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Ms. Fiona Wilmarth, Director of Regional Review
Independent Regional Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 1701

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Pennsylvania Independent Regulatory Review Commission

Re: IRRC Notice of Final Form Rule-Making (Department of Human Services [55 PA. code chs.51. 2380, 2390, 6100, 6200, 6400, and 6500] Home and Community-Based Services and Licensing)

I am wondering what would be, for all of the honorable members of this Commission, the most important word of the above title. I am sure that we can agree that anyone with understanding of the matter can "review" we can also agree that DHS/ODP have people with the understanding to "review". What makes this process by the Independent Regulatory Review different is- it makes it independent which denotes *fair and different, accountable.*"

"It is the intent of this act to establish a method for ongoing and effective legislative review and oversight in order to foster executive branch accountability; to provide for primary review by a Commission with sufficient authority, expertise, and *independence*"

Independence is for me the most important word in all of this process. If not why then does your Commission exist? Without the independence part, DHS/ODP can write, review, approve and put in place any regulations; however, fortunately your Commission exist and DHS/ODP must go to the process to seek final review and approval.

My major concern with the Regulations above is around the Investigative process. Much of my concerns are based on my experiences as a parent and as an advocate for many years. What is different when the investigation or review is regarding abuse to the adult population with intellectual disability? Why is this population so different than the rest of us? It is because they are vulnerable. ODP is the only agency in the whole government that I am aware of, I cannot imagine anywhere else in the public or private sector, that allows provider self-investigations regarding incidents of abuse, neglect or exploitation for adults with intellectual disability and I wonder why? Under the regulations that you are about to review the possible perpetrator is allowed to investigate itself. Just take the least crowded prison in PA and let the alleged criminals do their own investigation. I can guarantee you that in less than a week you will have an empty building.

Self-investigations are unfair, insensitive, and unproductive, under considered and lack the most fundamental "protection" of equal justice and objectivity for the individual. Not to mention that IT IS ILEGAL. Self-investigations is literally the definition of conflict of interest.

Under the LAW, not regulations "ADULT PROTECTIVE SERVICES ACT – ENACTED on Oct. 7, 2010, P.L. 484, No. 70 Cl. 23" denotes the following which are not evident in these Regulations:

301.(3) The department shall establish, by regulation, procedures to ensure no conflict of interest in the provision of adult protective services.

303 (4) The department shall adopt regulations providing for the methods of conducting investigations under this section and shall assure that steps are taken to avoid any conflict of interest between the investigator and service delivery functions. Under the regulations you are reviewing the investigatory entity **IS** the service delivery provider. I honestly cannot see more conflict of interest than this.

I am just a concerned parent of a 29-year-old wonderful young man with severe intellectual disability who is nonverbal. He depends on his mother and on me to ensure his present and future safety. I am not a lawyer but it is very clear to me that the proposed regulations that continues to allow self-investigations are against Act 70 which is law. I respectfully believe that your Commission has the power to address this. This should not be allowed to continue. Protection from harm and independence from the system in investigations is important to many families and to me. We fought for years for those protections. Regulations should be required to include these provisions.

It is inconceivable to think that if you have two individuals in the same group home, 17 and 19-years old respectively abused by the same alleged perpetrator you would have two different system investigating one, which does not allow conflict and must be independent and the other by the alleged perpetrator who is in conflict. For those of you that have more than one child, would you like the same protections for both of them no matter what?

ODP's position is that they review all the incident management investigations after they are done. Once again, they are reviewing self-investigations after the alleged perpetrator does them. In my Country, we would say...You could not have the goat watching the lettuce and then ask the goat later who ate it.

May I end by saying the ADULT PROTECTIVE SERVICES ACT was enacted to bridge the gap between the children and older citizen protection systems. It addresses protection for individuals between 18 and 59-year old. This law is not perfect but will help if we use it as it was enacted. I strongly believe approving Regulations (ODP # 14-450) allowing self-investigations to continue nullifies the provision in Act 70 making it useless and again is, against the law.

Do not approve the proposed Regulations in their present form without insuring full protection under Act 70 for those in this Commonwealth who depend on those in authority to keep them safe.

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