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**re: IRRC Regulation #3160 and DHS Regulation #14-540, titled "HCBS and Licensing."**

Dear Director Wilmarth,

This joint letter is in support of IRRC Regulation #3160 and DHS Regulation #14-540 (titled "Home and Community-Based Services Licensing"), a set of regulations which will govern the vast majority of services provided to 55,000 children and adults with intellectual disabilities (ID) and autism in the Commonwealth.

We are three former Deputy Secretaries of the Office of Developmental Programs. Mr. Friel was appointed by Gov. Corbett and served from May 2011 to Oct. 2012; Mr. Suroviec was appointed by Gov. Corbett and served from June 2014 to June 2015. Ms. Thaler, appointed by Governors Casey (in 1993) and Ridge (in 1995), served through May 2003 and recently served again under Gov. Wolfe from June 2015 to Sept. 2018.

Our support for the proposed regulations is based on our experiences in the private sector, in advocacy, and as state government officials engaged in this regulatory process.

These regulations represent the work of many people over several years beginning in December 2014 under the direction of then Deputy Secretary Suroviec. To develop the draft regulations, a work group was established that included individuals with disabilities, families, advocates, university professors, administrators of county programs, and providers. In 2015, with a change in leadership, the work group continued to meet. There were 15 days of meetings with the work group and at least 60 meetings with broader stakeholder groups. A separate fiscal work group held 10 meetings in 2015. An unprecedented step was taken in publishing revisions to the fiscal section of the regulations through a notice of advanced rule making. Many major changes were made in the original proposed regulations to produce this final set. **The amount of stakeholder input has been extraordinary.**

Individuals served in the programs governed by these regulations include those with minimal needs

who receive incidental services and those who have significant medical and behavioral health needs requiring 24-hour support. **These regulations build in standards for critical areas such as individual planning, the protection of individual rights, staff training, the management of incidents, medication administration, and the use of restrictive procedures to assure the health and safety of each person.**

The Everyday Lives philosophy, embraced by multiple administrations for over three decades, demands that services support the integration of individuals with disabilities into the community with opportunities to develop and maintain relationships with family and friends, to work, and to exercise their basic rights as citizens. **These regulations include standards for physical sites, for program design, and for service practices that keep the focus of services on the outcomes desired by people with disabilities and their families, i.e. full participation in family and community life.**

Regulations are intended to establish minimum standards for the delivery of services. Because services to people with ID and autism occur in a wide range of venues (people's own homes, both public and private places in the community, and special facilities operated by provider agencies), the scope of the regulations must be comprehensive and applicable to all environments. **The publication of these five sets of regulations, which include four licensing chapters that apply to facility-based services, assures consistency across programs, agencies, and the services that individuals receive.**

Fiscal accountability is an important aspect of program management; these regulations, reflecting input from participants in both the work group and the fiscal group, establish the foundation for fiscal accountability. The regulations clarify claims documentation requirements to secure reliable reimbursement, contain a provision to update provider fees every three years which will establish stability in funding over time, and provide for improvements in residential reimbursement. **These regulations will help to stabilize the program financially and to assure that reimbursement practices are accountable and support the delivery of quality services.**

The adoption of any set of regulations rarely if ever pleases all parties completely. And so, these regulations may not meet every constituency's full expectations: individuals and families may want more rigorous standards and protections; providers are likely to want stronger guarantees in financial reimbursement. While this set of regulations may not fully meet every expectation, they respond to everyone's concerns and make significant improvements over previous regulations.

In closing, as Deputy Secretaries of ODP, we have played an important role in assuring both the health and welfare of individuals receiving services, as well as the accountability for fiscal resources, and the stability of a network of providers able to meet the needs of all the people served. We feel strongly that these five sets of regulations make significant progress in all of these areas and should be approved.

Sincerely,

Steve Suroviec

Kevin Friel

Nancy Thaler

