

# Community Service Foundation

Mailing Address: P.O. Box 283, Pipersville, PA 18947

April 20, 1999

John R. McGinley, Jr.  
Chairman  
Independent Regulatory Review Commission  
14th Floor, Harrisstown 2, 333 Market Street  
Harrisburg, PA 17101

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INDEPENDENT REGULATORY  
COMMISSION  
APR 26 11 51 AM '99

Dear Chairman McGinley,

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee hold a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

Community Service Foundation is directly engaged in the provision of services to children and youth. While we have had input into the existing draft of regulations, significant issues remain. We anticipate increased fiscal costs to implement the new regulations. We have concerns about community safety, staffing patterns and the rights of children. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. This is of concern to us.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Sincerely,

Judy B. Happ  
Director of Operations

Apr 30 '99 15:55 P.01

CITY OF PHILADELPHIA  
DEPARTMENT OF HUMAN SERVICES  
One Parkway  
1515 Arch Street - 8th Floor  
Philadelphia, PA 19102  
(215) 683 - 6044

# MEMORANDUM

RECEIVED  
99 APR 30 PM 3:46  
MAY 1 1999  
GENERAL RELIEF DIVISION

FROM: WESLEY BROWN  
*Administrator*  
Policy & Planning

TO: MRS. TUCKER

DATE: April 30, 1999

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*Smith*

Attached for your review and signature is a letter to the IRRC.

This letter was prepared at Anne Shenberger's request as part of a campaign to insure approval of the CPS and Residential care regulations(3800). The deadline is today.

According to Anne, the regs need to be approved by IRRC now or we will have to start the process over again - a 3 year process.

I have shared the letter with Ms. Burrell and obtained her approval.

With signatures I will fax the letter to Mr. Nyce.

FAX 917-783-2664



# CITY OF PHILADELPHIA

Apr 30 '99 15:55 P.02  
31 Arch Street Philadelphia, PA 19102

JOAN M. REEVES  
Human Services Commissioner

MAXINE H. TUCKER  
Deputy Commissioner  
Children & Youth Division

JOYCE L. BURRELL  
Deputy Commissioner  
Juvenile Justice Services

RUSSELL J. CARDAMONE, JR.  
Deputy Commissioner  
Administration and Management

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REGULATORY REVIEW COMMISSION

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April 30, 1999

Mr. Robert Nyce  
Intergovernmental Regulatory Review Commission  
14th Floor  
333 Market Street  
Harrisburg, PA 17101

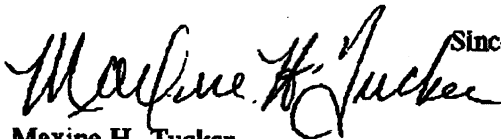
Dear Nyce:

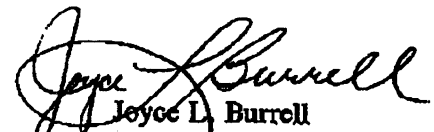
I am writing in reference to two sets of regulations currently undergoing final review by the Commission. These are the Child Protective Services Regulations and Child Residential and Day Treatment Facilities Regulations. I wish to be on record as officially encouraging approval of these regulations.

Over the past many months, members of my staff have been involved directly or indirectly with the workgroups engaged in developing these regulations. It has been a long process but one that has resulted in the documents you have before you.

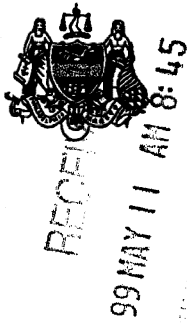
These final form regulations are not without concerns but the issues they raise can and will be addressed through other venues. The Commission should not let these issues interfere with the approval process.

If you have questions concerning this correspondence I would ask that you direct them to Mr. Wesley Brown, Policy and Planning Administrator at 215-683-6044.

 Sincerely  
Maxine H. Tucker  
Deputy Commissioner  
Children and Youth Commissioner

  
Joyce L. Burrell  
Deputy Commissioner  
Juvenile Justice Services

cc: Joan M. Reeves, Commissioner



**CITY OF PHILADELPHIA**

DEPARTMENT OF HUMAN SERVICES  
1401 Arch Street Philadelphia, PA 19102

JOAN M. REEVES  
Human Services Commissioner

MAXINE H. TUCKER  
Deputy Commissioner  
Children & Youth Division

JOYCE L. BURRELL  
Deputy Commissioner  
Juvenile Justice Services

RUSSELL J. CARDAMONE, JR.  
Deputy Commissioner  
Administration and Management

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April 30, 1999

Mr. Robert Nyce  
Intergovernmental Regulatory Review Commission  
14th Floor  
333 Market Street  
Harrisburg, PA 17101

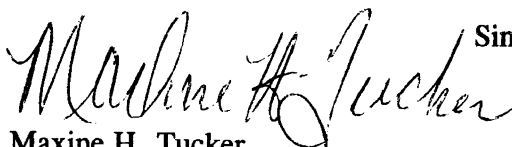
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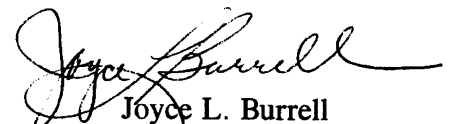
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These final form regulations are not without concerns but the issues they raise can and will be addressed through other venues, i.e. Needs-Based Budget, County Contracting Requirements, etc. The Commission should not let these issues interfere with the approval process.

If you have questions concerning this correspondence we would ask that you direct them to Mr. Wesley Brown, Policy and Planning Administrator at 215-683-6044.

 Sincerely  
Maxine H. Tucker  
Deputy Commissioner  
Children and Youth Commissioner

  
Joyce L. Burrell  
Deputy Commissioner  
Juvenile Justice Services

cc: Joan M. Reeves, Commissioner



**CITY OF PHILADELPHIA**

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May 3 '99 12:19 P.02

01 Arch Street Philadelphia, PA 19102

JOAN M. REEVES  
Human Services Commissioner

MAXINE H. TUCKER  
Deputy Commissioner  
Children & Youth Division

JOYCE L. BURRILL  
Deputy Commissioner  
Juvenile Justice Services

RUSSELL J. CARDAMONE, JR.  
Deputy Commissioner  
Administration and Management

April 30, 1999

Mr. Robert Nyce  
Intergovernmental Regulatory Review Commission  
14th Floor  
333 Market Street  
Harrisburg, PA 17101

Dear Mr. Nyce:

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If you have questions concerning this correspondence we would ask that you direct them to Mr. Wesley Brown, Policy and Planning Administrator at 215-683-6044.

*Maxine H. Tucker* Sincerely  
Maxine H. Tucker  
Deputy Commissioner  
Children and Youth Commissioner

*Joyce L. Burrell*  
Joyce L. Burrell  
Deputy Commissioner  
Juvenile Justice Services

cc: Joan M. Reeves, Commissioner



CITY OF PHILADELPHIA  
DEPARTMENT OF HUMAN SERVICES  
CHILDREN & YOUTH DIVISION  
ONE PARKWAY BUILDING  
1515 ARCH STREET, 8th Floor  
PHILADELPHIA, PA 19102  
215-683-6014  
FAX # 215-683-6109

JOAN M. REEVES  
Commissioner  
  
MAXINE H. TUCKER  
Deputy Commissioner,  
Children & Youth Division  
  
ROCHELLE CAPLAN  
Operations Director

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### FAX COVER SHEET

TO: Robert Nyce  
Intergovernmental Regulatory  
Review Commission

FAX #: \_\_\_\_\_

# PAGES: 2 (Including this cover page)

FROM: Wesley Brown  
(Include Phone #) Policy and Planning Admin.  
215-683-6044

RE: Letter re approval of CPS and  
Residential Care regs.

Comments: Please disregard the earlier  
letter sent to you. This  
is the revised one.

If any of these FAX copies are illegible, or you do not receive the correct number of pages, please contact the sender.

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99 MAY -3 PM 12:33  
DEPARTMENT OF HUMAN SERVICES



www.adelphoivillage.org

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99 APR 26 AM 8:51

INDEPENDENT REGULATORY  
REVIEW COMMISSION

April 22, 1999

Administrative Office  
1003 Village Way  
Latrobe, PA 15650-1558  
Phone: 724/520-1111  
Fax: 724/520-1878

Business Office  
354 Main Street  
Latrobe, PA 15650-1558  
Phone: 724/537-3052  
Fax: 724/539-7060

Mr. John R. McGinley, Jr., Chairman,  
Independent Regulatory Review Commission IRRC  
14th Floor Harrisstown 2, 333 Market Street  
Harrisburg PA 17101

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Dear Mr. McGinley,:

Recently, the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

Adelphoi Village, Inc., is directly engaged in the provision of services to children, youth, and families. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were originally published in the Pennsylvania Bulletin in February, 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions, and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services, which by the nature of their diversity, require significantly different considerations as it relates to the rights of children, community safety, and staffing patterns, is of concern to my agency. In addition to the issues noted above, I have attached to this letter additional concerns my agency has with the regulations.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

Kip Cherry, M.S.,  
Associate Director

KC/jg

Enclosure



## **ADELPHOI VILLAGE'S RESPONSE AND CONCERNS IN RELATION TO THE CHAPTER 3800 REGULATIONS - CHILD RESIDENTIAL AND DAY TREATMENT FACILITIES**

Adelphoi Village, Inc. has been participating with PCCS work groups and DPW in regards to the development of the Chapter 3800 Child Residential and Day Treatment Facilities regulations. As an agency committed to the quality care to children, youth, and families, the following concerns have been defined in relation to the 3800 regulations and we ask that you take them into consideration. Our concerns are based on the issue of public safety, staff safety, and increased costs to both our agency and to the placement agencies that utilize the services of Adelphoi Village.

### **REPORTABLE INCIDENTS - 3800.16(d)**

Orally reporting to the appropriate departmental regional office and the contracting agency within 12 hours is relevant in relation to evacuation of clients and the unexpected death of a child, but...

- ◆ *Adelphoi Village recommends that a time frame be established for "how long" a child who is missing from the facility (if police have been notified) before initiating the oral report to DPW. We would recommend the time frame be patterned off 3800.16(a)...absence from the premises for four or more hours, or thirty minutes or more without approval of staff persons if the child is in immediate danger.*

Adelphoi Village policy states that if any child leaves the premises of a program, the police are notified immediately even if that child may return in 10 minutes. An established time frame will reduce the number of calls to the departmental regional office.

### **CHILD FUNDS - 3800.18(d)**

Interest bearing accounts for child funds, with interest earned and tracked and applied for each child will result in various issues for Adelphoi Village. Due to the large number of clients within our agency, an account for each child will not be cost effective in relation to the man hours needed to track numerous accounts. At times, a client may be discharged quickly which would result in a delay in the funds being returned to the client.

- ◆ *Adelphoi Village would recommend that a stated limit of \$100.00 be applied before an interest bearing account would be established for a client.*

### **SPECIFIC RIGHTS - 2800.32(f)**

The right to visit with family at least once every two weeks at a time and location convenient for the family, the child and the facility is a concern for Adelphoi Village since we service counties across the State of Pennsylvania. The concept of convenience will be individualized with all parties involved. If an agency needs to fulfill this right, the man hours needed to complete visitations would be immense if transportation is the responsibility of the service provider. Also at issue is public safety especially if the visit occurs within the community in which the client possibly committed an offense.

- ◆ *Adelphoi Village fully supports visitation and communication as a right, but we highly recommend the term "opportunity" be utilized in relation to the two week visitation periods. This regulation may be in conflict with the Act 33 that was amended in 1995 in relation to balanced attention, specifically community protection.*



### **STAFF TRAINING - 3800.58(a) and (b)**

Preventing a staff member to work alone with clients until 30 hours of training is achieved will place hardship on Adelphoi Village in relation to supervision and to the functioning of each of our programs. This requirement will increase costs to both the agency and to the contracting agencies that utilize our services.

- ◆ *Adelphoi Village recommends that a staff member be permitted to work alone with clients after the internal "orientation" and after the necessary police and child abuse checks are obtained.*

### **MANUAL RESTRAINTS - 3800.211(e)**

The requirement of having a staff person who is not applying the restraint complete observation and documentation of the physical and emotional condition of the child, at least every ten minutes the manual restraint is applied is a concern for Adelphoi Village. Many programs may operate with two staff persons on a shift. If a crisis situation develops which results in the need for a manual restraint of a child and the need for an observer, the result would be a lack of supervision for the other clients in the program. Adding additional staff to ensure this regulation is fulfilled will result in increased costs for the service provider and for the contracting agency. Without the additional staff personnel, the lack of supervision of clients poses a public safety risk.

- ◆ *Adelphoi Village recommends the deletion of 3800.211(e).*

## **SECURE CARE**

### **ADDITIONAL REQUIREMENTS: 3800.274 (10)**

Adelphoi Village supports the need for supervision in relation to transporting clients in secure care, but the requirement of having two staff personnel present during transports results in increased costs for the agency. There are secure clients who are reaching the end of their placement or visiting families and/or step down programs where one staff personnel would suffice.

- ◆ *Adelphoi Village recommends that one staff personnel be required for transportation of one client (1:1) and then require two staff personnel if more than one client is in need of transportation.*

### **ADDITIONAL REQUIREMENTS: 3800.274 (16) iv and (17) ii**

The need for licensed medical personnel to approve the use of seclusion and the use of mechanical restraints is a major concern for our agency. Adelphoi Village supports receiving new written orders for the continued use of mechanical restraints (handcuffs) and for the continued use of seclusion. At issue is the availability of licensed medical personnel on a 24 hour basis. This requirement may result in additional costs to the agency and to the contracting agency and risks to staff personnel who may have to "wait" for the written orders. This regulation may also place other clients who are detained in a detention facility at risk during the potential waiting period.

- ◆ *Adelphoi Village recommends the inclusion of a Master degree counselor to the list of individuals who may provide written documentation/approval for continued use of mechanical restraints and/or seclusion.*



# Children's Home OF YORK

77 SHOE HOUSE ROAD • YORK, PENNSYLVANIA 17406-8052 • TELEPHONE (717) 755-1033 • FAX (717) 755-9993 • WWW.CHYOYORK.ORG

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NON-PROFIT COMMUNICATIONS

April 21, 1999

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Richard Harris, ACSW  
*Executive Director*

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Independent Regulatory Review  
IRRC  
14th Floor Harrisstown 2  
333 Market St.  
Harrisburg, PA 17101

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Carol D. Wagman

Dear Mr. McGinley:

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Senate Public Health and Welfare Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

The Children's Home of York is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services, which by the nature of their diversity require significantly different considerations as it relates to the rights of children, community safety and staffing patterns, is of concern to my agency.

John R. McGinley, Jr.  
Page 2  
April 21, 1999

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached, and I hope you will consider my request.

Thank you for your consideration, and please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Richard Harris". The signature is written in black ink and is positioned below the word "Sincerely,".

