

# *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

### Department of Human Services

On November 24, 2014 the name of the Department of Public Welfare (DPW) changed to the Department of Human Services (DHS). The bill creating the name change (HB 993) was signed by the Governor on September 24, 2014 and became Act 132 of 2014. Representative Tom Murt (R-Montgomery) was the bill's prime sponsor. It was supported by many individuals with disabilities, advocacy groups and service providers. The DHS Secretary, Beverly Mackereth, noted that the new name more accurately reflects what the Department provides. The Department's name change will be

phased in as stationery, forms and other materials need to be replaced, in order to reduce costs. The Department's new web address is [www.dhs.state.pa.us](http://www.dhs.state.pa.us).

### Transition

Governor-Elect Tom Wolf and Lieutenant Governor-Elect Mike Stack will take office on January 20. The Governor-Elect has announced that his Chief of Staff

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will be Katie McGinty, former Secretary of the Department of Environmental Protection. John Hanger, former head of the environmental lobbying group PennFuture, will serve as secretary of policy and planning. Mary Isenhour, former executive director of the PA Democratic Party, will be the Governor's legislative secretary. Obra "Obie" Kernodle IV has been appointed deputy chief of staff and director of the public liaison's office. He was Wolf's political director and deputy campaign manager.

The Lieutenant Governor-Elect has announced his intention to resign his Senate seat at some point in 2015 prior to the May primary to allow for a special election to coincide with the primary election.

In mid-December, the Governor-Elect announced the people responsible for reviewing state agencies and working with the outgoing administration. They include:

- **Aging**--Everette James currently serves as the director of the Health Policy Institute at the University of Pittsburgh and served as the secretary of the Pennsylvania Department of Health from 2008 to 2010.
- **Drug and Alcohol Programs**--Bob Donchez is the mayor of the City of Bethlehem and served on Northampton County's Drug and Alcohol Commission.
- **Community and Economic Development (co-chairs)**--Rob Wonderling is the president and CEO of the Greater Philadelphia Chamber of Commerce. Dennis Yablonsky is the

CEO of the Allegheny Conference on Community Development and served as secretary of the Pennsylvania Department of Community and Economic Development from 2003 to 2008.

- **Education (co-chairs)**--Pedro Rivera is the superintendent of the School District of Lancaster. "Ski" Sygielski became Harrisburg Community College's seventh president in 2011.
- **Health (co-chairs)**--Dr. Rachel Levine is a professor of pediatrics and psychiatry at the Penn State College of Medicine and vice chair for Clinical Affairs in the Department of Pediatrics. Dr. Karen Hacker is the director of the Allegheny County Health Department and a former executive director of the Institute for Community Health.
- **Housing**--Tina Nixon has served as the chief executive officer of the YWCA of Greater Harrisburg since 2004.
- **Labor and Industry (co-chairs)**--Matthew Paules is the business manager and financial secretary of the International Brotherhood of Electrical Workers Local 229 in York. Ron Klink served four terms in the United States House of Representatives representing western Pennsylvania.
- **Human Services**--Michael Rashid recently retired after serving as the chief executive officer of AmeriHealth Caritas since 2010.
- **Transportation (co-chairs)**--Kathy Dahlkemper took office as Erie County executive on January 7, 2014. Previously, Kathy served in the U.S. House of Representatives. Eric Menzer currently serves as the president and general manager of the York Revolution.

## **Legislative Session**

The State Senate and House have announced their schedules for the first six months of the 2015-16 Session. January 6 is swearing-in day. The actual work begins on January 20 in both chambers.

