

THE HOSPITAL & HEALTHSYSTEM ASSOCIATION OF PENNSYLVANIA

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Shaye Erhard
Office of Mental Health and Substance Abuse Services
Pennsylvania Department of Public Welfare
233 Beechmont Building, DGS Complex
P. O. Box 2675
Harrisburg, PA 17105-2675

BUREAU OF CHILDREN'S SERVICES

RE: *Proposed revisions to 55 PA.CODE CHS. 23, 3800 AND 5310 for Residential Treatment Facilities published in the Saturday, October 23, 2010 PA Bulletin.*

Dear Ms. Erhard:

On behalf of more than 225 member hospitals and health systems, The Hospital & Healthsystem Association of Pennsylvania (HAP) appreciates the opportunity to comment about the Office of Mental Health and Substance Abuse Services (OMHSAS) proposed rule that attempts to codify minimum licensing and program standards, requirements for participation in the Medical Assistance (MA) Program and MA payment conditions for residential treatment facilities (RTFs). As put forth in the proposed rule, this would apply to providers of behavior health services in a 24-hour setting to children under 21 years of age with a diagnosed mental illness or serious emotional or behavioral disorder, or a drug and alcohol diagnosis in conjunction with a diagnosed mental illness or serious emotional or behavioral disorder.

HAP has several concerns with the proposed regulations both from an RTF standpoint and from what we believe will cause additional stress on access to care as a result of the RTF regulations as proposed and could cause additional strains on the hospital and health system community as they serve the needs of their communities.

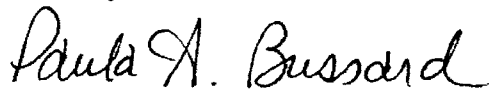
- **Comment Period**—HAP believes the 30 day comment period is too short for proposed regulations of the length and complexity of those submitted (166 pages). There was no information provided on the economic impact these changes would have on the Medicaid program, Behavioral Health Managed Care Organizations, and county operations and resources. We request that the Department of Public Welfare (DPW) accept recommendations beyond the November 22 deadline for submission of public comment and work more diligently to gather additional input from stakeholders.
- **Community Resources**—While the department provides general numbers of agencies that will be adversely affected by the proposed regulations, we believe it fails to provide any specifics by which the 6,000 children and adolescents will be served following the reduction in bed capacity and availability related to the adverse impact of the regulations. The proposed regulations reflect restrictions on unit and facility size (4 units of no more than 12 beds per unit), staffing ratio and scheduling, and staffing credentialing requirements (RTF standards will supersede acute psychiatric hospital care standards) that are in excess of and more burdensome than federal regulations and standards. Access to appropriate care for behavioral health care patients already is strained across the commonwealth and the proposed regulations could further exacerbate that situation,

particularly straining the resources of hospital emergency departments where individuals needing behavioral health services will present when community resources are not available.

- **Appropriate Level of Care**—HAP is concerned that the reduction of RTF units will lead RTF providers reconsidering providing these services and will increase the burden on hospital emergency rooms for patients who need acute psychiatric care. We believe this could result in an unintended consequence of patients being seen and placed in inappropriate levels of care, while increasing cost to the Medicaid HealthChoices and fee-for-service programs under the Department. We would request that the Department reconsider its proposed reduction of the size of RTF units in order to maintain access to these vital services, particularly for children under 21 years of age who need behavioral health services. As earlier stated, there are already problems for this vulnerable population in seeking access to care and it is imperative that regulations not further exacerbate access issues, but rather create the opportunity to address this issue.

Thank you, again, for the opportunity to comment. If you have questions, or would like to discuss these comments in more detail, please contact Michael Lane, HAP's director, health care finance policy, at (717) 561-5317.

Sincerely,



PAULA A. BUSSARD
Senior Vice President, Policy & Regulatory Services