
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.

STATE NEWS

Bills of Interest

Below we summarize some bills of interest to the disability community from the 2013-2014 session. For more information about these or any other state bills, go to: 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 was recently updated and contains lots of useful information. So take a few minutes and check it out.

HB 21. Introduced by Representative Glen Grell (R-Cumberland). This bill would allow **psychologists to testify on insanity**. It is similar to HB 1405 from last session, which passed the House unanimously, but did not receive third and final passage

in the Senate before the end of the last session. HB 21 was voted out of the House on October 23, 2013 and referred to the Senate Judiciary Committee.

HB 108. Introduced by Representative Nicholas Micozzie (R-Delaware). The bill reauthorizes Pennsylvania's Children's Health Insurance Program (CHIP) until December 31, 2015. It also eliminates the

In This Issue

State News	page 1
National News	page 8
Resources	page 9
Contact PIE	page 11

six month waiting period before coverage starts. The bill was signed into law by the Governor on October 16, becoming Act 74 of 2013.

HB 993. Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would **change the name of the Department of Public Welfare to the Department of Human Services**. The bill was voted out of the full House. It was voted out of the Senate Public Health and Welfare Committee on December 10, 2013, given two considerations by the full Senate and is currently in the Senate Appropriations Committee. See also **SB 840**. Introduced by Senator Bob Mensch (R-Bucks).

HB 1060. Originally introduced by Representative Mark Keller (R-Perry). The bill, as originally introduced related to how motorcycle license plates are displayed. It passed the House in that form. In the Senate, it was “used as a vehicle” for passing the transportation funding reform bill. (“Using a bill as a vehicle” means that a bill that’s pretty far along in the process gets stuff added on to it, allowing the new stuff to avoid the whole process and pass quickly. Sometimes the original purpose of the bill is taken out and sometimes, as was the case here, it remains as part of the newly amended bill.) HB 1060 was amended on third consideration in the Senate to add in the **transportation reform bill**. At that point, Representative Keller was no longer listed as the prime sponsor; Representative Jeff Pyle (R-Armstrong) is listed, instead. Among other things, it provides **funding for mass transit**, creates a Shared Ride Community Transportation Service Delivery **Pilot**

Program with advisory committee and adds Allegheny to the counties served by the **Shared Ride Program for People with Disabilities**. The amended bill was signed into law as Act 89 of 2013.

HB 1334. Introduced by Representative Gene DiGirolamo (R-Bucks). It requires the Department of Health to impose a fee on birthing facilities for each **newborn child screened** for diseases. The fees collected will fund the tracking of outcomes, follow up, and referral for treatment for infants up to the first year of life. It also provides that diseases and conditions identified by the federal government and recommended by the Department’s Newborn Screening and Follow-Up Technical Advisory Board be included in the mandated list of diseases screened. The bill was reported out of the House Human Services Committee on October 22 and given first consideration by the full House.

SB 1123. Introduced by Senator Mike Folmer (R-Berks). This bill would establish the **Pennsylvania Long-term Care Council** in law. It was introduced and referred to the Senate Aging and Youth Committee on October 10, 2013.

HR 274. Introduced by Representative Thomas P. Murt (R-Montgomery). It designated the month of October 2013 as “**Lifesharing Awareness Month**” in Pennsylvania. Approximately 1,582 Pennsylvanians with **intellectual disabilities** each year participate in Lifesharing in which an individual with an intellectual disability share his or her life with supportive people who form a caring household. It was adopted October 1, 2013.

HR 370. Introduced by Representative Kevin Haggerty (D-Lackawanna). It designated July 26, 2013, as “**Americans with Disabilities Act Awareness Day**” in Pennsylvania. The resolution was adopted June 26, 2013.

HR 473. Introduced by Representative Thomas P. Murt (R-Montgomery). Designated the month of October 2013 as “**Disability History Awareness Month**” in Pennsylvania. The resolution was adopted October 2, 2013.