Richard Harris  
Executive Director



1863 Bethany Road • Womelsdorf, PA 19567-9214 • Phone (610) 589-4501 • Fax (610) 589-5721

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99 APR 26 AM 8:18  
COMMISSION

Representative Jere Schuler  
Chairman, House Aging and Youth Committee  
House Post Office Box 202020  
Harrisburg, PA 17120-2020

April 20, 1999

Dear Representative Schuler:

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

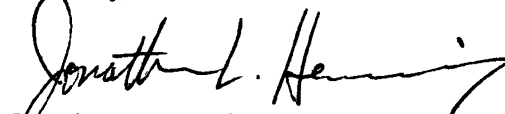
Bethany Children's Home has been directly engaged in the provision of services to children and youth for the past 136 years.. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

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I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan L. Henning". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jonathan L. Henning, M.S.W., L.S.W.  
Assistant Executive Director

Cc: Rep. Frank Pistella, Democratic Chairman, Aging and Youth Committee  
Rep. Sheila Miller, Member, Aging and Youth Committee  
John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission  
Pennsylvania Council for Children's Services (PCCS)

**General concerns regarding the proposed 3800 regulations:**

There is concern related to the lack of clarity of definitions and anticipated variations in application of regulations vs. regulatory intent occurring from region to region. Although reassurances have been received from the Department that many of these issues will be addressed in the Licensing Instrument to be developed as an interpretive guide, the lack of availability of this guide gives credence to these concerns.

Additional problems are created by the very concept of including such varied and diverse services under one set of all-encompassing regulations. The many differences in characteristics and needs of children require flexibility in order to meet these diverse individualized needs. These broadly applied regulations remove our ability to consider different options and plans that could meet those needs in a safe and appropriate manner.

**Concerns regarding specific sections of the proposed 3800 regulations:**

3800.15- The term 'immediately' is not clarified, for the purposes of reporting suspected child abuse.

3800.16- The term "intimate sexual contact" also needs further clarification, as it will require an official report to a Department Regional Office.

3800.32- There are a number of concerns with this section identifying visitation now as a right, as opposed to an opportunity. Who is to decide the convenience of time and location when agreement can not be reached? There are very real cost issues in transportation and supervision of visits. Additionally, not addressed at all is the issue of a child's right/ability to refuse to see family members.

3800.54- Clarification is needed for the term "facility". This is especially important for agencies that have more than one building at a single location. The interpretation of this definition will impact on many issues, including the number of child care supervisors necessary at a "facility". This has potential to be a very fiscally demanding item.

3800.57- The language requiring "observational checks of each child at least every hour" is terminology not at all suited to an open-setting facility like Bethany. We attempt to normalize a resident's environment as much as possible. Children have the ability to leave our campus without supervision. Some children hold part-time jobs in the community. Hourly observational checks are not feasible for children in many of these situations. Although no requirement is listed for documenting these hourly checks, my concern is that some form of documentation will be required. This level of paper work is excessive, and would have the effect of having staff spend less time interacting directly with children in order to complete paper work documentation of hourly checks.

3800.58- These new requirements for training of staff are extremely demanding. A serious issue is the amount of training required before a new staff can work alone with children. Not addressed are the availability of supervision or back-up support to those

new staff, or any experience of newly hired staff that would lessen the impact of needed training. This topic has some very significant issues with regard to cost in providing care to children.

3800.103- Item (i) of this section states that "Bar soap is not permitted unless there is a separate bar clearly labeled for each child". Children at Bethany use bar soap. Each child is provided bar soap for his or her individual use. This may sound petty or insignificant, but we have asked what is meant by "**clearly labeled**"? Wouldn't the term "designated" be more appropriate in this sentence. Again, I believe the regulation intends for each child to have an individual bar of soap. However, I have participated in inspections in the past where what seemed to be a safe and sensible interpretation was applied exactly as written. Will we be made to actually label bar soap?

3800.144- Requiring access to a dentist within 30 days of placement will be a very serious problem. Access to dental services in general is difficult for many agencies to obtain. To require it in such a short time frame is unrealistic and asking for something that will most probably not be possible to achieve.

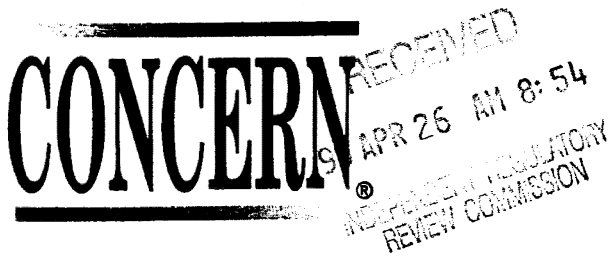
3800.151- Requiring a Staff Health Statement every two years "thereafter" will in most situations require a physical exam before a medical practitioner will sign such a statement. The expense will be considerable to an agency if offered as an employee benefit. Otherwise, the expense will be borne by the employee. The actual benefit of a single point in time cursory review is questionable.

3800.202- Current and previous practice allowed restrictive procedures to be utilized to prevent harm to the child, to others and to prevent destruction of property. In recent drafts and in the regulations proposed here, destruction of property has been deleted as a criterion for using restrictive procedures. Frequently, destruction of property can be potentially harmful to anyone in the same area. Also, such destructive acts are extremely intentional. Children will destroy property in order to see if someone will stop them. I wish to strongly challenge the omission of "destruction of property" from the criteria for using restrictive procedures. It is incomprehensible to me to allow destructive behavior to continue when, in any other setting, action would be taken to stop or control such behavior. There is a very real risk that if agencies feel that they can not meet regulation guidelines in controlling destructive behavior, they will be less likely to accept placement of children who may have a propensity for such behavior. This will result in those same children having fewer less restrictive settings available to them. One important criterion in placement decisions currently used at Bethany is whether we believe we can safely manage the behavior of a child. If we believe that our abilities to control destructive behavior are limited, we will be much more likely to not accept that child for placement. I realize that there have been comments to the contrary regarding destruction of property being "dangerous" to the child or to others. It is the firm belief here that **this is absolutely a safety issue** for anyone involved in an incident like this.

Glenn J. Hillegass

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- Basil Y. Scott, Ph.D.
- Sandra L. Weidner, M.D.
- Nancy W. Weikert, L.S.W., A.C.S.W.



COPY

April 23, 1999

Representative Jere Schuler  
 Chairman, House Aging and Youth Committee  
 House Post Office Box 202020  
 Harrisburg, PA 17120-2020

ORIGINAL: 1927

MCGINLEY

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FORM LETTER 12

Dear Representative Schuler:

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

CONCERN - Professional Services for Children, Youth, and Families is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services, which by the nature of their diversity require significantly different considerations as it relates to the rights of children, community safety and staffing patterns, is of concern to my agency.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Sincerely,

Eileen M. Walters  
 Business Manager

cc: Rep. Frank Pistella, Democratic Chairman, Aging and Youth Committee  
 John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission



Glenn J. Hillegass

**CONCERN**<sup>®</sup>

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99 MAY -3 AM 9: 00

REGULATORY  
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April 23, 1999

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FORM LETTER 4Senator Howard Mowery  
Chairman, Public Health and Welfare Committee  
Senate Post Office Box 203031  
Harrisburg, PA 17120-2030

Dear Senator Mowery:

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

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I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Sincerely,


Robert Fisher  
Corporation Treasurercc: Sen. Vincent Hughes, Democratic Chairman, Public Health & Welfare Committee  
John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission

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99 APR 29 12:10  
MCGINLEY  
GENERAL COUNSEL

**DEPARTMENT OF PUBLIC WELFARE  
PRESENTATION AT IRRG PUBLIC MEETING ON MAY 6, 1999**

**CHILD RESIDENTIAL AND DAY TREATMENT  
FACILITIES REGULATIONS**

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**Community Development Process**

We would like to thank all the external stakeholders who have fully participated in the community participation process that we used to develop the regulations. We appreciate your time and contributions. We have used a new and extensive community participation process to develop these regulations including: a) three regulations work group meetings in 1997 and 1998 to complete an analysis and detailed discussion of the regulations including a diverse group of consumers, advocates, providers, and counties across PA; b) more than 20 individual meetings with statewide and regional advocacy, parent, and provider organizations; c) opportunity for written review and comment at three different times throughout the regulatory process; and, d) an extension of the public comment period from 30 to 60 days at the request of external stakeholders. The stakeholders have helped provide a solid foundation of protection for the children served in these facilities. As we have heard from all the stakeholders, we believe that there has been tremendous value in the many meetings that were held with all the stakeholders to discuss these regulations. It has helped the Department understand the concerns and issues, as well as for those with opposing views to listen to each other. We believe that the community development process has served to educate persons involved in these services, as well as to increase the sensitivity to the issues for consumers, families, advocates, providers, purchasers of service, and the Department.

**Issues**

We understand there may be a few areas of concern remaining for a few individuals who have worked with us throughout the past two years to develop, improve, and refine these regulations.

**Consolidation of Regulations**

The development of a single set of regulations applicable to a variety of program models and settings is being done to reduce duplication and inconsistency among chapters of regulations that are intended to care for children who are exposed to similar health and safety risks. The consolidation of multiple chapters of regulations is an effort to reduce the many, and often conflicting and duplicative sets of regulations that now apply to a single corporation or business. Many human service providers operate different types of human service facilities and therefore must meet several sets of regulations. This is very difficult and requires administrative and staff time and attention to devote to regulatory compliance. Moreover, from a health and safety perspective, there is little value to having multiple sets of regulations where the risks to the

consumers is similar. It is anticipated that eliminating some of the burden of complying with multiple sets of disparate regulations will enable facilities to improve their ability to comply with regulations and to spend more time and effort in providing direct services to consumers. The primary intent of regulation consolidation is to improve services and protections to consumers by allowing providers to focus less time on unnecessary regulatory compliance with multiple and conflicting sets of regulations, and more time on fundamental health and safety protections and the provision of quality services for the children.

While the regulations include the requirements for several service types in one chapter, unique program differences are retained. The regulations include special requirements for programs such as secure care, detention, day treatment, outdoor programs, mobile programs, and transitional living. In response to concerns about the differences primarily in day treatment and secure detention facilities, significant time was devoted to additional research, visits to facilities, and discussions of those differences both at individual meetings with commentators during the spring of 1998, and at the regulation work group meeting in August 1998. As a result of public comment and subsequent discussions with commentators, many additional requirements and new exceptions were added for day treatment and secure detention facilities.

In addition, many of the children served in programs covered by these regulations move regularly within these various service types. For example, it is not uncommon for a child to move from a secure detention facility, to a secure facility, and then back home with his family to receive day treatment services. Currently, varied and sometimes conflicting requirements apply that are confusing for the child and the child's family to understand, as well as for the provider to understand and comply. By having one set of consistent requirements applicable for all types of children's facilities, the Department believes that the interests and needs of the child are best met. The consolidation supports equal and consistent protections for children and continuity of care and services for children who receive various services. The need for health, safety, and well-being protections for children served in these facilities is similar regardless of any treatment need, while program and treatment needs of the child should be met on an individualized basis based upon each child's unique needs.

The approach used in the regulations is to provide similar, comprehensive health and safety protections for all children, while maintaining, and even requiring, individual program planning for each child based on his-her own needs. The regulations require individualized health and safety assessments for each child upon admission (§ 3800.141), detailed individual health assessments and screenings for each child (§ 3800.143-146), individual service plans based upon the needs of the child with content of the plan expanded from all chapters of existing regulations (§ 3800.226), and individual restrictive procedure plans for each child that now exist only in regulations for community mental retardation facilities (§ 3800.203). These requirements, coupled with the new additions of admission, service description, placement (§ 3800.221-223) and increased program plan content (§ 3800.226) that were added from proposed

rulemaking to final regulations include a comprehensive package of service protections based upon each child's needs.

### **Costs in Relation to County Budgeting Cycle**

A second issue involves the costs that may be incurred in order to comply with some of the new requirements for some facilities, and in particular, the timing of the regulations in relation to the county budgeting cycle. As you will see in our preamble to the regulations, the Department believes that these regulations will for the most part be cost neutral. The preamble addresses several of the major areas of concern that were identified in the public comment period as being cost prohibitive, such as: staff training, reportable incidents, bedroom limits, and fencing around ponds. The later two of these requirements have been eliminated.

While we acknowledge that there could be some cost increases for a few providers, many providers already meet or exceed these new requirements. We have eliminated many administrative requirements (such as independent audits, governing body requirements, administrative records, hiring practices, personnel management, job descriptions, and staff discipline procedures), which will result in a cost saving.

We understand the concern of some providers that when these regulations are implemented in October of this year, they will be only one quarter into their annual budget year, without having prepared a budget to reflect any new costs as a result of the new requirements. While county Children and Youth budgets for FY 1999-2000 have already been reviewed and tentative allocations have been issued, private providers can always approach counties about increased costs they expect to incur during this fiscal year. Any necessary rate increases due to implementation of the regulations should be included in the county's needs based plan and budget for FY 2000-01 or 2001-02. The county budget requests for FY 2000-10 are due to DPW on August 15, 1999. The county budget requests for FY 2001-02 are due to DPW on August 15, 2000.

In order to make it reasonable for facilities to achieve compliance with requirements that may require increased costs, the Department will consider cost implications for any regulatory violation cited during the first year of implementation from October 1999 through September 2000. If the violation does not seriously jeopardize the health and safety of the children, and compliance with the regulation can only be achieved by increased costs, such a violation will not result in a negative licensing action (such as a provisional license or a revocation of a license). The violation will be listed on the inspection report. An acceptable plan of correction could include the fiscal constraints of the agency and the intent to comply by October 2000. The violation report could be used by the agency to request additional funding from the appropriate funding source.

### **Implementation Policies and Procedures**

Several provider associations have asked questions and expressed interest in the Department's implementation procedures for the new regulations, particularly during the

initial transition year of applying the new regulations. During the past two years, we have discussed with external stakeholders, and have committed ourselves to full public participation in the development of a measurement instrument that will be used to measure compliance with the new regulations. You will see mention of such a tool in our preamble.

The department is committed to two things—active community participation in the development of the measurement instrument AND a reasonable transition process during the first year of implementation.

With your approval of these regulations today, we will begin immediately to develop an initial draft of the measurement instrument and will share them with external stakeholders by July 1<sup>st</sup> for their review and comment. In addition, we are committed to revising the measurement instrument often and communicating the changes to the providers, in a timely manner.

Related to the our transition procedures, the department is committed to a reasonable, phased-in transition period. We offer the following as examples of transition policies for the new regulations:

- time based requirements such as annual training requirements will not be applied until the initial time period in the regulations has elapsed; for example, facilities will have until October 2000 to meet the requirement for 40 hours of annual staff training
- we will not apply negative sanctions such as provisional licenses or revocations during the first year of implementation unless there are serious or numerous violations
- we will consider costs implications for any violation during the initial year of the new regulations, unless there is a major health or safety risk associated with the violation

We have heard concerns that providers are less than confident that the department will apply the regulations in a consistent, objective manner. Concern exists that interpretations of the regulations will vary across the Commonwealth. We are committed to the equal, consistent, and reasonable application of the regulations across the four departmental regions. We will conduct initial and follow-up training with our regional licensing inspectors to assure consistent application. We will be managing the interpretation of the regulations from a central management office in order to assure reasonable and consistent application. We ask external groups to be in contact with us as they observe any questions or concerns relating to our application of the regulations.

