

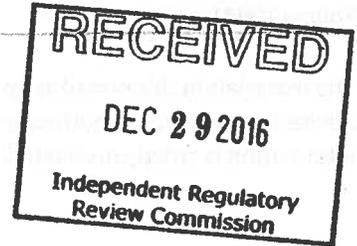
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14-540-333

Kroh, Karen

From: Mochon, Julie
Sent: Tuesday, December 20, 2016 1:47 PM
To: Kroh, Karen
Subject: FW: Comments on proposed 6100 and 6400 regulations
Attachments: JCHAI Comments on Proposed 6100 and 6400 regulations.pdf

From: Stacy Jarett Levitan [<mailto:stacylevitan@ichai.org>]
Sent: Tuesday, December 20, 2016 1:02 PM
To: Mochon, Julie <jmochon@pa.gov>
Subject: Comments on proposed 6100 and 6400 regulations



Dear Ms. Mochon,

I am attaching our comments on the proposed 6100 and 6400 regulations.

Thank you,

--

Stacy Jarett Levitan

Executive Director

Judith Creed Homes for Adult Independence (JCHAI)

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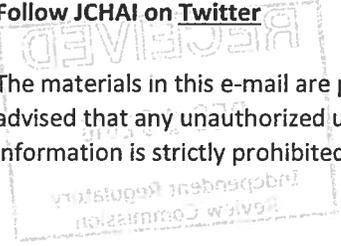


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December 20, 2016

Re: Comments by Judith Creed Homes for Adult Independence (JCHAI) on proposed regulations under 55 Pa. Code §6100 and §6400

Thank you for the opportunity to present our comments on ODP's extensive work revising the regulations that are responsible for providing the framework under which we as providers of HCBS services in Pennsylvania operate. We provide a combination of licensed and unlicensed residential and home and community habilitation services for adults with intellectual disabilities and autism in the greater Philadelphia area.

We incorporate by reference the comments made by Pennsylvania Advocacy and Resources for Autism and Intellectual Disability (PAR) for both §§ 6100 and 6400.

To emphasize some areas that we believe are extremely important, we would first like to address the concept of The Rights Team. We understand clearly the importance of incident management and reporting. However, having to establish a whole committee to review incidents seems duplicative and an unnecessary cost. We already are required to have Peer Review, who review our investigations. As pointed out in the PAR comments, to require this new team to have to meet quarterly is onerous, particularly for those of us who rarely have investigations to review. We believe that this new team requirement should be reconsidered as overly burdensome, particularly for smaller providers.

Also, in incident management, we would like the regulations to clarify that for providers who are only providing community integration services on a sporadic basis, the incident reporting requirements do not apply when the incident did not occur during supervision by the provider. We have many clients who live with their families or other providers and we provide only socialization services. For us to have to report incidents that occur when the

client is in the parents' care, for instance, is a burden and unrealistic requirement, particularly with investigation and time-based reporting requirements. It seems wholly inappropriate that we, as a service provider, could have to investigate a family. That may not be the intention of the regulation as drafted, but we would like that clarified.

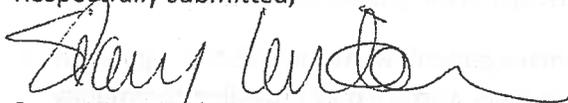
In addition, we wholeheartedly support PAR's suggestion that incident investigations be limited to certain types of incidents – there should not be a requirement for an investigation of every kind of reportable incident. Current investigations are labor intensive and extensive, which is not appropriate for all types of reportable incidents.

In the §6100 proposed regulations, we would like to see in §6100.47 a threshold that is similar to the current 6400 licensing regulations, where volunteers do not have to have criminal background checks if they are volunteering infrequently and not alone with consumers, but under supervision of paid staff (e.g., under 6 days per 6 month period). Otherwise, these type of regulations could have a chilling effect on volunteers' willingness to work with our agencies.

Finally, we are very concerned about §6100.226 and §6100.484 and the requirement for substantial documentation each time the service is provided in order to get paid for services that are rendered. The language in § 6100.226(e)(6), which requires the outcome of the support delivery to be discussed in each note each time a service is delivered is overly burdensome and not warranted. The direct support personnel who are delivering the services often are not in a position to do much more than articulate what services were rendered or, in the case of residential habilitation, that the consumer was present for the rendering of general, daily residential services. As is currently the requirement in the § 5100 regulations, direct service personnel are responsible for writing a summary of what was done with the consumer for the duration of the service at that time. The monthly progress note is then for a supervisor or program specialist to review the services for the month and assess the outcomes and further steps to be taken in the future to further the goals of the PSP. To require that on a possibly daily basis and making payment contingent on that kind of analysis is not appropriate or realistic. The current requirement of having a summary of the services provided when the service is being rendered, as well as the amount of the services being provided is realistic for each time the services are provided. That will substantiate that the provider actually performed a legitimate service for which it deserves to be paid. To make sure that the consumer is receiving a quality service, a monthly assessment is more appropriate to review those daily or frequent services and decide where adjustments are needed – but not to determine whether a provider is paid.

Thank you again for the opportunity to present our comments to the proposed regulations.

Respectfully submitted,



Stacy Jarett Levitan

Executive Director

Judith Creed Homes for Adult Independence