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Re: Rulemaking # 14-548: Psychiatric Rehabilitation Services
IRRC #3347

July 26, 2024

Dear Commissioners:

This letter is offered as public comment on the Department of Human Service's "final form" amendment to 55 Pa.Code Chapter 5230 – Psychiatric Rehabilitation Services, posted on the Independent Regulatory Review Commission (IRRC) website on July 25, 2024.

I believe the following credentials and experience establish my qualifications to enter comments. I am certified as a CPRP and a CFRP. Prior to my retirement, I was both a Human Services Program Representative 1 and 2 at OMHSAS operations. As a Rep 1, I was the OMHSAS-Harrisburg Field Office lead worker for Psychiatric Rehabilitation Services (PRS), and one of two OMHSAS employees who remained continuously involved in the original drafting of Chapter 5230 from the start of the workgroup in 2009 through the IRRC hearing and codification of the chapter in 2013. I participated in writing the Frequently Asked Questions document available at: <https://www.dhs.pa.gov/Services/Mental-Health-In-PA/Documents/CDP/Psychiatric%20Rehabilitation%20FAQ.pdf>. I was part of the OMHSAS team that developed and delivered training on Chapter 5230 at the PAPRS conference and the PA Clubhouse Coalition conference on several occasions between 2009 and 2014. As a Rep.2, I was involved in the early drafting of this proposed amendment, and I supervised OMHSAS licensing staff who inspected facilities licensed under Chapter 5230. Post retirement, I was employed as the Operations Manager for the Pennsylvania Association of Psychiatric Rehabilitation Services, where I frequently assisted members with questions related to PRS licensing.

Please note that this comment is my own personal comment and is offered on behalf of myself only.

Final Form Preamble Comments

The present requirement for orientation training is found under 55 Pa.Code §5230.56 (1) "Staff providing services in a PRS agency shall complete a Department approved 12-hour psychiatric rehabilitation orientation course no later than one year after hire. This course shall be credited to

the annual training requirement listed under paragraph (2) for the calendar year in which it is completed.”

I disagree with the Department of Human Services decision noted in the Preamble to “review and reconsider” the need to update the content of the mandatory 12-hour Psychiatric Rehabilitation Orientation Training to include services to youth. I believe that it is essential for the Department to require the two current training vendors to revise orientation training content to include topics pertinent to the delivery of services to youth in the 14 -17 age group and submit revisions for Department approval. There is no relevant college degree available in Pennsylvania on the delivery of psychiatric rehabilitation services to youth or adults, and under Chppter 5230 only the PRS Director is required to hold a related college degree. In Pennsylvania, PRS was originally based on the premise that training, supervision and certification were key to staff member competency, rather than advanced education. While I understand that the Department’s decision regarding updating the Department approved training has no direct impact on the content of the final form Annex as written, I believe the decision will have an impact on the quality of services to be delivered to youth. I urge the IRRC to encourage the Department to ensure the required orientation training package is appropriately updated and approved within a reasonable time frame.

Final Form Annex Comments

Chapter 5230 is a licensing regulation, and the requirements in the Chapter are interpreted and applied by Department staff conducting licensing inspections to determine regulatory compliance as a condition for issuance or renewal of a license to provide the service.

§5230.54 Group Services

Under the new section (f.1.), the Annex refers to “Individuals who are interning at the PRS agency”. The term individual is defined under §5230.3 as “*Individual*—A person, 18 years of age or older who has a functional impairment resulting from mental illness, who uses PRS.” Therefore, it is inappropriate to use the term individual in (f.1.), since an individual who is receiving PRS services would not be simultaneously working there as an intern. The intern might be referred to as a person; however, I would like to suggest that a student intern would be more appropriately classified as a PRS Assistant, as under §5230.56 (d) “A psychiatric rehabilitation assistant shall have a high school diploma or GED and 6 months experience in human services.” This is the most appropriate solution since there has never been a provision for interns within Chapter 5230.

§5230.63 Documentation

The changes in the final form under §5230.63 Documentation were made in response to a public comment on the as proposed amendment, a comment made well after the date when public comment was closed.

I anticipate many questions related to the change from a requirement for a daily entry to a requirement for a weekly progress note, as listed in the final form under §5230.63 (A) “A PRS agency shall complete a progress note on a weekly basis for each service provided to an

individual that summarizes the following: ...”. Furthermore, I do not see how the new requirement for daily attendance records under sub-section C will mitigate the problems that will occur with documentation because of the changes to §5230.63.

The term “for each service provided” is very unclear. What constitutes a service provided in sub-section A? What constitutes an “activity or session attended” in sub-section C? Is it the completion of an assessment or an Individual Rehab Plan? Is it attendance in a single group – if the person attended four groups in one day and 20 in one week, does that mean the documentation required includes entries for all 20 groups as “service provided”? Under §5230.63 (C), it seems that the requirement for daily attendance records calls for documentation of each activity or session attended. This wording will most likely have the unintended effect of requiring more documentation rather than less.

How is “a weekly basis” defined? Is it every seven days, or just anytime during the calendar week? If the individual begins service on a Monday, is the note always due on Monday? What happens if next Monday is a holiday when the PRS facility is closed? What happens if the progress note is due on Friday for a person who only attended on Monday and Tuesday, but the PRS staff who delivered the service is not present on Friday to write the progress note?

How will the Department train its many licensing representatives to uniformly interpret and enforce this section?

Honestly, whether the note is written weekly or daily, the summary of services provided and the Individual’s response to services will be the same. Delaying doing documentation so that it is only done once a week rather than once a day will not reduce the overall amount of paperwork required, but it will create many questions for providers and inconsistencies in the licensing inspection process, and it will water down the quality of the documentation reducing the overall quality of the service.

Although this is not a payment regulation, the original §5230.63 requiring a daily entry was purposefully written to avoid potential conflict with Medical Assistance payment regulations under 55 Pa.Code §1101.51 (d) and (e)(1)(vi), which require documentation of progress at each visit. Psychiatric Rehabilitation is primarily funded as a supplemental service under HealthChoices behavioral health managed care. The Managed Care Organization (MCO) must attend to these requirements and may set a higher standard for documentation than the minimum standard required for licensing. Changing the licensing regulation will create confusion and may position PRS facilities for non-compliance with codified payment regulations and/or payment requirements established by the MCO, which could severely undermine the viability of PRS as a supplemental service in HealthChoices.

I do not support this change under §5230.63 (A). I recommend the original requirement be preserved with no changes, as follows:

§ 5230.63. Daily entry. A PRS agency shall include an entry for the day service was provided in the record of an individual as follows:

(1) Indicates the date, time, duration, location and type of interaction.

- (2) Documents service provided in the context of the goal.
- (3) Documents the individual response to service.
- (4) Includes the signature of the individual, or if the individual does not sign, documents the reason.
- (5) Is signed and dated by staff providing the service.

Thank you for the opportunity to review and comment on the final form of the proposed amendment to 55 Pa.Code Chapter 5230. I appreciate the efforts of the Department, the IRRC, and all commentators to ensure that Chapter 5230 meets the needs of the people who use PRS as well as the needs of people who provide PRS. I support adoption of the final form, with the one suggestion and the two recommended changes listed above. Please feel free to contact me for additional information as needed.

Respectfully submitted,

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