

14-512-5

PW, ODP Regs Comments

2687

From: Steve Ballard [Steve@par.net]
Sent: Tuesday, May 27, 2008 3:08 PM
To: ra-odpregscomments@state.pa.us
Subject: FW: PAR Comments on Proposed ISP Regulatory Amendments

From: Steve Ballard
Sent: Tuesday, May 27, 2008 3:06 PM
To: 'ra-odpregscomment@state.pa.us'; 'wdixon@state.pa.us'
Subject: FW: PAR Comments on Proposed ISP Regulatory Amendments

Wendy—

Thank you for your call.

I am resending the comments we sent on Friday.

Thank you for your help.

Steve Ballard
Policy Director
Pennsylvania Association of Resources
for Autism and Intellectual Disabilities
1007 North Front Street
Harrisburg, PA 17102
717.236.2374
<http://www.par.net>

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2008 MAY 30 PM 1:05
INDEPENDENT REGULATORY
REVIEW COMMISSION

From: Shirley Walker
Sent: Friday, May 23, 2008 4:14 PM
To: ra-odpregscomment@state.pa.us
Subject: PAR Comments on Proposed ISP Regulatory Amendments

Wendy –

Attached are our Comments on the Proposed Individual Plan (IP) Regulatory Amendments. Thank you for the opportunity to provide our recommendations. Please do not hesitate to contact us if you have any questions. Thank you.

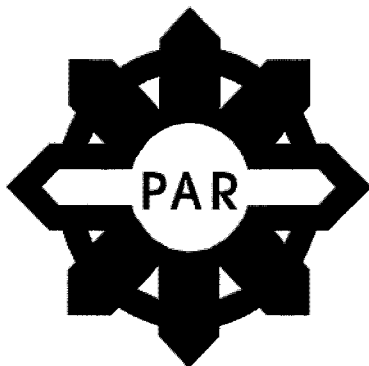
Shirley

Shirley Walker
President and CEO
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5/28/2008

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tracking # 14-512-5



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May 23, 2008

Ms. Wendy Dixon
Human Services Program Specialist
Office of Developmental Programs
Department of Public Welfare
P. O. Box 2675
Harrisburg, PA 17105-2675

2008 MAY 30 PM 1:05
INDEPENDENT REGULATORY
REVIEW COMMISSION

RECEIVED

Via email: ra-odpregscomment@state.pa.us (Subject: IP Regulatory Amendments)

Re: PAR Comments on the Proposed Individual Plan (IP) Regulatory Amendments

Dear Ms. Dixon,

The April 26, 2008 issue of the *Pennsylvania Bulletin* included a notice from the Office of Developmental Programs (ODP), Department of Public Welfare (DPW) regarding proposed amendments to the mental retardation (MR) program regulations. These proposed amendments relate to Individual Support Plans (ISPs) for individuals with mental retardation and would impact the following program regulations: Chapters 2380 (Adult Training Facilities), 2390 (Vocational Facilities), 6400 (Community Homes) and 6500 (Family Living Homes). According to the notice, the proposed regulatory amendments are needed to clarify the individual plan development process and the provider's role in developing and implementing the individual plan.

The Pennsylvania Association of Resources for Autism and Intellectual Disabilities (PAR) is a statewide association whose members provide the full range of supports and services to more than 45,000 individuals with intellectual disabilities as well as 8,000 people living with autism in over 5,600 residential locations as well as non-residential and in-home supports. The people we support are reliant upon the services authorized through the ISP, as you know, and providers can only bill for services provided through an authorized ISP, so these regulations are very important.

PAR prefaces our specific comments by making these two general comments that relate to the IPs but not to these proposed amendments. We include them here so that they get attention

within the context of discussion about the IP. First, **it is imperative that ODP recognize that real time access to ISPs for providers is critical.** Since providers are to perform the key function of providing supports and services as authorized by the ISP, they must have real-time access to the ISPs. Second, PAR recommends that **ODP emphasize and insure that ISPs are the top priority for Supports Coordinators.** Since ISPs represent the key documents that drive the entire system, it is imperative that they take first priority for Supports Coordinators. . . even if it means the state placing a moratorium on some of Supports Coordinators' other responsibilities.

