

Kroh, Karen #3160

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From: Mochon, Julie
Sent: Thursday, December 15, 2016 1:13 PM
To: Kroh, Karen
Subject: FW: 6100 Comments
Attachments: 6100 Comments.docx

From: Heather Revere [<mailto:hrevere@thearcalliance.org>]
Sent: Thursday, December 15, 2016 1:08 PM
To: Mochon, Julie
Subject: 6100 Comments

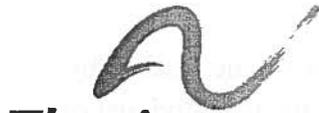
Hi Ms. Mochon,
Please see the attached comments from our agency for the draft 6100 regulations. Thank you for your consideration.



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12/16/2016

Thank you for the opportunity to provide feedback on the proposed 6100 regulations. The Arc Alliance Advocacy Services provides Supports Coordination for over 1200 individuals with intellectual disabilities and is committed to ensuring quality, everyday lives for the individuals we support. Please see the following for our comments:

General Comments:

The switch from ISP to PSP seems to be unnecessary. Families are already confused and overwhelmed by the frequent changes in the ID system; changing the name of the core document will generate additional confusion.

While ODP's intent is to broaden eligibility to include young children so that children currently in large residential settings can be served in their community, the regulations do not reference children services. Considering this, Chapter 6100 regulations should be revised to include language to accommodate serving young children.

§ 6100.45. Quality management.

Comment: This section is overly prescriptive, listing activities that may be valuable but are not relevant to every service or that will actually result in improved quality as opposed to increased record keeping.

§ 6100.47. Criminal history checks:

(1) Household members who have direct contact with an individual.

(d) This section does not apply to natural supports.

Comment: Who does this specifically apply to? Recommendation is to indicate 'household members who will provide a reimbursed support to the individual' if this is the intended purpose. Another recommendation is to distinguish between volunteers providing HCBS and volunteers/friends in the community. Can there also be clarification if under AWC a Managing Employer would need a background check if they are in the same household, or would this fall under a natural support since they do not get reimbursed?

§ 6100.50. Communication.

(a) Written, oral and other forms of communication with the individual, and persons designated by the individual, shall occur in a language and means of communication understood by the individual or a person designated by the individual.

Comment: Will ODP be providing state forms and documents in other languages? Currently these forms are available in English and some are available in Spanish, but are not available in braille or other languages. Will there be a mechanism for the PSP to be translated in HCSIS to meet this criteria?

§ 6100.52. Rights team.

Comment: Is a Supports Coordination Organization considered a provider for this section that needs to have a rights team? Most incidents the SCO reports are abuse, neglect or exploitation when there is not a provider involved and that the SCO staff had no part of the incident taking place. Since these incidents occur outside of SCO staff control, this does not seem like it will help to prevent future incidents and seems to be more appropriate for traditional direct service. Additional comments for this:

(a) The facility shall have a rights team. The facility may use a county mental health and intellectual disability program rights team that meets the requirements of this section.

- This implies that it's a separate entity for each agency but the description in (c):

“(c) Members of the rights team shall include the affected individual, persons designated by the individual, a family member or an advocate if the individual is unable to speak for himself, the individual's support coordinator, a representative from the funding agency, if applicable, and a facility representative.”

- This implies that this is just the individual's team meeting. Can clarification be provided? The work of rights teams is duplicative of other committees including the individual's PSP team. The requirements are confusing especially considering the membership of the committee. How would this team meet regarding specific individuals yet meet quarterly?*

§ 6100.221. Development of the PSP.

(d) The initial PSP shall be developed prior to the individual receiving a reimbursed support.

Comment: Does this mean the PSP has to be completed before the SCO is able to bill for services? If so, does this only apply to specific funding streams? The SC typically bills for coordination of the initial meeting and review of documentation prior to the initial PSP being developed.

§ 6100.222. The PSP process.

(11) Record the alternative supports that were considered by the individual.

Comment: Where are alternate supports considered supposed to be recorded? Is this required to be in the PSP or would documentation in HCSIS via a service note be sufficient? Adding all alternative supports considered to the PSP does not seem to be in the spirit of streamlining this document and process.

