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**A** Communication  
from the Policy  
Information Exchange

# *Slice of Pie*

*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.*

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## **STATE NEWS**

### **ELECTION RESULTS**

President Barack Obama carried Pennsylvania in his successful re-election bid. Democrats also won all of the other statewide races - U. S. Senator Bob Casey was re-elected; Kathleen Kane won as Attorney General; State Representative Eugene DePasquale (D-York) won as Auditor General; and Rob McCord was re-elected as State Treasurer. PA's congressional delegation includes 13 Republicans and 5 Democrats.

Democrats picked up three open seats in the State Senate, bringing the total to 27 Republicans to 23 Democrats. Republicans maintained their 111 to 92 advantage in the State House.

### **Legislative Leadership**

In November, members of the House and Senate elected their leadership for the new 2013-14 legislative session.

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## **House Republicans**

Speaker of the House Designee: Sam Smith (R-Jefferson)  
Leader: Mike Turzai (R-Allegheny)  
Whip: Stan Saylor (R-York)  
Appropriations Chairman: William Adolph (R-Delaware)  
Caucus Chairman: Sandra Major (R-Susquehanna)  
Secretary: Mike Vereb (R-Montgomery)  
Policy Committee Chairman: Dave Reed (R-Indiana)  
Administrator: Dick Stevenson (R-Mercer)

## **House Democrats**

Leader: Frank Dermody (D-Allegheny)  
Whip: Mike Hanna (D-Clinton)  
Appropriations Chairman: Joe Markosek (D-Allegheny)  
Caucus Chairman: Dan Frankel (D-Allegheny)  
Secretary: Ron Waters (D-Philadelphia)  
Policy Committee Chairman: Mike Sturla (D-Lancaster)  
Administrator: Neal Goodman (D-Schuylkill)

## **Senate Republicans**

President Pro Tempore Designee: Joe Scarnati (R-Jefferson)  
Leader: Dominic Pileggi (R-Delaware)  
Whip: Pat Browne (R-Lehigh)  
Appropriations Chairman: Jake Corman (R-Centre)  
Caucus Chairman: Mike Waugh (R-York)  
Secretary: Bob Robbins (R-Mercer)

## **Senate Democrats**

Leader: Jay Costa (D-Allegheny)  
Whip: Anthony Williams (D-Philadelphia)  
Appropriations Chairman: Vincent Hughes (D-Philadelphia)  
Caucus Chairman: Richard Kasunic (D-Fayette)  
Secretary: Christine Tartaglione (D-Philadelphia)  
Policy Committee Chairman: Lisa Boscola (D-Northampton)  
Administrator: Wayne Fontana (D-Allegheny)

Committees assignments have not yet been announced as we go to press.

## **LEGISLATIVE SESSION**

The 2011-12 session of the Pennsylvania General Assembly ended on November 30, 2012. All bills which did not pass before that date are dead, and will have to be reintroduced, and start over, in the new 2013-14 session which begins on January 1, 2013. The Policy Information Exchange (PIE) will be publishing a summary of action on bills of interest to the disability community in the 2011-12 session. Contact the PIE office for more information or to request a copy.

Swearing-in day for all members of the new General Assembly is January 1, 2013.

The Senate is scheduled to be in session:

<u>January</u>	1, 22, 23, 28, 29, 30
<u>February</u>	4, 5, 6, 11, 12, 13
<u>March</u>	11, 12, 13, 18, 19, 20
<u>April</u>	8, 9, 10, 15, 16, 17, 29, 30
<u>May</u>	1, 6, 7, 8, 9, 13, 14
<u>June</u>	3, 4, 5, 10, 11, 12, 17, 18, 19, 24, 25, 26, 27, 28

The House is scheduled to be in session:

<u>January</u>	1, 14, 15, 16, 22, 23
<u>February</u>	4, 5, 6, 11, 12, 13
<u>March</u>	11, 12, 13, 18, 19, 20
<u>April</u>	8, 9, 10, 15, 16, 17, 22, 23, 24
<u>May</u>	6, 7, 8, 13, 14, 15
<u>June</u>	3, 4, 5, 10, 11, 12, 17, 18, 19, 20, 24, 25, 26, 27, 28

## Bills of Interest

Below we summarize some bills of interest to the disability community from the 2011-2012 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). Near the bottom of the page, click on "Information on bills, resolutions, and amendments is now available here." If you're looking for bills from the session that just ended, make sure the drop down box in the upper left says, "Find bills for 2011-2012 Regular Session." (If you're looking for bills from a different session, you can pick from the drop down menu.) Then enter the bill number in the box on the left. Or you can search for bills by keyword, sponsor, etc. Then, click on "Search."

