

COUNTY OF

3160



ALLEGHENY

#14-540 — (115)

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Office of
Developmental Programs

December 14, 2016

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DEC 21 2016

Independent Regulatory
Review Commission

Ms. Julie Mochon
Human Services Program Specialist Supervisor
Office of Developmental Programs, Room 502
Health and Welfare Building
625 Forster Street
Harrisburg, PA 17120

Dear Ms. Mochon:

Allegheny County Department of Human Services, Office of Intellectual Disability appreciates the opportunity to provide feedback on the proposed Home and Community-Based Support and Licensing Ch. 6100 regulations.

Allegheny County OID supports the combining of the 2380, 2390, 6400 & 6500 licensing regulations into this one document. We believe the streamlining of these expectations will make for more consistent review and communication between the AE, providers, and supports coordination.

This includes the rescinding of the Ch. 6200 regulation as it aids in the overall goal of consistency and simplicity across funding for the same services.

While we support any and all efforts to enhance the quality of services to those in our system, and believe these regulations are aimed at focusing more on quality than compliance, we do have a number of questions for your consideration as you move to finalize these regulations.

In regards to provision of Individual with Autism:

- How will a more comprehensive inclusion of autism be represented? We hear that there will still be a Bureau of Autism within ODP. If so, how will stakeholders know how and when to contact that office versus the local AE office of Intellectual Disability?
- Will elements related to autism fall under the current rules related to Intellectual Disability or will there be parallel expectations?
- What are the timelines around rolling this set of services into Intellectual Disability?
- How will the particulars related to incorporation of elements from Autism and ID be shared?
- How will AEs, SCOs and Providers be trained on the incorporation of autism?

MARC CHERNA, DIRECTOR
DEPARTMENT OF HUMAN SERVICES – OFFICE OF INTELLECTUAL DISABILITY
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In regards to Background Check Clarity (CH. 6100.47)

Our concerns that both volunteers and family members will need clearances is in the process, not the expectation. Who will track to assure this is done initially and kept up as required? The SC or the provider agency? What are the ramifications of non-compliance?

We do appreciate your acknowledgment that there will be increased costs associated with the increased number of clearances being requested.

In regards to Training (Ch. 6100.141)

Allegheny County OID supports the reduction in hours of state driven training in order to allow providers to train staff to the particular needs of the consumers they serve.

In regards to Expansion of individual rights (Ch. 6100.182)

We agree and support the expansion of individual rights to go beyond the 6400s and apply to individuals living in family home, their own home in the community, non-facility based services, as well as in facility based programs.

In regards to Written Notice (Ch. 6100.304)

We support the expansion of the 30-day notice to 45 days when a provider feels as though they can no longer support an individual. This will allow more transition time. We also think it's a good idea to implement a notice of 30 days from the consumer when he/she wants to change providers. However, how will this be managed? What are the ramifications if notice timeframes are not followed?

In regards to Prohibition on Restraints (Ch. 6100.343)

Specific to sub-section 6100.343 (6) which reads that *A manual restraint, defined as a hands-on physical method that restricts, immobilizes or reduces an individual's ability to move his arms, legs, head or other body parts freely, on a nonemergency basis, or for more than 15 minutes within a 2-hour period. A manual restraint does not include physically prompting, escorting or guiding an individual to a support as specified in the individual's PSP. In the previous guideline was Manual (physical) restraint does not exceed 30 minutes within a two-hour time period (per 55 PA Code § 6500.172, 6400.202, 2380.161 part (d)).*

Based on this change, we would anticipate that providers would have greater difficulty safely supporting some individuals within the newly identified timeframes which constitute a 50% reduction in allowable (restraint) time over a 2-hour period. Individuals who have historically utilized restraints at higher levels may be at increased risk when exhibiting unsafe behaviors.

Other individuals living in the same environment may experience an increased risk to their health and safety when staff have a decreased ability to utilize restraints when an individual is exhibiting unsafe behaviors.