HR 512. Introduced by Representative Mark B. Cohen (D-Philadelphia). Designated the month of October 2013 as “**National Disability Employment Awareness Month**” in Pennsylvania. The resolution was adopted October 21, 2013. See also, **SR 208.** Introduced by Senator Christine M. Tartaglione (D-Philadelphia). Adopted by the Senate October 1, 2013.

SR 244. Introduced by Senator Christine M. Tartaglione (D-Philadelphia). Designating the month of November 2013 as “**Assistive Technology Awareness Month**” in Pennsylvania. It was adopted October 22, 2013.

Spring Session

The General Assembly will return to Harrisburg in late January for their spring session. They are scheduled to be in session on the following dates:

2014 SENATE SESSION SCHEDULE

January	7, 13, 14, 15, 27, 28, 29
February	3, 4, 5
March	10, 11, 12, 17, 18, 19, 31
April	1, 2, 7, 8, 9, 28, 29, 30
May	5, 6, 7

June	2, 3, 4, 9, 10, 11, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 29, 30
------	--

2014 HOUSE SESSION SCHEDULE

January	7 (NV*), 13, 14, 15, 27, 28, 29
February	3, 4, 5
March	10, 11, 12, 17, 18, 19, 31
April	1, 2, 7, 8, 9, 28, 29, 30
May	5, 6, 7
June	2, 3, 4, 9, 10, 11, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 29, 30

*NV = Non-Voting Session Day

Healthy Pennsylvania

Healthy Pennsylvania is Governor Tom Corbett’s plan to improve access, ensure quality and provide affordability in health care. In September, DPW Secretary Beverly Mackereth announced that Pennsylvania planned to submit an 1115 waiver application to the federal government to implement a part of the Affordable Care Act (ACA). This is a key element of the state’s Healthy Pennsylvania plan. In December, Governor Corbett released details of the draft Medicaid waiver application, some of which are described below.

In addition to the Medicaid 1115 waiver provisions, Healthy Pennsylvania includes incentives to increase the supply of health care providers through additional funding to community health centers, additional physician loan forgiveness in rural areas and the use of telemedicine. The Healthy Pennsylvania package includes reference to the funding which was included in the 2013-14 budget to serve additional people in the existing Aging, OLTL and ODP waivers and programs. The Governor’s web site indicates, “**Supporting Older & Disabled Pennsylvanians:** A core component of Healthy Pennsylvania is developing a

more effective and coordinated long-term care and support system for older and disabled Pennsylvanians. *Healthy Pennsylvania* will build on this year's \$50 million increase for older and disabled Pennsylvania and continue efforts to streamline services so that additional individuals may have access to home-and-community-based care." The new 1115 waiver application does not affect long term services and supports or personal care. Those services will continue to be provided through existing waivers and related programs.

Under the draft waiver, all newly eligible individuals who are not "medically frail" will be enrolled in private insurance through the federal exchange instead of Medicaid. "Medically frail" includes those with: a Disabling Mental Disorder; Substance Abuse Disorder; serious and complex medical condition; permanent physical disability; intellectual or developmental disability; and people determined to be disabled by Social Security. Job training & work search will be required for those who are unemployed and able to work. Those who do not comply could lose coverage.

Some current Medicaid recipients such as those in the Medical Assistance for Workers with Disabilities (MAWD) or State Blind Pension programs will be required to move to the private coverage group and to pay premiums and complete a job search unless they fall into one of the exempt categories listed below.

Co-pays for all services except non-emergency use of emergency rooms, would be eliminated. Instead, **current adult Medicaid recipients** and newly

eligible recipients in the new Private Coverage Option would be required to pay a monthly premium unless they are exempt. Those who are exempt from premiums are: people with household income that is less than 50% of the federal poverty level; pregnant women; those aged 65 and older; children under age 21; SSI recipients and individuals deemed SSI eligible for purposes of Medicaid eligibility; those dually eligible for Medicare and Medicaid; and people in institutions.