**HB 386.** Introduced by Representative Scott Boyd (R-Lancaster). It provides for a tax credit program to support **community-based mental retardation services**. (Note: This is the language that the bill uses.) It was reported out of the House Human Services Committee on February 1, 2011 and amended and reported out of the House Finance Committee on June 27, 2012. It was given first consideration by the House on June 27, 2012. On September 24, 2012, it was voted out of the House Rules Committee and tabled.

**HB 761.** Introduced by Representative Bryan Cutler (R-Lancaster). The budget tax code bill was amended to include the language of **HB 386** introduced by Representative Scott Boyd (R-Lancaster), that establishes a **tax credit** program for businesses that contribute to nonprofit organizations that provide **community-based mental health or intellectual disability services**. Guidelines are to be developed for the program which will be administered through the Department of Community and Economic Development. It was signed by the Governor on July 2, 2012, becoming Act 85 of 2012.

**HB 1261.** Introduced by Representative Thomas Quigley (R-Montgomery). This bill establishes a **Human Services Block Grant Pilot Program** to be administered by the counties. The language in HB 1261 allows up to 20 counties to receive funding for the seven human service funding lines in one block grant payment. Unlike the pilot program plan proposed by Representative DiGirolamo, there is no plan to "sunset," or limit the length of time that the pilot program continues. It was signed by the Governor on June 30, 2012, becoming Act 80 of 2012.

**HB 1405.** Introduced by Representative Glen Grell (R-Cumberland). The bill amends the **Mental Health Procedures Act**, in criminal justice determinations, providing for incompetence and for procedure. It was voted out of the House on March 12, 2012. It was voted out of the Senate Judiciary Committee on October 2, 2012, given two considerations by the full Senate and tabled on October 16, 2012.

**HB 2390.** Introduced by Representative Nick Miccarelli (R-Delaware). This bill provides for **accessible taxicabs** in Philadelphia. It was signed by the Governor, July 5, 2012, becoming Act 119 of 2012.

**HB 2665.** Introduced by Representative RoseMarie Swanger (R-Lebanon). The bill would establish the **Pennsylvania Long-term Care Council** in state law. It was introduced and referred to the House Aging and Older Adult Services Committee, October 2, 2012.

**HB 2695.** Introduced by Representative Thomas Murt (R-Montgomery). The bill would require places with slot machines to charge a \$2 per person admission fee. All funds collected would go into a special **Intellectual Disabilities and Autism Waiting List Account**. It was introduced and referred to the House Gaming Oversight Committee, October 17, 2012.

**SB 1115.** Introduced by Senator Patrick Browne (R-Lehigh). This bill would have, among other things, established the state's first **special education funding** formula in over twenty years. The bill was passed by the Senate on June 4, 2012 and by the House on June 30, 2012 with amendments. The bill went back and forth between the House and the Senate with additional amendments. The House did not vote on the final Senate version, so the bill did not become law. While there was general agreement on the special education portion of the bill, there was not the same agreement on charter school provisions of the bill.

**HR 798.** Introduced by Representative Scott Petri (R-Bucks). This resolution directs the Legislative Budget and Finance Committee to **evaluate the delivery of services** by non-profit providers for Intellectual Disability Consolidated Waiver services, Child Welfare, Community-Based Mental Health, Intellectual Disability Community-Based Program and Drug and Alcohol services. It was adopted on September 24, 2012.

**HR 888.** Introduced by Representative Frank Dermody (D-Allegheny). The resolution directs the Legislative Budget and Finance Committee to **evaluate the delivery of services** by for-profit service providers for Intellectual Disability Consolidated Waiver services, Child Welfare, Community-Based Mental Health, Intellectual Disability Community-Based Program and Drug and Alcohol services and to submit a report. It was adopted, October 3, 2012.

**SR 391.** Introduced by Senator Christine Tartaglione (D-Philadelphia). The resolution designates December 3, 2012, as "International Day of Persons with Disabilities" in Pennsylvania. It was introduced and adopted, October 16, 2012.

**SR 392.** Introduced by Senator Christine Tartaglione (D-Philadelphia). The resolution designates the month of November 2012 as "Assistive Technology Awareness Month" in Pennsylvania. It was introduced and adopted, October 16, 2012.

## **ODP Waiting List**

During a November 28, 2012 visit to Vision for Equality, a Philadelphia advocacy organization, Governor Corbett said that wiping out the waiting list for services for adults with an intellectual disability would become a priority. He said, "During the course of my tenure, the goal is to eradicate that waiting list." He and DPW Secretary Gary Alexander pledged to do their best to find the money. About 15,000 Pennsylvanians are waiting for services. Advocates, people with intellectual disabilities, and family members expressed their appreciation for the current year's waiting list funding. Read the press release at [www.visionforequality.org](http://www.visionforequality.org).