PAR was involved in ODP's ISP-IPP workgroup last year and submitted comments on the initial draft of the proposed regulatory amendments on August 2, 2007. While ODP recognized the value of our comments in many cases and incorporated changes that reflected our recommendations, some of our recommendations were not accepted and, further, some additional changes were made that warrant further comment. We believe this analysis provides a useful starting point before turning to our detailed comments on this latest draft:

- PAR recommended replacing the term "Program Plan" with "Individual Support Plan" and the proposed language in the *Pennsylvania Bulletin* is "Individual Plan (IP)". [**§ 6400.4; 6500.4; 2380.4; 2390.5: Definitions. Program Plan**]

(Note: In essence, ODP accepted PAR's recommendation since the word "program" was the primary word we believed should be deleted.)

- PAR recommended that ODP replace the monthly submission of the individual's participation progress towards an outcome report with a quarterly submission; and, the proposed language in the *Pennsylvania Bulletin* is "Ensuring monthly documentation of the individual's participation and progress for IP outcomes. . . Providing quarterly documentation of the individual's participation and progress for the IP outcomes to the supports coordinator, individual, and, if appropriate, the individual's parent, guardian or advocate." [**§ 6400.44; 2380.33; 2390.33: Staff. Program Specialist § 6500.43: Staffing. Family Living Specialist**]

(Note: ODP accepted PAR's recommendation.)

- PAR recommended that ODP add the phrase "or coordinate the training of" to the requirement for program specialists to "train direct support professionals" on the entire content of the relevant program plans and, the proposed language in the *Pennsylvania Bulletin* is "Coordinating the training of direct support professionals on the content of relevant IPs." [**§ 6400.44; 2380.33; 2390.33: Staff. Program Specialist § 6500.43: Staffing. Family Living Specialist**]

(Note: ODP accepted PAR's recommendation.)

- PAR recommended that ODP replace the phrase "no later than 30 days prior to the program planning meeting" with the phrase "no later than 30 days following the receipt

of notification of the planning meeting date.” The proposed language in the *Pennsylvania Bulletin* is “Providing the completed assessment and other relevant information for the development of the IP prior to the planning meetings to the supports coordinator, individual, and, if appropriate, to the individual's parent, guardian or advocate. The program specialist shall send this information within 30 days following the receipt of notification of the planning meeting.” [§ 6400.44; 2380.33; 2390.33: Staff. Program Specialist § 6500.43: Staffing. Family Living Specialist]

(Note: ODP accepted PAR’s recommendation.)

- PAR recommended that ODP keep the phrase “at least every 65 client attendance days” that is in the existing regulations; but, the proposed language in the *Pennsylvania Bulletin* is “A review of each individual's progress on the IP shall be completed by the program specialist and the individual, and, if appropriate, the individual's parent, guardian or advocate, every 3 months, or more frequently if the individual's needs change.” [§ 2380.104; 2390.97: Program. Review and Update of the Program Plan § 6400.123; 6500.113: Program. Review and Revision of the Program Plan].

(Note: In speaking further with PAR members after the meeting with ODP, PAR decided that ODP’s new language of every 3 months could be beneficial and also might be easier to administer, therefore, PAR accepts ODP’s revised language without further comment.)

- PAR recommended that ODP replace “activities” with “services”; and, the proposed language in the *Pennsylvania Bulletin* is “Program activities and services shall be provided as specified in each IP.” § 2380.101: Program. Program Activities § 2390.91: Program. Activities.

(Note: This is a problem because it could hamper the ability of providers to support an individual in having the “everyday life” that s/he desires. People like you and me change their minds every day about activities they wish to be engaged in. People receiving services should have the same flexibility and independence from that level of prescribed structure. ODP may have thought that the addition of “services” would make the language acceptable; however, retaining “activities” is still a problem for this reason.)

Recommendation: PAR continues to propose that “everyday lives” will be better served by changing the language to read: “Program services shall be provided as specified in each IP.”

PAR appreciates the opportunity to provide comments on these proposed regulatory amendments. In addition to the one recommendation above, following is a listing of PAR’s main issues regarding the proposed ISP Regulatory Amendments:

- Fully Utilize HCSIS Capabilities for Notifications and Submissions,
- Unrealistic Timeframes, and
- Multiple Plans for a Single Individual.