The number of Medicaid adult benefit packages will be reduced to "two simplified, commercial-like packages that are consistent with national standards and include: essential health benefits, mental health parity, and encourage preventive services, including drug and alcohol services." The Low Risk Benefit Plan contains both mandatory and optional services. All who are found to be eligible will be screened to determine the extent of their health needs. Those whose screening indicates that they have higher, more complex, health care needs, both physical and behavioral health, will be enrolled in the High Risk Alternative Benefit Plan (ABP). Both the Low Risk Benefit Plan and the High Risk Alternative Benefit Plan will be offered by managed care plans through the current HealthChoices program.

Advocates have raised concerns about a number of parts of the proposal. They fear that premiums will force people to disenroll or to lose coverage if they can't pay. Concerns have also been expressed that the proposal will create a lot of red tape and be complicated and confusing. The Governor describes the proposal

as, “well thought out for the future of Pennsylvania’s health care system, and not just a quick fix.”

After a public comment period, the state will develop a final waiver application and submit it to CMS. For more information, go to www.dpw.state.pa.us/healthypa/index.htm.

ODP Futures Planning

The Office of Developmental Programs has posted the Action Plan Objectives and Summaries on the Futures Planning website. View the objectives at www.odpconsulting.net/odp-futures-planning/.

OLTL Bulletins

The Office of Long Term Living has issued three new Bulletins which can be seen at www.dpw.state.pa.us/publications/bulletinsearch/index.htm.

- Statewide Waiting List Guidelines for OLTL Medicaid Waivers and the Act 150 Program (05/51/55/59-13-08) was issued on November 5, 2013 and was effective on that date. The Bulletin provides additional guidance for the management of waiting lists in the MA waiver Programs and the Act 150 Program.
- Rescission of OLTL HCBS Directives, Bulletins, and Other Policy Documents (05/51/55/59-13-09) was issued on November 14 and was effective on that date. The Bulletin provides a list of documents being rescinded by the Office of Long Term Living because they are no longer in effect or have been replaced by subsequent policies.
- Your Appeal and Fair Hearing Rights (05/51/55/59-13-10) was issued on November 14 and was effective

on that date. The Bulletin provides informational material for program participants to ensure that agencies are providing participants with consistent and uniform information.

Report on FMS

On November 14, 2013, Auditor General Eugene DePasquale released an audit of a DPW program which followed complaints from consumers and their direct care workers about Financial Management Services in Office of Long Term Living (OLTL) and Office of Developmental (ODP) programs during the transition to a new statewide provider. DePasquale said the audit shows, “long-term mismanagement of home care worker payroll providers caused undue financial and emotional strain on tens of thousands of people. Thousands of workers had paychecks delayed for up to four months. Thousands of care recipients switched to a more expensive care model that is costing taxpayers at least \$7 million annually.”

DPW had agreements with 36 different providers for payroll services of home care workers across the state. Auditors found that DPW did not adequately monitor these providers resulting in numerous instances of noncompliance with applicable state and federal laws, regulations, and financial services standards by some of the providers. DPW issued a request for applications in January 2012, and in August 2012 selected Public Partnerships Limited LLC (PPL), of Boston, Massachusetts. In January, the state transitioned from the 36 payroll providers to PPL.

The audit found that the new vendor was not prepared to pay all direct care

workers by the January 1, 2013 deadline. The audit also found significant flaws in the procurement process used to select Public Partnerships Limited. “The fact that the procurement process was unfair to other vendors is nearly as disturbing as DPW’s disregard for the workers and home care participants harmed in this process,” DePasquale said.

The Department acknowledged that mistakes were made. But Secretary Beverly Mackereth said the department has worked hard to fix the problems so that now all validly submitted time sheets by workers are paid within two weeks of submission, which is the normal time frame for payment.

