

7TH DISTRICT
VINCENT HUGHES

SENATE BOX 203007
THE STATE CAPITOL
HARRISBURG, PA 17120-3007
717-787-7112
FAX 717-772-0579

CENTER FOR HUMAN ADVANCEMENT
4601 MARKET STREET
PHILADELPHIA, PA 19139
215-471-0490
FAX 215-560-3434

vhughes@dem.pasen.gov



Senate of Pennsylvania

STANDING COMMITTEES

COMMUNICATIONS & HIGH TECHNOLOGY, CHAIRMAN
MILITARY & VETERANS AFFAIRS, CHAIRMAN
COMMUNITY & ECONOMIC DEVELOPMENT
EDUCATION
PUBLIC HEALTH & WELFARE
STATE GOVERNMENT

APPOINTMENTS

COMMUNITY SERVICE ADVISORY BOARD
EXECUTIVE COMMITTEE OF THE JOINT STATE
GOVERNMENT COMMISSION
PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT
AUTHORITY
PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY BOARD
HUMAN RESOURCE INVESTMENT
COUNCIL

July 7, 1999

Hon. John R. McGinley, Jr., Chair
Independent Regulatory Review Commission
333 Market St., 14th Floor
Harrisburg, PA 17101

ORIGINAL: 2034
BUSH
COPIES: McGinley
Harris
Smith
Jewett
Markham
Sandusky
Legal
Notebook

Re: IRRC Regulation #10-129
Department of Health
Head Injury Program

99 JUL -9 AM 3:15
RECEIVED
LEGISLATIVE SERVICES DIVISION

Dear Mr. McGinley:

I am attaching the comments that I have submitted to the Department of Health on the above regulations. As you will see, there are some concerns with them. I hope that together we can all improve DOH's proposal. Thank you.

Sincerely yours,

A handwritten signature in cursive script that reads "Vincent J. Hughes" with a circled date "6/29/99" written below it.

Vincent Hughes
Minority Chair
Public Health & Welfare Committee

VH/ns

7TH DISTRICT
VINCENT HUGHES

SENATE BOX 203007
THE STATE CAPITOL
HARRISBURG, PA 17120-3007
717-787-7112
FAX 717-772-0579

CENTER FOR HUMAN ADVANCEMENT
4601 MARKET STREET
PHILADELPHIA, PA 19139
215-471-0490
FAX 215-560-3434

vhughes@dem.pasen.gov



Senate of Pennsylvania

STANDING COMMITTEES

COMMUNICATIONS & HIGH TECHNOLOGY, CHAIRMAN
MILITARY & VETERANS AFFAIRS, CHAIRMAN
COMMUNITY & ECONOMIC DEVELOPMENT
EDUCATION
PUBLIC HEALTH & WELFARE
STATE GOVERNMENT

APPOINTMENTS

COMMUNITY SERVICE ADVISORY BOARD
EXECUTIVE COMMITTEE OF THE JOINT STATE
GOVERNMENT COMMISSION
PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT
AUTHORITY
PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY BOARD
HUMAN RESOURCE INVESTMENT
COUNCIL

July 7, 1999

ORIGINAL: 2034

BUSH

COPIES: McGinley

Harris

Smith

Jewett

Markham

Sandusky

Legal

Notebook

Robert S. Zimmerman, Jr.
Secretary of Health
Room 802 Health & Welfare Building
Harrisburg, PA 17108

Re: Department of Health Proposed Regulation #10-129
Head Injury Program

Dear Secretary Zimmerman:

In my capacity as Minority Chair of the Senate Public Health & Welfare Committee, I offer the following comments to the above-captioned proposed regulation.

- A. **§4.3. Definitions - "Exhausted"**. What does the phrase "fully utilized" mean in this context? If an individual receives a court award or settlement, will the individual be expected to impoverish herself before applying for HIP services or will she be allowed to reserve some for other personal needs, e.g. rent or mortgage, insurance premiums, clothing, etc?
- B. **§4.5(b) Eligibility for Services** - A case manager with only two years experience, §4.8(c), is authorized to make the critical determination as to the applicant's "potential to benefit from the services and to live more independently as a result of the services." There is no apparent requirement to have the case reviewed by a psychiatrist, a neurosurgeon, neurologist or any person with clinical experience in brain injury rehabilitation. No standards are provided as to how the decision will be made. Will a test with objective measures be used? Will it be a purely subjective determination? The failure to use objective measures underscores the need to have eligibility determinations made by the

RECEIVED
FELIX COMMISSION
99 JUL -9 AM 3:15
COMMISSION

most, not the least, experienced people in the system.

- C. **§4.5(f) Eligibility for Services** - The subsection should be clarified to require that the written notice include the reasons for any denial and any time, dollar or other limits on services and the reasons for same.
- D. **§§4.6(a),(f) payment for services** - These subsections limit services to the "maximum available funding, (a), and the "maximum funds available for allocation to the client", (f). These phrases are not defined. There is no description provided as to how these limits will be calculated.
- E. **§4.7(b) Duration of Funding** - To assist in analyzing the impact of the 12 consecutive months limitation on rehabilitation services, please provide me with the following information:
1. The number of people receiving rehabilitation services;
 2. The start date for rehabilitation services for each;
 3. The current waiting list
 4. The average funding per person
 5. The "data" referred to in the first paragraph on page 9 of the preamble;
 6. The effect of the decision to change from no durational limit on rehabilitation services to a two year limit. Specifically, how many people were served before the limit compared to how many were served after; what was the waiting list before and after; and what was the average cost before and after.
- F. **§4.11(b)(4)(I) Appeal Procedures** - The proposed regulations merely state that the hearing officer shall notify the applicant or client of the "time and place for the hearing". In the recently approved WIC program regulations, the department provided for the following appeal procedures in §1111.5(d)(1):
- The place of the hearing shall be no further from the residence of the applicant or participant than the county seat of the county in which the applicant or participant resides. If the county seat is unsuitable due to the health of the applicant or participant, transportation problems, convenience of witnesses, or for other legitimate reasons, an alternative place of hearing shall be a location convenient to the home of the applicant or participant.

Secretary Zimmerman


Page 3

July 6, 1999

Since the HIP is for people with traumatic brain injuries, I believe that it would be appropriate to add the same language to these regulations as the department placed in the WIC regulations.

I thank you for the opportunity to comment on the HIP regulations. I look forward to working with the Department of Health to improve the program for all Pennsylvanians who need its services.

Sincerely,

 Vincent J. Hughes (412)

Vincent Hughes
Minority Chair
Public Health & Welfare

VH/ns