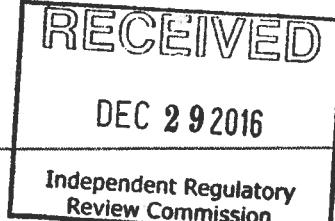


316D

14-540-309

Kroh, Karen

From: Mochon, Julie
Sent: Wednesday, December 21, 2016 8:57 AM
To: Kroh, Karen
Subject: FW: Chapter 6100 public comments via Vista
Attachments: Vista Chapter 6100 public comments.pdf



From: Yorty, Brandon [mailto:byorty@vistaadultservices.org]
Sent: Tuesday, December 20, 2016 8:37 PM
To: Mochon, Julie
Cc: Jarman, Michael; Sheehan, Diane; Yurich, Kirsten
Subject: Chapter 6100 public comments via Vista

Julie –

See attached Vista's public comments pertaining to the proposed chapter 6100 regulations. Note a print copy has also been sent via USPS.

Thank you kindly,

Brandon D. Yorty, MS BCBA LBS CESP
Director of Adult Employment Services

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The Vista School - Vista Adult Services

Vista
Adult Services

December 20, 2016

Julie Mochon
Human Service Program Specialist Supervisor
Office of Developmental Programs
Room 502 Health and Welfare Building
625 Forster Street
Harrisburg, PA 17120

RE: Vista's Public Comments to Chapter 6100 Proposed Regulations

Dear Julie:

We at Vista submit the following comments, recommendations and questions in response to the call for public comments pertaining to the Department of Human Services proposed new regulations to be listed under Chapter 6100.

First, Vista commends the department for streamlining regulations to minimize discrepancies across chapters and ease provider monitoring. The creation of www.myodp.org further assists providers accessing important up-to-date documentation and register for essential webinars. Change to regulations will further exacerbate the burden placed on accurate interpretation across providers, Supports Coordination Organizations, counties and ODP regional offices. Vista strongly encourages further analysis on how regulations will be communicated and monitored to ensure consistency of implementation. **Vista recommends HCSIS be updated to be more user-friendly including the function of help icons to better navigate the system. Vista additionally recommends a helpline staffed with experts in chapter 6100 regulations be available as a central source of obtaining "official" clarification when questions arise.**

Second, though not yet published for public view, Vista is encouraged to hear fee schedule rates will be adjusted in the upcoming fiscal year. Proposed Chapter 6100 regulations suggest further analysis of reimbursement rates "at least every three years." Vista strongly encourages the department to modify this language and approach to "annually" to ensure reimbursement rates align with current economic conditions including a built in market basket increase annually. Additionally, the proposed regulations indicate rates have been determined through sampling methodologies. Historically, this approach to rate setting under represents or misses entirely individuals with the most significant disabilities. Vista serves a population of individuals with pervasive symptoms across multiple life domains, making the services more costly to the provider than in most other situations. Vista urges the department to ensure the needs and costs of this population are considered when establishing rates through data provided by the Bureau of Autism Services (BAS) and Autism Services, Education, Resources and Training (ASERT) and to be transparent in how rates have been calculated.



Vista Adult Services

It is our understanding that SIS scores will be used to establish the level of individual need and that these scores will line up with reimbursement categories. It is imperative to have a valid system for determining these scores across providers, counties, and disability categories. **Vista recommends the department consider a model proven successful in the medical field differentiating acute versus chronic care establishing rates indicative of the needs of people with pervasive symptoms across multiple domains above and beyond what is currently considered "enhanced."** Vista encourages development of a mechanism to request exceptions when costs to serve an individual are in excess of that established within the fee schedule.

Third, Vista offers full support for the inclusion of non-intellectually disabled individuals into the waiver-system including those diagnosed solely with autism. **Vista encourages the department to complete an analysis of the impact additional individuals will have on the already extensive waiting list and provide a proposal as to how capacity issues will be addressed.** Vista would also like to remind the department of the impact making additional individuals eligible for waiver will have on Supports Coordination Organizations, often already faced with large caseloads and high turnover.

Fourth, Vista prides itself in striving to make employment first a reality for individuals with the most significant disabilities. The department has a unique opportunity right now to address barriers that currently exist resulting in less than desirable employment outcomes for this demographic. **Vista encourages the department to actualize braided funding by introducing allowances for waiver funds to be used in conjunction with funding from the Department of Education in the students last years to maximize opportunities to attain employment prior to graduation and sustain thereafter.** Individuals often must wait up to 6-months for a determination of eligibility to be made by OVR due to their capacity issues or approach to acquiring information. **Vista recommends a negative presumption be assumed if a determination of eligibility decision is not made within 30 days of applying with OVR to enable access to waiver funds for job finding activity.** Additionally, Vista encourages the department to work with OVR to actualize braided funding where OVR does make a positive eligibility determination but cannot provide sufficient reimbursement and/or a sufficient timeline for meeting the needs of individuals with pervasive symptoms across multiple domains.

Fifth, Vista is encouraged to see greater flexibility offered within the allowances of use of base funds provided directly by counties. **Vista encourages inclusion of language that directly enables counties to use base funds to "supplement" funds for individuals whose needs exceed the finances of the P/FDS waiver of which remain on the waiting list for a consolidated waiver.** Circumstances change for individuals that sometimes require additional funding that cannot wait for the availability and completion of the enrollment process for the consolidated waiver. At this time, the absence of language clarifying allowance for use in these circumstances leaves counties to interpret on a case-by-case basis and often claim they are unable to use base funds as a means to supplement the waiver.

Vista
Adult Services

Sixth, several new items within the residential section of 6100 and a few carried forward items, cause concern for Vista and the unique population we serve. Specifically, Vista is concerned about the requirement to provide locked bedroom doors and to allow free access to food. Both requirements will cause health and safety risks for many individuals in our population. For instance, upwards from thirty percent of individuals with severe forms of autism also have comorbid seizure disorders and require overnight monitoring. Elopement and wandering are often behaviors of concern. Individuals with autism and ID often require significant assistance when attempting to manage dietary restrictions, allergies, and healthy eating habits. **Vista suggests that the requirements of bedroom locks and free access to food be evaluated per individual and allow appropriate accommodations to meet individual needs when the implementation of these requirements would actually pose a health and safety risk to the client.** Further, more and more individuals with severe behavior problems are entering the residential system. These individuals have the right to effective treatment. At times, effective treatment can include emergency procedures that designed to deal with dangerous and injurious behaviors. Often these procedures are deemed restrictive. **Vista encourages the department to consider revising the regulations to focus on enhancing training and review requirements when these procedures are needed instead of prescribing limitations on which procedures can be used and which cannot (e.g., exclusion versus seclusion) or setting arbitrary maximum implementations within time periods.**

Finally, Vista recommends that the department revise its **definition** of adult training services to exclude services such as Vista's Community Integration Center which by design already produces an average community participation rate for all individuals of 75% or higher on a weekly basis. In other words, a service that is not exclusionary by design should not be subject to regulations that are applied to services that are presumed exclusionary.

Sincerely,



Michael G. Jarmah

Chief Strategic Officer and General Counsel