§ 6100.303. Reasons for a transfer or a change in a provider.

(a) The following are the only grounds for a change in a provider or a transfer of an individual against the individual's wishes:

(1) The individual is a danger to the individual's self or others, at the particular support location, even with the provision of supplemental supports.

(2) The individual's needs have changed, advanced or declined so that the individual's needs cannot be met by the provider, even with the provision of supplemental supports.

(3) Meeting the individual's needs would require a significant alteration of the provider's program or building.

Comments: For individuals who are non-verbal, is there any consideration to include language in reference to the transfer of services against the designee's request? Also, the options listed seem to make it impossible for a Supports Coordination Organization to discharge an individual against their will, as those 3 options would not apply to SC Services. Please consider adding language where a SCO could provide discharge under extenuating circumstances. If a SCO doesn't have the ability to discharge, this could result in SCO's not being as willing to accept more challenging individuals/families.

§ 6100.304. Written notice.

(a) If the individual chooses another provider, the PSP team shall provide written notice to the following at least 30 days prior to the transition to a new provider:

Comment: This implies that the individual, who has the choice to select another provider, is then forced to continue working with said provider for at least 30 days. What if this is a suspected abuse situation or if the individual chooses not to keep working with this provider? Also this says the PSP team shall provide written notice, can this please be more specific of who on the team's responsibility this is?

§ 6100.401. Types of incidents and timelines for reporting.

(d) The incident report, redacted to exclude information about another individual and the reporter, unless the reporter is the individual who receives the report, shall be available to the individual, and persons designated by the individual, upon request.

Comment: This should be clarified as to which entity is providing the individual or designee the finalized incident report. ODP has previously communicated that incident reports are not able to be provided to individuals or families since it is considered the administrative file for the agency, not the property of the individual. Would anyone with access to the incident be able to provide it to the individual or designee, or just the reporting agency?

§ 6100.803. Support coordination, targeted support management and base-funded support coordination.

(1) In addition to the training and orientation required under §§ 6100.141—6100.143 (relating to annual training plan; orientation program; and annual training), a support coordinator, targeted support manager, support coordinator supervisor and targeted support manager supervisor shall complete the following training within the first year of employment:

- (i) Facilitation of person-centered planning.
- (ii) Conflict resolution.
- (iii) Human development over the lifespan.
- (iv) Family dynamics.
- (v) Cultural diversity.

Comment: Are these trainings that will be provided by ODP or are they agency specific? Having a standard ODP training to meet these criteria would be recommended to ensure consistency.

§ 2390.151. Assessment.

(d) **The initial PSP shall be developed based on the individual assessment within 60 days of the individual's date of admission to the facility.**

Comment: An individual in most cases already has an Annual Review ISP completed and an Annual Review date established before starting a new day program or moving into a residential program. There would be no need for an initial PSP to be developed upon starting a new program since the initial PSP would have already been completed. This should be clarified, does this mean the provider has 60 days to develop an assessment and have it incorporated into the PSP? Similar language is included in the 2390, 6400 and 6500 regulations.

§ 2390.153. [Content of the ISP.] The PSP team.

(b) At least three members of the PSP team, in addition to the individual and persons designated by the individual, shall be present at a PSP meeting at which the PSP is developed or revised.

Comment: Having at least 3 members of the PSP team attend the PSP meeting is not always realistic. Some individuals have no family or service providers and the meeting is held with the Supports Coordinator and the individual. Is this only a requirement for individuals who are enrolled in a waiver? Additionally, having a meeting with at least 3 team members present in addition to the individual for needed revisions is also not realistic, as some individuals have frequent service changes or have emergency needs arise. This comment is also applicable to the same language in the 2390, 6400 and 6500 regulations.

(c) Members of the PSP team who attend the meeting shall sign and date the PSP.

Comment: Is this supposed to say sign and date the PSP sign in sheet? Or will there be a new electronic mechanism for team members to sign and date the PSP in HCSIS?

Sincerely,

Heather Revere
Executive Director

