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14-540-268

Kroh, Karen

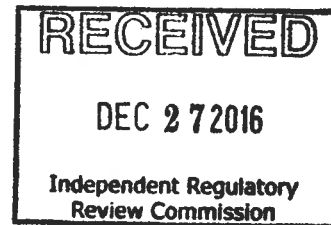
From: Mochon, Julie
Sent: Wednesday, December 21, 2016 8:42 AM
To: Kroh, Karen
Subject: FW: Chapter 2390 proposed regulations
Attachments: Comments on Chapter 2390.docx.doc

From: Jennifer Lehman [<mailto:jenniferl@partnerspip.com>]
Sent: Tuesday, December 20, 2016 4:05 PM
To: Mochon, Julie
Subject: Chapter 2390 proposed regulations

Attached, please find my comment on the proposed 2390 regulations.

Thank you.

Jennifer Lehman
Director of Business Operations
Partners in Progress/Community Life Options
570-662-1885



Partners in Progress empowers individuals with disabilities to succeed.

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2016-2017

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From the Office of the Inspector General
 2016-2017
 To the Honorable
 Subject: [illegible]

Please refer to the report of the Inspector General

Thank you

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 Review Commission

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KEY for reviewing Partners In Progress Comments on Chapter 2390:

Strikethrough = text suggested to be deleted. (Text that the Department proposes to delete has also been stricken for consistency and ease of reading).

Blue text = text suggested to be added.

CHAPTER 2390. VOCATIONAL FACILITIES

GENERAL PROVISIONS

§ 2390.5. Definitions.

Comment and suggestion 2390.5.

See comment and suggestion under Chapter 6100.3. Comment is identical unless otherwise noted. All modification, deletions, and additions of definitions should match those in Chapter 6100.

"Individual" should replace use of the term "client" where applicable.

"Provider" should replace use of the term "facility" where applicable.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

~~*Abusive act*—An act or omission of an act that willfully deprives a client of rights or which may cause or causes actual physical injury or emotional harm to a client.~~

Certificate of compliance—A document issued to a legal entity permitting it to operate a vocational facility at a given location, for a specific period of time, according to appropriate regulations of the Commonwealth.

Chief executive officer—The staff person responsible for the general management of the facility. Other terms such as "program director" or "administrator" may be used as long as the qualifications specified in § 2390.32 (relating to chief executive officer) are met.

~~*Client*—A disabled adult receiving services in a vocational facility.~~

Competitive employment—A job in a regular work setting with an employee-employer relationship, in which an disabled adult with a disability is hired to do a job that other nondisabled employees who do not have a disability also do.

~~[Content discrepancy—A difference between what was determined at the ISP meeting by the plan team and what is documented in the written ISP.]~~

Criminal abuse—Crimes against the person such as assault and crimes against the property of the client individual such as theft or embezzlement.

~~*Disabled adult*~~—

~~—(i) A person who because of a disability requires special help or special services on a regular basis to function vocationally.~~

~~—(ii) The term includes persons who exhibit any of the following characteristics:~~

~~—(A) A physical disability, such as visual impairment, hearing impairment, speech or language impairment, or other physical handicap.~~

~~—(B) Social or emotional maladjustment.~~

~~—(C) A neurologically based condition such as cerebral palsy, autism or epilepsy.~~

~~—(D) An intellectual disability.~~

~~[Documentation—Written statements that accurately record details, substantiate a claim or provide evidence of an event.]~~

~~*Handicapped employment*—A vocational program in which the individual client does not require rehabilitation, habilitation or ongoing training to work at the facility.~~

~~[ISP—Individual Support Plan—The comprehensive document that identifies services and expected outcomes for a client.~~

~~*Interdisciplinary team*—A group of persons representing one or more service areas relevant to identifying a client needs, including at a minimum the county case manager if the client is funded through the county mental health and intellectual disability program, the client and the program specialist.~~

~~—Outcomes—Goals the client and client plan team choose for the client to acquire, maintain or improve.~~

~~—Plan lead—The program specialist or family living specialist, as applicable, when the client is not receiving services through an SCO.~~

~~—Plan team—The group that develops the ISP.]~~

~~[Restrictive procedure—A practice that limits a client's movement, activity or function; interferes with a client's ability to acquire positive reinforcement; results in the loss of objects or activities that a client values; or requires a client to engage in a behavior that the client would not engage in given freedom of choice.]~~

* * * * *

GENERAL REQUIREMENTS

§ 2390.18. – 2380.20 Incident Management.

Comment and Suggestion for 2380.18. – 2380.20 Incident Management:

See Comment and Suggestion under Chapter 6100 Incident Management; 6100.401 – 6100.405.
Comment is identical unless noted otherwise.

§ 2390.21. [Civil] Individual rights.

Comment and Suggestion 2390.21.

See Comment and Suggestion under Chapter 6100 Individual Rights (6100.181 – 6100.185).
Comment is identical unless noted otherwise.

§ 2390.24. Applicable laws and regulations.

The facility provider shall comply with applicable Federal, State and local laws, regulations and ordinances.

STAFFING

§ 2390.33. Program specialist.

