

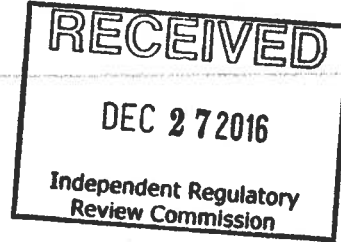
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14-546-265

**Kroh, Karen**

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**From:** Mochon, Julie  
**Sent:** Tuesday, December 20, 2016 2:13 PM  
**To:** Kroh, Karen  
**Subject:** FW: Comments for 6400 Regulations  
**Attachments:** 12-16 Comments for Proposed 6400 Regulations.doc



**From:** Lori Shay [mailto:l.shay@mcguirememorial.org]  
**Sent:** Tuesday, December 20, 2016 2:08 PM  
**To:** Mochon, Julie <jmochon@pa.gov>  
**Subject:** Comments for 6400 Regulations

Julie Mochon,

Please accept my attached comments, suggestions and recommendations for the proposed 6400 regulation changes.

Thank you for your time and consideration.

Lori Shay, MBA  
Director of Community  
McGuire Memorial  
724-843-3400 ext. 1131

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 Independent Regulatory  
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INDEPENDENT REGULATORY REVIEW COMMISSION  
 1215 NORTH 17TH AVENUE, SUITE 1000  
 DENVER, COLORADO 80202  
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TO: [Illegible]

FROM: [Illegible]

SUBJECT: [Illegible]

[Illegible text block containing details of the report or correspondence.]

## Kroh, Karen

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## Shay-Comments for Proposed 6400 Regulations

### 6400.20 Record of incidents:

The current incident management system is a process that has worked successfully for many years. The proposed regulations would require an investigation for ALL incidents. The current system has in place a checks and balance system that has served the individuals supported for many years, as an investigation is already required for certain instances based on the information put into the system by the provider. EIM already requires us to provide all of the information when reporting a finalizing an incident. Injury beyond first aid; if an individual bangs his/her head during a behavior, the provider again reports all of the information in the EIM as well as a plan of correction. Providers do not have the resources, (financial or manpower) to investigate every incident. Investigations take the investigators away from their job responsibilities in order to complete the investigations. Providers do not have the financial resources to have a position whose sole responsibility is investigations, and therefore this would be an unfunded mandate.

### 6400.32 Rights of the individual:

I agree that all individuals should have the same right afforded to all of us, however, given the regulatory requirements to ensure the health, safety, and number of individuals supported in a given home, there has to be language in the regulations to state that it is not a rights violation to deny food at anytime if the individual has a diet restriction or is not permitted to eat orally at all. There needs to be language in the regulation related to the rights, that in order to ensure the health safety of an individual the provider must follow a physician's order. Although the department is trying to ensure that all individuals have the right and opportunity for choice, they are failing to understand that we all have limitations and cannot do what we want when we want. No one regardless of who you are is able to do what they want when they want. Our individuals, just like all of us need to live within their means as well as choose activities and opportunities that are presented to them. I think

### 6400.196 Rights Team:

The rights team as outlined would require an agency to form a committee to review each incident, alleged incident and suspected incident of a violation of individual rights. Currently all rights violations are required to be fully investigated as outlined in the Incident management system currently in place. Additionally rights violations and unauthorized use of restraints are often investigated by the bureau of licensing who conducts an investigation independently of the providers, and if a citation is given to the provider as a result of their investigation a plan of correction and monitoring that plan of correction is required to be monitored. The Bureau of Licensing also conducts investigations at the request of families/guardians or others. Additionally all investigated incidents are reviewed by the county and regional offices as well. Oversight by a rights committee is not necessary.

#### **6400.48 Orientation Program:**

The orientation program should be designed and implemented with the mission of the provider as well as the needs of the supported individuals. The department mandates specific topics of training, however, the implementation and schedule of the orientation and annual trainings should be at the discretion of the provider.

#### **6400.49 Annual Training:**

I appreciate the concept that not all staff at an agency is required to have 24 hours of in-service training, annually. Training is important for those staff working directly with the individuals, Program Specialists and those supervising the staff, however, maintaining training records, developing trainings, and providing trainings is a full time position that is not funded by the department. In order to promote growth and development for the staff that support our individuals, the department needs to ensure funding is available for training personnel to develop and implement trainings. The department should also provide funding for specialized training that staff could attend outside of their scheduled work time without the burden of compensation being the responsibility of the provider. For example, specialized behavior training to meet the needs of an individual with specific behavioral needs or specialized medical care, which may be needed for an individual.

#### **6400.44 Program Specialist**

\*Supporting the integration of individuals in the community. I believe that all of the individuals have a right to be in the community, however, it is difficult for a program specialist to integrate individuals into certain aspects of community life, when the community at large is not ready to accommodate the needs of the individuals we support, for example, restrooms to accommodate the personal needs of wheelchair dependent folks, eating establishments who have the ability to mechanically alter an individual's meal, adequate parking for wheelchair vehicles, and buildings that are not accessible to for all individuals we support. The public needs to be educated on needs of persons with disabilities. The department needs to ensure that an individual's are not only protected in the home but also in the public at large.