**A Slice of Pie**

**Communication from the Policy Information Exchange**

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*A Slice of Pie* is an ongoing publication keeping our readers informed about important public policy issues. It is the mission of the Policy Information Exchange to educate and inform Pennsylvanians with disabilities, their families and advocates, and the general public, regarding public policy issues and to further the exchange of policy information between the Pennsylvania Developmental Disabilities Council and federal, state, and local policy makers. *The Policy Information Exchange is funded in part by* *the Pennsylvania Developmental Disabilities Council.*

**STATE NEWS**

**State Budget**

As we go to print with this issue of the Slice of PIE, the state budget for the July 1, 2015 to June 20, 2016 is still not resolved. As soon as it is, we’ll e-mail information. If you don’t receive PIE e-mails, contact the PIE Office to request a copy when it is available.

**Bills of Interest**

Below we summarize some bills of interest to the disability community from the 2015-2016 session. For more information about these or any other state bills, go to[www.legis.state.pa.us/cfdocs/legis/home/session.cfm](http://www.legis.state.pa.us/cfdocs/legis/home/session.cfm). At the top of the page is a box labeled, “Legislation Quick Search,” enter the bill number and click on “Search”. The site contains lots of useful information. So, take a few minutes and check it out.

**HB 698.** Introduced by Representative Jim Marshall (R-Beaver). **This bill** provides for lifetime **hunting permits for individuals with disabilities**. It passed both chambers and has been sent to the Governor for his signature.

**HB 753.** Introduced by Representative Lynda Schlegel Culver (R-Northumberland). This bill would update and expand the focus of the Intra-Governmental **Council on Long-Term Care** in the PA Department of Aging. It was signed by the Governor on November 24, 2015, becoming Act 64 of 2015.

**HB 1664.** Introduced by Representative Warren Kampf (R-Chester). This bill would amend the Pennsylvania Human Relations Act (PHRA) to **remove the word “handicap,”** using the word “disability” instead, and continuing to recognize disability as a protected class. The bill was voted out of the House Human Services Committee on October 26, 2015 and given first consideration by the full House.

**SB 1039.** Introduced by Senator Randy Vulakovich (R-Allegheny). The bill would amend the state constitution to expand the **Property Tax Exemption Program for Disabled Veterans**. Currently, an honorably discharged veteran must be 100 percent disabled to receive a 100 percent exemption from property taxes. The proposal would provide tax exemptions to all disabled veterans with at least a 50% disability at the same percentage as their level of disability. The bill was introduced and referred to the Senate [Veterans Affairs and Emergency Preparedness](http://www.legis.state.pa.us/cfdocs/cteeInfo/Index.cfm?Code=21&CteeBody=S) Committee, October 20, 2015.

**HCBS Transition Plan**

New federal regulations, known as the final rule for home and community-based services, require states to file transition plans to show how they will comply. On April 1, 2015, after a public comment period, Pennsylvania submitted its proposed statewide transition plan (STP) to the Centers for Medicare and Medicaid Services (CMS). The plan describes what Pennsylvania proposes to do to bring all home and community-based waiver settings into compliance with the requirements for integrated settings, by March 2019. (The person-centered planning requirements were effective in March 2014). In September, CMS wrote to Pennsylvania about its proposed transition plan requesting “additional detail regarding the state’s assessment processes, outcomes, remedial action processes and monitoring. In addition, the overall timing of activities described in the STP needs to be clarified and the relationship of the various activities to one another needs to be better delineated.” Pennsylvania is revising its statewide transition plan based on the letter from CMS. There will be another public comment period. For more information, go to the DHS website at [www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm](http://www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm#.VmugLI-cE2x)

**Community HealthChoices**

The plan to move Pennsylvania’s long term services and supports system to a managed care model called “Community Health Choices” (CHC), is moving ahead. The Department of Human Services (DHS) released the draft CHC Request for Proposals (RFP) for public comment on November 16, 2015 with comments due on December 11. The draft documents and all CHC related material can be found at [www.dhs.pa.gov](http://www.dhs.pa.gov/) under Community Health Choices.