### **Staffing**

A fourth issue we would like to address concerns the varying recommendations we have received throughout the regulatory development process regarding staff qualifications. Staffing is always one of the most debated and important topics in the development of any set of licensing regulations. These regulations are no exception. From the initial development of the regulations and throughout the regulatory process we have heard from commentators who support highly educated and degreed staff, to

those who believe that experience alone is sufficient. The department fully recognizes the significant cost associated with staffing and the work force availability concerns of providers, as well as the need for highly educated and experienced staff to serve this very vulnerable population.

We have listened and taken all these concerns into account and have developed what we believe to be a balanced approach to staff qualifications. We have included a grandparent clause for currently employed staff so that all current staff will permanently qualify for their respective positions.

A few providers also object to the requirement for a supervisor to be on-site if the facility serves 16 or more children. It is the position of the Department, and several commentators, that this requirement is absolutely essential for the safety and protection of the children. Indeed, comments from the IRRRC suggested consideration of requiring a supervisor to be on-site at all times.

#### **Use of manual restraints**

Whether to permit the use of manual restraints, and if so, how to regulate their use was a major issue for discussion with advocates and providers throughout the regulations process. The department understands the severe danger of using manual restraints and we are keenly aware of many recent incidents of death and serious injury resulting from the improper use of manual restraints. We have also reviewed the recent Federal legislation introduced to restrict the use of both manual and mechanical restraints. However, we also appreciate the need to allow providers to control a dangerous situation where a child may injure himself or others. With both these concerns in mind, the department has agreed to permit the use of manual restraint but to restrict the types of restraints that are permitted and to require the staff supervision necessary to assure the child's safety. In particular, observation of the child's physical and emotional condition, at least every 10 minutes, by a person who is not applying the manual restraint is critical to prevent death and serious injury.

#### **Child's Right to Family Visits**

Many comments were received throughout the regulatory process asking us to strengthen the child's right to visits from their family at a time and location convenient for the child, the family, and the facility. The Department made this change after discussion by all interested parties at several regulation work group meetings in 1997 and 1998 including participation by representatives from all stakeholder groups. Family visits are necessary for the child so that family ties and bonds are not broken. While the right for a two week minimum number of visit is required as based on current regulation and practice, more frequent visits are encouraged. The Adoption and Safe Families Act (ASFA) also requires family visits.

The department understands that at times for clinical and safety reasons, family visits may not be recommended or that visits may need to be supervised. We further acknowledge that the facility is expected to provide reasonable accommodations for

**family visits. The department will be reasonable when applying this requirement and consider the safety and the best interest of the children.**

**STATEWIDE EXTERNAL GROUPS INVOLVED IN REVIEW OF  
CHILD RESIDENTIAL AND DAY TREATMENT REGULATIONS  
SUMMARY OF POSITIONS**

**Advocacy Organizations:**

Kevin Casey  
PA Protection and Advocacy  
116 Pine Street  
Harrisburg, PA 17101  
236-8110  
Full support of regulations; will send letter of support

Robert Schwartz (Marsha Levitt)  
Juvenile Law Center  
801 Arch Street  
6<sup>th</sup> Floor  
Philadelphia, PA 19107  
215-625-0551  
As of 9/98, full support of regulations; uncertain if JLC will send letter of support

Joan Benso  
PA Partnerships For Children  
20 North Market Square  
Harrisburg, PA 17101-1632  
236-5680  
As of 4/99, will support position of JLC

Glenda Fine  
Parent Involved Network  
1211 Chestnut St  
11<sup>th</sup> Floor  
Philadelphia, PA 19107  
215-751-1800 ext.214  
As of 9/98, all concerns and issues addressed

**Provider Organizations:**

Bernadette Bianchi  
PA Council of Children's Services  
2909 North Front Street  
Harrisburg, PA 17110  
231-1600  
As of 9/98, no remaining concerns; as of 4/99, will not take position on regulations--differing concerns and positions within organization

Shirley Walker  
PA Assoc. of Resources for People with Mental Retardation  
P.O. Box 11820  
Harrisburg, PA 17108  
236-2374  
Supports regulations; will send letter of support

Kris Erickson  
PA Community Providers Assoc  
2400 Park Drive  
Harrisburg, PA 17110  
657-8265  
Letter of full support sent 4/26



**Don DeVore**  
**Juvenile Detention Center Assoc**  
**540 Port Indian Rd**  
**Norristown, PA 19403**  
**610-631-1893**

**As of 9/98, no remaining concerns; as of 4/99, only two concerns that can be addressed by waiver and interpretive clarification**

***Prepared 4/29/99***

***Department of Public Welfare***



# PENNSYLVANIA COMMUNITY PROVIDERS ASSOCIATION

"promoting quality community services for persons with mental illness,  
mental retardation, and addictive diseases"

2400 Park Drive • Harrisburg, PA 17110-9303

Phone (717) 657-7078

email: mail@paproviders.org

FAX (717) 657-3552

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Michael Ratajczak, LSW

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Colleen McGuigan

David McLane, Ph.D.

### Executive Director

Raymond R. Webb, Jr., LSW

April 26, 1999

Ms. Fiona Wilmart, Regulatory Analyst  
Independent Regulatory Review Commission  
333 Marker Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Dear Ms. Wilmart:

The Pennsylvania Community Providers Association represents over 235 providers of mental health, mental retardation, addictive disease and children's services. Of these, approximately 60% provide services to children. This letter is written on behalf of those children's providers, regarding comments on the draft PA Code 55, Chapter 3800 regulations.

PCPA, through involvement of staff and members, was able to participate in the lengthy process of developing the draft regulations. At the final work group meeting in August 1998, provider representatives from the Association felt that the Department of Public Welfare had made excellent attempts at addressing concerns expressed to them. Remaining issues for members of PCPA appear to lie in the interpretation of some wording. It is our understanding from Ms. Karen Kroh, Department of Public Welfare, that an interpretive guide to these regulations is being developed for licensing staff and providers that will clarify those concerns.

As such, it is my pleasure to write this letter in support of the efforts of the Cross System Licensing Project in the drafting of the Chapter 3800 regulations, and the regulations themselves contingent upon the completion of the interpretive guidelines. The involvement of a stakeholder work group from the outset of the process should dictate all regulatory and rule making activities of Commonwealth agencies.

Thank you for your attention to this matter.

Sincerely,

Raymond R. Webb, Jr.  
Executive Director

cc: Karen Kroh, DPW

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OFFICE OF POLICY DEVELOPMENT

APR 28 1999

REFER TO: \_\_\_\_\_



Spectrum Family of agencies		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Woods Services		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Children, Youth & Family Council of Delaware Valley	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Alternative Rehab Comm		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Parents Involved Network		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Youth Serv Alliance of PA		✓			✓		✓		✓		✓		✓		✓	✓		✓		✓
Praseley Ridge		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bureau of Safety & Lab Serv/Dept of Ag		✓			✓		✓		✓		✓		✓		✓		✓		✓	

Agency	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Bureau of Occup and Ind Safety/Dept of L & I															
Juvenile Law Center		✓		✓		✓		✓		✓	✓		✓		✓
Mal Blount Youth Homes		✓				✓		✓		✓			✓		
Glen Mills		✓		✓		✓		✓					✓		✓
Silver Springs M. Luther School	✓	✓		✓		✓		✓		✓			✓		✓
Juvenile Detention Center Admin. of PA	✓	✓		✓		✓		✓		✓			✓		✓
PA Children & Youth Adm	✓	✓		✓		✓		✓		✓			✓		✓

Indiana Co CYS		✓	✓	✓		✓	✓	✓		✓	✓		✓	✓
Jeveroux		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Catholic Social Services		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Specialized Treatment Services		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Children's Hospital of Pittsburgh		✓			✓									
Schaffner Youth Center		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Appalachian Youth Services		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Juvenile Court Judges Comm.	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Northwest Youth Services	✓	✓	✓			✓							✓	✓



PA Assoc of Rehab facilities	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Allegheny County CYS		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PA Protection and Advocacy	<input checked="" type="checkbox"/>								<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Disabilities Law Project										<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mental Health Assoc. of Pa										<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

NOTE: This table represents work group members and statewide organization participation in the regulatory process. Many other individuals also submitted written public comment.



Commonwealth of Pennsylvania  
 Department of Public Welfare  
 Office of Policy Development  
 Room 323 Health & Welfare Building  
 Harrisburg, Pennsylvania 17105-2675  
 Telephone: (717) 783-2207  
 Fax: (717) 772-4957  
 Internet: karenkr@dpw.state.pa.us

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RENEW COMMISSION

FACSIMILE COVER SHEET

DATE: 4/29/99

SUBJECT: 3800 Regs.

FAX #: 783-2664

TO: Fiona

FROM: Karen Kroh, Licensina Manager

NUMBER OF PAGES TO FOLLOW: 15

NOTE: \_\_\_\_\_

Please call with questions.

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receive this fax in its entirety, please contact Rochelle Scott at (717) 772-2287.

**CORNELL ABRAXAS**

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99 MAY -3 AM 9:04

STATE OF PENNSYLVANIA  
REGULATORY  
REVIEW COMMISSION

April 27, 1999

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Senator Howard Mowery  
Chairman, Public Health and Welfare Committee  
Senate Post Office Box 203031  
Harrisburg, PA 17120-2030

Dear Senator Mowery:

Recently the Department of Public Welfare (DPW) released to the Public Health and Welfare Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Public Health and Welfare Committee consider a public meeting to discuss the proposed regulations before they are published as final in the *Pennsylvania Bulletin*.

Cornell Abraxas is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the *PA Bulletin* originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are intended to regulate a multitude of diverse services for almost all out-of-home care settings and dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services is of concern to us because such services vary in such critical areas as staffing patterns and responsibility for protecting the rights of children and ensuring community safety. Additional information about Cornell Abraxas' areas of concern are detailed on the enclosed comments.

We believe that a public forum is necessary so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached. Thank you for considering this request. Please do not hesitate to contact me with any questions.

Sincerely,

John C. Godlesky  
Senior Vice President for Operations—Juvenile Division

AKM/jav

Enclosure: as stated

Cornell Abraxas  
One Gateway Center, Fifth Floor  
Pittsburgh, PA 15222  
412-208-4000 Fax: 412-208-4001  
800-227-2927

cc: Senator Jay Costa  
Senator James Gerlach  
Senator Melissa Hart  
Senator Vincent Hughes  
Senator Shirley Kitchen  
Senator Tim Murphy  
Senator Allyson Schwartz  
Senator Mary Jo White

John R. McGinley, Jr.

**Cornell Abraxas**  
**Comments on Proposed Regulations**  
Title 55, Part V, Chapter 3800

**§3800.5 Definitions**

*Child Residential Facility (facility)*- a premise or part thereof, operated in a 24-hour living setting in which care is provided for one or more children who are not relatives of the facility operator, except as provided in §3800.3 (relating to exemptions).

*Comment:* Defining a facility as such creates confusion when interpreting other regulations throughout this chapter. At times, it appears as though “facility” is referring to an entire program site; while at other times a “facility” is referred to as each separate building where children reside. This is confusing and should be clarified. (A1 in Marienville, PA has six 30-bed living units and four 6-8 bed living units on one program site.)

**§3800.16 Reportable Incidents**

- (c) The facility shall complete a written reportable incident report, on a form prescribed by the Department, and send it to the appropriate departmental regional office and the contracting agency, within 24 hours.

*Comment:* From Monday through Friday, this time frame would not be difficult to meet. In order to ensure quality and completeness of the documentation, we view this type of reporting as an administrative function. Although reportable incidents are immediately reported to administrative personnel, they are not always available on site on the weekends to complete the necessary report and send it out within 24 hours. We would recommend that if an incident occurs on a weekend or holiday, that the report be completed and sent out the following regular workday.

**§3800.18 Child Funds**

- (d) Except for children expected to be in the facility for fewer than 30 days, the facility shall maintain an interest-bearing account for child funds, with interest earned tracked and applied for each child.

*Comment:* Since the amounts of resident accounts are often too small to warrant separate accounts, (most banks will not do it) resident funds in most programs would be placed into one interest bearing account and then tracked internally. Staff time and costs related to such tracking would be considerable, especially the burdensome task of calculating and determining interest for each resident. Each resident’s portion varies significantly and withdrawals and deposits occur at staggering times. (Note: This is also one of the regulations where the term “facility” is used in a confusing manner.)

**§3800.32 Specific Rights**

- (f) A child shall have the right to visit with family at least once every two weeks, at a time and location convenient for the family, the child and the facility, unless visits are restricted by court order. This right does not restrict more frequent family visits.

**Comment:** Family visits are an integral part of treatment. Families are welcome to visit the client at the facility every two weeks. Although we do not restrict family visitation, due to the distant location of the facility from the many of the families' homes, it is difficult to arrange for frequent visitation for those families who cannot provide their own transportation to the facility. When they have financial or transportation difficulties, we do what we can, within our means, to assist them with transportation and lodging. It is not feasible, however, to pay for every family's trip on such a frequent basis. There are also times when Abraxas staff will escort clients to their hometown for a counseling session and a visit, usually when it coincides with a court hearing or other special event. It would also be cost prohibitive, however, to have our staff escort residents on home passes to the family home or other arranged locations on a frequent basis. The concern with the way this section is worded is that the burden to fulfill the "right" of family visitations will lie solely on the program, rather than a shared responsibility of the program, the family, and the contracting agency.

It is also not feasible, for safety and security reasons, to allow our residents to go home for home visits before they have shown that they can be trusted to follow rules and guidelines and return safely to the facility following the visit. We deal with a population of juvenile offenders who are placed by the Court because of the crimes they have committed in the community. We do not allow them to return home for an unsupervised home pass until they have earned the privilege to do so, by demonstrating skills that will allow them to function successfully outside of a structured treatment environment. The safety of the client, the family, and the community must be considered in this process.

We feel that family visitation at the facility and home passes are directly related to the client's treatment plan. Under this section, family visitation is not related to the service plan or to the client's treatment goals.

#### **§3800.54 Child Care Supervisor**

- (b) For facilities serving 16 or more children, whenever 16 or more children are present at the facility, there shall be at least one child care supervisor present at the facility.

**Comment:** This section implies that a qualified child care supervisor must be present at all times in each building having 16 or more children. Our programs do not currently have this staffing arrangement. This will be a very costly task, especially since one of our programs has six treatment units with 30 residents in each building. All of the Cornell Abraxas programs, regardless of the size, would be required to hire additional child care supervisors under this section.

None of our programs have child care supervisors working through the night who meet the qualifications in this section. We have 24-hour on-call supervision, and an adequate number of supervisors covering the hours in the day when residents are awake. Additionally, the supervisory staff in charge of the other staff and the residents during the night are well trained and qualified to fulfill the responsibilities of providing for client safety and security during the sleeping hours. They may not meet the requirements in this section for a child care supervisor, but their job responsibilities are very different from a supervisor who is supervising our treatment program.

#### **§3800.58 Staff Training**

- (d) After initial training, the director and each full-time, part-time and temporary staff person, who will have regular and significant direct contact with children, shall have at least 40 hours of

training annually relating to the care and management of children. This requirement for annual training does not apply for the initial year of employment.