Staff may have an increased risk to their health and safety which may affect recruitment and retention.

This change will potentially increase the number of incidents that will be reported as "Abuse/Improper or Unauthorized Use of Restraint." This is a category of incident that presently requires a Provider Level Certified Investigation. There will be an increase in the need to complete investigations for this category of incidents which places an additional strain on existing Provider investigator resources/availability. This impacts the Administrative Entity as well as they too are required to conduct an Administrative Entity Certified Investigation in these situations and will have the same strain on investigator resources and availability.

In regards to Lease or Ownership (Ch. 6100.444)

Our office had a number of questions related to the development of lease agreements. How will the lease be effected in the event an individual is discharged from an agency? Will leases include the 30-day (45-day) notice process? It is unclear whether or not there is any conflicting information between the "State" law on leases and ODP expectations.

In regards to Facility Characteristics (Ch. 6100.446 & .447)

We found this section to be confusing. Could it be simplified to reflect the expectations regardless of service?

We ask that there be a legacy/grandfather option for those current settings that, if dismantled, would result in potential unsafe situations for those residence currently there?

With these regulations, there will be a number of discrepancies between these and several of the existing bulletins. What will the timeline/rollout be of the Chapter 6100 regulations compared to the various bulletins that will, in essence, be obsolete (i.e. IM Bulletin, Eligibility Bulletin, etc.)? What's the timeline for updating those bulletins that continue to stand alone but will require some technical updates such as timelines, language, etc.?

Finally, will there be education and training specific to the Chapter 6100s? We encourage any trainings to be face to face as having an opportunity to asked questions seems to be more of a benefit than webinars.

In closing we thank you for the opportunity to share feedback on this very important set of regulations. If you should have any questions about anything written here, please contact me directly at 412-436-2803 or by e-mail at Don.Clark@Alleghenycounty.us.

Sincerely,



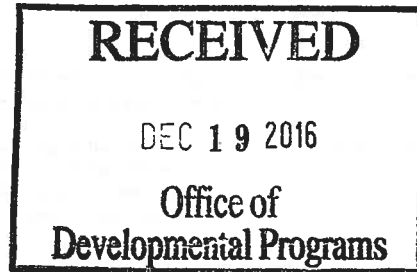
Donald J. Clark
Deputy Director
Allegheny County DHS
Office of Intellectual Disability

#14-540-116

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December 15, 2016

Ms. Julie Mochon
Office of Developmental Programs
Room 502, Health and Welfare Building
625 Forster Street
Harrisburg, PA 17120



Dear Ms. Mochon:

Thank you for the opportunity to submit comment on the draft 6100, 2380, and 2390 regulations. Enclosed you will find my comments.

I am optimistic that our collaborative efforts will yield positive results which will benefit our programs and individuals greatly.

Please do not hesitate to contact me with questions. I look forward to your response pertaining to the comments as well as the final regulations.

Sincerely,



Maggie Dimitriadis
Director, Intellectual Disability Services
Barber National Institute

