKERS.

5 (V) ANY OTHER FACTOR THAT THE JOINT STATE GOVERNMENT
6 COMMISSION DEEMS NECESSARY.

7 (4) AN IDENTIFICATION OF BARRIERS TO AND DIFFERENCES IN
8 ACCESSING SERVICE COORDINATORS, SUPPORTS BROKERS, SUPPORTS
9 COORDINATORS, HOMEMAKER AND CHORE SERVICES AND PERSONAL
10 ASSISTANCE SERVICES.

11 (5) AN ASSESSMENT AND COMPARISON OF ADMINISTRATIVE
12 BURDENS FACED BY SERVICE COORDINATORS AND SUPPORTS
13 COORDINATORS IN HELPING INDIVIDUALS ACCESS SERVICES.

14 (6) AN EVALUATION OF THE AVAILABILITY OF HOUSING
15 TRANSITION AND TENANCY SUSTAINING SERVICES, COMMUNITY
16 INCLUSION, PARTICIPATION AND COMPANION SERVICES, DAILY LIVING
17 SUPPORTS, DAY AND RESIDENTIAL HABILITATION AND HOME
18 ADAPTATIONS.

19 (7) AN EXAMINATION OF CONTRIBUTING FACTORS TO ANY
20 DISPARITY IN COMPETITIVE INTEGRATED EMPLOYMENT OF
21 INDIVIDUALS.

22 (8) AN EVALUATION AND COMPARISON OF WAYS IN WHICH OTHER
23 STATES HAVE DEFINED "DEVELOPMENTAL DISABILITIES," INCLUDING
24 USE OF THE FEDERAL DEFINITION, AND HOW THOSE DEFINITIONS HAVE
25 IMPACTED THE DELIVERY OF SERVICES.

26 (9) A REVIEW OF THE ADMINISTRATION OF HCBS WAIVERS,
27 WAIVER SERVICES AND SERVICE QUALITY, INCLUDING THROUGH
28 FEEDBACK FROM WAIVER PARTICIPANTS AND THEIR GUARDIANS AND
29 PARENTS.

30 (10) RECOMMENDATIONS TO IMPROVE ACCESS AND UNIFORM

1 AVAILABILITY;
2 AND BE IT FURTHER
3 RESOLVED, THAT THE JOINT STATE GOVERNMENT COMMISSION SUBMIT A
4 REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE MAJORITY
5 LEADER AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES
6 AND THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE HUMAN
7 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES NO LATER THAN
8 24 MONTHS AFTER THE ADOPTION OF THIS RESOLUTION.