**Comment:** Requiring program directors to fulfill 40 hours of training annually in the areas listed in this section does not increase the protection of the children in the program. This requirement will reduce the amount of training directors may obtain in more critical areas for them, such as management and supervision of employees, budgeting, contracting, etc... This type of training supports a director in performing the administrative tasks necessary to operate the program effectively. Most directors will have already had years of experience and training in the areas listed in this section, areas that are critical for those staff who deal directly with the children on a daily basis.

#### **§3800.151 Staff Health Statement**

A staff person or volunteer who comes into direct contact with the children or who prepares or serves food, shall have a statement signed and dated by a licensed physician, certified registered nurse practitioner, or licensed physician's assistant, within 12 months prior to working with children or food service and every 2 years thereafter, stating that the person is free of serious communicable disease that may be spread through casual contact or that the staff person has a serious communicable disease that may be spread through casual contact but is able to work in the facility if specific precautions are taken that will prevent the spread of the disease to children.

**Comment:** In most cases, this health statement would involve a physical examination before a medical practitioner would sign off. The expense to the program would be considerable if offered as an employee benefit. For those staff not serving food, it seems as though the regulations as they are now would suffice. Supervisors have the ability to question staff who are experiencing symptoms of health problems and subsequently refer them to a physician for follow up.

#### **§3800.211 Manual Restraint**

- (e) A staff person who is not applying the restraint shall complete observation and documentation of the physical and emotional condition of the child, at least every 10 minutes the manual restraint is applied.

**Comment:** Having an uninvolved staff person in a restraint situation to observe and document the incident is not practical in most cases and could also be considerably costly to programs. Many programs will have to increase their staffing patterns in order to have enough staff on duty in case a restraint would occur. There are enough staff to safely restrain the client, but may not be enough staff to have an uninvolved observer. Additionally, in larger programs where there may be enough staff, having an uninvolved observer takes away from the supervision of the other residents in the treatment unit and then becomes a safety issue. Staff members are trained and certified to assess the emotional and physical condition of clients throughout a restraint, and to document the incident when it is over.

#### **§3800.228 Copies of the ISP**

- (a) Copies of the ISPs, revisions to the ISP and monthly documentation of progress shall be provided to the child if he is over 14 years of age, the parent, the child's guardian or custodian, if applicable, the contracting agency and persons who participated in the development and revisions to the ISP.

**Comment:** We have no problem providing copies of the ISP and revisions to the parties listed in this section. Sending written monthly progress reports to all of the parties listed in this section will place a time and financial burden on the program staff, particularly counseling staff. Counselors speak to family members and referral agencies at least once per month, usually more often, to provide them with progress updates. Families have been satisfied with the amount of time spent and the type of information that is shared with them. Managing additional documentation and tracking the dissemination will take counselors away from their main responsibility which is to spend time with their clients and provide effective treatment interventions.

**CORNELL ABRAXAS**

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ORIGINAL: 1927  
FORM LETTER

April 27, 1999

Representative Jere Schuler  
Chairman, House Aging and Youth Committee  
House Post Office Box 202020  
Harrisburg, PA 17120-2020



Dear Representative Schuler:

Recently the Department of Public Welfare (DPW) released to the House Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the House Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the *Pennsylvania Bulletin*.

Cornell Abraxas is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the *PA Bulletin* originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are intended to regulate a multitude of diverse services for almost all out-of-home care settings and dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services is of concern to us because such services vary in such critical areas as staffing patterns and responsibility for protecting the rights of children and ensuring community safety. Additional information about Cornell Abraxas' areas of concern are detailed on the enclosed comments.

We believe that a public forum is necessary so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached. Thank you for considering this request. Please do not hesitate to contact me with any questions.

Sincerely,

John C. Godlesky  
Senior Vice President for Operations—Juvenile Division

AKM/jav

Enclosure: as stated

**Cornell Abraxas**  
One Gateway Center, Fifth Floor  
Pittsburgh, PA 15222  
412-208-4000 Fax: 412-208-4001  
800-227-2927



cc: Representative Todd Eachus  
Representative Allan Egolf  
Representative Jeffrey Habay  
Representative Julie Harbart  
Representative David Levdansky  
Representative Sheila Miller  
Representative Ron Miller  
Representative Frank Pistella  
Representative T.J. Rooney  
Representative Carol Rubley  
Representative Steve Samuelson  
Representative Larry Sather  
Representative Thomas Scrimenti  
Representative David Steil  
Representative W. Curtis Thomas  
Representative John Yudichak

John R. McGinley, Jr.



**PENNSYLVANIA COMMUNITY PROVIDERS ASSOCIATION**

*"promoting quality community services for persons with mental illness, mental retardation, and addictive diseases"*

2400 Park Drive • Harrisburg, PA 17110-9303

Phone (717) 657-7078

email: mail@paproviders.org

FAX (717) 657-3552

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Raymond R. Webb, Jr., LSW

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April 26, 1999

Ms. Fiona Wilmart, Regulatory Analyst  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Dear Ms. Wilmart:

The Pennsylvania Community Providers Association represents over 235 providers of mental health, mental retardation, addictive disease and children's services. Of these, approximately 60% provider services to children. This letter is written on behalf of those children's providers, regarding comments on the draft PA Code 55, Chapter 3800 regulations.

PCPA, through involvement of staff and members, was able to participate in the lengthy process of developing the draft regulations. At the final work group meeting in August 1998, provider representatives from the Association felt that the Department of Public Welfare had made excellent attempts at addressing concerns expressed to them. Remaining issues for members of PCPA appear to lie in the interpretation of some wording. It is our understanding from Ms. Karen Kroh, Department of Public Welfare, that an interpretive guide to these regulations is being developed for licensing staff and providers that will clarify those concerns.

As such, it is my pleasure to write this letter in support of the efforts of the Cross System Licensing Project in the drafting of the Chapter 3800 regulations, and the regulations themselves contingent upon the completion of the interpretive guidelines. The involvement of a stakeholder work group from the outset of the process should dictate all regulatory and rule making activities of Commonwealth agencies.

Thank you for your attention to this matter.

Sincerely,

Raymond R. Webb, Jr.  
Executive Director

cc: Karen Kroh, DPW

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APR 28 1999

REFER TO: \_\_\_\_\_

Commonwealth of Pennsylvania  
 Department of Public Welfare  
 Office of Policy Development  
 Room 323 Health & Welfare Building  
 Harrisburg, Pennsylvania 17105-2675  
 Telephone: (717) 783-2207  
 Fax: (717) 772-4957  
 Internet: karenkr@dpw.state.pa.us

FACSIMILE COVER SHEET

DATE: 4/28

SUBJECT: 3800 Resp.

FAX #: 783-2664

TO: Fiona

FROM: Karen Kroh, Licensina Manager

NUMBER OF PAGES TO FOLLOW: 1

NOTE:

PCPA letter of support!

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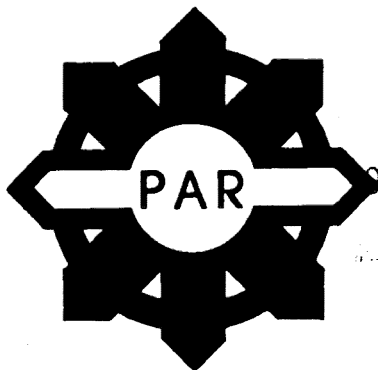
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receive this fax in its entirety, please contact Rochelle Scott at (717) 772-2287.



Pennsylvania Association of Resources  
for People with Mental Retardation

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MAY - 4 AM 9:47

INDEPENDENT REGULATORY  
REVIEW COMMISSION

1007 North Front Street  
Harrisburg, Pennsylvania 17102  
Phone • 717-236-2374  
Fax • 717-236-5625

May 3, 1999

Independent Regulatory Review Commission  
Attn: Fiona Wilmarth  
333 Market Street, 14th Floor  
Harrisburg, PA 17107

Original: 1999  
McGinley  
cc: Wilmarth  
Sandusky  
Legal

Dear Ms. Wilmarth:

I am writing on behalf of the Pennsylvania Association of Resources for People with Mental Retardation (PAR), regarding the Department of Public Welfare Child Residential and Day Treatment Facilities regulations, in support of the final-form regulations which retain the ability to hire 18-20 year old workers.

PAR is a statewide non-profit organization representing private mental retardation service providers statewide. The Association's members provide a wide variety of services and supports to 27,000 individuals with mental retardation, in over 2000 locations in the Commonwealth, with a workforce of 21,000 citizens. In addition, we provide in-home supports and non-residential mental retardation services. We are, therefore, concerned about retaining the ability to hire the most competent workers available from a work pool that is not arbitrarily limited.

Because there is no research to support discriminating against 18-20 year old workers on the basis of age, because we need to attract competent 18-20 year old workers into the human services field at the beginning of their careers (or we will lose some of our best recruits), and because we have a severely limited pool of workers who are willing to work for the wages that are available through state and county contracts, we strongly support these final-form regulations submitted by the Department of Public Welfare which recognizes the value of retaining the ability to hire competent 18-20 year old people.

PAR will support these regulations as long as the language at §3800.55 (h), remains as follows (as currently written in the final-form regulations) or becomes less restrictive: *"A child care worker who is counted in the worker to child ratio shall be 18 years of age or older if all the children served in the facility are under 18 years of age. A child care worker who is counted in the worker to child ratio shall be 21 years of age or older if one or more children served in the facility are 18 years of age or older."*

We are pleased that the Department has recognized that it would have been counter-productive to arbitrarily raise an age barrier against hiring 18-20 year old workers, regardless of

the individual's competence, enthusiasm or interest. We agree with the Department's statement that "To limit the pool of potential employees in an already stressed and thin employment pool is not responsible and could result in reduced protection to children if qualified staff could not be recruited."

The Department has already made some significant compromises in these regulations that limit hiring on the basis of age and education and to further limit would cause PAR to no longer be able to support the regulations. These compromises include:

1. Staff persons must be at least 18 years of age if all of the children in the facility are under 18 years of age.
2. If any of the children in the facility are 18 years of age or older, staff must be at least 21 years of age due the staff maturity required to effectively provide care and services in those facilities serving young adults.
3. 3800.54(d)(2) Child Care Supervisor states that an "associates's degree or 60 hours...and three years of experience of working with children" is the most flexibility that will be given to a provider in hiring a child care supervisor. The draft proposed regulations had also included language which allowed a worker to be considered for a supervisory position if the individual had "a high school diploma or general education development certificate and five years work experience with children." Eliminating this provision in the final-form regulations effectively closes the door to the career ladder for any staff person who has made child care their vocation, no matter how qualified the individual may be in terms of his/her ability to carry out all the functions of the supervisory position.

These compromises were unfortunate and are not productive, however, we continue to support the final-form regulations if no further restrictions are placed on who can be hired or promoted. Our interests are to find and promote individuals who show the most promise, and who prove by their actions that they are capable and qualified.

Our support is also based on the fact that the Department has promised that there will be a reasonable and appropriate implementation process of these regulations, with training and technical assistance provided prior to full implementation, and that there will be the opportunity to participate in the development of the licensing inspection instrument along with an adequate comment period provided on the draft licensing inspection instrument.

Thank you for the opportunity to comment on these important regulations. We are available anytime at your request to discuss our comments or other questions you may have.

Sincerely,



Shirley A. Walker  
Executive Director

# PARENTS INVOLVED NETWORK of PENNSYLVANIA

The Pennsylvania State Organization of the Federation of Families for Children's Mental Health

1211 Chestnut Street - 11th Floor - Philadelphia, PA 19107

(215) 751-1800 (800) 688-4226

FAX (215) 636-6300 E-mail pin@mhasp.org

April 30, 1999

Robert Nyce, Executive Director  
Independent Regulatory and Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

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Dear Mr. Nyce:

I am writing in response to the changes that the Department of Public Welfare has made to the 3800's Regulations. Before going into what, as an organization, we consider problematic, I would like to tell you that we, wholeheartedly, support the changes that increase family participation in planning their child's program, as well as the requirements around family visitation. Additionally we feel that the Department has taken important 'first steps' in regulating the use of restraints. We would hope that these truly are only 'first steps', and that the Department continues to tightly regulate and monitor this method of controlling a child and, eventually develops regulations that prohibit the use of restraints all together. We want to continue our dialogue with the Department on this very important issue. What is important to realize is that the Department has revised, and at times, rewritten many of these regulations in keeping with Child and Adolescent Service System Program (CASSP) Principles. This approach is one that we endorse wholeheartedly.

The one section that we take strong exception to is the area concerning the administration of medications. To allow non-medical personnel to administer oral and topical prescription medications, without requiring that trained medical personnel be on site, is irresponsible and negligent. While recognizing the need to create regulations that allow for fiscal conservation and cost effective program administration, we believe that this is one of those areas that the need for professionalism and quality of service far outweigh any fiscal consideration. While laudatory that the Department will require training for personnel prior to any individual being allowed to administer medications, it is not enough for those youngsters who are receiving medications such as Neuroleptics, MAO Inhibitors, Narcotics and Amphetamines, to cite just a few. These are all drugs that have a broad range of possible side effects, many of which can only be discerned by someone who is a skilled medical professional. These same, difficult to discern, side effects can, and often are, life threatening. For instance, Neuroleptic Syndrome can start out presenting as the 'flu', yet kill a child within hours of onset. Tardive Dyskinesia can start out as simple muscle or joint aches but progress to irreversible damage, again, within hours of onset. Anaphylactic response is not as simple as recognizing a rash or asthma or hives. Ambulance time is often protracted, particularly in more remote areas and minutes can mean the difference between life and death. Although helpful that a

A Project of the Mental Health Association of Southeastern Pennsylvania

A SUPPORT, ADVOCACY, INFORMATION AND REFERRAL RESOURCE, AND TECHNICAL ASSISTANCE CENTER FOR FAMILIES OF CHILDREN AND ADOLESCENTS WHO HAVE EMOTIONAL OR BEHAVIOR DISORDERS

Page Two  
April 30, 1999

person can be trained in CPR techniques, the ability to invasively open an airway may be the only thing that can save that child's life. A trained medical person knows how to do this. Non-medical individuals don't. And, a training course on the basics of medication administration isn't going to teach and supervise the practice of this important life-saving technique. The myriad of reactions that a child being treated with any one, or any combination of these complex drugs, who has ingested alcohol is unpredictable, yet again, can be life threatening. We know that children/adolescents in residential treatment facilities do, at times, get hold of alcohol or other illegal substances. I could go on and on with the range of awful possibilities. What should be clear to the reader is the necessity of having appropriately trained medical personnel present when children/adolescents are on a regimen of these types of drugs. We are putting many of our most vulnerable children/adolescents in an untenable position of risk for the sake of saving a few dollars.

As an organization, we would encourage you to not approve this section of the regulations as written. We would ask that the Department be required to rewrite this section, using language that requires the on-site presence of trained medical personnel any time that there is the administration of these drugs.

Please contact me if you have any questions or need additional information.

Thank you for the opportunity to provide our input.