At the November 2nd meeting of the Managed Long Term Services and Supports Subcommittee of the Medical Assistance Advisory Committee, DHS officials reported that they had received over 1,200 comments on their September Concept Paper. At [a joint Pennsylvania House Health and Aging and Adult Services Committee meeting](http://carie.us1.list-manage.com/track/click?u=c302ffd53b21842ca615bf496&id=6c84b3016f&e=7270961a49) on November 23, Office of Long Term Living Deputy Secretary Burnett reported that DHS plans to release additional information and draft materials for public comment on December 14 related to the enrollment/eligibility process, quality and protection/rights. Comments will be due January 8. Once DHS has reviewed those comments, they plan to release the final RFP and give Managed Care Organizations 60 days to respond. The Department plans to start Community Health Choices in Southwestern Pennsylvania in January 2017 and expand it across the state over three years.

**ODP**

The Office of Developmental Programs (ODP) has begun the process of getting stakeholder input for the renewal of their two waivers, Consolidated and Person/Family Directed Services, due to expire on June 30, 2017. ODP held listening sessions during the Fall of 2015 and heard responses to the following questions: What changes do you think will:

1. Strengthen supports to individuals and their families?

2. Increase participation in community life?

3. Support individuals in obtaining competitive and integrated employment?

4. Strengthen supports for individuals living in their own home?

Following the development of draft waiver applications, there will be another formal comment period in the second half of 2016.

**Autism Law Suit**

On December 1, 2015, theDisability Rights Network of Pennsylvania (DRN) announced that it had filed a federal lawsuit on behalf of three people with autism and mental illness. The suit charges the Pennsylvania Department of Human Services (DHS) with violations of federal Medicaid law, the Americans with Disabilities Act (ADA) and the 1973 Rehabilitation Act. Plaintiffs are institutionalized and cannot access community-based autism waiver services. DRN claims that plaintiffs are entitled to receive services in small, integrated Intermediate Care Facilities for Other Related Conditions (ICF/ORC), but that no such services are available in violation of federal Medicaid law. DRN also claims that the structure of the Adult Autism Waiver violates the ADA and the Rehabilitation Act by subjecting people to unnecessary institutionalization.

**OLTL**

The Office of Long Term Living (OLTL) has issued one new Bulletin, 54/59/-15-03 Rescission of HCBS Directives, Bulletins and other Policy Documents on October 27, 2015, effective on that date. The Bulletin rescinds or cancels documents no longer in effect or replaced by later policies.

The OLTL received approval from the Centers for Medicare and Medicaid Services (CMS) for changes to their five waivers on October 28, 2015. The Commcare and Independence waivers were renewed effective July 1, 2015. Amendments to the Aging, Attendant Care and OBRA waivers were approved. Most of the changes are administrative and technical, including revised performance measures and incident reporting. Service definitions were changed for assistive technology and a half-day unit was added to Enhanced Adult Daily Living. Other amendments include Transition Plans to comply with the CMS Community Rule that defines what makes a home and community based setting. The Rule is aimed at ensuring that people with disabilities in waiver programs are not isolated or segregated. The approved waivers are at [www.dhs.pa.gov/citizens/healthcaremedicalassistance/supportserviceswaivers/index.htm](http://www.dhs.pa.gov/citizens/healthcaremedicalassistance/supportserviceswaivers/index.htm).

**OMHSAS**

The Office of Mental Health and Substance Abuse Services has issued one new Bulletin, OMHSAS-15-02, Series Update, on October 7, 2015 effective immediately. The Bulletin provides a listing of Bulletins that have been canceled since the last series update, OMHSAS-03-04, in 2003.

**Behavioral Health Clinics**

The Pennsylvania Department of Human Services (DHS) announced in October that they had been awarded an $886,200 grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) for the planning of Certified Community Behavioral Health Clinics (CCBHCs). The planning grant will be used by DHS to certify CCBHCs, solicit input from stakeholders, establish prospective payment systems for demonstration reimbursable services, and prepare an application to participate in the demonstration program. The award is part of $22.9 million in planning grants to 24 states. CCBHCs will serve adults with serious mental illness, children with serious emotional disturbance and individuals with substance use disorders. The clinics will provide intensive, person-centered, multidisciplinary, evidence-based screen, assessment, diagnostics, treatment, prevention and wellness services.

