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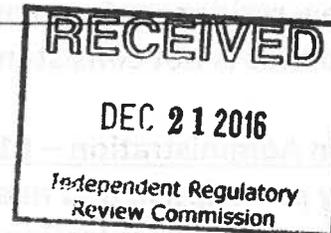
#14-540

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Kroh, Karen

From: Mochon, Julie
Sent: Tuesday, December 20, 2016 8:51 AM
To: Kroh, Karen
Subject: FW: ODP Funding and Licensing Regs - Regulation No. 14-540

From: Reardon, John J.M. [mailto:jreardon@cparc.org]
Sent: Tuesday, December 20, 2016 8:23 AM
To: Mochon, Julie
Cc: .ARCCP - Senior Management
Subject: ODP Funding and Licensing Regs - Regulation No. 14-540



Hello Ms. Mochon---Thank you for the opportunity to comment on the proposed Chapter 6100 regulations. Listed below are some of our concerns. If we had more time to analyze all aspects of the proposal, we would have responded in greater detail. Nonetheless, although there are positive changes in the proposal, such as reducing inconsistencies across regulations, we are using this time to point out a few of our concerns. At The Arc of Cumberland and Perry Counties, we advocate for person-centered choice and the greatest array of options in services and supports possible. Further, we expect adequate funding to be able to provide these services.

Rights Team—6100.52 – There are many aspects of this section that are unclear, duplicative, and an unnecessary burden on manpower. The entire section should be revised or deleted.

Training – 6100.141-143. – For the eight hours of core training, ODP should provide the training on-line or at least establish the curriculums, so that employees can bring consistent training with them across employment settings. The training should be subject-based as it pertains to the agency rather than prescribing a set number of hours. The content of the training is more important than the amount of hours devoted to training. Clarity is needed regarding training for consultants, volunteers, interns and employees at an agency who may have little or no contact with individuals served.

Individual Rights – 6100.182-183. – Our organization advocates for the rights of individuals and there are improvements in this section. However, health, safety, and legal issues regarding a lease, locked doors, visitors and accessing food must be addressed to ensure protections for both the individuals and the providers.

Incidence Management – 6100.401-405. – We recognize the importance and value of incident management, but we find this section to be overly prescriptive and in need of

better definition in many areas. If adopted as proposed, this section would also lead to the need for a larger staff, time commitment, and cost.

Size, Location of Facility – 6100.446-447. – The proposed caps on program sizes are arbitrary and counter to an individualized, person-centered approach. The CMS Final Rule does not impose these arbitrary limits, so why would ODP propose caps? Further, there is no definition of “close proximity.” What is the basis for proposing 15 individuals in a newly funded day program, no more than 10% of units in an apartment building can be funded, or limiting new residences to no more than four individuals? It appears this section is reducing choice and thus is not consistent with the Everyday Lives concept.

Medication Administration – 6100.461-469. – The medication administration proposals are also overly prescriptive and need further explanation regarding storage/disposal, assistive technology, self-administration, errors, etc. We are glad to read the proposal that epinephrine and epinephrine auto-injectors do not need to be locked.

Fee Schedule Rates – 6100.571 – We are pleased that ODP proposes to refresh the rates, but it should be done annually instead of every three years. Organization’s costs change constantly and costs will not wait to increase in three years. The process of using market-based data must be very open and transparent, with consideration of a multitude of factors. The rates in the fee schedule must be able to support an adequate wage for our vital staff, as providers are constantly struggling to hire and retain employees who will enable the continued provision of high-quality services.

It appears that the implementation of the proposed 6100 regulations will result in the need for increased funding and additional staff to serve individuals already in the system. Even more funding will be needed to serve additional individuals newly entering the service system. It seems clear that more community-based services, smaller client ratios, and increasing compliance requirements, will lead to the need for more staff and higher costs. We are concerned whether ODP will be able to provide adequate funding to cover the increased costs associated with the proposed regulations. Adopting new regulations without the funding to support them will lead to negative consequences.

Thanks, John Reardon

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