Sincerely,



Glenda Fine



Regina Ericson

# FAX

Date 5-3-99

Number of pages including cover sheet (3)

TO: *Robert Tupper*

FROM: **Glenda Fine**  
**Parents Involved Network**  
**1211 Chestnut Street,**  
**11th Floor**  
**Philadelphia, PA 19107**

Phone

Fax Phone 717-783-2664

Phone 215-751-1800, Ext.214

Fax Phone 215-636-6300

CC:

REMARKS:  Urgent     For your review     Reply ASAP     Please Comment

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99 MAY -3 PM 3:12  
COMMUNICATIONS SECTION



# Juvenile Law Center

801 Arch Street, Sixth Floor, Philadelphia, PA 19107 (215) 625-0551 • In PA: (800) 875-8867 • FAX: (215) 625-9589 • Internet: HN2403@Handsnet.org

May 3, 1999 09 MAY -4 AM 10:00

Robert E. Nyce, Executive Director  
Independent Regulatory Review Commission

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Original: 1927  
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BY FACSIMILE

Re: Department of Public Welfare Proposed Regulations  
55 Pa. Code Chapter 3800 -- Child Residential and Day  
Treatment Facilities

Dear Mr. Nyce:

I write on behalf of Juvenile Law Center (JLC) to support the above-captioned final-form regulation proposed by the Department of Public Welfare. As you know, JLC submitted extensive comments on the proposed regulations during the period for public comment last year. JLC has had the opportunity to review the final-form regulations, and we believe the Department has adequately addressed many of our concerns. We feel that, on the whole, implementation of Chapter 3800, as proposed, will benefit the children of the Commonwealth.

In particular, we commend the provisions included in the final-form regulation regarding limits on the use of restraints, including the additional requirements for children and youth in secure care. These provisions, as written, incorporate critical safeguards for children. We consider it essential for the safety of the children of the Commonwealth that the regulations be promulgated with these provisions intact.

We note our disappointment at the Department's failure to add the child's attorney to the list of individuals to be notified of "reportable incidents." See Sec. 3800.16(h). The role of the attorney who represents a dependent or delinquent child extends to involvement in ongoing planning for the child once the child is in placement. We consider it essential to the attorney's ability to effectively represent the client that the attorney be notified of events such as most of those defined as "reportable." Although we do not believe that IRRC should reject the regulation over this issue, we urge you to raise the concern with the Department and to encourage the Department to rectify

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Joe Quinlan  
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Directors Emeritus  
Stuart W. Kline  
Sol E. Zubrow  
(1976-1993)

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this omission through its future training efforts and policy AM 10:01  
guidance regarding implementation of Chapter 3800.

Thank you for your consideration of these comments.

Sincerely,



Eleanor L. Bush  
Co-Acting Director

cc: Feather Houstoun  
Jo Ann Lawer, Esq.  
Karen Kroh  
Anne Shenberger



**Lourdesmont**  
**Good Shepherd Youth & Family Services**

537 Venard Road, Clarks Summit, PA 18411-1298  
(570) 587-4741 FAX (570) 586-0030

Original: 1927  
McGinley  
cc: Wilmarth  
Sandusky  
Legal

John A. Antognoli, Ed.D., Executive Director

April 29, 1999

Representative Jere Schuler  
Chairman, House Aging and Youth Committee  
House Post Office Box 202020  
Harrisburg, Pennsylvania 17120-2020

RECEIVED  
99 MAY -4 AM 10:03  
PENNSYLVANIA  
FAMILY COMMISSION

Dear Representative Schuler,

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

Lourdesmont is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services, which by the nature of their diversity require significantly different considerations as it relates to the rights of children, community safety and staffing patterns, is of concern to my agency. In addition to the issues noted above, I have attached additional concerns my agency has with the regulations to this letter.



I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,



John A. Antognoli, Ed.D.  
Executive Director

JAA/jr

attachment (1)

cc: Rep. Frank Pistella, Democratic Chairman, Aging and Youth Committee  
John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission  
Senator Harold Mowery, Chairman, Public Health and Welfare Commission  
Senator Vincent Hughes, Democratic Chairman, Public Health and Welfare



## ADDITIONAL CONCERNS RE: CHAPTER 3800 RESIDENTIAL AND DAY TREATMENT REGULATIONS

▶ **3800.16 REPORTABLE INCIDENTS.**

There are several provisions delineated in this regulation that would result in a significant increase in contacts to the regional office, along with an increase in cost for the agency due to staff time related to reporting, documentation and follow up.

Of particular concern are the following:

1. **A child who is absent for 4 hours.**  
This is a situation that can occur frequently given the constellation of the residence.
2. **Any incident requiring the involvement of the police or fire departments.**  
Every time a resident leaves campus without permission, the police are contacted as they are placed via court order.

▶ **3800.18 STAFF TRAINING.**

The thirty hours of training required before a staff can work alone puts a great burden on the agency both financially and in terms of staffing. This concern is further magnified when considering the inclusion of part-time employees and volunteers.

▶ **3800.144 DENTAL CARE.**

Certainly, the need for dental care is accepted. The issue which surfaces here is related to the thirty day time constraint. Scheduling dental appointments is difficult at best, there is presently no avenue by which it appears likely that this deadline can be met.

JUVENILE LAW CENTER  
FAX COVER SHEET

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SENT TO: ROBERT NYCE

FAX #: (717) ~~WILMARTH~~ 783-2664

SENT FROM: ELEANOR BUSH

DATE: 5/4/99

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NUMBER OF PAGES SENT (INCLUDING COVER SHEET): 3

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JUVENILE LAW CENTER  
801 ARCH STREET, 6TH FLOOR  
PHILADELPHIA PA 19107  
PHONE (215)625-0551 FAX (215)625-9589  
In PA: (800)875-8887



MANITO INC.  
7564 BROWN'S MILL ROAD  
CHAMBERSBURG, PA 17201-9252  
(717) 375-4834  
FAX (717) 375-4067

April 26, 1999

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14th Floor Harrisstown 2  
333 Market Street  
Harrisburg, PA 17101

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99 APR 29 AM 8:59  
PPR...  
...  
...

Dear Mr. McGinley:

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

MANITO INC. is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually provide altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services, which by the nature of their diversity require significantly different considerations as it relates to the rights of children, community safety and staffing patterns, is of concern to my agency.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Robert A. Howard".

Robert A. Howard  
Chief Operating Officer



# GEORGE JUNIOR REPUBLIC IN PENNSYLVANIA

P.O. BOX 1058 • GROVE CITY, PENNSYLVANIA 16127  
TELEPHONE: 724-458-9330 • FAX 724-458-1559

PAT J. FARRONE  
PRESIDENT AND CEO

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May 21, 1999

Mr. John R. McGinley, Jr.  
Chairman  
Independent Regulatory Review Commission  
IRRC  
14<sup>th</sup> Floor Harrisstown 2  
333 Market Street  
Harrisburg, PA 17101

RECEIVED  
MAY 25 AM 9:47  
INDEPENDENT REGULATORY REVIEW COMMISSION

Dear Mr. McGinley:

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

George Junior Republic is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services, which by the nature of their diversity require significantly different considerations as it relates to the rights of children, community safety and staffing patterns, is of concern to my agency.



Finally, our organization works with both a delinquent population and a moderately to severely emotionally, disturbed population. These populations tend to demonstrate out-of-control behavior periodically. We are concerned with the severe limitations placed on the use of restrictive procedures, particularly with the populations with whom we work. More specifically, the limitation on passive physical restraints and medication. I respectfully request that you give some serious consideration to these concerns with our populations, as the current content in the regulations will contribute to a significant increase in the placement of youth in secure facilities.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

  
William J. Morris, MSW  
Vice President

WJM:pg

# Florence Applebaum

Telephone (610) 799-6058

1609 Maple Leaf Lane  
Whitehall, PA 18052

April 24, 1999

RECEIVED  
LEGISLATIVE COMMISSION  
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Senator Howard Mowery  
Chairman, Public Health and Welfare Committee  
Senate Post Office Box 203031  
Harrisburg, PA 17120-2030

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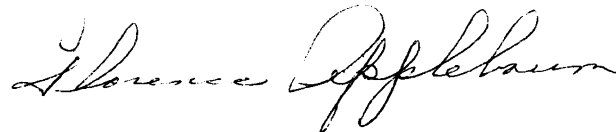
Dear Senator Mowery:

As an advocate for children, I have some concerns about the new proposed 3800 Child Residential Care and Day Treatment Regulations. It appears that they may place too heavy a financial burden on the non-profit voluntary agencies, which could jeopardize rather than improve quality of care.

I urge you to hold a public discussion of the proposed regulations before finalizing them.

Thank you for your consideration of this important matter.

Sincerely,



Florence Applebaum

cc:  
Senator Vincent Hughes, Democratic Chairman  
Public Health & Welfare Committee  
Senate P.O. Box 303007  
Harrisburg, PA 17120-20309

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
IRRC, 14th Floor Harrisstown 2  
333 Market Street  
Harrisburg, PA 17101

Glenn J. Hillegass

# CONCERN<sup>®</sup>

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 Sandra L. Weidner, M.D.  
 Nancy W. Weikert, L.S.W., A.C.S.W.

April 23, 1999

Representative Jere Schuler  
 Chairman, House Aging and Youth Committee  
 House Post Office Box 202020  
 Harrisburg, PA 17120-2020

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FORM LETTER 4

Dear Representative Schuler:

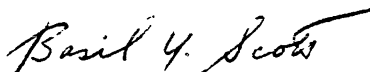
Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

CONCERN - Professional Services for Children, Youth, and Families is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services, which by the nature of their diversity require significantly different considerations as it relates to the rights of children, community safety and staffing patterns, is of concern to my agency.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Sincerely,



Basil Y. Scott, Ph.D.  
 President, CONCERN Board of Directors

cc: Rep. Frank Pistella, Democratic Chairman, Aging and Youth Committee  
 John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission

**STATEWIDE EXTERNAL GROUPS INVOLVED IN REVIEW OF  
CHILD RESIDENTIAL AND DAY TREATMENT REGULATIONS**

**Advocacy Organizations:**

Kevin Casey  
PA Protection and Advocacy  
116 Pine Street  
Harrisburg, PA 17101  
236-8110

Robert Schwartz (Marsha Levitt)  
Juvenile Law Center  
801 Arch Street  
6<sup>th</sup> Floor  
Philadelphia, PA 19107  
215-625-0551

Joan Benso  
PA Partnerships For Children  
20 North Market Square  
Harrisburg, PA 17101-1632  
236-5680

Glenda Fine  
Parent Involved Network  
1211 Chestnut St  
11<sup>th</sup> Floor  
Philadelphia, PA 19107  
215-751-1800 ext.214

**Provider Organizations:**

Bernadette Bianchi  
PA Council of Children's Services  
2909 North Front Street  
Harrisburg, PA 17110  
231-1600

Shirley Walker  
PA Assoc. of Resources for People with Mental Retardation  
P.O. Box 11820  
Harrisburg, PA 17108  
236-5825 2374

Kris Erickson  
PA Community Providers Assoc  
2400 Park Drive  
Harrisburg, PA 17110  
657-8265

Don DeVore  
Juvenile Detention Center Assoc  
540 Port Indian Rd  
Norristown, PA 19403  
610-631-1893

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POLICY DEVELOPMENT  
REVIEW COMMISSION

Commonwealth of Pennsylvania  
Department of Public Welfare  
Office of Policy Development  
Room 323 Health & Welfare Building  
Harrisburg, Pennsylvania 17105-2675  
Telephone: (717) 783-2207  
Fax: (717) 772-4957  
Internet: karenkr@dpw.state.pa.us

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DATE: 4/19  
SUBJECT: 3806-Child Resid. Regs.  
FAX #: 783-2664  
TO: Fiona Wilmarth, IRAC  
FROM: Karen Kroh, Licensina Manager

NUMBER OF PAGES TO FOLLOW: 1

NOTE: Here is the list of External  
Orgs. on the Child Resid./Day Treatment  
Regs.

~~With  
Correction~~

receive this fax in its entirety, please contact Rochelle Scott at (717) 772-2287.

**STATEWIDE EXTERNAL GROUPS INVOLVED IN REVIEW OF  
CHILD RESIDENTIAL AND DAY TREATMENT REGULATIONS**

**Advocacy Organizations:**

Kevin Casey  
PA Protection and Advocacy  
116 Pine Street  
Harrisburg, PA 17101  
236-8110

Robert Schwartz (Marsha Levitt)  
Juvenile Law Center  
801 Arch Street  
6<sup>th</sup> Floor  
Philadelphia, PA 19107  
215-625-0551

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20 North Market Square  
Harrisburg, PA 17101-1632  
236-5680

Glenda Fine  
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1211 Chestnut St  
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Philadelphia, PA 19107  
215-751-1800 ext.214

**Provider Organizations:**

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P.O. Box 11820  
Harrisburg, PA 17108  
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Kris Erickson  
PA Community Providers Assoc  
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Harrisburg, PA 17110  
657-8265

Don DeVore  
Juvenile Detention Center Assoc  
540 Port Indian Rd  
Norristown, PA 19403  
610-631-1893

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REVIEW COMMISSION

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POLICY  
COMMISSION

Commonwealth of Pennsylvania  
Department of Public Welfare  
Office of Policy Development  
Room 323 Health & Welfare Building  
Harrisburg, Pennsylvania 17105-2675  
Telephone: (717) 783-2207  
Fax: (717) 772-4957  
Internet: karenkr@dpw.state.pa.us

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Copies: Wilmarth  
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FACSIMILE COVER SHEET

DATE: 4/19

SUBJECT: 3806-Child Resid. Regs.

FAX #: 783-2664

TO: Fiona Wilmarth, IARC

FROM: Karen Kroh, Licensina Manager

NUMBER OF PAGES TO FOLLOW: 1

NOTE: Here is the list of External  
Orgs. on the Child Resid./Day Treatment  
Regs.

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receive this fax in its entirety, please contact Rochelle Scott at (717) 772-2287.

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April 26, 1999

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FORM LETTER 2

Representative Jere Schuler  
Chairman, House Aging and Youth Committee  
House Post Office Box 202020  
Harrisburg, PA 17120-2020

Dear Representative Schuler:

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

CONCERN - Professional Services for Children, Youth, and Families is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services, which by the nature of their diversity require

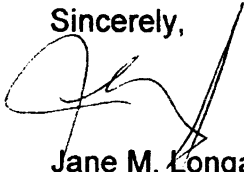


significantly different considerations as it relates to the rights of children, community safety and staffing patterns, is of concern to my agency.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jane M. Longazel', with a stylized flourish at the end.