Fully Utilize HCSIS Capabilities for Notifications and Submissions

Section:

General comment

Discussion:

PAR would like to reiterate the point we made in our August 2, 2007 comments on these regulations. . . These regulations that will last at least a decade, if history repeats itself, and need to allow for advances in technology – particularly the use of HCSIS for the electronic transmission of home and community-based services information – into and from HCSIS. ODP should be able to accomplish all of the requirements for submission of information as well as the various notifications these regulatory amendments propose through HCSIS. Providers should be able to enter the information into HCSIS once, and HCSIS should be designed to perform the notifications to all people who have a need to know (as noted in the draft – the supports coordinator, individual, individual’s parent, guardian, or advocate, if appropriate). All of this should be no problem for HCSIS if it is set up properly and will remove time-intensive manual jobs from persons who could make better use of their time providing direct services.

Recommendation: Require that once the appropriate information is input into HCSIS that HCSIS do all notifications to all of the persons/entities who have a need to know, within the timeframes that are needed. If this is not appropriate to include in regulations, please devise regulatory language that will not preclude this efficiency from being implemented.

Unrealistic Timeframes

Section:

2380.33, 2390.33 and 6400.44 regarding program specialist

These sections state the responsibilities of a program specialist. The proposed change to these sections reflects that a program specialist is required to provide the completed assessment prior to planning meetings. The other proposed change is the addition of information on how a provider is required to coordinate and develop an IP for individuals who do not have an assigned supports coordinator.

Discussion:

In 2380.33, under “Program Specialist,” the proposed regulation states, “The program specialist shall be responsible for the following:

(5) Providing the completed assessment and other relevant information for the development of the IP prior to the planning meetings to the supports coordinator, individual, and if appropriate, to the individual's parent, guardian or advocate. The program specialist shall send this information within 30 days following the receipt of notification of the planning meeting."

In 2390.33, under "Program Specialist," the proposed regulation states, "The program specialist shall be responsible for the following:

(5) Providing the completed assessment and other relevant information for the development of the IP prior to the planning meetings to the supports coordinator, client and, if appropriate, to the client's parent, guardian or advocate. The program specialist shall send this information within 30 days following the receipt of notification of the planning meeting."

In 6400.44, under "Program Specialist," the proposed regulation states, "The program specialist shall be responsible for the following:

(5) Providing completed assessment and other relevant information for the development of the IP prior to the planning meetings to the supports coordinator, individual and, if appropriate, the individual's parent, guardian or advocate. The program specialist shall send this information within 30 days following the receipt of notification of the planning meeting."

Recommendation: PAR believes that it is obvious that the proposed amendments imply that the planning meeting follows the 30-day notice period since the information is critical to have at the meeting. While we believe this is clearly implied, we did have some questions about whether there was any chance that a planning meeting would be scheduled during this 30-day notice period and that the planning group would then not have the benefit of the information. If you agree that your proposed amendments clearly imply that the meeting follows the 30-day notice period and includes the information, then there is no need for further recommendations or changes to your proposed provisions. However, you might want to consider reinforcing this in your licensing inspection instrument.

Multiple Plans for a Single Individual

Section:
General comment

Discussion:

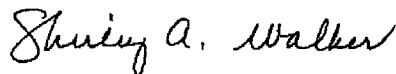
From the information provided in the April 26, 2008 *Pennsylvania Bulletin*, it is not clear whether there is to be a single planning document for each individual or whether there is to be a separate planning document for each type of service. The introductory portion of the proposed regulatory amendments would lead one to believe that there will be a single integrated document; however, revisions to the four separate sets of regulations seem to suggest otherwise. A slight disparity in time frames for completion of the first planning document also tends to suggest the retention of multiple planning documents, (the 2380s require a 30 day plan; but, 2390 and 6400 require a 60 day plan). A reader can't really determine whether ODP intends to have a single planning document or plans to require separate documents.

The proposed regulations should make clear that there should be a single planning document for each individual, regardless of the number of different services and supports that individual receives. Not only will this integrated approach reduce paperwork, more importantly it will help ensure that the various service and support areas are working in a coordinated manner on behalf of the consumer.

Recommendation: Clarify that each individual should have a single, coordinated Individual Plan consistent with the integration of the 4 sets of regulations.

PAR appreciates the opportunity to provide comments on these proposed regulatory amendments. As always, we appreciate the opportunity to offer our recommendations and are available to meet with you if you would like further clarification of our comments.

Sincerely,



Shirley A. Walker
President and CEO