
From: Fiona Cormack
Sent: Tuesday, October 16, 2018 10:18 AM
To: IRRC
Subject: FW: Comments on DHS Chapter 6100 regulations
Attachments: NRichey letter.pdf

EMBARGOED MATERIAL

From: Nancy Richey [mailto:thirdmountain@verizon.net]
Sent: Tuesday, October 16, 2018 10:08 AM
To: Fiona Cormack <fcormack@irrc.state.pa.us>
Subject: Comments on DHS Chapter 6100 regulations

Good morning, Director Wilmarth. Attached please find a letter with my perspective, as a family member, on the proposed chapter 6100 regulations. I appreciate your time and consideration.

Thank you very much,
Nancy Richey

3160

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October 16, 2018

Ms. Fiona Wilmarth
Director of Regulatory Review
Independent Regulatory Review Commission
14th Floor
333 Market Street
Harrisburg, Pennsylvania 17101

Dear Director Wilmarth,

I am grateful for the opportunity to provide comment on the proposed DHS HCBS and Licensing Chapter 6100 regulations scheduled for IRRC review on October 18.

Our son is 24 years old and has autism and intellectual disability. Dan receives support services through the Person and Family Directed Supports Waiver, Office of Developmental Programs. We use the service model of Self-Direction which allows us, as the common law employer, to hire, train and supervise staff of our choosing. More importantly, however, this means that we will always know who is working with our son on any given day. Even more important still, Dan knows his staff well and they know him – the depth of these relationships, we believe, is critical to Dan, his father, and me. Dan deserves this respect, trust and consistency. Because Self-Direction has been an option for families since Dan's waiver began in 2008, we have never experienced using a provider agency. Quite frankly, I cannot imagine what that would be like: not knowing exactly who will work with our son each day, changes in staffing, not knowing for sure if those staff are well-supported by their employer, and so on. By the way, Dan has a job in the community and his support staff acts in the capacity of job coach as well as community participation supports. He is fully integrated and involved in community.

I am most appreciative to the Office of Developmental Programs' past three deputy secretaries and the current acting deputy secretary for the diligence and transparency throughout the past several years in the development of these regulations. Opportunities for stakeholder input have been at the forefront of the efforts every step of the way. The most important stakeholder groups, in my opinion, are the people directly served, the self-advocates and family members. I must also share that in addition to being mother to Dan, I have been an active advocate for over 20 years on behalf of people with disabilities and their families. I also have another perspective in that I worked in a contracted role for ODP from September of 2015 to June of this year as statewide lead of an initiative called Supporting Families throughout the Lifespan. The values this initiative upholds are clearly embedded in these draft regulations, and further, they are the very values upheld in Everyday Lives: Values in Action, the mission, vision and roadmap that guides all of the work of ODP. So, having had this most gratifying work experience these past few years before retiring, I had the privilege of working side-by-side with the internal leaders of ODP. I know what they believe in and stand for: all people have the right to have an everyday life, be safe and healthy, be known in their communities, and have access to quality supports that enable them to live the lives of their choosing. I believe these values are indeed reflected in these draft regulations.

It is never likely that new regulations will please everyone affected by them or fulfill everyone's expectations. However, I do believe these regulations are significantly more responsive to the concerns of self-advocates and families than the existing regulations.

Thank you, Director Wilmarth, for this opportunity to share my perspective.

Sincerely,

A handwritten signature in black ink that reads "Nancy C. Richey". The signature is written in a cursive style with a large, looping "y" at the end.

Nancy C. Richey
1150 Highland Drive
Mechanicsburg, PA
717-877-0289
chirdmountain@verizon.net

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Kathy Cooper

From: Diane Conway <dconway@maxassociation.org>
Sent: Tuesday, October 16, 2018 11:44 AM
To: IRRC; Michelle Elliott
Subject: Comments on Regulation #14-540
Attachments: MAX comment on Regulation #14-450.docx

Please accept these comments on Final Form Regulation #14-540 from MAX Association

Diane Conway, Ph.D.
Executive Director
MAX Association
(215) 817-0325

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2018 OCT 16 P 12: 26

Mr. David Sumner
Executive Director
Independent Regulatory Review Commission
14th Floor, Harrisstown 2
333 Market Street
Harrisburg, PA 17101

Re: MAX Association Comments on Regulation #14-540: Home and Community Based Supports and Licensing

Dear Mr. Sumner:

MAX Association is a regional association of human service providers in Southeast Pennsylvania. Our membership provides critical services and supports to enable individuals with intellectual disabilities, autism and behavioral health involvement to live successful, happy and productive lives in the community.