The report includes six findings and seven recommendations for DPW to implement to improve its oversight of home care worker payroll services. To read the full 95 page report, go to www.auditor.gen.state.pa.us/reports/performance/special/speDPWPPL111413.pdf

Budget News

The Independent Fiscal Office in its November presentation of the economic and budget outlook for Pennsylvania paints a disturbing picture. Growth in revenue is slowed by our aging population. Fueled by growing costs like pensions and health care, spending is growing faster. The result is that spending is expected to outpace revenue through 2018-19. While not as high as the \$1.4 billion budget gap being predicted by state Budget Secretary Charles Zogby for 2014-15, the IFO predicts an \$839 million shortfall for 2014-15. The problem is made worse by the fact that the balance in General Funds

which has been carried forward to help balance budgets in recent years will be gone by the end of the current fiscal year, 2013-14.

To add to the budget difficulties, the share that the federal government pays for Pennsylvania Medicaid costs is scheduled to go down. Department of Public Welfare Secretary Beverly Mackereth has written a letter to federal officials urging them to not further reduce the federal share, known as Federal Medical Assistance Percentage (FMAP). The planned reduction is estimated to cost the state \$325 million next year.

The guidelines which the Governor’s Budget Office gave to the Departments to prepare their budgets for next year, 2014-15, read in part, “agencies should not assume funding increases for the 2014-15 fiscal year and should focus on efforts that contribute to achieving structural balance as well as on evaluating current programs and recommending changes that will improve program management and operations, reduce costs and optimize direct services.”

OMHSAS

The Office of Mental Health and Substance Abuse Services has issued one new Bulletin which can be seen at www.dpw.state.pa.us/publications/bulletinsearch/index.htm.

- Behavioral Health Procedure Code Updates (OMHSAS-13-03) was issued on October 18, 2013 and was effective on June 24, 2013. The Bulletin announces changes to the Medical Assistance (MA) Program Fee Schedule as a result of implementing the 2013 Healthcare

Common Procedure Coding System (HCPCS) procedure code updates.

Special Ed Funding

The Special Education Funding Commission, established by Act 3 of 2013, was charged with developing an improved formula to distribute special education funding. There are approximately 270,000 students in Pennsylvania who qualify for receiving special education. While special education needs have continued to grow, special education funding has been the same for the past five years. The Commission released its report with funding formula recommendations on December 11th. Highlights of the report include recommendations to use: actual student counts for all cost categories; accurate weights to reflect students' costs; and the same formula for students who attend charter and cyber charter schools. The next step is approval by the General Assembly. The full report is available at <http://senatorbrowne.pasenategop.com/special-education-funding-commission/>.

Healthcare Innovation

On December 6, the Corbett Administration shared Pennsylvania's State Healthcare Innovation Draft Plan. The aim is to reform Pennsylvania's healthcare payment and delivery system. From June 2013 to September 2013, nearly 300 stakeholders from the healthcare industry in the state, including payers, providers, physicians, nurses, hospital leaders and associations, came together in seven work groups to develop the plan. The effort was funded by a \$1.5 million grant awarded to Pennsylvania from the Center for Medicare and Medicaid Innovation (CMMI). The final Innovation Plan is to be submitted to the

Center for Medicare and Medicaid Services (CMS) by December 31, 2013. Read the report at: www.employment.pa.gov/portal/server.pt/community/department_of_health_information/10674/center_for_medicare_and_medicaid_innovation_%28cmmi%29/1535774.

House and Senate Changes

The following have announced that they will not run again when their current term ends in November 2014:

- State Representative Phyllis Mundy, D-Luzerne
- State Representative Jerry Stern R-Blair
- State Representative Dick Stevenson, R-Mercer
- State Senator Jim Ferlo, D-Allegheny

Judges Retained

In the November elections all four state court judges won their retentions. State Supreme Court Justices Ron Castille and Max Baer and Superior Court Judges Jack Panella and Susan Gantman easily earned their ability to stay in their positions.