The award is made possible through Section 223 of the Protecting Access to Medicare Act of 2014, as part of a comprehensive effort to integrate behavioral health with physical health care.

The planning grant is the first phase of a two-phase process. When the planning phase ends in October 2016, awardees will have an opportunity to apply to participate in a two-year demonstration program that will begin January 2017. For more information on the Planning Grants for Certified Community Behavioral Health Clinics, go to [www.samhsa.gov/grants](http://www.samhsa.gov/grants). For more information on the Section 223 Demonstration Program for CCBHCs go to [www.medicaid.gov/medicaid-chip-program-information/by-topics/financing-and-reimbursement/223-demonstration-for-ccbhc.html.](http://www.medicaid.gov/medicaid-chip-program-information/by-topics/financing-and-reimbursement/223-demonstration-for-ccbhc.html)

**Prison Mental Health Suit**

In October, the American Civil Liberties Union and Arnold & Porter law firm in Washington, D.C., filed a law suit on behalf of ten defendants with severe mental illness in Pennsylvania's jails. According to the suit, they are often kept in solitary confinement for months or more, exacerbating their illnesses. The suit is like cases brought in Utah, Washington and California, but the wait times in Pennsylvania are the longest in the country—longer than some defendants would spend in jail if convicted, which according to the suit violates their rights under the Constitution's due process clause and the Americans with Disabilities Act.

The lawsuit asks the court to order Pennsylvania to move mentally ill defendants to a state hospital within seven days of a judge's determination that they are incompetent to stand trial or to secure an appropriate treatment setting for mentally ill defendants within 30 days once a hospital determines they are unlikely to be rehabilitated enough to stand trial. Federal courts have ruled that delays of more than seven days from the court's commitment order to hospitalization for treatment are unconstitutional, the lawsuit said, but defendants on the list to be transferred to a state hospital in eastern Pennsylvania can expect to wait about 400 days after a judge rules they are too mentally ill to stand trial. According to the lawsuit, Pennsylvania has 237 beds in two state hospitals, Norristown and Torrance, that are available for defendants who were judged too mentally ill to stand trial, although the beds are often used for other purposes.

**DHS**

The Department of Human Services has changed their website and their web address. The old address “www.dpw.state.pa.us” will not work after January 1, 2016. The new web address is [www.dhs.pa.gov](http://www.dhs.pa.gov/). Among other information, the new site includes program data at [www.dhs.pa.gov/cs/groups/webcontent/documents/document/c\_213880.pdf](http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_213880.pdf)

**November Elections**

The three Democratic candidates—Superior Court Judge Christine Donohue, Philadelphia Court of Common Pleas Judge Kevin Dougherty and Superior Court Judge David Wecht—won election to the State Supreme Court. This is a major change to the composition of the Court. The current party balance is two Democrats, two Republicans and two vacancies. With the new judges are sworn in, Democrats will hold a 5-2 majority on the Court.

Republican Guy Reschenthaler won the special election to fill the state Senate seat that had been held by Allegheny County Democrat Matt Smith. Smith resigned earlier this year to lead the Greater Pittsburgh Chamber of Commerce. This gives the Republicans a 31 to 19 majority in the Senate. But former Senate Majority Leader, Dominic Pileggi, R-Delaware, was elected Tuesday as a judge of the Court of Common Pleas in Delaware County, which means the Senate Republicans will have another vacancy when Pileggi assumes judicial office in January. Another special election will have to be held to fill that seat.

**NATIONAL NEWS**

**Federal Budget 2016**

On November 2nd, 2015, President Obama signed the Bipartisan Budget Act of 2015, a framework for the budget for the Federal fiscal year that began on October 1, 2015. The government had been operating under a Continuing Resolution. The Bipartisan Budget Act of 2015 suspends the debt limit until March 15, 2017 and amends the Balanced Budget Act of 1985 to increase spending caps through September 30, 2017. The Budget Act increases spending by $66 billion. This allows discretionary spending, including many disability-related programs such as education, housing and employment, to increase about 5% in both the 2016 and 2017 fiscal years. As we go to press, Congress still needs to pass appropriations bills to implement the framework.