Regulation #14-540, "Home and Community Based Supports and Licensing," is now pending before the Independent Regulatory Review Commission (IRRC) for review to determine whether the final form regulations submitted by the Department of Human Services ("DHS") satisfy the conditions for approval set forth in the Regulatory Review Act, 71 P.S. §745.56 et seq. Regulation #14-450 would replace the current Chapter 51 regulations.

MAX applauds the Department of Human Services (DHS) and Office of Developmental Programs (ODP) for implementing a process of feedback and revisions from various stakeholder groups to these regulations. This process was far superior to that used to establish Chapter 51. While it was a more time consuming process the outcome was a much more comprehensive, realistic and coordinated regulation.

MAX Association supports the comments and recommendations submitted by the statewide provider association PAR and encourages the Department of Human Services to seriously take in to account those recommendations.” Community providers deserve a fair, transparent and sufficient rate setting process. The Final Form regulations leave a lot open to interpretation and therefore need clarification. The rate setting process also must be compliant with the federal law which mandates through the US Court of Appeals for the Third Circuit that DHS is required to establish provider rates that are sufficient to meet the recipient’s needs. MAX has repeatedly requested the following to help DHS as the sole payor to ID/A providers to be compliant with that federal mandate

- An annual inflator based on a nationally recognized index. The absence of an annual inflator acts as an annual cut. Currently, the rates paid to providers in 2018 are based on 2013 data. So in essence providers are being paid five year old rates.
- Clarification regarding the rate refresh process. As providers are currently being paid rates based on five year old data, MAX is requesting clarification from the Department that rates will be refreshed for July 2019 and going forward at least every three years using data that is no older than one year.
- MAX requests transparency in the rate setting process. The Final Form Regulations state the Department will inform the public about rate updates and rate setting methodologies. While it is important for the Department to do this, the process in the Final Form Regulations lacks the very critical component of giving the public an opportunity for meaningful input prior to the establishment of the final rates and rate setting process. MAX recommends that DHS release this information immediately following the Governor’s presentation of the proposed annual budget.

In general, MAX supports the Final Form regulations and believes they are a tremendous step forward from Chapter 51. While there are many points of clarification, MAX looks forward to working with the DHS and ODP on the interpretive guidance.

Sincerely,

Diane Conway, Ph. D.
Executive Director
MAX Association

3160

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Kathy Cooper

From: Pamela zotynia <pzotynia@gmail.com>
Sent: Wednesday, October 17, 2018 12:16 AM
To: IRRC
Subject: IRRC Regulation #3160 and DHS Regulation #14-540, titled "HCBS and Licensing"
Attachments: IRRC LTR 10.16.2018.docx

Dear Director Wilmarth,

Attached please find a letter commenting in support of the Department of Human Services proposed Ch. 6100 Regulations published by the IRRC as Regulations #3160.

Thank you,
Pamela Zotynia

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2018 OCT 17 A 9:12

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Pamela Zotynia
25 East Broadway Street
Larksville, PA 18651

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2018 OCT 17 A 9:12

October 16, 2018

Fiona Wilmarth, Director of Regulatory Review
Independent Regulatory Review Commission
333 Market Street 14 Floor
Harrisburg, Pennsylvania 17101

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

Dear Director Wilmarth,

I'm writing to you today as the parent of a 32-year old man, Robert, who has intellectual and physical disabilities and complex medical needs and receives supports and services funded by a Medicaid waiver administered by the PA Department of Human Services (DHS) Office of Developmental Programs (ODP).

Over the past three decades, my son has accessed multiple supports and services, at times delivered by traditional day and residential service providers and currently through participant directed supports.

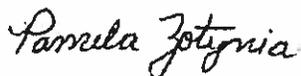
Although I was not directly involved as a member of the Chapter 51/6100 Home and Community-Based Intellectual and Disability Services Regulation Workgroup, I was able to provide input directly to members of the workgroup as the former director of a local chapter of The Arc and current employee of a Supports Brokerage that was shared and incorporated into the final product. The input I provided was on behalf of my family as well as the hundreds of individuals and families I have had the privilege to support throughout my career.

