

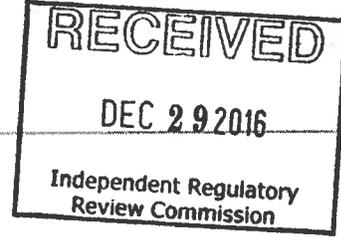
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**Kroh, Karen**

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**From:** Mochon, Julie  
**Sent:** Wednesday, December 21, 2016 8:55 AM  
**To:** Kroh, Karen  
**Subject:** FW: Comments on Rulemaking Chapter 6100 Regs  
**Attachments:** Craig's Comments Reg 6100.docx



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**From:** Craig George [mailto:cgeorge@arcofdc.org]  
**Sent:** Tuesday, December 20, 2016 6:44 PM  
**To:** Mochon, Julie  
**Subject:** Comments on Rulemaking Chapter 6100 Regs

Hello, Ms. Mochon, I appreciate the chance to comment. I am sending you my comments, attached, prior to your deadline.

Craig George

Craig K. George  
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**From:** Craig George, Executive Director | The Arc of Dauphin County  
[fcgeorge@arcofdc.org](mailto:fcgeorge@arcofdc.org) | 717-920-2727 | 2569 Walnut Street, Harrisburg, PA 17103

**To:** Ms. Julie Mochon, Policy Specialist  
Office of Developmental Programs  
Room 501, Health & Welfare Building  
Harrisburg, PA 17120

**CC:** Maureen Cronin, Executive Director | The Arc of Pennsylvania  
Ken Seeger, Director of Consumer Services | The Arc of Dauphin County  
Task Force Team | The Arc of Dauphin County

**Date:** December 20, 2016, **Sent at 6:38 PM**

**Ref:** Proposed Rulemaking Chapter 6100 Regulations Comments

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Ms. Mochon, we all appreciate the opportunity the Office of Developmental Programs has afforded those of us who are “out in the field” to read, digest and comment upon the proposed rulemaking for Chapter 6100 Regulations.

All of us agree, I think, that the Office of Developmental Programs is doing its level best to create a system wide improvement in process and execution of programs, definitions and services. I also believe ODP not only wishes to operate with efficacy, but also strongly desires to positively affect those with ID/DD/MH to both help themselves, and to instill within them a sense of purpose and identity, critical to the human existence—that is something we all desire and in fact, require.

First of all, I will say I completely endorse and approve of everything stated in Maureen Cronin’s 24-page review, which she and others at The Arc of Pennsylvania worked very hard to be sure was inclusive of not only the Arc of Dauphin County’s “take” on the proposed rulemaking, but that their response also included the visions and interpretations of all other Arc Chapters in the Commonwealth. All our voices are in that collective document.

Additionally, I fully support everything in our comments that were sent to you by our own Director of Consumer Programs, Ken Seeger. Mr. Seeger’s comments, which your office has confirmed as having received, took into consideration the opinions of our Senior Management Group, which is composed of directors of all our departments, most of which are either directly or tangentially affected by the results of the proposed 6100 regs. I sincerely hope that ODP takes full measure of the Arc of Pennsylvania’s comments as well as the Arc of Dauphin County’s comments.

In addition to me saying I agree with both sets of those comments, I do have a few points to reinforce:

1. Chapter 2390. Vocational Facilities General Provisions

2390.5. Definitions "Handicapped employment"

The Arc of Pennsylvania has already commented upon the definition itself, I concur with them, but I am not writing about that. I am taking exception to the use of the word "handicapped" anywhere in any document. This is a misunderstood and incorrect term. A person with disabilities is not handicapped. When folks with full abilities go to a shopping mall and have to park a hundred yards away from the front door, they are the ones with a handicap—the handicap of parking a long way away. The curb that is an obstruction to a person with a mobility disability is the handicap, the person is not the handicapped one. The curb, not the person. I know this topic is not what your rulemaking is about, but I hope you will strike that word from your lexicon in all ways. When I came on board at our offices, I was horrified to see some "handicap" signs; we are in the process of removing and replacing them. Thank you for allowing me to deviate from the main topic, and I do respectfully hope your department will make note of this request.

2. 6100.183 (Rights of individuals in residential facilities). Our Arc is adamant that consumers should have respect and should have the right to privacy. Also, our consumers should have the right of choice—if they choose for their door to be open or closed, we should respect that choice. As in most families, parents respect the rights of their children to close the door, and they knock to announce they wish to enter. For anyone to suggest that a person with ID should be able to lock themselves into their room, however, indicates that the writer of the regulation is not well informed, or has not thoroughly thought through the fact that if they think something "ought" to be in force, they are legislating actions that could have a wholesale negative impact, and could pose a system wide health and safety risk. To suggest a need for locks is not healthy rulemaking.

2A. Taking the general statement I made about respecting choice a step further and perhaps beyond these regulations, it is disheartening to see state agencies in general champion the right of choice, but then SOMETIMES (not always) not respect that right of choice once it is made by the consumer. We see that happening in instances outside the 6100 regs, and will comment more about that at the appropriate time.

3. As we have already stated, we find regulation 6100.143 (Annual training and orientation) certainly excessive. The 24 hours of annual training is carried over from the Chapter 51 regulations for licensed waiver programs, however in this regulation it is expanded to include non-licensed, vendor, AWC and OHCDs services. Though it may be appropriate for the larger licensed providers it is not for the vendor, AWC and OHCDs and we stipulate they should be removed from the excessive 24 hours of training requirement that will place an undue hardship on providers. I understand the desire for well trained, efficient and professional providers across the board, that is a worthy goal. Yet, when reaching to the vendor, AWC and OHCDs, that can be best described as overkill, over regulation.

4. Taking the topic in #3 a step further, as we have already stated as an agency, Regulation 6100.142 (Orientation program) Section (a):

We contend that staff who are not providing direct service or working alone with individuals (management, program, administrative, fiscal, Dietary, housekeeping, maintenance and ancillary staff) should be removed from the following orientation training (section (b) 1):

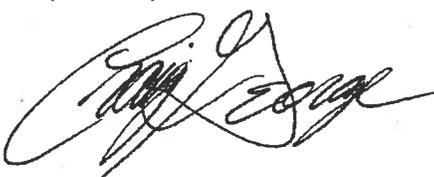
- Application of person-centered practices
- Facilitating community integration
- Honoring choice (as already stated, we champion this, but again, to mandate this training for, say a bookkeeper who never has contact with a consumer, perhaps works from another office or home, is (along with the other bullets here) over regulated.
- Supporting individuals in in maintaining relationships

We agree that all staff should receive training listed in section (b) 2-5 (mandated reporter; prevention, detection, and reporting of abuse or suspected abuse; individual rights; recognizing and reporting abuse; job related knowledge and skills).

For all other points raised by the Arc of Dauphin County, I will not add additional comment other than to express my vote in favor of everything we have already sent to you vis-à-vis Mr. Ken Seeger.

Thank you again for this opportunity to point out a direction which we believe these regulations should fairly and reasonably go. We certainly do agree with most of the document, and we recognize the very good work you are doing. We do point out here and in our official response that Mr. Seeger sent to you, that in spite of best intentions, sometimes some practices get waylaid or fall through the proverbial "cracks." It is our hope that our efforts through this comment period will lift up the parts of your collective intent that prove to be effete, shoring up the entire effort, and producing a dynamic set of regulations that truly work for the common good across all levels of ability and opportunity.

Respectfully,



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