## **MA Co-Pay**

On October 15, 2012, the Department of Public Welfare issued a Bulletin (OMAP 99-12-15) providing that the new rules that establish copayments for some Medicaid services to children with disabilities would be put on hold while alternative ways to have cost-sharing in the program are explored. The copayments would have affected families whose household income is above 200% of the Federal poverty income guidelines based on family size. They had been scheduled to take effect on October 1, 2012, for new families and November 1, 2012, for existing families. Advocates said the copayments could be too burdensome for some families and could result in less care or treatment for the child. The Department has said it will work with the federal Department of Health and Human Services to see if the preferred approach of a premium payment can be used instead. To read the bulletin, go to [www.dpw.state.pa.us/publications/bulletinsearch/index.htm](http://www.dpw.state.pa.us/publications/bulletinsearch/index.htm).

## **MA Eligibility**

In July 2011, the Department of Public Welfare (DPW) began an eligibility redetermination process that resulted in a large number of people, including approximately 90,000 children, losing their Medical Assistance benefits over a six month period. To address concerns brought by community legal advocates and other organizations, the Department agreed to contact about 100,000 people who were affected and offer them a simple process for swift reinstatement of their benefits if they had been terminated in error and be reimbursed for medical costs incurred during the time they were improperly dropped from Medicaid. DPW also has agreed to require County Assistance Office supervisors to review and approve any Medicaid dis-enrollments that stem from an applicant's alleged failure to provide required information. The effort is called the Rapid Reinstatement Project and was put in place in the Fall of 2012. For information, contact Community Legal Services of Philadelphia at [www.clsphila.org](http://www.clsphila.org). It is not yet known how many people will be reinstated as a result of the project.

## **Block Grants**

A block grant pilot program was included as part of the final state budget bill, Act 80 of 2012. The Block Grant consolidates several human services line items-- Mental Health Community Programs; Intellectual Disabilities Community Base; County Child Welfare Special Grants; Homeless Assistance Program; Act 152 Drug and Alcohol Programs; Behavioral Health Services Initiative; and the Human Services Development Fund-- into one line item which is reduced 10% from

last year's total amount. The counties selected for this pilot program will decide how to use the funding they receive from DPW. Thirty counties applied and 20 were selected-- Allegheny, Beaver, Berks, Bucks, Butler, Centre, Chester, Crawford, Dauphin, Delaware, Erie, Franklin, Fulton, Greene, Lancaster, Lehigh, Luzerne, Tioga, Venango, and Wayne. The plan is to phase in the block grant across the state over four years.

Advocates and several legislators, including Rep. Gene DiGirolamo (R-Bucks), have expressed concern that this will pit programs against one another, competing for reduced funds. They are also concerned about the lack of sunset (ending) dates and evaluations. On October 1, 2012, the Disability Rights Network of Pennsylvania (DRN), Community Legal Services (CLS) and private co-counsel, filed a lawsuit in Pennsylvania Commonwealth Court to challenge the constitutionality of Act 80 of 2012 and to try and stop implementation. The lawsuit and press release can be viewed at: [www.drnpa.org/drn-files-lawsuit-to-challenge-constitutionality-of-act-80-of-2012](http://www.drnpa.org/drn-files-lawsuit-to-challenge-constitutionality-of-act-80-of-2012)

In October, Representative Jerry Knowles (R-Berks and Schuylkill) and 13 co-sponsors introduced HB 2699 to expand the number of counties that could take advantage of the block grant in the current year.

## **ODP Bulletins**

The Office of Developmental Programs (ODP) has issued five new Bulletins which can be seen at [www.dpw.state.pa.us/publications/bulletinsearch/index.htm](http://www.dpw.state.pa.us/publications/bulletinsearch/index.htm).

- Adult Autism Waiver Services and Procedure Code Changes and Rates (00-12-01) was issued on September 7, 2012 and was effective on July 1, 2012. The bulletin outlines the Adult Autism Waiver services, procedure codes and rates.
- Rate-setting Methodology and Rates for Department-established Fees for Ineligible Residential Habilitation Services (00-12-02) was issued on September 7, 2012 and was effective on July 1, 2012. The bulletin communicates that the rates were established using a market-based methodology.
- MA Fee Schedule and Rate-setting Methodology for the Consolidated and P/FDS Waivers, Targeted Service Management and MR Base-Funded Program (00-12-03 and 00-12-04) were issued on October 16, 2012, and were effective on July 1, 2012.
- Individual Support Plans (ISPs) (00-12-05) was issued on October 19, 2012, and was effective on July 1, 2012. The bulletin establishes the requirements for ISPs through an ISP Manual.

