

Adams-Moore, Denise

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14-540 (#416)

**From:** Jennifer Garman <jgarman@disabilityrightspa.org>  
**Sent:** Monday, September 18, 2017 2:17 PM  
**To:** PW, ODPComment; PW, RateSetting  
**Subject:** Home and Community-Based Supports and Licensing; Fee Schedule Rates; Advance Notice of Final Rulemaking and PN Fee Schedule  
**Attachments:** DRP ODP Advanced Notice of Proposed Rulemaking Rate Structure Comments Final.pdf

Attached are comments from Disability Rights Pennsylvania on the Fee Schedule Rates.

The document also includes comments on the proposed Fee Schedule Rates, Department-established fees, new services the Department will be placing on the MA program fee schedule.

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Please note my email address has changed to [jgarman@disabilityrightspa.org](mailto:jgarman@disabilityrightspa.org)

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**DISABILITY RIGHTS**  
PENNSYLVANIA

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**VIA EMAIL**

September 18, 2017

Julie Mochon  
Department of Human Services  
Office of Developmental Programs  
625 Forster Street, Room 502  
Harrisburg, PA 17120

**RE: Advanced Notice of Final Rulemaking: Home and Community Based Supports and Licensing: Fee Schedule**

Disability Rights Pennsylvania (DRP) is the organization designated by the Commonwealth of Pennsylvania under federal law to protect the rights of and advocate for Pennsylvanians with disabilities. We submit the following comments on the Fee Schedule Rates for consideration.

The proposed subsection (b) clarifies that DHS will “examine and use data sources in subsection (a) to establish fee schedule rates at least every three years”. As previously stated, DRP first recommends that fee schedule rates be reassessed annually to assure that the rates are competitive so that qualified staff are available to provide services.

**Proposed Fee Schedule Rates and Department-Established Fees for Consolidated and Person/Family Directed Support Waivers Services, Targeted Service Management and the Community Intellectual Disability Base-Funded Program**

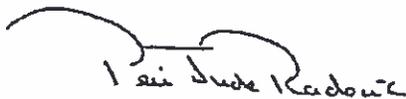
**Protecting and advancing the rights of people with disabilities**

**Residential Habilitation and Life Sharing:** The notice states that these services will now be on the MA Fee Schedule and that "additional individualized staffing will no longer be an available service." We have significant concerns about the adequacy of the residential rates in light of this policy change. For individuals with more intensive needs, the rates will likely not be adequate to support their needs. For example, for a person who needs nursing supports, the rates for residential habilitation would not support a person receiving the necessary care. We remain concerned that an individual would not be able to receive the supports necessary to remain in the community. In addition, staff should not be getting trained on services that should be provided by a nurse who has specialized medical training. ODP should consider more adjustable rates for residential habilitation, possibly with ranges within each of the needs groups to reflect the potential for higher costs for individuals with more significant needs.

We are concerned about the bundling of services into the residential habilitation rates and the impact on consumer choice. Providers will not have an incentive to ensure that participants are informed of their right to choose other service providers for some of the services needed.

We thank you for consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "Peri Jude Radecic". The signature is written in a cursive style with a large, sweeping initial "P".

Peri Jude Radecic  
Chief Executive Officer