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14-540 - (275)

Kroh, Karen

From: Mochon, Julie
Sent: Wednesday, December 21, 2016 8:44 AM
To: Kroh, Karen
Subject: FW: Comments - 55 Pa. Code proposed Chapters
Attachments: Response to Proposed Regs BW 12_19_16.pdf

From: Bobw@barberinstitute.org [<mailto:Bobw@barberinstitute.org>]
Sent: Tuesday, December 20, 2016 4:16 PM
To: Mochon, Julie
Subject: Comments - 55 Pa. Code proposed Chapters

Hi Julie,

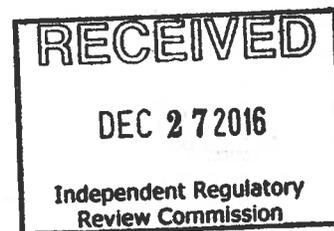
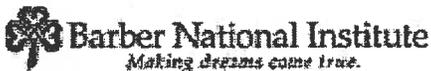
Attached is an electronic copy of my comments for the proposed Chapters 51, 2380, 2390, 6100, 6200, 6400, & 6500. A hard copy is going out in today's mail.

Have a wonderful holiday!

Bob

Bob Will
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December 19, 2016

Ms. Julie Mochon
Human Service Program Specialist Supervisor
Department of Human Services
Office of Developmental Programs
625 Forster Street - Room 502
Harrisburg, PA 17120

RE: 55 Pa. Code proposed Chapters 51, 2380, 2390, 6100, 6200, 6400 and 6500

Dear Ms. Mochon:

Thank you very much for the opportunity to review and provide commentary on the proposed above referenced regulations. As you know the process has generated considerable comment and response from providers, state wide and regional associations, consumers, parents and family members. I have had the privilege to participate in many of the ODP sponsored and trade association workgroups as well as our own internal workgroups here at the Barber National Institute and want to specifically acknowledge ODP's efforts to be inclusive in soliciting feedback from the field.

In particular, I would like to individually add my voice in support of the commentary provided by PAR as I have personally been involved in the countless hours of discussion on the part of many individuals, agencies and associations as we thoughtfully and carefully reviewed the proposed rule making and considered its short and long term impact on the individuals we support as well as the stability of the delivery system upon which they depend for a lifetime.

The following are a few high level points that I would like to specifically emphasize:

1. ODP's effort to streamline requirements across the various chapters and to eliminate redundancies and duplications has been appreciated. Many areas have been improved which will be a benefit to all aspects of the service delivery. Some additional areas for improvement in process have been noted in the PAR recommendations.
2. ODP is commended for its commitment to and inclusion of "Everyday Lives" and CMS Community Rule values and principles throughout the proposed regulations.

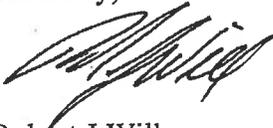
3. It is the opinion of many reviewers that the regulations are most appropriate for licensed services. In particular, it is felt that certain programs and services should be excluded from the regulations to promote person and family directedness, choice and community integrative support activities that would be best addressed outside of these regulations. See PAR comments at 6100.2(d) items 11 through 17. For example, it is felt that the services rendered under the Agency With Choice model (AWC) should be excluded from these regulations.
4. Having a core set of commonly held definitions of terms is essential to proper understanding and implementation of the regulations. The workgroups have added additional terms to section 6100.3 to enhance the definitions section of the regulations. See PAR commentary on this section.
5. I firmly believe that our service delivery system in the Commonwealth should require that alleged violations of individual rights be thoroughly investigated and appropriately resolved. The proposed regulations however create what I perceive to be a redundant additional system to address the above situations at 6100.52 – Rights Team. This section (6100.52) should be deleted as a functional and appropriate system already exists for the investigation and resolution of alleged rights violations at 6100.401 under the caption of Incident Management.
6. 6100.141 – Annual Training Plan – a trained workforce is a critical component of a stable and effective service delivery system. I must note however that the training, to be most impactful in rendering appropriate person centered services, needs to be focused on specific training for Direct Service Professionals (DSP's) that provide supports to the individuals being served on a daily basis. There is a clear cost to every hour of training provided and it behooves our system to be flexible in its requirements and to assure that the training prescribed by the regulations provides a “value add” to the individuals being supported. Please see PAR Commentary and suggestions at sections 6100.141 through 6100.144.
7. Sections 6100.461 through 6100.46 related to medication administration and training should be revised to be more flexible based upon the various service models covered by the proposed regulations. The regulations should outline the high level principles related to these topics but should not be so prescriptive as to hamper the ability of providers and families to appropriately modify their practices as best practice health care principles change over time. These areas should not be a “one size fits all” approach to medication administration and training and should allow for the differences in settings and the various types of supports that individuals receive. Please reference the PAR comments to the sections noted above.

8. General Payment Provisions – Sections 6100.481 through 6100.744 These sections require a level of specificity that will provide stability and predictability for individuals and families, the provider community, the Commonwealth and the financial institutions that support the community IDD and autism system. It is critical that the regulations provide a sufficient level of detail that the above constituencies have a clear understanding of how the reimbursement system will operate, including the specific methodologies and metrics that will be used to establish reimbursement rates.

Once again, I ask that ODP carefully consider the commentary provided by PAR and other responders related to the above sections of the proposed regulations. Specificity and transparency as to how the reimbursement will operate going forward is critical to the financial stability of the system and for the continued support of financial institutions upon whom we depend.

In closing, I again want to thank the department and ODP for the opportunity to provide input to the proposed regulations and its willingness to engage in a meaningful dialogue around this most important rule making endeavor.

Sincerely,



Robert J. Will
Sr. Vice President
Chief Operating Officer

:slj