Jane M. Longazel  
Director, CONCERN's Treatment Unit for Boys – I

cc: Rep. Frank Pistella, Democratic Chairman, Aging and Youth Committee  
John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission

PERSEUS HOUSE, INCORPORATED  
United Business Center -- 1946 West 26th Street -- Erie, PA 16508  
(814) 453-7909 Voice (814) 453-7900 Fax

April 21, 1999

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John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14th Floor, Harristown 2, 333 Market Street  
Harrisburg, PA 17101

99 APR 27 11:11:41  
INDEPENDENT REGULATORY REVIEW COMMISSION  
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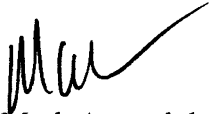
Dear Mr. McGinley:

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee hold a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

Perseus House, Inc. is directly engaged in the provision of services to children and youth. While we have had input into the existing draft of regulations, significant issues remain. We anticipate increased fiscal costs to implement the new regulations. We have concerns about community safety, staffing patterns and the rights of children. Primarily, the recommended staffing patterns would incur unreasonable and exorbitant expenses to our organization that would be transferred into our rate calculation. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. This is of concern to us.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Sincerely,



A. Mark Amendola, LSW, CAC II, CCS  
Executive Director



Thomas P. Antolik  
Associate Executive Director

EMBARGOED MATERIAL

**PCCS**

PENNSYLVANIA  
COUNCIL OF  
CHILDREN'S SERVICES

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99 MAY -5 AM 8:26  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

May 3, 1999

John R. McGinley, Jr. Chairman  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor Harrisstown 2  
333 Market Street  
Harrisburg PA 17101

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By Fax Transmission and regular mail

Dear Mr. McGinley:

The Department of Public Welfare recently submitted a revised set of regulations governing child residential facilities and day treatment services for your consideration and approval. It is our understanding that these regulations will be under discussion at the meeting of the Commissioners on Thursday, May 6, 1999. We are offering the following issues as points for consideration in your review of the Chapter 3800 regulations:

1. The process structured by the Department related to the development of this set of regulations has allowed for input and reaction by a broad, diverse group of affected providers and consumers as well as advocates. The Council has been open and consistent in indicating support for the overall process related to the regulatory revisions. The inclusionary process and the willingness of the Department to at least hear and acknowledge diverse points of view has provided insight into the underlying rationale of the focus, intent and anticipated outcomes of the regulatory changes.
2. There are, however, several broad points of concern that still remain. These relate to:
  - a. Difficulties inherent in the application of a universal set of regulations for a population of children and youth diverse in needs, abilities and the precipitating basis for out-of-home care or interventions as governed by these regulations;
  - b. The lack of clarity in definitions in a variety of regulatory sections and projected inconsistencies in interpretation and application; and
  - c. Cost factors, which are projected as significant by those service providers needing to alter staffing and training practices, transportation arrangements and make physical site alterations to comply with the regulations, and the time frames for implementation.
  - d. Private sector providers reactions which identify concerns regarding community safety, the rights afforded to all children and youth governed by these regulations, the reasonableness of reporting requirements for incidents, staff observers required during any restrictive procedure and the feasibility of accessing medical services, especially dental care, through medical assistance coverage given the limited time frames imposed.

We look forward to participating in the discussions at the hearing on May 6, 1999.

Sincerely,

  
Bernadette M. Bianchi, LSW

2909 North Front Street • Harrisburg, Pennsylvania 17110  
(717) 231-1600 • FAX (717) 231-1605

# PARENTS INVOLVED NETWORK of PENNSYLVANIA

The Pennsylvania State Organization of the Federation of Families for Children's Mental Health

1211 Chestnut Street - 11th Floor - Philadelphia, PA 19107

(215) 751-1800 (800) 688-4226

FAX (215) 636-6300 E-mail pin@mhasp.org

April 30, 1999

Robert Nyce, Executive Director  
Independent Regulatory and Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

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INDEPENDENT REGULATORY AND REVIEW COMMISSION  
99 MAY - 6 AM 8:52  
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**EMBARGOED MATERIAL**

Dear Mr. Nyce:

I am writing in response to the changes that the Department of Public Welfare has made to the 3800's Regulations. Before going into what, as an organization, we consider problematic, I would like to tell you that we, wholeheartedly, support the changes that increase family participation in planning their child's program, as well as the requirements around family visitation. Additionally we feel that the Department has taken important 'first steps' in regulating the use of restraints. We would hope that these truly are only 'first steps', and that the Department continues to tightly regulate and monitor this method of controlling a child and, eventually develops regulations that prohibit the use of restraints all together. We want to continue our dialogue with the Department on this very important issue. What is important to realize is that the Department has revised, and at times, rewritten many of these regulations in keeping with Child and Adolescent Service System Program (CASSP) Principles. This approach is one that we endorse wholeheartedly.

The one section that we take strong exception to is the area concerning the administration of medications. To allow non-medical personnel to administer oral and topical prescription medications, without requiring that trained medical personnel be on site, is irresponsible and negligent. While recognizing the need to create regulations that allow for fiscal conservation and cost effective program administration, we believe that this is one of those areas that the need for professionalism and quality of service far outweigh any fiscal consideration. While laudatory that the Department will require training for personnel prior to any individual being allowed to administer medications, it is not enough for those youngsters who are receiving medications such as Neuroleptics, MAO Inhibitors, Narcotics and Amphetamines, to cite just a few. These are all drugs that have a broad range of possible side effects, many of which can only be discerned by someone who is a skilled medical professional. These same, difficult to discern, side effects can, and often are, life threatening. For instance, Neuroleptic Syndrome can start out presenting as the 'flu', yet kill a child within hours of onset. Tardive Dyskinesia can start out as simple muscle or joint aches but progress to irreversible damage, again, within hours of onset. Anaphylactic response is not as simple as recognizing a rash or asthma or hives. Ambulance time is often protracted, particularly in more remote areas and minutes can mean the difference between life and death. Although helpful that a

A Project of the Mental Health Association of Southeastern Pennsylvania

A SUPPORT, ADVOCACY, INFORMATION AND REFERRAL RESOURCE, AND TECHNICAL ASSISTANCE CENTER  
FOR FAMILIES OF CHILDREN AND ADOLESCENTS WHO HAVE EMOTIONAL OR BEHAVIOR DISORDERS

Page Two  
April 30, 1999

person can be trained in CPR techniques, the ability to invasively open an airway may be the only thing that can save that child's life. A trained medical person knows how to do this. Non-medical individuals don't. And, a training course on the basics of medication administration isn't going to teach and supervise the practice of this important life-saving technique. The myriad of reactions that a child being treated with any one, or any combination of these complex drugs, who has ingested alcohol is unpredictable, yet again, can be life threatening. We know that children/adolescents in residential treatment facilities do, at times, get hold of alcohol or other illegal substances. I could go on and on with the range of awful possibilities. What should be clear to the reader is the necessity of having appropriately trained medical personnel present when children/adolescents are on a regimen of these types of drugs. We are putting many of our most vulnerable children/adolescents in an untenable position of risk for the sake of saving a few dollars.

As an organization, we would encourage you to not approve this section of the regulations as written. We would ask that the Department be required to rewrite this section, using language that requires the on-site presence of trained medical personnel any time that there is the administration of these drugs.

Please contact me if you have any questions or need additional information.

Thank you for the opportunity to provide our input.

Sincerely,



Glenda Fine



Regina Ericson

# Youth Services Alliance of Pennsylvania

P.O. Box 500, Pipersville, Pennsylvania 18947

April 26, 1999

John R. McGinley, Jr.  
Chairman  
Independent Regulatory Review Commission  
14th Floor, Harrisstown 2, 333 Market Street  
Harrisburg, PA 17101

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RECEIVED  
INDEPENDENT REGULATORY REVIEW COMMISSION  
99 APR 30 AM 8:59  
PERSPIRATION

Dear Chairman McGinley,

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee hold a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

Youth Services Alliance of Pennsylvania is a member organization for providers of children and youth services in Pennsylvania. While our membership has had input into the existing draft of regulations, significant issues remain. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. The all encompassing nature of the regulations is of great concern because, while we certainly maintain the need to provide for the health, safety and welfare of all children, the regulations apply equally to all types of children from the mentally disabled to the violent youth offender. This is of great concern to us. We believe separate regulations are needed for the various types of programs that provide services for Pennsylvania's youth because programs are designed to serve different children's needs and should be addressed accordingly.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Sincerely,

*Judy B. Happ*

Judy B. Happ  
President



# Woods Services

RECEIVED  
99 MAY -4 AM 9:00  
INDEPENDENT REGULATORY REVIEW COMMISSION

Independent Regulatory Review Commission  
Attention: Ms. Fiona Wilmarth  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, Pennsylvania 17107

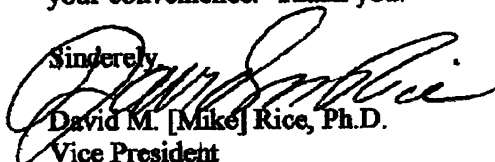
Original: 1927  
McGinley  
Copies: Wilmarth  
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Legal

To whom it may concern:

I am writing in regards to the final draft of the 3800 Child Residential Care and Day Treatment Regulations. Specifically, I am concerned about the current language in 3800.5 iii, Definitions, ".....or treatment is completed, *but in no event shall a child remain in a course of instruction or treatment past 21 years of age; or....*" The issue at hand is that under the Individual Disabilities Education Act [IDEA] an individual is guaranteed an appropriate and least restrictive education through the age of 21. Where it can be shown that the individual was denied appropriate education, the individual can be awarded *Compensatory Education* for the number of years missed. When this occurs, and it is happening more and more frequently, the child's instructional program [under education] can and does go beyond the individual's 22<sup>nd</sup> birthday. With the current proposed regulatory language [it appears that the *language above* was added following the final publishing of the regulations] the facility will have to discharge the individual in order to meet the 3800s, yet will be in non-compliance with the Federal IDEA. How is this to be handled? How does this addition of this language effect the health and safety?

In addition, I am concerned about the current language as stated in 3800.54(d)(2) Child Care Supervisor which states that an "associate's degree or 60 hours....and three years of experience of working with children". The original draft language called "for a high school diploma or general education development certificate and five years work experience with children". By inserting this language, it effectively closes the door to the career ladder for any staff person who has made child care their vocation, no matter how qualified the individual may be in terms of the ability to carry out all the functions of their position. It seems a shame that the regulations designed to support the health and safety of children effectively preclude staff the ability to grow through promotion in their chosen employment

With these two exceptions, the draft 3800 Child Residential Care and Day Treatment Regulations are acceptable. If you should have questions, please feel free to call me at your convenience. Thank you.

Sincerely,  
  
David M. [Mike] Rice, Ph.D.  
Vice President  
Behavioral Health Services

Original: 1927  
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Copies: Wilmarth  
Sandusky



Residential Treatment for Children and Adolescents

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99 MAY -4 AM 8:59  
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RENEW COMMISSION

DATE: 5/4/99

TO: Ms. Fiona Wilmarth, IRRE

FAX #: 717-783-2664

FROM: Dr Mike Rice

FAX #: (215) 750-4294

REMARKS:

\_\_\_\_\_  
\_\_\_\_\_

TOTAL PAGES INCLUDING TRANSMITTAL: 2

FOR TRANSMISSION PROBLEMS CONTACT: M Rice / Nancy

AT: (215) 750-4260

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REVIEW COMMISSION

2610 Riverbend Road  
Allentown, PA 18103  
April 23, 1999

Senator Howard Mowery  
Chairman, Public Health and Welfare Committee  
Senate Post Office Box 203031  
Harrisburg, PA 17120-2030

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FORM LETTER 2

Dear Senator Mowery:

I understand that your committee is currently reviewing the 3800 Child Residential Care and Day Treatment Regulations. I am writing to request that the Public Health and Welfare Committee consider a public meeting to discuss the proposed regulations before they are finalized.

As an advocate for children, I am keenly aware of the excellent services that are delivered to children, youth and families by community-based private nonprofit organizations, like CONCERN - Professional Services for Children, Youth, and Families. I am concerned about the increasing amount of time that community-based organizations must divert from the direct provision of services to children and their families to secure funding for such programs. We all know that money is not the only problem or solution to improving the overall quality of child welfare services delivered, but it is unfortunately a factor that often governs decisions.

I have reservations about the amount of research the Department of Public Welfare has compiled to ensure that implementing the 3800 regulations, as written and on their timeline, will not place an undue fiscal burden on community-based agencies. Therefore, I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached.

I hope you will consider my request and thank you in advance for your consideration.

Sincerely,



John W. Tibbetts

cc: Sen. Vincent Hughes, Democratic Chairman, Public Health & Welfare Committee  
John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission

a Program of Tressler Lutheran Services



960 Century Drive, P.O. Box 2001

Mechanicsburg, PA 17055-0707

717.795.0320

717.795.0445

TTY/TDD:1.800/654.5984 (Pa. Relay Service)

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April 20, 1999

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INDEPENDENT REGULATORY REVIEW COMMISSION

John R. McGinley, Jr  
Chairman, Independent Regulatory Review Commission  
14<sup>th</sup> Floor Harrisstown 2  
333 Market Street  
Harrisburg , Pa 17101

Dear John:

Recently the Department of Public Welfare(DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request the Committee schedule a public meeting to discuss the proposed regulation before they are published in the Pennsylvania Bulletin.

Tressler Lutheran Services is directly engaged in the provision of services to children and youth . Our agency participated in a work group convened by the Pennsylvania Council of Children's Services to review the proposed regulation since they were published in the Pa. Bulletin in February of 1998. From the beginning private providers individually and the work group collectively have been concerned about the regulations. It is important to credit DPW for their willingness to be inclusive in the development of these regulations and for the important alterations that were made earlier on in this process. The regulations before you are in some measure a reflection of the DPW's willingness to listen to those providers who are going to be most affected by the final product.

Significant issues remain! Because the regulations were written in an effort to bring such a wide variety of services under one set of regulation, certain requirements were included to protect the rights of one population, making them applicable to all populations at a tremendous cost in time and money. Let me give you one simple example.

The regulations define "Facility" in such a way that each bunkhouse on our campus would have to be modified to have it's own refrigerator, sink, cooking equipment, and cabinets. Our campus is equipped with a central dining hall where all youth are given three meals each day and snacks. Adding space for these new requirements would not enhance the quality of a youth's stay but they would cost at least \$200,000 in capital improvements plus additional staffing time for contraband and safety related issues we do not have now.

Please consider a public forum so that fiscal and community impact of the regulations can be clearly discussed before final decisions are reached.

Thank you for your consideration and do not hesitate to contact me if I can be of service in answering any questions.

Sincerely,

A handwritten signature in black ink that reads "Dennis Hockensmith". The signature is written in a cursive style with a large, stylized initial "D".

Dennis Hockensmith  
Executive Director, TresslerCare



**The United Methodist Home for Children  
and Family Services, Inc.**

5120 Simpson Ferry Road, Mechanicsburg, PA 17055  
(717) 766-7652 Fax (717) 766-5828

April 27, 1999

Mr. John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harrisstown 2  
333 Market Street  
Harrisburg, PA 17101

ORIGINAL: 1927  
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Sandusky  
Legal

Dear Mr. McGinley:

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee hold a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

The United Methodist Home for Children and Family Services, Inc., is directly engaged in the provision of services to children and youth. While we have had input into the existing draft of regulations, significant issues remain. We anticipate increased fiscal costs to implement the new regulations. We have concerns about community safety, staffing patterns and the rights of children. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. This is of concern to us.

