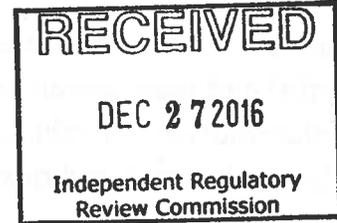


Kroh, Karen #3160

#14-540-179

From: Mochon, Julie
Sent: Tuesday, December 20, 2016 12:31 PM
To: Kroh, Karen
Subject: FW: Send data from MFP11615400 12/20/2016 13:26
Attachments: DOC122016-12202016132615.pdf



From: Sandy Myers [mailto:sandymyers@jandfcommunity.org]
Sent: Tuesday, December 20, 2016 12:29 PM
To: Mochon, Julie <jmochon@pa.gov>
Subject: Fwd: Send data from MFP11615400 12/20/2016 13:26

Dear Ms. Mochon,

Attached are comments on the proposed 6100, 6400, and 2380 regulations. I appreciate that ODP has given providers the opportunity to provide comments and recommendations related to these updates.

Sincerely,

Sandy Myers

----- Forwarded message -----

From: Jessica and Friends <patrickpeters@jandfcommunity.org>
Date: Tue, Dec 20, 2016 at 4:26 PM
Subject: Send data from MFP11615400 12/20/2016 13:26
To: Sandy Myers <sandymyers@jandfcommunity.org>

Scanned from MFP11615400
Date:12/20/2016 13:26
Pages:4
Resolution:200x200 DPI

*** Please Do Not Reply ***

--
"The most certain way to succeed is always to try just one more time." Edison

Sandy Myers

Program Manager

1625 East Market Street York, PA 17403

(717) 747-9000

www.jandfcommunity.org

The mission of Jessica and Friends is to provide faith-based support and services for individuals with autism and intellectual disabilities.

Confidential - This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.



✝ *Faith-based support and services for individuals with autism and intellectual disabilities*

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

**Re: Comments on Chapter 6100 – Support for Individuals with
an Intellectual Disability or Autism**

Dear Ms. Mochon:

Thank you for the opportunity to provide comments and make recommendations on Chapter 6100 – Support for Individuals with an Intellectual Disability or Autism

Jessica & Friends Community is a 501(c)(3) nonprofit human service organization that supports many individuals with autism and intellectual disabilities who receive community services and supports through our residential, community and in-home programs. As Program Manager, my review of the Chapter 6100 regulations and comments are provided from a fiscal perspective.

Since the areas we are commenting on are including in the Chapter 2380 and Chapter 6400 regulations, this is an all-inclusive list to address these areas.

Rights Team 6100.52

Objection: Duplicated and burdensome -

This section adds an unnecessary layer to providers and families with no funding to support such a team.

The concept of evaluation of potential and actual rights violations is essential and is a part of the Incident Management and Investigation process. It is also part of the Quality Improvement process. This has been well established and is part of the Certified Investigator Training process developed and approved by the Department. This includes investigations of rights violations and corrective actions follow up. This additional regulation adds unnecessary and costly duties. There does not seem to be a productive purpose to have a Rights Team that meets quarterly even if there are no violations during that time period.

Recommended solution: Remove this section completely as it is included in other areas.

Annual Training Plan 6100.141

Objection: Interns and volunteers should not be included to go through the training process. The interns and volunteers are time limited. The information they need should be included in an agency orientation at commencement of volunteer/intern activity. Requiring the

same training as paid employees is going to be cost prohibitive for agencies and time prohibitive for volunteers and interns.

Recommended solution: A general agency/program orientation can take place at the time volunteers/interns begin volunteer hours. The required annual training hours should be stricken from the proposed language.

Rationale: Volunteers and interns have limited time to donate to agencies. Required annual training hours will likely be a deterrent to community volunteers stepping forward to assist. This will also diminish the ability to further integrate individuals within the community as well as their ability to interact with members of the community who may not be disabled.

Development and Revisions of PSP 6100.221

Objection: Consistent and inclusive language –

This section should have consistent language to correspond with other licensing chapters specifically 2380 and 6400. This will allow the PSP team sufficient time to develop the PSP and not delay receiving services. This would eliminate the need for section 6100.222.

