

#14-540-81

Kroh, Karen #3160

From: Mochon, Julie
Sent: Monday, December 19, 2016 8:31 AM
To: Kroh, Karen
Subject: Fw: comments on draft regulations
Attachments: comments.docx; Letter for chapter 6100 regulation.docx

From: Vash, Amber L <vashal@mycs.org>
Sent: Friday, December 16, 2016 1:03 PM
To: Mochon, Julie
Subject: comments on draft regulations

Attached is Mon Yough Community Services comments in regards to the 6100 draft regulations.

Sincerely,
Amber Vash
Manager of Residential Services (MH & IDD)
Mon Yough Community Services
412-675-8561 (office)
412-657-6828 (cell)

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2016 DEC 20 PM 1:08

VASH-To whom it may concern:

After extensive review by Mon Yough Community Services, please see our attached response regarding the proposed chapter 6100 regulations. We truly appreciate and are encouraged by the department's identification of the need to revise the existing regulations. Upon review while we definitely find progress in the process, we still have concerns regarding many of the regulations that appear to be based on the Chapter 51 regulations, which are inconsistent. The definitions are minimal and lack pertinent information. In addition, it would be beneficial to have the definitions in the beginning of the regulations as opposed to scattered throughout. This can lead to misinterpretations on the provider and increase the likelihood of being non-complaint without knowledge. Please see the enclosed statement for more detailed comment.

Sincerely,

Mon Yough Community Services

VASH-Comments Template
Chapter 6100, 2380, 2390, 6400
By: Mon Yough Community Services

Citation: 6100.52. Rights team
 2380.156 Rights team
 2390.176 Rights team
 6400.196 Rights team

Discussion: The regulation is contradictory. It wants you to have a standards rights team but also an individual rights team.

Recommendation: Permit agencies to have a standards rights team that meets quarterly and when there is a specific rights violation that requires the process allow for the appropriate additional people to be included in that meeting to address that specific incident. (ex. consumer, family, etc.)

Citation: 6100.142. Orientation program
 2380.38 Orientation Program
 2390.48 Orientation Program
 6400.51 Orientation Program

Discussion: : Requirement for fiscal, administrative, maintenance, dietary, housekeeping ancillary, etc staff to have the same training requirements as staff who work directly with consumers.

Recommendation: The above mentioned should not be required if they do not work alone with consumers. This puts further financial burden on providers to cover the costs of training.

Citation: 6100.143. Annual training
 2380.37 and 2380.39 Annual training plan
 2390.40 Annual training plan
 2390.49 annual training
 6400.50 Annual training plan and .52 annual training

Discussion: Requirement for fiscal, administrative, maintenance, dietary, housekeeping ancillary, etc staff to have the same training requirements as staff

who work directly with consumers. We like that the hours required are only 8 and 24 per positions.

Recommendation: The above mentioned should not be required if they do not work alone with consumers. This puts further financial burden on providers to cover the costs of training.

Citation: 6100.181. Exercise of rights
6400.31 Exercise of rights
6400.32 Rights of the individual

Discussion: Allowance of visitors at any time/Fund Management

Recommendation: Although we support and encourage our consumers to have visitors, we have concerns for their safety and the safety of their peers in the home and the liability for the provider. We support a vulnerable population who trust people unconditionally. There is potential for them to bring visitors on site that may pose a risk.

Citation: 6100.182. Rights of the individual
2380.21 Individual rights
2390.21 Individual rights
6400.31 Exercise of rights
6400.32 Rights of the individual
6400.33 Negotiation of choices

Discussion: Section (f) right to refuse to participate in activities and supports

Recommendation: This is a contradiction of new service definitions that state individuals must be out in the community specific percentages of time. If they refuse which they have the right to, there is concern for how this is reflected against the provider.

Citation: 6100.341. Use of a positive intervention
2380.151 Positive intervention
2390.171 Use of a positive intervention
6400.191 Positive intervention

Discussion: We support change in language, but recommend training be provided by department

Recommendation: We recommend that the department provide training material to providers to train staff in this area.

Citation: 6100.342. PSP
2380.152 PSP
2380.182 Development of PSP
2380.185 content of the PSP
2390.152 Development of PSP
2390.155 Content of PSP
2390.172 PSP
6400.182 Development of PSP and .183 PSP team

Discussion: It states that all behaviors must be listed in the PSP with targeted outcomes.