## **OLTL Bulletin**

The Office of Long Term Living (OLTL) has issued one new Bulletin which can be seen at [www.dpw.state.pa.us/publications/bulletinsearch/index.htm](http://www.dpw.state.pa.us/publications/bulletinsearch/index.htm).

- Procedures and Timeframes Related to Performance of LOCA and Independent Enrollment Broker Responsibilities (55-12-02) was issued on November 21, 2012, and was effective on that date. The bulletin establishes uniform procedures

and timeframes for Area Agencies on Aging (AAAs) to follow to complete Level of Care Assessments (LOCAs), and sets the responsibilities of the Independent Enrollment Broker (IEB).

### **New FMS Vendor**

The Department of Public Welfare has contracted with Public Partnerships LLC (PPL) to provide Financial Management Services (FMS) statewide for payroll and other supports given to consumers who utilize participant directed services and employ their own attendants or aides. PPL will assist over 20,000 consumers served through the Office of Long Term Living and the Office of Developmental Programs. The new company is communicating with consumers and collecting employer and worker paperwork so that they can process timesheets beginning with mid-December payroll periods. Advocates have said that they were left out of the decision making process, and raised concerns that consolidation would mean they would lose choice and control, and that the quick transition time will make it difficult to process the transition paperwork. For information about PPL, go to their website at [www.publicpartnerships.com//programs/Pennsylvania/index.html](http://www.publicpartnerships.com//programs/Pennsylvania/index.html)

### **Service Coordination Changes**

The Department of Public Welfare issued regulations for OLTL programs that took effect on July 1, 2012 that require that Service Coordination Entities (SCE) cannot also provide direct waiver services, with a few exceptions. When the Attendant Care Program began in 1987, the Department of Public Welfare required that agencies provide both services and many agencies continued the practice over the years. To

comply with the new rules, agencies had to enroll to provide service coordination in a conflict-free manner. Another change affects individuals served in the Aging waiver-- consumers must now be given a choice of SCE if there is more than one enrolled in their area. The result is many new agencies from which a consumer can choose their service coordination provider. Consumers who have questions should contact their current service coordinator to learn if these changes will affect them.

### **Olmstead Plans**

The Office of Mental Health and Substance Abuse Services created an Olmstead Plan for the Pennsylvania State Mental Health System in 2011 to promote the development of a comprehensive array of integrated supports and services to meet the needs of consumers in the least restrictive settings possible. As a component of the Commonwealth's plan, counties had the opportunity to work with stakeholders to identify needs and create a plan that addresses service system development and funding mechanisms. Those plans are currently available for review at: Olmstead Plan for Pa State Mental Health System [www.parecovery.org/principles\\_olmstead.shtml](http://www.parecovery.org/principles_olmstead.shtml).

### **Aging State Plan**

The Administration on Aging has approved Pennsylvania's 2012-2016 PA State Plan on Aging. The plan was developed over a year of focus groups and hearings. The plan is available at this link: [www.portal.state.pa.us/portal/server.pt/community/department\\_of\\_aging\\_home\\_new/19366/hide\\_plan\\_on\\_aging\\_2012/1070778](http://www.portal.state.pa.us/portal/server.pt/community/department_of_aging_home_new/19366/hide_plan_on_aging_2012/1070778)

# NATIONAL NEWS

The goals of the Plan are to:

- Improve access to care for older individuals at the right time, setting and intensity;
- Empower older individuals to remain in the setting of their choice by serving as a catalyst in developing communities in which to age and live well;
- Direct older individuals to the supports necessary to maximize their health and well-being; and
- Revitalize and redesign aging services to further enhance the lives of older individuals.

## **Administration Changes**

After the departure of Kevin Friel, Fred Lokuta has been appointed Acting Deputy Secretary for Developmental Programs. Lokuta has served in a variety of jobs in ODP for more than 28 years.

Michael Wolf was appointed the Acting Secretary of Health by Governor Tom Corbett on October 4, 2012. He replaces Dr. Eli Avila.

