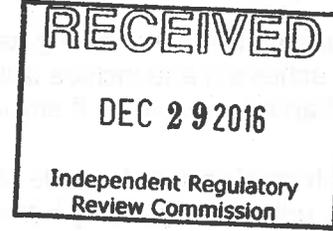


3160

14-540-(291)

Kroh, Karen

From: Mochon, Julie
Sent: Wednesday, December 21, 2016 8:52 AM
To: Kroh, Karen
Subject: FW: DHS Regulation #14-540 (IRCC #3160) & Permanency Planning for Kids with Disabilities



From: Ellen Tierney [mailto:etierney9@gmail.com]
Sent: Tuesday, December 20, 2016 5:02 PM
To: Mochon, Julie; irrcc@irrc.state.pa.us
Subject: DHS Regulation #14-540 (IRCC #3160) & Permanency Planning for Kids with Disabilities

Dear DHS Representatives:

Pennsylvania TASH greatly appreciates this opportunity to comment on the Department of Human Services' proposed new 6100 Regulations. Because children receive services and sometimes live in residences covered by these regulations, our organization thinks it is crucial to have provisions to address their needs. These provisions should, among other things, ensure that effective attempts are made (1). to serve children so that they may live at home with a loving family (birth or support family) and (2). to implement planning protocols to that end.

We, therefore, strongly support the following proposed provisions for these children as recommended by the Imagine Different Coalition and restated below.

PROPOSED RULES RELATING TO CHILDREN AND YOUTH

6100.900 This section applies to children under the age of 21 who have developmental disabilities as defined by the federal Developmental Disabilities Assistance and Bill of Rights Act, 42 USC 15002.102(8)

6100.901 Permanency shall be a goal in all PSPs for children. Permanency means a living arrangement for children with the primary feature of an enduring and nurturing parental relationship facilitated by family support. Family living is the preferred permanency goal for minor children, and either family living or a small community home that meets the HCBS requirements of chapter 6100, along with a strong connection to family (as defined at 6100.3) is the preferred permanency goal for older youth. Permanency goals should also include maintaining sibling relationships whenever possible.

6100.902 Children and youth with Developmental Disabilities may reside in congregate care facilities only when:

- a) A Support Coordinator and/or TSM has been assigned to the child or youth.

- b) The residential provider files a report identifying the child or youth with ODP and BHSL within ten days of placement, or of the effective date of these regulations, in a manner prescribed by ODP.
- c) The child is listed on the emergency waiting lists of any waivers for which he or she is eligible.
- d) The Support Coordinator or TSM ensures the development of a PSP that includes a permanency plan, consistent with the Department's Permanency Assessment and Planning Instrument. For children adjudicated dependent, any permanency plan developed by the child welfare agency shall be coordinated with the PSP.
- e) The Department's Permanency Assessment and Planning Instrument shall identify the permanency goal and plans to achieve it and include a detailed description of the barriers to permanency, the steps taken to address the barriers, and what, if any, funding or service availability change would allow for permanency.
- f) For long-term placements made after the effective date of these regulations, the capacity of the facility is four or fewer, unless a regulatory waiver pursuant to section 6100.43 has been granted.
- g) For placements made after the effective date of these regulations, the Support Coordinator, or TSM documents best efforts to achieve the permanency goals of the PSP before placement.
- h) The Support Coordinator or TSM documents compliance with the PSP, including documentation of visits to the child or youth at the frequency required by the PSP.
- i) The Permanency Assessment and Planning Instrument and the PSP are updated every three months until the permanency goal has been achieved.

6100.903 Parents or legal guardians of minor children are required members of the PSP Team. For youth 18-21 who are adjudicated dependent, the CYF agency representative is a required participant in the development of the PSP unless the youth objects. A form shall be provided to the youth to explain this right and to document an objection.

6100.904 Training in permanency planning principles shall be a requirement for all Support Coordinators, TSMs, case managers, and residential program specialists who serve children and youth.

6100.905 Support Coordinators, TSMs and residential facility providers shall ensure that all infants and toddlers they serve are referred to Early Intervention programs.

6100.906 Support Coordinators, TSMs and residential facility providers shall ensure that all primary and secondary school eligible children:

- a. are enrolled in the local school district in which they live or in another responsible school district;
- b. have an educational decision-maker consistent with the requirements of the IDEA, or a request for an educational decision-maker has been made to the responsible school district or court.

Residential providers may not make attendance at an on-grounds school, or a school operated by the residential provider, a condition of the residential placement, and must so inform the educational decision-makers for each child.

6100.907 Providers must ensure that the health and medical needs of participants are met. In the case of children and youth with long-term medical needs, whose residence is covered by these regulations:

- a. At least monthly oversight by a healthcare professional is required;
- b. A health-care plan, identifying all the child's medical needs, including but not limited to amount and frequency of nursing, home health aides, therapies, medications, behavioral supports, durable medical equipment and regularly scheduled physician visits, shall be signed by a physician, implemented, and kept in the residential provider's and Support Coordinator or TSM's file.
- c. For children and youth who have been adjudicated dependent, the health-care plan shall be shared with the county child welfare agency unless sharing such document is otherwise restricted by law.

6100.908 Department offices, including at least ODP, OCYF, OLTL and OMAP shall enter into memoranda of understanding (MOUs) to ensure that the resources of all systems are available to meet the permanency and transition needs of dependent children and youth. The MOUs should include resolution of conflicting licensing requirements, delegation of funding responsibilities between the agencies, sharing of information, and consideration of creative options that promote permanency.

6100.909 Children and youth with developmental disabilities who are adjudicated dependent and are receiving services covered by these regulations shall be assured the following:

- a) ODP shall assign a Support Coordinator or other case manager.
- b) ODP shall assign a Support Coordinator or other case manager.
- c) The county child welfare agency and the ODP or delegated county agency shall, upon the child's sixteenth birthday or before placement in a congregate care facility, whichever occurs first, enter into an agreement consistent with the MOU to meet the permanency goals of the PSP as soon as possible and to ensure a smooth transition to adult services.
- d) If there is a dispute between the agencies about responsibility for payment for needed services a DHS designee will resolve the dispute in accordance with the MOU.

6100.910 Section 6100.223(11) shall not be applied to children. For older youth, the PSP must include services and supports that are needed to pursue competitive, integrated, employment in the present, or are needed to improve the ability to pursue such employment in the future.

Thank you for your work on this very important matter!

Sincerely,

Ellen Tierney

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Ellen Tierney
Vice President
Pennsylvania TASH
412-613-5008