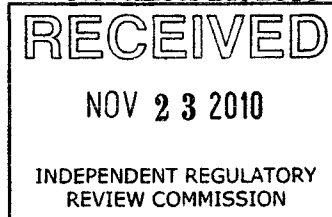


Shaye Erhard
DPW/OHMSAS
223 Beechmont Building
DGS Annex Complex P.O. Box 2675
Harrisburg, PA 17105-2675

November 21, 2010



Re: Comments on Regulation #14-522

Dear Ms. Erhard,

The National Association of Social Workers Pennsylvania Chapter (NASW-PA) appreciates the opportunity to offer formal comments on the proposed regulation governing residential treatment facilities in the Commonwealth, 55 PA Code Chapter 23. We applaud the efforts of the Department of Public Welfare to house very complex regulations into one chapter of the PA Code.

NASW-PA comments will focus on three areas of the regulations:

1. The workforce standard for clinical mental health staff providing therapy services in residential treatment facilities.
2. Protecting the psychological and physical wellbeing of children by moving toward the elimination of restraints.
3. Building accountability for programs by requiring performance measures to inform decision makers and families.

Raising the workforce standard

Section 23.56(b)(1) and (2) states, "The mental health professional should have the following: A graduate degree in a generally recognized clinical, mental health discipline such as psychiatry, social work, psychology, counseling, nursing, rehabilitation or activities therapies. At least one year of clinical experience working with children in a behavioral health program whose operating principles were in accordance with CASSP principles."

While this standard is a minimum start, NASW-PA strongly urges that the regulation be changed to require mental health professionals to be licensed while allowing for provisional employment for those gaining the necessary hours to earn a clinical mental health license. Licensure of mental health professionals would ensure an increased level of care for children in residential treatment facilities. To become licensed an individual must pass a competency exam and have been supervised in the provision of clinical services. These standards have been created to protect clients, yet our public system, where the client has little choice, does not utilize the same standard for service delivery as the private insurance system. NASW-PA is committed to effective and professionally-delivered mental health services to all clients regardless of the economic means.

Licensure also creates protections for employers because a licensed mental health professional could be held accountable by the State Board of Social Work for unprofessional conduct. If licensure is required than individuals terminated for unprofessional conduct could not simply move across the

state and be hired at another program. If someone were to behave in a fashion where his license was revoked, he could not work in any mental health role. Licensure ensure competency for clients and creates liability protection for employers. Pennsylvania should join Massachusetts in having licensed mental health professionals be the provider of clinical mental health services within residential treatment facilities.

Moving toward elimination of restraints

NASW-PA strongly supports the proposed regulation in the area of restraint reduction as there is a profound need to advance efforts to move toward not using restraints in Pennsylvania's residential treatment facilities. One of the specific rights in section 23.32(q) states, "A child shall be free from restraint or seclusion used as a means of coercion, discipline, convenience or retaliation." Section 23.34 is a critical provision which ensures that children, parents and guardians be informed of the residential treatment facility's restraint policy.

NASW-PA lauds the proposed regulation in section 23.302 which requires a residential treatment facility to create and submit a written plan to DPW that includes goals and timeframes for establishing a trauma-informed care approach to move toward a restraint-free environment. We certainly acknowledge that there are some emergency situations that arise where restraint seems like the only option.

Creating accountability and measurable performance standards

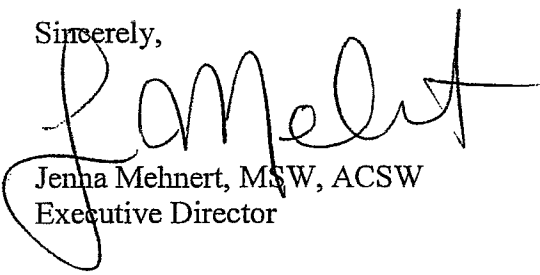
While NASW-PA is pleased that the proposed regulations align with Maryland, New Jersey and other states in requiring RTF accreditation from the Joint Commission on Accreditation of Healthcare Organizations, it seems that much more could be done to ensure programs are effectively serving children and addressing critical mental health needs.

NASW-PA urges performance-based contracts that track clear and tangible outcome measures. These measures should move beyond tracking simple activities to determine the impact of services on clients as demonstrated by measurable and realistic outcomes. State funding and licensure should be dependent upon a success rate with children of at least 70 percent. Children's services is an area where programs continue to receive funding even when they are only marginally effective in addressing the challenges presented by the client. Mental health services in general, but specifically children's services, are underfunded and resource poor. However, it is naïve to expect those resource investments to increase without clear evidence of strong and desirable outcomes.

In this difficult economic time, we need to make sure that limited state and federal resources are being invested in areas that can do the most good for children. The development of an RTF performance rate as a means to determine who can operate an RFT would clearly serve the best interest of children, their families and the taxpayers at large.

Once again, NASW-PA is pleased to have the chance to offer formal public comment on these proposed regulations.

Sincerely,



Jenna Mehnert, MSW, ACSW
Executive Director

2878

14-522-16

Erhard, E. Shaye

From: Jenna Mehnert [exec@nasw-pa.org]
Sent: Monday, November 22, 2010 9:17 AM
To: PW, RTFComments
Subject: NASW-PA's comments on RTF Regulations
Attachments: RTF NASW comment letter.pdf

RECEIVED

NOV 22 2010

Attached please find NASW-PA's comment related to the RTF regulations currently proposed.

BUREAU OF CHILDREN'S SERVICES

Jenna

Jenna Mehnert, MSW, ACSW
Executive Director
National Association of Social Work- PA Chapter
425 North 21st Street, Suite 401
Camp Hill, PA 17011
717.232.4125

RECEIVED
NOV 23 2010
INDEPENDENT REGULATORY
REVIEW COMMISSION

Visit my blog at : <http://jennamehnert.blogspot.com/>

Social Workers can share thoughts at: <http://www.nasw-pa.org/forum.cfm>