

3160



September 28, 2018

Independent Regulatory Review Commission (IRRC)
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Re: IRRC Regulation # 3160 and DHS Regulation # 14-540, titled "Home and Community-Based Services and Licensing"

Dear Commissioners:

This letter is written in support of the regulations referenced in the subject line above. These regulations will govern publicly-funded programs supporting Pennsylvanians with intellectual disabilities and/or autism. ACHIEVA is a provider of life-long supports, services, and advocacy for people with intellectual and/or developmental disabilities and their families in the greater Pittsburgh area.

The process followed to develop these regulations was inclusive of all stakeholders and respectful of differing perspectives. While no one is ever 100 percent pleased with a final set of regulations, these regulations are very good and far better than the regulations currently in use by the state. These regulations are needed without further delay in order to best serve and protect Pennsylvanians with intellectual disabilities and/or autism. I strongly recommend approval during the upcoming IRRC hearing on the regulations.

I am someone who can offer a unique perspective on these regulations given that I was a) Deputy Secretary for Developmental Programs when the regulatory process started b) Director of Intellectual and Developmental Disabilities for the Rehabilitation and Community Providers Association during the proposed regulatory review period, and c) I am now the CEO of a provider agency that will need to live with this final set of regulations.

The first meeting of the "6100 work group" was held during the last months of the Corbett Administration, and I chaired it. For several months into the Wolf Administration, I continued to chair meetings of the work group to develop a foundational set of draft regulations. When the new Deputy Secretary, Nancy Thaler, took the reins of Office of Developmental Programs (ODP) for the new administration, she was impressed with the process and substance of the draft regulations, and so she embraced the process and continued forward. Over the past three-plus years since then, ODP has continued to work diligently and in good faith to listen to all stakeholders, including people with disabilities, advocates, families, providers, and other stakeholders to develop the best set of regulations possible.

Affiliated with The Arc of Pennsylvania and The Arc of the United States

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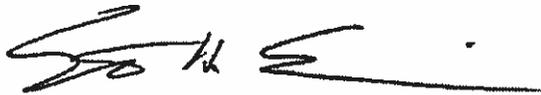
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The positive aspects are the strong health and safety protections, best practices when it comes to programming, staff training, and the consistency between the Medicaid HCBS waivers, licensing regulations, and program regulations. These positive aspects of the regulations are not insignificant. If there is a concern about the regulations, it is that they fail to ensure annual rate increases for the services paid with public dollars. I share that concern. Services governed by these regulations are essentially 100 percent funded by the state and federal governments. In other words, there are no private or commercial payers for such services, and so service providers have nowhere to go to make up for the inadequate Department of Human Services (DHS) rates. Thus, if rates fail to keep up with the annual increases in staff health care, wages, workers' compensation, fuel costs, housing, utilities for community homes, etc., then quality can suffer.

The people supported in this system are society's most vulnerable, and being able to attract and retain quality care workers is foundational to being able to sustain quality services. But the wages paid to direct support professionals are some of the lowest in our economy and that is a direct result of the rates providers receive from the state. That said, I know that it is virtually impossible to get the Budget Office staff to allow language in regulations that guarantees an annual rate increase, and so the language that is in the regulations – to update the data used to develop rates at least once every three years - is somewhat of a victory. The good news is that DHS does not have to wait three years to update their rate data, and so advocates, families, and providers will be watching very closely how much of a priority DHS and ODP place on staff wages and quality by how often rates go up to keep up with inflation in the public system.

Notwithstanding stakeholders' concerns with the lack of an annual rate increase requirement, I believe these regulations should be approved. The process has been fair, inclusive, and ODP has had the best interests of people with intellectual disabilities and/or autism foremost in mind as they have considered the input from stakeholders. Please approve these regulations. Thank you.

Sincerely,



Stephen H. Suroviec
President and CEO, ACHIEVA

cc: Ms. Fiona Wilmarth, Director of Regulatory Review