Recommendation: Many current ISP's may not have this level of detail. It is recommended that the department allow an extended time frame for the ISP to be updated to meet these standards.

Citation: 6100.343. Prohibition of restraints
2380.153 Prohibition of restraints
2390.173 Prohibition of restraints
6400.193 Prohibition of restraints

Discussion: Title can be misleading to appear that no restraints are allowed, ever

Recommendation: Change title to "Prohibition of certain types of restraints."

Citation: 6100.344. Permitted interventions
2380.154 Positive Interventions
2380.155 Access to or the use of an individual's personal property
2390.174 Permitted interventions
6400.191 use of positive interventions .194 Permitted Interventions

Discussion: Currently if a consumer is a 1:1 this is considered restrictive and requires SEEP/Fade Plans and is part of the restrictive procedures regulations.

Recommendation: It is not mentioned within the new regulations if a 1:1 is considered restrictive. We recommend that it is no longer considered restrictive.

Citation: 6100.401. Types of incidents and timelines for reporting
2380.17. Incident Report and investigation
2390.18 Incident report and investigation
6400.18 Incident report and investigation

Discussion: Section (d) requires incident reports to be shared if requested

Recommendation: We recommend allowance for redacted staff and other consumer involved information.

Citation: 6100.402. Incident investigation
2380.17 Incident Report and investigation
2390.18 Incident report and investigation
6400.18 Incident report and investigation

Discussion: Section (a) incident investigations reads as if all incidents require investigations

Recommendation: Current regulations do not require investigations for all these listed incidents. We recommend that only incidents currently required by 2380, 2390, 6400, 6500 etc, to have investigations. Investigations are costly and time consuming and not necessary as listed.

Citation: 6100.443. Access to the bedroom and the home
6400.32 Rights of the individual

Discussion: An individual shall have a key

Recommendation: We recommend that individuals have keys to their rooms but have concerns with keys to the house. If keys are lost or given to inappropriate people by the consumer, this can pose a safety risk to everyone in the home.

Citation: 6100.444. Lease or ownership

Discussion: Currently ODP provides a template for Room and board contracts

Recommendation: That ODP provide a template or permit providers to use their own agreement on ODP's form.

Citation: 6100.446. Facility characteristics relating to size of facility

Discussion: Dates are given for implementation 3/17/19. But waiver service definitions are set to go into effect 7/1/17.

Recommendation: These inconsistencies pose great concern for provider as relates to licensing oversight and payment of services. The requirement limiting capacity for all facilities to 15 or less is unreasonable. You cannot financially sustain a program with current rates at this capacity. It is impossible to cover your overhead and staffing costs. Also, it is not clear if unlicensed residential facilities are covered under this regulation. Providers need to know how to gain department approval. Providers who currently have capacity greater than 4 (residentially) and greater than 15 (vocational) should be automatically approved and not require additional approval.

Citation: 6100.447. Facility characteristics relating to location of facility

Discussion: Close proximity is not clearly defined

Recommendation: Providers and programs in current existence within good standing of all regulatory bodies should be permitted to remain at current locations. Regulation should read more clearly to state this.

Citation: 6100.571. Fee schedule rates
2380.33. Staffing
2390.33 and .39 Staffing
6400.45 and .46 Staffing

Discussion: Staff wages

Recommendation: Wages should be based on experience and fair market analysis. Rates need to support this.

Citation: 6100.670. Start-up cost

Discussion: Last ODP bulletin states max of \$5000 for start-up costs

Recommendation: These regulations do not have any amount listed. This amount needs raised as \$5000 is not sufficient to cover the cost to start up a new residential program.

Citation: 6100.691. Respite care

Discussion: No permitted to charge for room and board if less than 30 days/year

Recommendation: Change to allow providers to charge if goes past 30 days. This is a financial hardship on providers.

Citation: 6100.692. Hospitalization

Discussion: Not permitted to charge room and board past 30 days

Recommendation: This goes against and is contradictory to the new lease agreements that are required. Providers should be permitted to charge R&B past 30 days if holding the bed. This places a financial hardship on the provider.

Citation: 6100.711. Fee for the ineligible portion of residential habilitation

Discussion: The term "refresh"

Recommendation: This should be changed to: the department will evaluate and make adjustments to the rates based on market-based data and consumer index to establish fees at least every three years.

Citation: 6100.742. Array of sanctions

Discussion: If these are not licensing regulations, the language should not be so focused on corrective action.

Recommendation: Change title to "Remediation."