**RESOURCES**

**Data**

In November, the Kaiser Family Foundation published [Medicaid Home and Community-Based Services Programs: 2012 Data Update](http://carie.us1.list-manage.com/track/click?u=c302ffd53b21842ca615bf496&id=13e08a0ccc&e=7270961a49). It includes national and state-level data. It’s available at [kff.org/medicaid/report/medicaid-home-and-community-based-services-programs-2012-data-update/](http://kff.org/medicaid/report/medicaid-home-and-community-based-services-programs-2012-data-update/).

**Employment Paper**

The Disability Rights Network of Pennsylvania (DRN) has released a White Paper on the employment of people with disabilities, “Community Jobs and a Living Wage: Opportunities for People with Disabilities in Pennsylvania.” It reports about the number of people with disabilities in the workforce, examines laws and systems that have opened the doors to community integrated employment and makes recommendations for individualized community employment at a living wage.

The White Paper notes that only 34% of working-age people with disabilities were in the labor force, compared to 75% of those without disabilities and that Pennsylvanians with disabilities are two to three times more likely to live in poverty than those who do not have disabilities. Barriers to meaningful employment at a living wage include jobs that pay below the minimum wage, work that segregates people with disabilities from the community, lack of funding for state agencies that help people with disabilities prepare for and find jobs in the workforce, lack of opportunities for high school students with disabilities to transition to adult life and the lack of state regulations and plans that put community integrated employment first. Solutions recommended include:

● No new sheltered workshops and a moratorium on new referrals to already existing sheltered employment settings by school districts, intermediate units, Department of Human Services, Department of Labor and Industry and others.

● Issuance of an Employment First Executive Order and enactment of Employment First legislation in Pennsylvania.

● Full implementation of federal regulations that require home and community-based services to be provided in integrated settings.

● Study and promotion of best practices and positive models for community employment at a living wage. The white paper is at

[www.drnpa.org/File/community\_jobs\_and\_living\_wage.pdf](http://salsa4.salsalabs.com/dia/track.jsp?v=2&c=cYIU8CQzcYLmkJVEv3y6Dzb04LbmN1%2B%2F).

**Elections**

The Disability Voting Coalition is interested in recruiting people with disabilities to work at the polls on election days. If you’re interested in learning more about becoming a poll worker, or if you are already a poll worker and would like to share your experiences, contact the Coalition at [dvcpa@drnpa.org](mailto:dvcpa@drnpa.org).

Election Dates to Remember:

* March, 28 2016 Last day to register to vote in the Primary Election
* April 26, 2016 Primary Election
* Oct. 10, 2016 Last day to register to vote in the General Election
* November 8, 2016 General Election

**Contact PIE**

Contact the PIE Team with any questions, comments, suggestions, or information to share at PIE, c/o The Arc of Pennsylvania, 301 Chestnut Street, Suite 403, Harrisburg, PA 17101, by email at [pie@thearcpa.org](mailto:pie@thearcpa.org) or by phone at 800-692-7258.

* + **A Slice of Pie** is available by email and contains hyperlinks for ease of accessing websites and internet documents and resources.
  + PIE Alerts, PIE Information and PIE Job Postings are available by email to keep people informed about disability issues between newsletters.
  + Sign up for A Slice of Pie or PIE electronic messages by phone at 800-692-7258 or by emailing [pie@thearcpa.org](mailto:pie@thearcpa.org).
  + Individuals who already get A Slice of Pie and/or PIE electronic messages can make changes at any time by clicking “Update Profile/Email Address” at the end of any PIE email message.
  + A Slice of Pie is available at the Developmental Disabilities Council website [www.paddc.org](http://www.paddc.org/), by clicking on “Publications” and “Slice of Pie”. Archived editions can also be found there.
  + **A Slice of Pie** is available in alternate format upon request.
  + The PIE office will download, copy and mail information mentioned in A Slice of Pie upon request.

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