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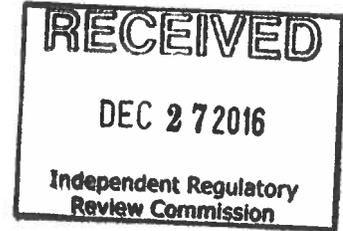
14-540-222

**Kroh, Karen**

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**From:** Mochon, Julie  
**Sent:** Tuesday, December 20, 2016 1:59 PM  
**To:** Kroh, Karen  
**Subject:** FW: Regulation No. 14-540 Comments  
**Attachments:** Kochenour, Brad\_ODP\_Letterhead Signed\_12-20-16.pdf

**From:** Angela Stewart [mailto:angelastewart@jandfcommunity.org]  
**Sent:** Tuesday, December 20, 2016 1:54 PM  
**To:** Mochon, Julie <jmochon@pa.gov>  
**Cc:** Brad Kochenour <bradkochenour@jandfcommunity.org>  
**Subject:** Regulation No. 14-540 Comments



*From the Desk of Brad Kochenour, President and CEO*

Dear Ms. Mochon,

Please see attached written comments and suggestions regarding this proposed rulemaking. Thank you.

Best regards,  
Angela

--  
Be in joy.

**Romans 8:28**

Angela Stewart  
Executive Administrative Assistant  
**Jessica & Friends Community**  
1625 East Market Street  
York, PA 17403  
717-747-9000  
Fax: 888-509-2320  
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Please visit our website at: [www.jandfcommunity.org](http://www.jandfcommunity.org)

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

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From: [illegible]  
To: [illegible]  
Subject: [illegible]

RECEIVED  
DEC 2 2016  
Independent Regulatory  
Review Commission

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[illegible text]

[illegible text]

[illegible text]

Angela Baker  
1500 Pennsylvania Avenue  
Washington, DC 20004  
202-456-2400  
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[illegible text]



✝ *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 review, 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 the President and CEO, my review of the Chapter 6100 regulations and comments are provided from both a program and fiscal perspective.

Since the sections commented on below are also included in the 2380 and 6400 regulations, these recommendations will apply to all three sets of regulations.

Since we have neither been provided the proposed rates nor the formula by which the proposed rates will be calculated, our comments are more general in nature, directed to address the reimbursement rate setting process.

**Facility characteristics relating to size of facility 6100.446**

**Objection:** The Community Rule does not impose an absolute cap on program size. Federal regulation expressly provides the following: 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).

**Recommended solution:** The maximum capacity of 8 per residential home and 15 per Day Program site should be stricken from the proposed regulations. Agencies should have the discretion based on staffing and the needs of individual needs and their families to determine the level of community integration.

**Rationale:** Setting maximum capacity, particularly in Day Programs conflicts with the rights of the individuals to have choice in their daily activities. Should a number of individuals be unwilling or unable to leave Day Programs on any given day, agencies will be in violation. There are no clear exceptions or guidance in the proposed regulations indicating that individuals have the right to choose to be in the program or engage in community activities.

**Fee Schedule 6100.571**

**Objection 2: Rate view every three years:** The provision for a rate review every three years ignores the volatility in costs ranging from energy prices, food prices, labor, and insurance costs. It is not fair to expect the provider community to shoulder such costs for two to three years and then not to have any way of assessing whether the increased costs have even been considered in determining the adjusted rate – if adjusted at all.

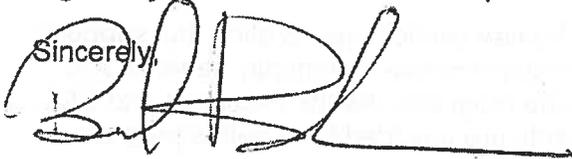
**Recommended solution:** The Department will refresh the specifically identified market-based data to establish fee schedule rates every year.

**Rationale:** Anything less than an annual review is unfair to the provider network and will necessarily force the provider into a position of choosing whether to operate at a loss or compromise care.

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 and recommendations as part of the regulatory process and to the anticipated responsiveness to the proposals contained within.

Sincerely,



Brad Kochenour  
President and CEO