NATIONAL NEWS

2014 Federal Budget

In early December, U.S. House Budget Committee Chairman Paul Ryan (R-WI) and Senate Budget Committee Chairwoman Patty Murray (D-WA) reached an agreement on the federal budget which became the Bipartisan Budget Act of 2013. The agreement between Republicans who control the House and Democrats who control the Senate eases the across-the-board cuts that took effect earlier this year under sequestration. The \$63 billion in sequester relief over two years will be split equally between defense and non-defense discretionary programs. Disability advocates say the deal would bring some relief from further cuts to many programs. It reduces the deficit by about \$23 billion and sets discretionary spending for the current fiscal year at \$1.012 trillion, about halfway between the Senate budget level and the House budget level. The two year budget deal means that Congress can return to their normal budget process instead of funding by Continuing Resolution as has been done over the past three years. It would avoid another government shut-down for the next two years.

The House passed the Bipartisan Budget Act of 2013 (H.J. Res. 59) on December 12 and the Senate passed it on December 19. The President is expected to sign the bill. The budget bill sets the overall funding limits, from which the Appropriations Committees set specific funding levels for individual programs. The spending limits set in the Act allow the appropriations committees to restore some funding to

human services, housing, transportation and disability programs which had been scheduled for sequestration cuts. Appropriations are expected to be made quickly, before the current Continuing Resolution expires on January 15, 2014.

In an effort to satisfy both parties, the budget does not include new taxes or cuts to key programs like Medicaid, Medicare and Social Security. It does not deal with the debt limit which has been suspended until February 7 or with unemployment compensation benefits set to end on December 31 for people who have been unemployed for a long time.

A Summary of the Bipartisan Budget Act of 2013 is available at www.budget.senate.gov/democratic/index.cfm/files/serve?File_id=104ba8f3-e143-42cf-b0c6-911a85d740d0.

Rights Treaty

The Senate held a second hearing on November 21 on the United Nations Convention on the Rights of Persons with Disabilities. Advocates are urging the Senate to take another vote to ratify the treaty; a vote last December fell five votes short of the two-thirds needed to pass. Over 800 disability, civil rights, faith, business, and veterans groups support ratification. To date, 138 countries have ratified the convention. Read about the treaty and the hearing testimony at www.disabilitytreaty.org.

Companionship Rule

In September, the US Department of Labor announced a new final rule that extends the Fair Labor Standards Act's minimum wage and overtime protections to home

care workers. The announcement fulfills a promise by President Obama to ensure that direct care workers receive a fair day's pay for a fair day's work. The rule clarifies the limited use of the "companionship exemption" and the impact on payment to live-in caregivers. To access the rule and fact sheets go to www.dol.gov/whd/homecare/.

HealthCare.gov

The Affordable Care Act (ACA), also known as Obamacare, opened the insurance marketplace (exchange) on October 1 but had serious technical problems. The Administration has said the problems are largely corrected as of November 30 and urges individuals who need healthcare to sign up. Pre-existing conditions are no longer a barrier to getting affordable coverage. Information about various insurance plans and the enrollment process is found at www.healthcare.gov/. (Also, see the Resource section for info on where people can apply and get help.)

RESOURCES

Voters with Disabilities

According to the U.S. Census Bureau there are nearly 57 million Americans with disabilities (about one in five people). In order to better understand the political views, advocacy trends and party affiliation of people with disabilities and chronic conditions, the Youth Transitions Collaborative conducted the first survey of its kind to study the political impact of this large community of people with disabilities, their families and caregivers. The report on the survey is called "Power in Numbers: A Profile of American Voters

with Disabilities." To read the report, go to www.hscfoundation.org/Publications.

