

14-540 - (105)

Kroh, Karen

From: T Carasiti <tomteri@hotmail.com>
Sent: Monday, December 19, 2016 10:17 AM
To: Kroh, Karen
Subject: RE: 6100s Question

Hi Karen,
Here is my suggested response regarding the comment in this email thread:

I recommend the interpretation to be that a provider can not obtain a regulations waiver (6100.43 #3 and #4) for sections relating to individual rights and positive intervention. Accepting that, I then recommend to expand the wording for PSP in 6100.223 #14 to read:

A PSP may contain exceptions to individual rights (6100.181-186) and positive intervention (6100.341-345) as necessary to mitigate risks and/or provide necessary individual development that can improve the individuals quality of life. All PSP participants and rights team must agree to the exception. The exception must include a detailed plan that specifies the desired outcome with plans, data collection, and analysis procedures required to achieve the outcome as recommended by a qualified behaviorist.

Rationale

An example would be eradicating aggressive behavior such as hitting, kicking, biting, etc. or improper sexual touching or advances. Individual rights and positive intervention may require some exceptions in order to change severe improper behavior. Exceptions may especially be necessary in individuals with autism who don't always respond to typical social, verbal, or emotional motivations. It can prevent future isolation, less integrated outings, or even jail for an individual that is incapable of learning acceptable social behaviors through standard practices.

Sometimes the least restrictive plan may be outside the regulations, but necessary to modify extreme inappropriate behaviors. Not doing so does a disservice to the individual and retards his or her development for a better quality of life. We need to allow for these exceptions in rare instances when necessary but only under the careful guidelines outlined above.

Regards,
Tom Carasiti

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From: Kroh, Karen
Sent: Wednesday, December 14, 2016 7:40 AM
To: T Carasiti
Subject: RE: 6100s Question

Hi Tom,

It was great to meet you last week. I enjoyed our lively discussion.

This is an excellent question and I do not have the answer. I will submit your question as an official public comment so this issue gets to those in ODP in a decision-making capacity. This is a very good point and thoughtful question. If you have a suggested response, please send your comments to me in writing by Dec 20th. Thank you.

Best regards,
Karen

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From: T Carasiti [<mailto:tomteri@hotmail.com>]

Sent: Tuesday, December 13, 2016 8:22 AM

To: Kroh, Karen

Subject: 6100s Question

Hi Karen,

We met at the meeting this past Wednesday night. Yesterday some of us from Vision for Equality had a phone conference to discuss 6100s to prepare our comments. In order to make a particular comment we first have an interpretation question: 6100.43 states a provider can get a regulation waiver except for what's listed in .43. Is the inclusion in that section of number 3 and 4 whereby a regulations waiver is not allowed regarding individual rights or positive intervention, superseded by 6100.223 #14 where a PSP allows for exceptions necessary to mitigate risks? In other words, a provider can not get an exception to regulations regarding individual rights or positive intervention techniques but a PSP can state exception to those regs if it's to mitigate personal risk. Is that a correct interpretation?

Thanks.

Tom Carasiti