## **Federal Budget**

The federal fiscal year that began on October 1, 2012 is funded through March, 2013 as the result of a deal the 112th Congress struck using a continuing resolution. Spending rates are slightly higher than the previous year. The deal was reached to avoid the threat of a government shutdown just before the election and to delay required cuts in spending. Congress and the President must now deal with very difficult decisions about cuts in spending and tax changes. Many human service and disability programs and benefits are included in the discussion of entitlement reform. As part of the Budget Control Act of 2011 about \$1.2 trillion in required spending cuts (often referred to as “sequestration”) will go into effect on January 2, 2013, unless action is taken. The drastic change caused by this combination of tax increases and spending cuts is called the fiscal cliff. According to the Congressional Budget Office and Office of Management and Budget, unless there are changes, projected reductions to non-defense discretionary programs range from 7.8 to 8.2 percent. For more information on the fiscal cliff, what it could mean to disability programs and what advocates can do, go to [www.thearc.org/document.doc?id=4000&erid=3436911](http://www.thearc.org/document.doc?id=4000&erid=3436911).



## **Savings Accounts**

Advocates for individuals with disabilities have asked Congress to pass a bill that would create a special savings account and allow individuals with disabilities to save up to \$100,000 without losing government benefits. There are currently resource limits that make it impossible to save beyond the cap. Similar to a 529 Plan, use of the funds would be restricted, in this case for things like education, housing, health care, and personal assistance services. Known as the Achieving Better Life Experience (ABLE) Act, the bill has bipartisan support in both the House and the Senate, and supporters hope it will be voted on by the end of the year.

## **Health Exchange**

Pennsylvania has not yet made a decision on a key component of the federal Affordable Care Act (ACA) — the establishment of a health insurance exchange. A health insurance exchange is a comprehensive, online marketplace that allows people to explore and compare health insurance options and purchase the coverage which best meets their needs. Under the ACA, states need to set up their own exchanges, have the federal government step in and do it for them, or choose a “partnership exchange” option that allows the federal government to run the exchange with the state retaining control in certain key areas.

November 16 was originally the deadline for the Corbett administration to tell the federal government its plans for the exchange. However, the Obama administration extended the deadline until December 14 to allow states to determine if they wish to run their own exchange and provide a plan for creating it. The deadline for providing a state plan to the federal government for the partnership exchange option was moved to February 15, 2013. The Corbett administration has delayed a decision on an exchange while it awaits answers from the Obama administration on key questions that will determine how the state moves forward on this issue. If Pennsylvania doesn't set up its own exchange or create a state-federal partnership exchange, Pennsylvanians will have an exchange in 2014 set up and operated by the federal government.

# RESOURCES

## Disability Voting

Individuals with disabilities represent a significant voting block, although turnout in the 2008 elections among those with disabilities was 11% lower than that of those without disabilities, a new study shows. “Fully closing the disability gap would have led to 3 million more voters in 2008 and 3.2 million more voters in 2010, potentially affecting many races and subsequent public policies,” researchers found. The study cited accessibility at the polls and transportation among the possible reasons for low turnout among voters with disabilities. The study, “Sidelined or Mainstreamed? Political Participation and Attitudes of People with Disabilities in the United States,” is available at:

<http://onlinelibrary.wiley.com/doi/10.1111/j.1540-6237.2012.00885.x/abstract>.

## Student Resources

Resources for students with disabilities, including post-secondary opportunities, is available at [www.thearcpa.org/postsecondary.htm](http://www.thearcpa.org/postsecondary.htm). The resources were compiled by Pam Klipa of The Arc of PA as part of the Governor’s Advisory Committee for People with Disabilities.

## Parents with Disabilities

A September 27, 2012 report by the National Council on Disability says that state laws undermine the rights of adults with disabilities who become parents. Courts can consider disability in determining what is best for a child, the report said, and in two-thirds of states, courts can declare a parent unfit based solely on their disability. The report recommends more research and new state or federal laws to protect the rights of parents with disabilities. The report, “Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children,” is available at:

[www.ncd.gov/publications/2012/Sep272012](http://www.ncd.gov/publications/2012/Sep272012).

## Social Security Increase

The Social Security Administration announced that monthly Social Security and Supplemental Security Income (SSI) benefits will increase 1.7 percent in 2013.

[www.socialsecurity.gov/pressoffice/pr/2013cola-pr.html](http://www.socialsecurity.gov/pressoffice/pr/2013cola-pr.html)

# Contact PIE

Contact the PIE Team with any questions, comments, suggestions, or information to share at PIE, c/o The Arc of Pennsylvania, 101 South Second Street, Suite 8, 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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# *A Slice of Pie*

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## Change of Information?

We want to be certain that you do not miss an issue of *A Slice of Pie*, so please send name or address changes either by phone 800-692-7258 or by email to [pie@thearcpa.org](mailto:pie@thearcpa.org).  
Thank you.