These regulations support individuals with intellectual disability and/or autism to have meaningful lives in their community, promote person centered approaches, and ensure the health and safety of each person served.

Although these regulations are not perfect, they are a vast improvement over the Chapter 51 regulations currently in place. It is my hope that during the implementation process there will be additional opportunities for stakeholder input, and that individuals with intellectual disability and their family members once again have a seat at the table.

My son and I strongly support the implementation of these regulations.

Respectfully submitted,



Pamela Zotynia

3160

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Kathy Cooper

From: Fiona Cormack
Sent: Wednesday, October 17, 2018 8:58 AM
To: IRRC
Subject: FW: IRRC Regulation #3160
Attachments: Regulatory support.pdf

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2018 OCT 17 A 9:07

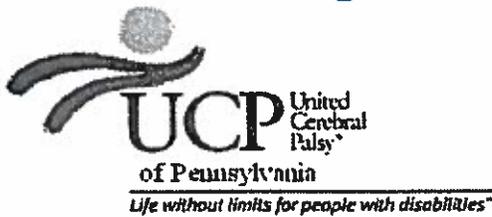
From: Martin, Joan [mailto:jmartin@wojdak.com]
Sent: Wednesday, October 17, 2018 8:53 AM
To: Fiona Cormack <fcormack@irrc.state.pa.us>
Subject: IRRC Regulation #3160

Ms. Wilmarth,
Attached please find the UCP of PA letter in support of the IRRC#3160 regulatory package.
Thank you for the opportunity to provide input.
Joan W. Martin

<image003.png>Joan W. Martin | Senior Associate
30 North Third Street | Suite 950 | Harrisburg, PA 17101
O: 717.221.2618 | C: 717.951.2622 | JMartin@wojdak.com
[Website](#) | [Executive Profile](#) | [Twitter](#)

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200 North Third Street
Eighth Floor, PO Box 678
Harrisburg, PA 17108-0678

Phone 717-236-5040
Fax 717-231-4463

October 15, 2018

Fiona Wilmarth, Director of Regulatory Review
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101
Sent via email: fwilmarth@irrc.state.pa.us

2018 OCT 11 A 9:07
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RE: IRRC Regulation #3160 and DHS Regulation #14-540, titled "HCBS and Licensing"

Dear Ms. Wilmarth and IRRC Commission Members:

Thank you for the opportunity to comment on the Office of Developmental Programs (ODP) Home and Community Based Services (HCBS) and Licensing Regulations that are scheduled to be considered on October 18, 2018. I am writing as a representative of my colleagues in United Cerebral Palsy of Pennsylvania (UCP OF PA). **We urge the Commissioners of the Independent Regulatory Review Commission to vote their approval of these regulations.**

United Cerebral Palsy of Pennsylvania (UCP of PA) is a 501(c)3 organization committed to advocating for the independence, productivity and full citizenship of people with cerebral palsy and other disabilities. Founded in 1952 by parents and committed volunteers who wanted to improve the lives of people with disabilities in Pennsylvania, today it includes advocating for the civil and human rights of individuals with disabilities and for needed services and supports. The member agencies of UCP of PA provide a variety of community based services to thousands of individuals through various public and private funding streams and their own community-raised funds. Member agencies provide services to children, adults and seniors with intellectual or developmental disabilities, autism, physical disabilities, and individuals with dual diagnoses.

Representatives of UCP of PA participated in the stakeholder meetings and we appreciate the Department's process of welcoming input from all sectors. We also recognize the significant work of the consideration of thousands of comments from stakeholders and the ODP's efforts to describe how they were used to produce the final regulations. We do not view these regulations as perfect, but believe a balance was achieved. In addition, we note that regulations are one component of a quality HCBS system along with sufficient funding to achieve stated goals and the sharing of best practices among providers.

The Board and member agencies of UCP of PA look forward to meaningful collaboration with the Department of Human Services and the Office of Developmental Programs on the development and implementation of interpretive guidance that can enhance our HCBS system for the benefit of individuals with disabilities and their families across the Commonwealth.

Sincerely,

Judith A. McCowan
UCP of PA Representative to Intellectual Disability/Autism Coalition