Almost weekly, governmental bodies encourage us to provide quality services while keeping costs to a minimum. It is difficult to do that when regulations dictate that quality services be ignored and pressures to increase costs are enhanced. Regulations that allow the hiring of 18 year old youth to work with emotionally troubled youth will only contribute to the many problem that are faced today in this work. Especially is this true when those same 18 year old employees are told that they are mature enough to work with troubled teens, but not mature enough to drive agency vehicles until they are 21 years of age.

I encourage you to hold a public forum so that the fiscal and community impact of the regulations can be clearly discussed before any final decisions are reached and hope you will consider my request.

Sincerely,

Rev. Kenneth R. Arthur  
Executive Director

KRA/kja



# The Wesley Institute, Inc.

243 Johnston Road, Pittsburgh, PA 15241 • (412) 831-9390 • (412) 831-8868 Fax

May 5, 1999

MCGINLEY

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99 MAY -5 PM 2:16

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Wilmarth

Representative Jere Schuler  
Chairman, House Aging and Youth Committee  
House Post Office Box 202020  
Harrisburg, PA 17120-2020

Sandusky

Legal

REVIEW COMMISSION

Dear Representative Schuler:

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

The Wesley Institute, Inc., is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services, which by the nature of their diversity require significantly different considerations as it relates to the rights of children, community safety and staffing patterns, is of concern to my agency. In addition to the issues noted above, I have attached additional concerns my agency has with the regulations to this letter.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

  
Daniel F. Findley  
Chief Operations Officer & Interim CEO

**EMBARGOED MATERIAL**

DF:TS

c: Rep. Frank Pistella, Democratic Chairman, Aging and Youth Committee  
John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission

WESLEY ACADEMY • WESLEY CHILD CARE • WESLEY HIGHLAND • WESLEY RESIDENTIAL

www.wesleyinstitute.org



# The Wesley Institute, Inc.

243 Johnston Road, Pittsburgh, PA 15241 • (412) 831-9390 • (412) 831-8868 Fax

May 5, 1999

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99 MAY -5 PM 2:16

INDEPENDENT REGULATORY  
REVIEW COMMISSION

Senator Timothy Murphy  
Chairman, Senate Aging and Youth Committee  
Senate Post Office Box 203037  
Harrisburg, PA 17120-2030

Dear Senator Murphy:

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

The Wesley Institute, Inc., is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services, which by the nature of their diversity require significantly different considerations as it relates to the rights of children, community safety and staffing patterns, is of concern to my agency. In addition to the issues noted above, I have attached additional concerns my agency has with the regulations to this letter.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

Daniel F. Findley  
Chief Operations Officer & Interim CEO

**EMBARGOED MATERIAL**

DF:rs

c: Sen. Christine Tartaglione, Democratic Chairman, Aging and Youth Committee  
John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission

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THE WESLEY INSTITUTE, INC.  
FACSIMILE COVER SHEET

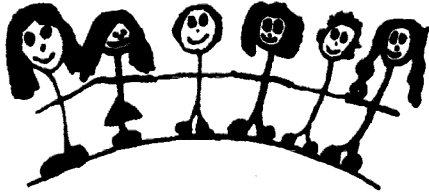
FAX NUMBER 412-831-8868 DATE 5-5-99

TO: \_\_\_\_\_  
CC: \_\_\_\_\_  
ATTN: John R. McKinley, Jr.  
SENDER: Daniel Findley  
THE WESLEY INSTITUTE, INC.

NUMBER OF PAGES: 1 COVER SHEET + 2 PAGES

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THE WESLEY INSTITUTE  
HENRY COMMISSION



**The Mechanicsburg Children's Home**

5120 Simpson Ferry Road  
Mechanicsburg, PA 17055-3627  
(717) 766-7652 (717) 766-5828 FAX

April 22, 1999

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Mr. John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor Harrisstown #2  
333 Market Street  
Harrisburg, PA 17101

PROCESSED  
99 APR 26 AM 8:46  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

Dear Mr. McGinley:

As the Administrator of the Mechanicsburg Children's Home, a residential facility for emotionally troubled children and youth, I have many concerns regarding the proposed Chapter 3800 Regulations for Child Residential and Day Treatment Facilities. These proposed regulations were recently sent to the Independent Regulatory Review Commission for review and comment.

I have enclosed a copy of my letter to Representative Jere Schuler for your review. Thank you in advance for your consideration of our concerns.

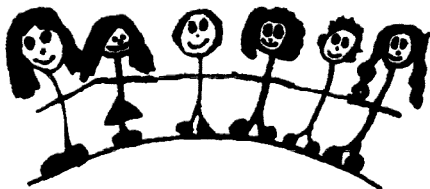
Sincerely,

Brenda Souders Loyd, M.S.  
Residential Program Administrator

BSL/kja

Enclosures





## The Mechanicsburg Children's Home

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99 APR 26 AM 8:47

5120 Simpson Ferry Road  
Mechanicsburg, PA 17055-3627

(717) 766-7652 (717) 766-5828 FAX

INDEPENDENT REGULATORY  
REVIEW COMMISSION

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The Mechanicsburg Children's Home is a private, non-profit agency that provides residential treatment and care for emotionally troubled children and adolescents. The Children's Home currently operates a 31 bed long-term residential care program (not an RTF). As such, we are a small business with approximately 50 full and part-time employees.

We have again reviewed the proposed Chapter 3800 Regulations for Child Residential and Day Treatment Facilities. We recognize that safety and quality of care are paramount in our work with children. While we commend the Department of Public Welfare regarding its willingness to hear our concerns and modify these regulations to some degree, we continue to have serious concerns regarding the impact these proposed regulations will create on the quality of services provided to children as well as the direct fiscal impact on providers such as us. We will have no choice but to pass costs on to the agencies with whom we contract. As all entities are attempting to keep costs within reasonable limits, we hope that these concerns will be addressed.

We are aware that the Department of Public Welfare is attempting to create one set of regulations for several populations of clients with diverse needs. We are concerned that in this process, our clients will be overly restricted and our program will be over-regulated. The proposed regulations infringe on our efforts to normalize our clients, especially our bright, motivated clients who are actively seeking help to make changes in their lives. These clients will be penalized with this generalized approach to regulate all residential and day treatment programs with one set of regulations. The proposed regulations infringe on our attempts to "normalize" our clients and maintain a community-based residential program. Maintaining a safe environment within our treatment units is our primary concern. In some ways these regulations may compromise the safety of our clients and staff and possibly the community. In the process, the changes created by these regulations could ultimately impact our positive community relationships and program integrity.

There will be a fiscal impact to virtually all providers who will be under greater pressure to train new staff before allowing them to work alone with clients. Also, with regard to training, the requirement for including volunteers in the manner described in the regulations will also add to the fiscal impact for our agency. On our attached statement regarding the fiscal impact for our agency, we only factored the training costs for staff and volunteers. We did not calculate the loss to our agency if volunteers are discouraged from participating in our program due to the more rigorous training expectations proposed. To a small business such as ours, this loss could be devastating.

We are concerned with the lowered age permitted for child care workers. Eighteen-year old people are adolescents and, with few exceptions, are not sufficiently mature to effectively supervise other adolescents. We are currently dealing with challenging and frequently difficult young people in our residential settings. It makes no sense to lower the age and education requirements for the people who must work directly with our clients day to day.

There is a dramatic increase in paperwork and case management tasks outlined in the proposed Chapter 3800 regulations. This increase in documentation in terms of planning and reporting will not only take time away from the direct care and work with the children, but will also add to the cost of the program. Specific projections regarding the fiscal impact on our agency are noted in Appendix A.

Additionally, the great emphasis on restrictive procedures, reportable incidents, limitations on the frequency and duration of exclusion will significantly impact our program. Our staff members work very hard to provide ethical care, behavior management, counseling, and treatment for the clients we serve. While the clients and their families present many challenging and often difficult behaviors, we attempt to provide the highest quality of services possible to meet their many needs. The proposed regulations will make a difficult job even more challenging and, potentially, less effective if passed as currently proposed.

Thank you in advance for your thoughtful consideration of these concerns. Please feel free to contact me with any questions you may have in this regard. We are hopeful that your committee will thoroughly review all comments and take into consideration the impact these proposed regulations will have on the children of Pennsylvania and the service providers who are diligently working to meet the needs of our children and youth.

**APPENDIX A**

**Chapter 3800 Proposed Regulations  
Fiscal Impact  
The Mechanicsburg Children's Home**

Case Management Services

Unusual Incident Report Documentation	\$ 6,000.00
Behavior Intervention Plans	2,880.00
Training Documentation	1,000.00
Fire Drill Documentation	<u>1,000.00</u>
	\$10,880.00

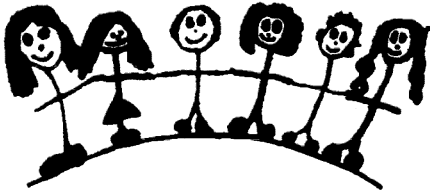
Training

Volunteers	\$ 1,600.00
First Aid/CPR	500.00
Fire Safety	900.00
Safe Physical Management	1,200.00
Medication Training	<u>520.00</u>
	\$ 4,720.00

Staff Physicals	\$ 3,200.00
-----------------	-------------

Radiator Covers	\$34,500.00
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<b><u>TOTAL PROJECTED COST:</u></b>	<b><u>\$53,300.00</u></b>
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**The Mechanicsburg Children's Home**

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99 APR 26 AM 8:47  
DEPARTMENT OF REGULATORY  
REVIEW COMMISSION

5120 Simpson Ferry Road  
Mechanicsburg, PA 17055-3627  
(717) 766-7652 (717) 766-5828 FAX

April 22, 1999

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Senator Howard Mowery  
Chairman, Public Health and Welfare Committee  
Senate Post Office Box 203031  
Harrisburg, PA 17120-2030

Dear Senator Mowery:

I was recently informed that the Health and Welfare Committee will review and comment on the 3800 Child Residential Care and Day Treatment Regulations proposed by the Department of Public Welfare (DPW). I am writing to request that the Health and Welfare Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

I know you are quite familiar with the Mechanicsburg Children's Home and the programs we are currently providing. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent

and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services (which by the nature of their diversity require significantly different considerations as it relates to the rights of children, community safety and staffing patterns) is of concern to my agency. I have attached additional concerns my agency has with the regulations to this letter. The Mechanicsburg Children's Home is committed to providing the best services at a reasonable cost to counties. These regulations will drive costs up every year (not just the year in which they are implemented) and may have a long range negative effect on the quality of services we can provide to some of our most challenging and at-risk children and adolescents.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

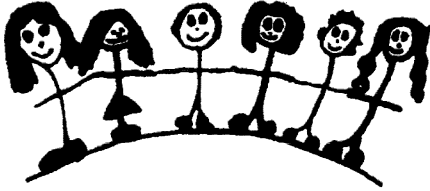
Brenda Souders Loyd, M.S.  
Residential Program Administrator

BSL/kja

Enclosures

cc: Senator Vincent Hughes, Democratic Chairman, Public Health  
and Welfare Committee

✓ Mr. John R. McGinley, Jr., Chairman, Independent Regulatory  
Review Commission



**The Mechanicsburg Children's Home**

RECEIVED  
99 APR 25 AM 8:46

INDEPENDENT REGULATORY  
REVIEW COMMISSION

5120 Simpson Ferry Road  
Mechanicsburg, PA 17055-3627  
(717) 766-7652 (717) 766-5828 FAX

April 21, 1999

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Sandusky  
Legal

Representative Jere Schuler  
Chairman, House Aging and Youth Committee  
House Post Office Box 202020  
Harrisburg, PA 17120-2020

Dear Representative Schuler:

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

The Mechanicsburg Children's Home is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. Inclusion of

so many diverse services (which by the nature of their diversity require significantly different considerations as it relates to the rights of children, community safety and staffing patterns) is of concern to my agency. I have attached additional concerns my agency has with the regulations to this letter.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

Brenda Souders Loyd, M.S.  
Residential Program Administrator

BSL/kja

Enclosures

cc: Representative Frank Pistella, Democratic Chairman, Aging and Youth Committee

✓ John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission



**Professionals for Children, Youth and Families  
State Conference**

5120 Simpson Ferry Road  
Mechanicsburg, Pennsylvania 17055  
(717) 766-7654  
(717) 766-5828 Fax

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

Mr. John McGinley, Jr., Chairman  
The Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harrisstown 2  
333 Market Street  
Harrisburg, Pa. 17101

April 16, 1999

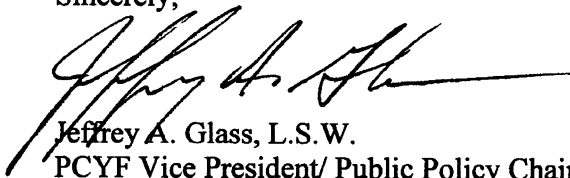
Mr. McGinley,

Enclosed you will find copies of the letters that I sent to Senator Murphy and Representative Schuler regarding the 3800 Child Residential Care and Day Treatment Regulations. My organization, Professionals for Children, Youth and Families (PCYF) has serious concerns regarding these regulations. PCYF (formerly the Child Care Association of Pennsylvania) is a statewide association representing hundreds of Pennsylvanians who work with children and youth.

It has come to my attention that the IRRC will be holding a public meeting on May 6<sup>th</sup> where these regulations are to be commented on. I would like to request that I be included to give testimony to the commission on behalf of PCYF at this meeting. Please forward any information regarding this meeting to me, if possible.

On behalf of the PCYF membership, I thank you for your kind attention to this matter. Please feel free to contact me personally with any questions that you may have for me. You may reach me at (717)766-7654 during business hours and via E-mail at [glass@paonline.com](mailto:glass@paonline.com).

Sincerely,



Jeffrey A. Glass, L.S.W.  
PCYF Vice President/ Public Policy Chairperson





**Professionals for Children, Youth and Families  
State Conference**

5120 Simpson Ferry Road  
Mechanicsburg, Pennsylvania 17055  
(717) 766-7654  
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REVIEW COMMISSION

Senator Timothy Murphy  
Chairman, Senate Aging and Youth Committee  
Senate Post Office Box 203037  
Harrisburg, Pa. 17120-2030

April 16, 1999

Dear Senator Murphy,

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request, on behalf of the Board and membership of the Professionals for Children, Youth and Families (PCYF), that the Aging and Youth Committee consider a public meeting to discuss these regulations before they are published as final in the Pa. Bulletin.

PCYF represents hundreds of Pennsylvanians who work directly with children and youth in the many excellent agencies within the Commonwealth. PCYF has been participating in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were first published in February of 1998. From the beginning, professional organizations, private providers, and the PCCS workgroup have collectively had significant concerns about the regulations. Although DPW has been willing to listen to many of our concerns, and has made some minor changes in the regulations since last February, many issues remain unresolved.

The 3800 regulations, although DPW vehemently denies it, contain significant increases in fiscal costs for public and private child welfare agencies. In addition, important safety concerns remain in these regulations for the community, children in care, and the staff who work with this vulnerable population. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent youth in the Commonwealth. The inclusion of so many distinct populations and services is of grave concern to the PCYF membership. The diverse nature of these populations requires significantly different considerations as it relates to the rights of children, community safety, and staffing patterns. I have attached additional concerns our organization has with the regulations to this letter.