Comment and Suggestion 2380.33.

Text is suggested for purpose of clarity.

(a) A minimum of ~~[one]~~ **1** program specialist for every 45 clients individuals shall be available when clients individuals are present at the facility.

(b) The program specialist shall be responsible for the following:

- ~~[(1) Coordinating and completing assessments.~~
- ~~—(2) Providing the assessment as required under § 2390.151(f) (relating to assessment).~~
- ~~—(3) Participating in the development of the ISP, including annual updates and revisions of the ISP.~~
- ~~—(4) Attending the ISP meetings.~~
- ~~—(5) Fulfilling the role of plan lead, as applicable, under §§ 2390.152 and 2390.156(f) and (g) (relating to development, annual update and revision to the ISP; and ISP review and revision).~~
- ~~—(6) Reviewing the ISP, annual updates and revisions for content accuracy.~~
- ~~—(7) Reporting content discrepancy to the SC or plan lead, as applicable, and plan team members.~~
- ~~—(8) Implementing the ISP as written.~~
- ~~—(9) Supervising, monitoring and evaluating services provided to the client.~~
- ~~—(10) Reviewing, signing and dating the monthly documentation of a client's participation and progress toward outcomes.~~
- ~~—(11) Reporting a change related to the client's needs to the SC or plan lead, as applicable, and plan team members.~~
- ~~—(12) Reviewing the ISP with the client as required under § 2390.156.~~
- ~~—(13) Documenting the review of the ISP as required under § 2390.156.~~
- ~~—(14) Providing documentation of the ISP review to the SC or plan lead, as applicable, and plan team members as required under § 2390.156(d).~~

~~(15) Informing plan team members of the option to decline the ISP review documentation as required under § 2390.156(e).~~

~~(16) Recommending a revision to a service or outcome in the ISP as provided under § 2390.156(c)(4).~~

~~(17) Coordinating the services provided to a client.~~

~~(18) Coordinating the training of direct service workers in the content of health and safety needs relevant to each client.~~

~~(19) Developing and implementing provider services as required under § 2390.158 (relating to provider services).]~~

(1) Coordinating the completion of assessments.

(2) Participating in the PSP process, PSP development, PSP team reviews and the implementation of the PSP in accordance with this chapter. The Program Specialist should not be responsible for completing a PSP for an individual who is not funded through the Chapter 6100 regulations.

(3) ~~Providing and supervising~~ Coordinating and facilitating activities for the individuals in accordance with the PSPs.

(4) Supporting the integration of individuals in the community. For our agency to successfully implement this regulation this would depend on the Service definitions and the fee schedule.

~~(5) Supporting individual communication and involvement relationships with families and friends.~~

(c) A program specialist shall meet one of the following groups of qualifications:

(1) Possess a master's degree or above from an accredited college or university in Special Education, Psychology, Public Health, Rehabilitation, Social Work, Speech Pathology, Audiology, Occupational Therapy, Therapeutic Recreation or other human services field.

(2) Possess a bachelor's degree from an accredited college or university in Special Education, Psychology, Public Health, Rehabilitation, Social Work, Speech Pathology, Audiology, Occupational Therapy, Therapeutic Recreation or other human services field; and 1 year experience working directly with disabled persons.

(3) Possess an associate's degree or completion of a [2 year] 2-year program from an accredited college or university in Special Education, Psychology, Public Health, Rehabilitation, Social Work, Speech

Pathology, Audiology, Occupational Therapy, Therapeutic Recreation or other human services field; and 3 years experience working directly with disabled persons.

(4) Possess a license or certification by the State Board of Nurse Examiners, the State Board of Physical Therapists Examiners, or the Committee on Rehabilitation Counselor Certification or be a licensed psychologist or registered occupational therapist; and 1 year experience working directly with disabled persons.

§ 2390.39. Staffing.

(a) A minimum of two staff shall be present at the facility when **[10] ten** or more ~~clients~~ individuals are present at the facility.

(b) A minimum of one staff shall be present at the facility when fewer than **[10] ten** ~~clients~~ individuals are present at the facility.

(c) If 30 or more ~~clients~~ individuals are present at the facility, there shall be at least **[one] 1** staff present at the facility who meets the qualifications of program specialist or **production Manager**

(d) A ~~client~~ individual may be left unsupervised for specified periods of time if the absence of direct supervision is consistent with the ~~client's~~ individual's assessment and is part of the ~~client's~~ individual's **[ISP] PSP**, as an outcome which requires the achievement of a higher level of independence.

(e) The staff qualifications and staff ratio as specified in the **[ISP] PSP** shall be implemented as written, including when the staff ratio is greater than required under subsections (a), (b) and (c).

(f) ~~A client~~ An individual may not be left unsupervised solely for the convenience of the facility or the direct ~~service worker~~ support professional.

§ 2390.40. – 2390.49 Training

Comment and Suggestion 2390.40. – 2390.49. Training.

See Comment and Suggestion under Chapter 6100 TRAINING (6100.141 – 6100.143). Comment is identical unless noted otherwise.

2390.50 is suggested to be added, as noted below, consistent with Chapter 6100.