Comments - Maggie Dimitriadis

<u>Citation</u>	<u>Caption</u>	<u>Discussion</u>	<u>Recommendation</u>
6500.2d	Applicability	The department is not inspecting homes prior to licensing. Self inspections are completed prior to an individual moving in.	Keep current practice
6500.20	Incident Report and Investigation	1 15(f) The home shall initiate an investigation of an incident within 24 hours of discovery by a staff person.	In Life sharing homes there are no staff and report of the incident would be made by the Independent Contractor or Agency Program Specialist. The Agency would initiate an investigation of the incident within 24 hours.
6500.20	Incident Report and Investigation	1 15 (h) "identified by STAFF"	Identified by staff should be expanded to include that an incident can be identified by the life sharing provider, the individual or program specialist
6500.22 (d)	Incident analysis	wording "staff"	Include that agency will educate staff, life sharing providers and individuals
6500.43	Life sharing specialist	(1) Coordinating and completing assessments	Define completion of assessments. Consider providers or staff who perform the actual skill trials which are reviewed and discussed with Program Specialists who compile and complete the actual assessment document.
6500.45	CPR FIRST AID HEIMLICH	(b) (a) & (c) (b) indicate training is prior to the individual living in the home and annually thereafter.	CPR/ First Aid training certifies the recipient a varying certification period which could be longer than one year.
6500.46	Annual Training Plan	(a) The agency shall design an annual training plan based on the needs of the individuals as specified in PSP, other data and analysis indicating person's training needs and as required under waiver.	Please describe what an annual training plan would look like. Providers and caregivers could be required throughout the year due to serious medical developments and need to be conducted immediately. If someone had a surgery and providers needed training on care or ongoing recovery, it should not wait until the development of an annual plan.
6500.48	Annual Training	© & (d) Trainings need to be agency approved and included in the agency training plan.	For Life sharing we have independent contractors who are able to acquire trainings outside of the agency. Will this be acceptable with Program Specialist review of presented trainings.
6100.262	Employment	The individual will have active and ongoing opportunities and supports necessary to seek and retain employment and work in competitive integrated employment.	Please further define active, ongoing and supports. Would participation in a transitional work services program meet compliance? Would vocational skill building through Supported Employment 1 on 1 services in conjunction with current programming qualify? Is ongoing OVR counseling for those in a pre vocational facility satisfy this requirement? Would participation in Career club activities as offered through community habilitation programs qualify?
6500.17 (b)	Self Assessment	The agency shall use the departments licensing inspection instrument for this chapter to measure and report compliance.	Our license expiration is August 2017. We will need to complete our self assessment of each home by May 2017. Will providers be receiving a new inspection instrument prior to regulations being implemented?
6500.135 (b)	Prescription medications	A prescription order shall be kept current	Please define ORDER. Would medication information sheets given from pharmacy be sufficient? Orders are sent, faxed or called in to pharmacy. Providers are not in receipt of the order.
6500.139	Medication Administration Training	The Life sharing Independent Contractor should be permitted to administer medications after review by a physician or pharmacist and not be required to take the ODP medication testing. The current 6500 regulation allowing this difference and it should be maintained.	As per recent clarification from ODP on med administration training, the life sharing providers are able to be trained by informational sheets from the pharmacy.
6500.136 ©	Medication records	If an individual refuses to take a prescribed medication, the refusal shall be documented on the medication record. The refusal shall be reported to the prescriber within 24 hours, unless otherwise instructed by the prescriber.	There should be a qualifier for what types of medications would be considered/needed to report to a prescriber within 24 hours. We would not want to inundate prescribers with calls for refusals of a multi vitamin for example.
6500.138 (a)	Adverse Reaction	Family members who administer prescription medications or Insulin injections to individuals shall receive training by the individuals source of health care about the	Include pharmacist as a source of healthcare.
6500.151 b)	Assessment	If the Life sharing PS is making a recommendation to revise a service or outcome in the ISP, the individual shall have an assessment completed as required	Please revise to reflect the specific section pertaining to the recommendation for revision needs to be completed. Not the entire assessment.
6500.154 (7)	The PSP Process	Include guidelines for solving disagreements among the PSP team members.	If an individual's team includes multiple provider agencies, and agencies develop the guidelines, which guidelines will be used. Should guidelines be developed at the SCO level?
6100.443	Access to bedroom and home	In a residential facility, an individual shall have a lock and key, access card, keypad code or other entry mechanism to unlock and lock the bedroom door and the entrance of the home	Please include assessment of skill, ability, behavioral issues which may result in harm if issuance of a key is mandatory.
6100.443	Access to bedroom and home	Only authorized persons shall access the individuals bedroom	Define authorization and documentation which would be required to show compliance.
6100.444	Lease or ownership	Requiring providers of life sharing to enter into lease agreements is unreasonable. Will life sharing providers need to report income as taxable as other landlord currently are required to.	Remove regulation