Voter's Experience

The National Council on Disability has released its report, Experience of Voters with Disabilities in the 2012 Election Cycle. It's available at www.ncd.gov/publications/2013/10242013/. The report identifies architectural, attitudinal and technological barriers precluding citizens with disabilities from casting a private and independent vote. Ten years after the Help America Vote Act (HAVA), 70% of polling places are still not accessible. Recommendations are offered to the Presidential Commission on Election Administration. The Report was prepared in partnership with NCD, The National Disability Rights Network and EIN SOF Communications, Inc.

PA Health Insurance Enrollment

The Department of Public Welfare has a new "Consumer Service Center" that accepts COMPASS applications for Medical Assistance over the phone. Application information is sent to the applicant's local County Assistance Office which makes the eligibility decision and sends a written notice to the applicant. Pennsylvania Industries for the Blind and Handicapped operates the call center, which is open from 8:00am to 5:00pm Monday through Friday. The phone number is 866-550-4355. Online applications can be submitted any time to www.compass.state.pa.us/compass.web/CMHOM.aspx.

Bullying

The Arc of Pennsylvania recently released resources on how to implement School-

Wide Positive Behavior Support in preventing and responding to bullying at school. The National School Safety Center (NSSC) declared bullying the most overlooked and entrenched problem in U.S. schools. 60% of students with special needs or disabilities report being bullied, compared to 25% of the general school population.

School-Wide Positive Behavior Support (SWPBS) is a school-wide evidence-based process. It effectively prevents and responds to bullying behavior, physical aggression, and disability harassment for all students, while ensuring that more intensive supports and interventions are provided to student victims and offenders who need them. You can find The Arc of Pennsylvania's position paper and accompanying resources on preventing and addressing bullying at www.thearcpa.org/resources/on_line_resources.html.

Hiring Guide

On November 19, 2013, The Department of Labor and Industry hosted a roll-out for the Office of Vocational Rehabilitation's "Hiring People with Disabilities How-To Guide" for employers. The public and private collaboration is designed to help Pennsylvania businesses hire and retain people with disabilities and to give employers a single point of contact within state government – the Office of Vocational Rehabilitation. The guide is on-line at www.dli.state.pa.us.

Data

The Penn State Data Center offers a wealth of information, some of it free. Check their website at <http://pasdc.hbg.psu.edu/>. This month they are offering brochures

which contain a quick but concise look at Pennsylvania demographics and fun facts. Limited quantities of the 2014 Pennsylvania Facts brochure will be available free of charge, upon request: call the Data Center at 717-948-6336 or email at: PaSDC@psu.edu.

Senate Watching

You can now watch the PA Senate on your iPad, iPhone and Android devices. The state Senate has announced streaming broadcasts of its legislative sessions are now available in a new format that can be played "on nearly every type of web browser and mobile device." Senate sessions can be viewed on the Senate's website at www.pasen.gov by clicking on "Watch Session Live." Direct links to the streaming video are:

- For web browsers, www.pasen.gov/Video/SenateVideo.cfm
- For mobile devices, www.palegis.us/feeds/?q=S

ADA

The ADA Legacy Project has launched its new website, www.adalegacy.com. The website is designed to provide news, updates, scheduled events, and information on those who are preserving disability history, celebrating its milestones, and educating the public and future generations of advocates.

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@thearcpcpa.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@thearcpcpa.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, 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.

The PIE Team

THE ARC OF PENNSYLVANIA PIE STAFF:

Maureen Cronin
Ashlinn Masland-Sarani
Elaine de Leon
Gwen Adams

CONSULTANTS:

Terry Roth
Vini Portzline
Joan W. Martin
Theotis Braddy

A Slice of Pie

Policy Information Exchange
c/o The Arc of Pennsylvania
Suite 403 — Pennsylvania Place
301 Chestnut Street
Harrisburg, PA 17101

NON-PROFIT ORG.
U.S. POSTAGE
PAID
HARRISBURG, PA
PERMIT NO. 649

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.
Thank you.