

#14-540 - (56)

Kroh, Karen #3160

**From:** Mochon, Julie  
**Sent:** Friday, December 16, 2016 9:54 AM  
**To:** Kroh, Karen  
**Subject:** Fw: Regulation No. 14-540  
**Attachments:** 6100 Proposed Regulations - Delaware County OID.docx

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**From:** Proulx, Dr. Susan E. <ProulxS@delcohsa.org>  
**Sent:** Thursday, December 15, 2016 4:52 PM  
**To:** Mochon, Julie  
**Cc:** Lowry, Nancy; Frick, Jim; DiStefano, Jonna L.  
**Subject:** Regulation No. 14-540

Please accept Delaware County's feedback on the proposed 6100 regulations. See attached. Thank you.

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#3100

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Delaware County OID

Feedback on Proposed 6100 Regulations

Regulation No. 14-540

12/2/16

**Overall** – The proposed regulations represent a significant and positive change toward streamlining requirements across programs. The linking to the BHSL requirements is no less striking and refreshing. It is clear that the staff involved in orchestrating these changes listened carefully to feedback from the community, and thought globally with regard to the impact that these regulations would have. The reduction of duplication and number of staff training hours, consistent application of individual rights, decrease in paperwork, and consistency in the use of positive interventions are all welcome changes. We are also pleased to see the refresh of the data every 3 years to ensure that reimbursement rates keep pace with market-based factors.

**Clarifications Needed:** (Those listed by program apply to all programs with the same requirements under these regulations.)

1. 2380.33 (a) – Program Specialist - Section (a) indicates that at least one program specialist be assigned for every 30 individuals. Given the new requirements about individuals' participation in community activities, the number of program specialists for every 30 individuals should be increased to at least two per 30 individuals.
2. 2380.33 (c) (2) Program Specialist. – Can the requirement that the person have 2 years of experience working directly with persons with disabilities include those who have worked with individuals with ID only, or those with Autism only, or those with developmental disabilities only? Or does the person have to have a range of experiences with more than one population?
3. 2380.127 (6) (b) Medication Errors. – Is there a specific time frame during which the med error must be reported and to whom? It feels like there should be more detail in this section.
4. 2380.182 (c) – Development of the PSP. - Please clarify under what circumstances a program specialist would coordinate the development of a PSP in the ODP system. Would there be a circumstance in which an individual would not have a supports coordinator or a targeted support manager? Wouldn't the SC or the TSM be required to coordinate the development of the PSP?
5. 2380.185 (4) Outcomes - Will there be additional training from ODP related to any changes in PSP requirements with regard to Outcomes?
6. 6100.143(b)(1)– Annual Training. - Training ancillary staff, such as clerical and maintenance, in core areas is an excellent addition to the regulations. However, not all maintenance workers are on duty at a facility while individuals receiving services are present (ex, maintenance workers at a day program working during the evening). Will there be a mechanism to obtain a Waiver to excuse these staff from training? Also, maintenance workers may be contractors with the agency. Can it be assumed that the subcontracted staff would also need to be trained?

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7. 6100.181. (g) Exercise of Rights. – This is an excellent section and we have a request for a general clarification. Will there be a mediation procedure if there is a disagreement between a court-appointed legal guardian and the facility? There are times when a legal guardian may make decisions that program staff feel are not in the best interests of the individual.
8. 6100.223 Content of the PSP. – The information required in the PSP seems excessive in light of the current ODP Secretary's expressed intent to reduce the number of pages in a PSP; such that it contains only immediate pertinent information. It seems that some of the sections could be included in history or in the individual's file.
9. 6100.447 (a) Facility characteristics related to location of facility. – The language in this section is unclear. The wording is such that this does not appear to be a change from current practice. Can the language "... in close proximity to ..." be further clarified?
10. 6100.470 Exception for family members – Does this language apply to Participant Directed Services? Would persons hired by family members to provide HCBS in a family home be trained in medication administration and be able to administer medication as listed in 6100.469?
11. 6100.805 Base-funded support – Would the same appeal rights apply to Base-funded services that are denied or reduced as those that apply to Waiver funded services?
12. General Comment - In instances in which the individual is referenced, please reference not only "his" or "him". Please change language to "his/her" and "him/her". The use of only male references is outdated and can be construed as offensive.

Thank you for the opportunity to comments on these proposed regulations.