Recommended solution: Eliminate section 6100.222

PSP Process 6100.222

Objection: Redundant –

Information in this section should be present in 6100.221

Recommended solution: Remove this section completely as it is included in 6100.221

Content of the PSP 6100.223(18 - 19)

Objection: Need added content

Services and supports not well-defined and level of participation

Recommended solution: Add (18) to include in PSP need for behavior support. Add (19) to include in PSP the individual's choices in regards to participation in community employment and other integrated services based on the PSP process in relation to their rights.

Documentation for Support Delivery 6100.226

Objection: Overly prescriptive and unnecessary

Subsections c and e should be eliminated regarding documentation every time a service is delivered as this is overly prescriptive and a duplicate of Chapter 51. It is inappropriate to require such documentation every time a service is provided. Subsection f could be deleted as unnecessary and overly prescriptive.

Recommended solution: Delete section c, e, and f

Incident Response and Investigations 6100.402

Objection: As written, every incident requires an investigation which is contrary to the Department approved Incident Management process and Certified Investigator process. This would place a costly and time burdensome mandate on providers to investigate every incident.

Recommended solution: There should be a re-wording of Section b "The provider shall initiate an investigation of *certain incidents* within 24 hours of *the occurrence or discovery* by a staff person *of the incident of the following: death, abuse, neglect, exploitation, missing person, theft or misuse of individual's funds, violation of rights, unauthorized or inappropriate use of a restraint, individual to individual sexual abuse and serious bodily injury.*"

Facility characteristics relating to size of facility 6100.446

Objection: The Community Rule does not impose an absolute cap on program size. Consideration must be given to additional staffing levels required, additional facility costs, and workforce shortage. Federal regulation expressly provides: "We do not believe there is a maximum number that we could determine with certainty that the setting would meet the requirements of HCBS setting. The focus should be on the experience of the individual in the setting" [79 Fed. Reg. 2968 (January 16, 2014)] What is the rationale for imposing the specific limit of 8 or 15 persons? What analysis and data is ODP relying on to establish a limit? Has ODP calculated the operational and final consequences that will arise due to the imposition of a 8 or 15 person limit?

Recommended solution: Delete sections b and c

Facility characteristics relating to location of facility 6100.447

Objection: In subsection a "in close proximity" is undefined and provides no guidance as to the Department's proposed expectation. How did the Department determine the 10% maximum in subsection b? What data, analysis, or studies did the Department rely on in support of the 10% maximum? This may have a consequence of forcing individuals into larger apartment complexes in which they could actually feel more isolated than in a small setting. Many small communities cannot or do not have large complexes to accommodate this. This would limit an individual from living in a setting (that may be of their choice) to only being able to live in a setting with 10 or more units.

Recommended solution: Section a, remove "close proximity" as it is undefined and has no guidance. Section b, remove 10% as it would be a violation of HIPAA policies to determine if there are additional individuals living in these settings separate from the provider agency.

Medication administration 6100.461, 462, 463, 464, 465, 466, 467

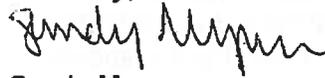
Objection: Codifying content that requires modifications over time into regulations will lock a crucial component of service provision into temporal practices which will become obsolete as new information, prevailing practices and technology emerge. Duplicating content which is as detail-specific as the proposed regulations here when the state already has an externally accepted training module invites discrepancy between the regulations and the training manual and prohibits the training module from staying current as new information, prevailing practices, and technology emerge. There are already discrepancies between the proposed 6100 regulations and the Department's Approved Medication Administration Training. The training's required checklist for medication self-administration has discrepancies with the proposed regulation. There is also a discrepancy regarding the practice of pre-pouring medication.

Recommended solution: The section on self-medication (461) needs to be rewritten to be in compliance with the Department's Medication Administration Training modules. The section on Medication Administration (462) delete sections a-c and reword to "Persons who administer prescription medications or insulin injections to individuals shall receive training by the individual's source or healthcare or satisfactorily complete the Department's/ODP's most current Medication Training Module." Sections 463, 464, 465, 466, and 467 are far too prescriptive and subjective given the training that must be completed by the provider staff. It should be edited for clarity and brevity.

Finally, as a member of Pennsylvania Advocacy Resources for Individuals with Autism and Intellectual Disability (PAR), I endorse their recommendations to Regulations 6100, 6400 and 2380, and, by inclusion, incorporate their objections and recommendations into my own response.

Again, thank you for your review of these comments as part of the regulatory process and to the anticipated responsiveness to the proposals contained within.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandy Myers". The signature is written in a cursive, flowing style.

Sandy Myers
Program Manager