

# ALLIED SERVICES

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#2687

Mr. Arthur Coccodrilli, Chairman  
Ms. Kim Kaufman, Exec. Director  
Independent Regulatory Review Commission  
333 Market Street  
14th Floor  
Harrisburg, PA 17101  
May 19, 2008

INDEPENDENT REGULATORY  
REVIEW COMMISSION

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Dear Ms. Kaufman,

I would like to take this opportunity to request that you reject the Department of Public Welfare's proposed amendment to Title 55 as published in Pennsylvania's Bulletin April 26, 2008. Although I have many objections to specific items in each regulation from a programmatic standpoint, my objections can be summarized in 3 areas:

- 1) In my 37 years of providing services to individuals enrolled in the licensed programs affected by these amendments, this is the first time that the department has failed to directly notify those agencies impacted by the changes. Most Providers in the state are unaware of these amendments. Provider's associations such as PARF, PAR & the ARC, contrary to the overview in the Bulletin are also unaware of these amendments and this bulletin. Public comment has been stifled by this lack of communication. The Department and ODP routinely notify licensed providers of issues, but for some reason neglected to do so in this matter. The amendments should be rejected until DPW & ODP notifies licensed providers directly giving them the opportunity to comment.
- 2) Streamlining of the ISP process in the current philosophy is necessary. ODP should develop a mechanism to insure compliance with this process. Compliances, however, should not be the burden of licensed providers. The ISP is written by Support Coordinators employed by MH/MR programs, not by the licensed providers. A provider could be cited under the proposed regulations because they have input into the ISP but do not control or originate it. It would be akin to being stopped by the PA State Police for choosing a Ford, and cited for having a defective air bag that was improperly installed in Detroit. The Department should develop regulations that regulate Support Coordinator agencies separate from those where the service is provided. Revisions to Chapters 2380, 2390 and 6400 should then be re-written to reflect that responsibility.

- 3) Fiscal Input. The impression by the Department that there is no cost associated with this proposal is misleading. There has been a consistent 40 to 60% yearly turnover rate of Support Coordinators in many MH/MR agencies throughout the state. Many provider agencies have to assist in the ISP process beyond what they should be required to do merely to get them completed. This turnover rate can be directly attributed to the departments' failure to adequately fund even COLA's to MH/MR Support Coordinator agencies. It is a tragedy that the McDonald's and Burger Kings of this world pay the same as or greater than Support Coordinator agencies. Provider associations such as PARF-PAR-ARC could easily provide fiscal information to support this effect. Any regulations regarding ISP's should be delayed until the Department documents a less than 20% turn-over rate of Support Coordinators.

There have been many attempts by the Department & ODP to modify Title 55 regulations in the past 10 years with many workgroups. Most of those attempts have been withdrawn by the Department after provider input and the true fiscal impact has been analyzed. To burden licensed providers with these changes without review of these areas would be a tragedy. There are right ways and wrong ways to implement change. The Department's railroad approach in this instance is simply wrong and the proposal changes should be rejected at this time.

Sincerely,



James Paddock  
Director Day Care/Work Services

Cc: Senator Robert Mellow  
Rep. James Wansacz  
PARF – Gene Bianco