§ 2390.50. Natural supports.

Sections 2390.40. —2390.49 (relating to annual training plan; orientation program; and annual training) do not apply to natural supports.

CLIENT RECORDS

§ 2390.124. Content of records.

Discussion 2390.124.

Each client's individual's record must include the following information:

(1) The name, sex, admission date, birthdate and place, ~~[social security]~~ Social Security number and dates of entry, transfer and discharge.

(2) The name, address and telephone number of parents, legal guardian and a designated person to be contacted in case of an emergency.

(3) The name and telephone number of a physician or source of health care.

(4) Written consent from the client-individual, parent or guardian for emergency medical treatment.

(5) Physical examinations.

(6) Assessments as required under § 2390.151 (relating to assessment).

(7) A copy of the vocational evaluations, if applicable.

~~—(8) A copy of the invitation to:~~

~~—(i) The initial ISP meeting,~~

~~—(ii) The annual update meeting,~~

~~—(iii) The ISP revision meeting.~~

~~—(9) A copy of the signature sheet for:~~

~~—(i) The initial ISP meeting,~~

- ~~—(ii) The annual update meeting.~~
- ~~—(iii) The ISP revision meeting.~~
- ~~—(10) A copy of the current ISP.~~
- ~~—(11) Documentation of ISP reviews and ISP revisions under § 2390.156 (relating to ISP review and revision), including the following:~~
 - ~~—(i) ISP Review signature sheets.~~
 - ~~—(ii) Recommendations to revise the ISP.~~
 - ~~—(iii) ISP revisions.~~
 - ~~—(iv) Notices that the plan team member may decline the ISP review documentation.~~
 - ~~—(v) Requests from plan team members to not receive the ISP review documentation.~~
- ~~—(12) Content discrepancy in the ISP, the annual update or revision under § 2390.156.]~~
- (8) PSP documents as required by this chapter.
- ~~—[(13) Restrictive procedure protocols and] (9) Positive intervention records related to the client.~~
- ~~—[(14) Unusual incident] (10) Incident reports related to the client.~~
- ~~—[(15)] (11) Copies of psychological evaluations, if applicable.~~
- ~~—[(16)] (12) Vocational evaluations as required under § 2390.159 (relating to vocational evaluation).~~

PROGRAM

§ 2390.151. Assessment.

Discussion 2390.151.

The recommended language in 2390.151 (b) is intended to distinguish between the need for a full assessment and a partial assessment.

2390.151 (f) has been amended to provide additional time to enable a program specialist to better

prepare an informed assessment.

* * * * *

(b) If the program specialist is making a recommendation to revise a service or outcome in the ~~[ISP as provided under § 2390.156(c)(4) (relating to ISP review and revision)]~~ PSP, the client shall have an assessment specific to that recommendation completed as required under this section.

* * * * *

(f) The program specialist shall provide the assessment to the SC or plan lead, as applicable, and plan team members at least 30 15 calendar days prior to ~~an ISP~~ a PSP meeting for the development, annual update and revision of the ~~[ISP]PSP~~ under §§ 2380.182, 2390.152, 6400.182 and 6500.152 (relating to development, ~~annual update and revision of the ISP~~ of the PSP).

§ 2390.152. – 2390.156. Person-Centered Support Plan.

Comment and Suggestion 2390.152 – 2390.156. Person-centered Support Plan.

See Comment and Suggestion under Chapter 6100.221 – 6100.224. Comment is identical unless noted otherwise.

§ 2390.157. ~~[Copies.]~~ (Reserved).

~~[A copy of the ISP, ISP annual update and ISP revision, including the signature sheet, shall be provided to plan team members within 30 calendar days after the ISP, ISP annual update and ISP revision meetings.]~~

§ 2390.158. ~~[Provider services.]~~ (Reserved).

~~[(a) The facility shall provide services including work experience and other developmentally oriented, vocational training designed to develop the skills necessary for promotion into a higher level of vocational programming or competitive community integrated employment.~~

~~—(b) The facility shall provide opportunities and support to the client for participation in community life, including competitive community integrated employment.~~

~~—(c) The facility shall provide services to the client as specified in the client's ISP.~~

~~—(d) The facility shall provide services that are age and functionally appropriate to the client.]~~

(Editor's Note: Sections 2390.171—2390.176 and 2390.191—2930.199 are new and printed in regular type to enhance readability.)

§ 2390.171. – 2390.175. Positive Intervention

POSITIVE INTERVENTION

Comment and Suggestion §2390.171. - § 2390.175. Positive Intervention.

See Comment and Suggestion under Chapter 6100 POSITIVE INTERVENTION (6100.341 – 6100.345).
Comment is identical unless noted otherwise.

§ 2390.176. Rights team.

Comment and Suggestion 2390.176.

See Comment and Suggestion under Chapter 6100 Rights Team. (6100.52.). Comment is identical unless noted otherwise.

§ 2390.191. – 2390.199. Medications

MEDICATION ADMINISTRATION

Comment and Suggestion § 2390.191. - 2390.199. Medications

Please note that adding medication administration to the regulations is going to be very restrictive when moving towards community integrations.