

Kroh, Karen

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From: Mochon, Julie
Sent: Monday, December 19, 2016 8:34 AM
To: Kroh, Karen
Subject: Fw: Proposed regulatory change comments
Attachments: Regulatory change comments JLK.xlsx

From: Jennifer Kennedy <JenniferKennedy@barberinstitute.org>

Sent: Friday, December 16, 2016 4:13 PM

To: Mochon, Julie

Subject: Proposed regulatory change comments

Ms. Mochon,

Attached is a copy of my comments regarding the proposed regulatory changes for Chapters: 6100 ; 2380 ; 2390 ; 6400 ; and 6500.

I would like to thank you for the opportunity to comment on the changes proposed by ODP and DHS.

Thank you for your time and consideration in this effort,

Jennifer Kennedy

Jennifer Kennedy

Administrator, Governance, Risk Management & Compliance

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<u>Citation</u>	<u>Caption</u>	<u>Discussion</u>
(code, example 2380.33)	(example, Program Specialist)	(basis for discussion and impact if known)
6100.3 2380.3 2390.3 6400.3 6500.3 6100.45 (b)(1)	Definitions Quality Management	The definition for restraint includes "an intervention approved as part of the PSP or used on an emergency basis".
6100.46(b)	Protective Services	The requirement to evaluate progress in meeting the desired outcomes of the PSP, in an agency wide QM plan, is burdensome for providers. "may not have direct contact with an individual until the abuse investigation is concluded and the investigating agency has confirmed that no abuse occurred".
6100.52(c) 2380.156(c) 2390.176(c) 6400.196(c) 6500.166(c)	Rights team	Requiring that the affected individual(s) and their family members be included in the rights team would be nearly impossible to arrange and facilitate and leads to concerns over the privacy of the individual(s).
6100.52(g) 2380.156(g) 2390.176(g) 6400.196(g) 6500.166(g)	Rights team	The requirement to report recommendations to the PSP team is redundant. Providers report through EIM to all parties.
6100.143 2380.39 2390.49 6400.52 6500.48	Annual training	Requiring 8 hours of annual training for all staff and specifying the subject matter: focusing on person centered practices, individual rights, prevention of abuse, reporting incidents, and positive interventions would be cost prohibitive for providers.
6100.183	Additional rights of the individual	There is no exception for the health and safety of an individual due to medical, behavioral, or mental health issues.

6100.221 2380.182 2390.152 6400.182 6500.152	Development of the PSP	The language between the 6100's "The support coordinator shall be responsible for the development of the PSP" and the 2380/90 & 6400/6500 is inconsistent: "The support coordinator or program specialist shall coordinate the development of the PSP"
6100.223(11)	Content of the PSP	Requires that active pursuit of competitive, integrated employment as a first priority before other activities or supports. This does not include an exclusion for those individuals for whom competitive, integrated employment is not an option.
6100.343(5) 2380.153 2390.173 6400.193 6500.163	Prohibition of restraints	This section does not include an exclusion based on the health and safety of the individual - specifically behaviors that would warrant the use of a mechanical restraint (helmet, muffs, mitts, etc.) if prescribed by a physician.
6100.443(a)	Access to the bedroom and the home	In the residential setting the individual shall have a lock with a key....to lock and unlock the individual's bedroom door and the entrance to the home
6100.445	Integration	Indicates that an individual shall have the same degree of community access and choice as an individual who does not receive supports. There is no exception based on the needs of the individual - medical, behavioral, mental health.
6100.466(c) 2380.126(c)	Medication records	Medication refusal shall be reported to the prescriber within 24 hours. This requirement is cumbersome and could lead to misreporting of medication refusals by staff.

Recommendation

Name

(specific recommendation; revised regulation language)

Remove language "an intervention aproved as part of the PSP"

Remove this requirement.

Include the verbiage "or the allegation is determined to be unfounded"

Recommend that the rights team consist of: advocates, representative from the Supports Coordinator, representatives from the provider agency, and a representative from the managing entity

Rights team report at annual PSP meeting unless issue indicates need for PSP review and revision

Remove the specification of trainings for administrative staff (6100.143(b)(1)) and instead of using "must encompass" (6100.143(c)) change to "should encompass an overview of the following areas"

Include an exlusion to these rights for the health & safety of an individual if indicated in their PSP.

Change verbiage to be consistent between all regulations

Include an exclusion to this requirement.

Include an exclusion based on diagnosed behavioral issues that effect the health and safety of the individual.

Include an exclusion for the health and safety of the individual.

Include verbiage "as indicated in the individual's PSP".

Remove the requirement to notify prescribers within 24 hours of any medication refusal.