We feel that a public forum is warranted so that the fiscal, community, and human impact of these regulations can be aired before any final decisions are made. Thank you for your consideration of this matter and feel free to contact me with any questions you may have.

Sincerely,

Jeffrey A. Glass, L.S.W.  
PCYF Vice President/Public Policy Chairperson

Cc: Sen. Christine Tartaglione, Democratic Chairman, Aging and Youth Committee  
Mr. John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission



**Professionals for Children, Youth and Families  
State Conference**

5120 Simpson Ferry Road  
Mechanicsburg, Pennsylvania 17055  
(717) 766-7654  
(717) 766-5828 Fax

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

Representative Jere Schuler  
Chairman, House Aging and Youth Committee  
House Post Office Box 202020  
Harrisburg, Pa. 17120-2030

April 16, 1999

Dear Representative Schuler,

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request, on behalf of the Board and membership of the Professionals for Children, Youth and Families (PCYF), that the Aging and Youth Committee consider a public meeting to discuss these regulations before they are published as final in the Pa. Bulletin.

PCYF represents hundreds of Pennsylvanians who work directly with children and youth in the many excellent agencies within the Commonwealth. PCYF has been participating in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were first published in February of 1998. From the beginning, professional organizations, private providers, and the PCCS workgroup have collectively had significant concerns about the regulations. Although DPW has been willing to listen to many of our concerns, and has made some minor changes in the regulations since last February, many issues remain unresolved.

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We feel that a public forum is warranted so that the fiscal, community, and human impact of these regulations can be aired before any final decisions are made. Thank you for your consideration of this matter and feel free to contact me with any questions you may have.

Sincerely,

Jeffrey A. Glass, L.S.W.  
PCYF Vice President/Public Policy Chairperson

Cc: Rep. Frank Pistella, Democratic Chairman, Aging and Youth Committee

Mr. John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission

## **Additional Concerns Regarding the 3800 Regulations**

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*Professionals for Children, Youth and Families*

INDEPENDENT LEGISLATIVE  
REVIEW COMMISSION

PCYF has advocated for years to have those who work directly with Pennsylvania's children and youth receive higher professional status. This is a group of thousands of Pennsylvanians who toil day in and day out with some of the most difficult and vulnerable members of our society. The 3800 regulations seek to "lower the bar" for those who work directly with some of the most challenging and complex human services populations in Pennsylvania. This, quite literally, makes no sense at all.

The current 3810 Child Residential regulations require that all of those who work with children in residential care be at least 21 years of age. In addition, the 3810 regulations require that at least 50% of an agency's direct care staff must have a college degree or its equivalent. The 3800 regulations require that those who work with this vulnerable population of kids be just 18 years of age. Also, DPW has chosen to lower the educational requirement for this important staff group to that of a mere GED! PCYF sees no benefit in reducing the standards for those who work with some of Pennsylvania's most challenging and vulnerable children. In fact, PCYF would argue that the existing standards for direct care staff, contained in the 3810 regulations, are not demanding enough.

The possibility of an 18 year old, male, GED recipient being hired to 'counsel' a group of eight disturbed, 17 year old girls in a group home is of tremendous concern to us. This lowering of standards does nothing to protect children and youth in Pennsylvania's residential programs. These lower standards are also a direct affront to the many Pennsylvania citizens who have chosen to go to school, train, and work directly with troubled young people in care. For them, working with this population of people is a meaningful and rewarding career. We of PCYF do not believe that the children and youth in residential care are a "throw away" population of people. We believe that these young people are a valuable resource that deserves the best care that our Commonwealth can provide.

There are several more concerns regarding the 3800 regulations that our group has. We look forward to the possibility of a public meeting where we could have the opportunity to express our concerns directly to you.



## Specialized Treatment Services

### ADMINISTRATIVE OFFICES

Robert G. Polenick Executive Director  
P.O. Box 312, Mercer, PA 16137  
(724) 662-1277 Fax (724) 662-1278

### RESIDENTIAL FACILITIES

Edward L. Vogelsong, Ph.D. Clinical Director  
P.O. Box 484, Mercer, PA 16137 (724) 662-5301  
R.D. 2, Box 62, Kennerdell, PA 16374 (814) 385-6681  
159 Strausser Rd., Jackson Center, PA 16133 (724) 376-4338

April 22, 1999

Senator Howard Mowery  
Chairman, Public Health and Welfare Committee  
Senate Post Office Box 203031  
Harrisburg, PA 17120-2030

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INDEPENDENT COMMISSION  
ON  
REVENUE

Dear Senator Mowery:

Recently the Department of Public Welfare (DPW) released to the Public Health and Welfare Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Public Health and Welfare Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

Specialized Treatment Services is directly engaged in the provision of services to children and youth. Our agency has participated in a work group convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the work group collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services, which by the nature of their diversity require significantly different considerations as it relates to the rights of children, community safety and staffing patterns, is of concern to my agency. Specialized Treatment Services, Inc. operates a 32 bed facility for seriously emotionally disturbed delinquent males between the ages of 13 and 18 with a large percentage considered adolescent sex offenders. Under the current proposed DPW 3800 regulations, our

residents would have the same right to community access, home visits, etc., that would be afforded non violent dependent children.

I believe that a public forum is warranted so that the fiscal and community safety impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert G. Polenick". The signature is written in a cursive style with some loops and flourishes.

Robert G. Polenick  
Executive Director  
STS, Inc.

saf

cc: Sen. Vincent Hughes, Democratic Chairman, Public Health & Welfare Committee  
John R. McGinley, Jr. Chairman, Independent Regulatory Review Commission

# PCCS

PENNSYLVANIA  
COUNCIL OF  
CHILDREN'S SERVICES

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

May 3, 1999

John R. McGinley, Jr. Chairman  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor Harrisstown 2  
333 Market Street  
Harrisburg PA 17101

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By Fax Transmission and regular mail

Dear Mr. McGinley:

The Department of Public Welfare recently submitted a revised set of regulations governing child residential facilities and day treatment services for your consideration and approval. It is our understanding that these regulations will be under discussion at the meeting of the Commissioners on Thursday, May 6, 1999. We are offering the following issues as points for consideration in your review of the Chapter 3800 regulations:

1. The process structured by the Department related to the development of this set of regulations has allowed for input and reaction by a broad, diverse group of affected providers and consumers as well as advocates. The Council has been open and consistent in indicating support for the overall process related to the regulatory revisions. The inclusionary process and the willingness of the Department to at least hear and acknowledge diverse points of view has provided insight into the underlying rationale of the focus, intent and anticipated outcomes of the regulatory changes.
2. There are, however, several broad points of concern that still remain. These relate to:
  - a. Difficulties inherent in the application of a universal set of regulations for a population of children and youth diverse in needs, abilities and the precipitating basis for out-of-home care or interventions as governed by these regulations;
  - b. The lack of clarity in definitions in a variety of regulatory sections and projected inconsistencies in interpretation and application; and
  - c. Cost factors, which are projected as significant by those service providers needing to alter staffing and training practices, transportation arrangements and make physical site alterations to comply with the regulations, and the time frames for implementation.
  - d. Private sector providers reactions which identify concerns regarding community safety, the rights afforded to all children and youth governed by these regulations, the reasonableness of reporting requirements for incidents, staff observers required during any restrictive procedure and the feasibility of accessing medical services, especially dental care, through medical assistance coverage given the limited time frames imposed.

We look forward to participating in the discussions at the hearing on May 6, 1999.

Sincerely,

  
Bernadette M. Bianchi, LSW

2909 North Front Street • Harrisburg, Pennsylvania 17110  
(717) 231-1600 • FAX (717) 231 1605

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5120 Simpson Ferry Road  
Mechanicsburg, PA 17055-3627  
(717) 766-6062  
(717) 766-6031 FAX

Senator Timothy Murphy  
Chairman, Senate Aging and Youth Committee  
Senate Post Office Box 203037  
Harrisburg, PA 17120-2030

INDEPENDENT REGULATORY  
REVIEW COMMISSION

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Date: April 23, 1999

Dear Senator Murphy:

The Department of Public Welfare (DPW) has recently released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that a public meeting be held to discuss these proposed regulations before they are published as final in the Pennsylvania bulletin

The Daron Emergency Shelter is directly engaged in the provision of service to children and youth. Our agency has participated in various workgroups convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA bulletin in February 1998. As a private provider, I have concerns about the proposed regulations. DPW has shown a willingness to seek suggestions and has even altered some of the regulations. However, issues remain, that have the potential to increase our fiscal costs significantly, at a time, when county agencies are reluctant to increase our contract per deim rates. Below you will find four areas of the proposed regulations that are of significant concern for our agency.

Area 3800.54 requiring "one child care supervisor to be present at the facility whenever 16 or more children are present" will definitely increase our cost. We are a 16 bed emergency facility and we presently have two staff on at night during sleeping hours however, they do not always meet the requirements of child-care supervisor. We have high educational standards for our facility however; they do not always have both the education and experience.

Area 3800.121 concerns delayed egress. We have a new \$600,00.00 facility in which electronic mechanisms were built into the exit doors. They provide a 15 second delay when children attempt to run away. However, they automatically disable in the event of an emergency. The new regulations will just make this a wasted investment and possibly affect community safety.

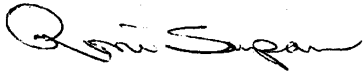
Area 3800.54 will change the educational requirements for child-care supervisor. This will hurt a small agency like ours because we have limited upward mobility to staff. Under the present regulations, if a person demonstrates good child-care ability and gets the needed years of experience they can possibly be rewarded with a promotion.

Area 3800.202, 204,211 and .213 which deals with manual restraints will create a serious problem for us: a) because of the limit of 4 restraints in 30 days and b) when this occurs we will then have to become involved in the process of developing a plan when these four restraints occur and this can happen in one day in the shelter environment. Often little is known of the youth placed into emergency shelter care because they are just entering the system. Because of this, we encounter many unanticipated events. Unfortunately, the constraints of this area of the proposed regulations will require us to become very selective in our admissions and will probably cause an increase in the number of requests for immediate removals.

I respectfully request that a public forum be allowed so that the fiscal and community impact of these regulations can be clearly discussed before any final decisions are reached and I hope that you will consider my request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roni Supan".

Roni Supan, Shelter Administrator

Cc: Sen. Christine Tartaglione, Democratic Chairman, Aging and Youth Committee  
Cc: John R. McGinley, Chairman, Independent Regulatory Review Commission



# CONCERN<sup>®</sup>

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Glenn J. Hillegass

BOARD OF DIRECTORS:

Raymond J. Albert  
William C. Cooperman  
David W. Jay, L.S.W., M.S.W.  
Roger N. Longenecker, M.D.  
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Stefanie E. Nester, C.P.A.  
Basil Y. Scott, Ph.D.  
Sandra L. Weidner, M.D.  
Nancy W. Weikert, L.S.W., A.C.S.W.

April 23, 1999

Representative Jere Schuler  
Chairman, House Aging and Youth Committee  
House Post Office Box 202020  
Harrisburg, PA 17120-2020

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FORM LETTER 2

Dear Representative Schuler:

Recently the Department of Public Welfare (DPW) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

CONCERN - Professional Services for Children, Youth, and Families is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those that will be most affected by the regulations.

However, significant issues remain, especially related to potential increased fiscal costs for public and private child welfare agencies and community safety concerns. The regulations are aimed at regulating a multitude of diverse services for almost all out-of-home care settings and services for dependent and delinquent children and youth in Pennsylvania. Inclusion of so many diverse services, which by the nature of their diversity require significantly different considerations as it relates to the rights of children, community safety and staffing patterns, is of concern to my agency.

I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Sincerely,

  
William C. Cooperman  
Corporation Secretary

cc: Rep. Frank Pistella, Democratic Chairman, Aging and Youth Committee  
John R. McGinley, Jr., Chairman, Independent Regulatory Review Commission



# Community Alternatives, Inc.

2516 NEW BUTLER ROAD • NEW CASTLE, PA 16101  
135 PINE AVENUE S.E. • SUITE 220 • WARREN, OHIO 44481

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Cyndi Shipman, BSW  
Chief Executive Officer

Albert Antonelli, BS  
Executive Director

**Corporate Office**  
(724) 652-2211  
PA FAX (724) 652-2557  
(800) 332-1208

**Correctional Alt Program**  
(724) 652-2211  
(724) 981-2895

**Foster Care Program**  
PA (724) 652-2134  
PA FAX (724) 652-2220  
(800) 332-1208  
OH (330) 399-8533  
OH FAX (330) 399-6814

**In Home Services**  
Beaver  
(724) 728-0535

Butler  
(724) 482-4999

Crawford  
(814) 724-7407

Lawrence  
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Mercer  
(724) 981-2840

Washington / Greene  
(724) 222-0345

**Western Pennsylvania  
Adolescents Centers**  
Butler  
(724) 283-8820

Hermitage  
(724) 981-9540

Kittanning  
(724) 543-1731

**Wraparound**  
Allegheny  
(412) 381-5040

Beaver  
(724) 728-0535

Butler  
(724) 482-4999

Lawrence  
(724) 654-8614

Mercer  
(724) 981-2843

Crawford  
(814) 724-7407

Washington / Greene  
(724) 222-0345

Westmoreland  
(724) 850-7344

April 22, 1999

Senator Timothy Murphy  
Chairman, Senate Aging and Youth Committee  
Senate Post Office Box 203037  
Harrisburg, PA 17120-2030

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FORM LETTER 2

Dominick Farina, Jr.  
LSW, CCJS-MAC  
Board President

Gabriel Cilli, Esquire  
Solicitor

Dear Senator Murphy:

Recently the Department of Public Welfare (DWP) released to the Aging and Youth Committee a copy of the 3800 Child Residential Care and Day Treatment Regulations for review and comment. I am writing to request that the Aging and Youth Committee consider a public meeting to discuss the proposed regulations before they are published as final in the Pennsylvania Bulletin.

Community Alternatives, Inc. is directly engaged in the provision of services to children and youth. Our agency has participated in a workgroup convened by the Pennsylvania Council of Children's Services (PCCS) to review the proposed regulations since they were published in the PA Bulletin originally in February 1998. From the beginning, private providers individually and the workgroup collectively had significant concerns about the regulations. Although we remain concerned about several integral components of the regulations, we must publicly credit DPW for their willingness to be inclusive, seek suggestions and eventually produce altered regulations. The regulations before your committee are to a certain degree a reflection of DPW's willingness to listen to those who will be most affected by the regulations.

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I believe that a public forum is warranted so that the fiscal and community impact of the regulations can clearly be discussed before any final decisions are reached and hope you will consider my request.

Thank you for your consideration and please do not hesitate to contact me with any questions.

Sincerely,



Cyndi Shipman, BSW  
Chief Executive Officer

cc: Sen. Christine Tartaglione, Democratic Chairman  
Aging & Youth Committee  
John R. McGinley Jr., Chairman  
Independent Regulatory Review Commission