

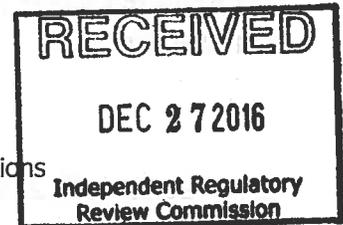
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14-540-278

Kroh, Karen

From: Mochon, Julie
Sent: Wednesday, December 21, 2016 8:51 AM
To: Kroh, Karen
Subject: FW: Comments on Proposed Rulemaking 2380, 2390 and Chapter 6100 Regulations
Attachments: JOB comments for consideration Rulemaking 2380 2390 and 6100 regulations.docx

From: Jammie O'Brien [mailto:jobrien@sparcphilly.org]
Sent: Tuesday, December 20, 2016 4:46 PM
To: Mochon, Julie
Subject: Fwd: Comments on Proposed Rulemaking 2380, 2390 and Chapter 6100 Regulations



Good afternoon,

I wish to submit the following comments on Proposed Rulemaking 2380, 2390 and Chapter 6100 Regulations. These comments are attached in a Microsoft Word document as well.

1. 6100.446 – **Size of Facility**

I am concerned that putting a cap on the size of facility based programming, the most vulnerable among us will be left behind and recommend that this requirement be eliminated from the regulations. Some of the people served in facility based programs chose to be in a safe environment, they are fully aware of community based programming choices, yet want to remain in a facility based programming to receive a portion of their service. Why take this choice away? While I recognize that it's frowned upon, but the fact remains that the social aspects of a facility-based program are very important to program participants, and many would be devastated if they were separated from their friends. An unintended consequence of this requirement may be that to get to the required number, facilities might discharge people who are the most difficult to support in the community, and that would be tragic. These discharges might be inevitable and may be the most cost-effective strategy to ensure compliance. Finally, licensing regulations determined program capacity and this new regulation would be in direct conflict with the BHSL stated capacity of our program. In the federal regulation it clearly states, ***"We do not believe there is a maximum number that we could determine with certainty that the setting would meet the requirements of HCB setting. The focus should be on the experience of the individual in the setting."***

2. 2380.39, 2390.49, 6100.141 - **Training**

I recommend that the eight hours of specific training be removed from the regulations and

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recommend that interns, consultants, and volunteers be removed from the requirement for training.

I believe that requiring eight hours on specific topics reduces flexibility to determine the training needs particular to each organization. Additionally, to ensure consistency across our industry and to increase the availability of training for staff that will now be spending their time in the community, perhaps ODP or the College of Direct Support can create trainings that address the specifics of the regulations. Making these required trainings consistent across agencies and accessible by computer is essential. Interns, consultants and volunteers receive the training they need at their orientation and should not have the same requirements as staff members when it comes to training requirement.

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3. 2380.156, 2390.176 - Rights Team
Review Commission

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I believe that the requirement to create a Rights Team be removed from the regulations. In my opinion, this is a duplication of effort given that organizations are already held to the incident management regulations as well as to the regulations around an individual's civil rights. Since a rights violation is already classified as an incident, (2380.17 (a) 15), it is already subject to documentation, dissemination of the documentation, analysis, and corrective action. The Civil Rights process, including explaining rights annually, also makes the requirement for this team redundant. Holding a meeting every three months whether there is a rights violation or not, seems excessive. If a Rights Team is absolutely necessary, it would seem best to hold a meeting only when a rights violation actually occurs.

Thank you for the opportunity to submit feedback.

Best regards,

Jammie O'Brien

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Jammie O'Brien
Director of Marketing and Development

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