

3160

14-540 #436

Adams-Moore, Denise

From: Kroh, Karen
Sent: Tuesday, September 26, 2017 8:56 AM
To: Opalka, Melanie; Adams-Moore, Denise
Cc: Smith, Rick
Subject: FW: Comments 6100.571 fee setting
Attachments: Comments 55 Pa.6100.571 Fee Schedule Rates.docx

Thanks Mel. These comments must be processed as regulatory comments. Thanks Denise for logging and managing today.

Mel-if you receive any other comments that reference 6100.571, at any time prior to publication of the final regs, please send them to Denise and me on the date received, so that ODP can process the comments in accordance with law.

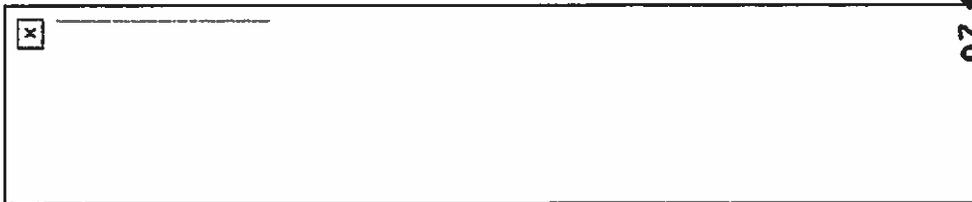
Karen

From: Opalka, Melanie On Behalf Of PW, RateSetting
Sent: Monday, September 25, 2017 11:57 AM
To: Kroh, Karen <c-karkroh@pa.gov>
Cc: Smith, Rick <riesmit@pa.gov>
Subject: FW: Comments 6100.571 fee setting

I am not sure if these comments are for the regulation or for the PN that just went out. I am tracking them as the PN, but wanted to make you aware as they are labeled as for the regulations.

From: Don Barney [<mailto:dbarney@keycommres.com>]
Sent: Monday, September 18, 2017 5:20 PM
To: PW, RateSetting <RA-ratesetting@pa.gov>
Subject: Comments 6100.571 fee setting

RECEIVED
IRRC
2017 SEP 28 A 10:20



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3160

14-5210 #436

Ms. Julie Mochon
Human Service Program Specialist Supervisor
Office of Development Programs
Department of Human Services

RECEIVED
IRRC
2017 SEP 28 A 10:20

Re: Keystone Community Resources' comments on the Advance Notice of Final Rulemaking 55 Pa. Code 6100.571 (Fee Schedule Rates)

Dear Ms. Mochon,

My name is Laura Brown-Yadlosky, President and CEO of Keystone Community Resources, Inc., a residential, vocational and day program provider. We have been active in advocacy for people with intellectual disabilities and Autism in communities across Northeast Pennsylvania for over 50 years.

I am concerned about the Advance Notice of Final Rulemaking 55 Pa. Code 6100.571 (Fee Schedule Rates) and submit the comments below.

Citation: 6100.571 (a)

Discussion: We recommend that this sub-section be modified to add another sentence as noted below.

Recommendation: [Fee schedule rates will be established by the Department using a market-based approach based on current data and independent data sources.] The Department will establish fee schedule rates using a market-based approach so that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that services are available at least to the extent that such services are available to the general population in the geographic area. Payment rates will reflect the allowable costs that providers must incur to provide quality care and to meet the documented needs of individuals as set forth in their Individual Support Plans and to ensure compliance with the CMS-approved Pennsylvania HCBS Community Settings State Transition Plan.

Citation: 6100.571(b)

Discussion: We recommend that the new regulations contain a provision that supports the application of an annual inflation adjustment to fee schedule rates.

To not calculate and seek funds to support an annual inflation adjustment, without evidence of a decrease in service need and/ or reduction in the provision of services, imposes an impermissible rate reduction based on budgetary considerations contrary to federal law. (42 U. S. C. 1396a(a)(30)(A)) Just as the HealthChoices managed care organizations rely on annual increases to their capitation rates to assure actuarial soundness, and likewise insurance organizations routinely apply for and obtain increases in their premium rates, ID/A providers that certainly are subject to the same health care market forces are no less entitled under law to adjustments in rates and to not be subject to ongoing arbitrary rate freezes. I recommend that this subsection be modified as follows:

Recommendation: The Department will [refresh the market-based data used] examine and use the data sources set forth in subsection (a) (c) to recalculate and establish fee schedule rates at least every 3 years. Every fiscal year, the Department will determine and include in its annual recommended budget request to the Governor the funding amount necessary to support the application of the Medicare Home Health Market Basket Index to recalculate the HCBS fee schedule rates and bring the rates forward through the following fiscal year.

Thank you for this opportunity to comment on this draft rule making. As a member of PAR, I support their recommendations previously sent to you on our behalf. If you wish to discuss these matters further, please feel free to respond to this email or call me at 570-702-8106

Laura Brown-Yadlosky

Keystone Community Resources

Lyadlosky@keycommres.com