### **2015 SENATE SESSION SCHEDULE**

January 6, 20, 21, 26, 27, 28  
February 2, 3, 4, 23, 24, 25  
March 2, 3, 4  
April 13, 14, 15, 20, 21, 22  
May 4, 5, 6, 11, 12, 13  
June 1, 2, 3, 8, 9, 10, 15, 16, 17, 18, 22, 23, 24, 25, 26, 29, 30

### **2015 HOUSE SESSION SCHEDULE**

January 6, 20, 21, 26, 27, 28  
February 2, 3, 4, 9, 10, 11, 23, 24, 25  
March 2, 3, 4, 30, 31  
April 1, 13, 14, 15, 20, 21, 22  
May 4, 5, 6, 11, 12, 13  
June 1, 2, 3, 8, 9, 10, 15, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30

Changes in State House leadership bring staff changes. Todd Brysiak will serve as chief of staff to the new Majority Leader, Representative Dave Reed. Tony Aliano, retiring House Speaker Sam Smith's chief of staff, will be Reed's general counsel. Marcia Lampman will be director of legislative affairs for Reed, serving as his floor manager and handling the voting calendar. Karen Coates will be Speaker-designee Turzai's chief of staff. Dave Reddecliff will be director of administration for the Speaker's office. House Appropriations Committee staff will remain.

Senate Majority Leader Jake Corman's new chief counsel is Dave Thomas, who worked for several years as chief counsel to Speaker of the House Sam Smith. Drew Crompton, chief of staff for Senate President Joe Scarnati, will now serve as Scarnati's chief counsel, too. Diane Acri will serve as deputy counsel to Corman.

## **Healthy PA**

Despite the election of Tom Wolf, who publicly opposed Governor Tom Corbett's Healthy PA plan, the Department of Human Services (DHS) continues to move forward with Healthy PA. Healthy PA would give about 600,000 adults, mostly the working poor, access to private healthcare insurance starting January 1, 2015. On December 1, 2014, enrollment began. The state has signed three year contracts with eight private insurers and invested in technical changes to computer systems and advertising for Healthy PA. A spokesman for Governor-Elect Wolf, who will be inaugurated on January 20, said the incoming governor still plans on expanding Medicaid and not moving forward with Healthy PA.

When Healthy PA takes effect on January 1, 2015, people with disabilities or chronic illnesses will be placed into a "Healthy Plus" Medicaid insurance plan. Others will be assigned to the "Healthy" benefit package with reduced benefits or "Healthy PA Private Coverage Option (PCO)." Letters outlining these changes to Medicaid insurance benefits were sent out in late November to current Medicaid consumers. The DHS has drafted a benefit plan comparison chart that summarizes the three Healthy PA benefit packages. The chart and additional information can

be found under the “Consumer Resources” section of [www.healthypa.com](http://www.healthypa.com).

Changes to the benefit plans for current adult Medicaid recipients in the existing Medicaid program will be effective January 1, 2015. DHS has submitted Medicaid state plan amendments to the federal government to approve of these changes. DHS plans to implement these benefit packages prior to receiving federal approval.

### **HCBS Final Rule**

The Centers for Medicare and Medicaid Services (CMS) Final Rule, known as the “Community Rule”, requires states to review their Home and Community Based Services waivers regarding how services are provided in community settings. Each state must develop Transition Plans for its waiver programs, using stakeholder input, describing how it will comply.

In June 2014, the Department of Human Services (DHS) submitted a draft transition plan to CMS for the Aging, Attendant Care, and Independence Waivers. In August 2014, CMS told DHS to submit a revised Transition Plan with more detail on benchmarks and timeframes. DHS’s revised transition plans are now available for public comment along with a transition plan for the AIDS Waiver. Amendments are proposed for these four waivers.

Public comments were due to DHS by Monday, December 29. To view the draft transition plans and proposed waiver amendments, go to [www.dhs.state.pa.us/dhsorganization/officeoflongtermliving/oltlwaiverinfo/](http://www.dhs.state.pa.us/dhsorganization/officeoflongtermliving/oltlwaiverinfo/).

### **Balancing Incentive Program**

The Department of Human Services continues to develop the details of the work plan to carry out the goals of the program to expand and improve its Home and Community-Based Services in the Office of Long Term Living and Office of Developmental Programs waivers. The Department held meetings across the state to get information and suggestions on improving outreach, enrollment, eligibility determination and assessment for individuals and their families looking for services and supports. For more information, contact the BIP Project Director, Leahann Moslak at [c-lmoslak@pa.gov](mailto:c-lmoslak@pa.gov). For information about other states’ programs go to [www.balancingincentiveprogram.org](http://www.balancingincentiveprogram.org).

### **State Budget**

At the state’s mid-year budget briefing, Budget Secretary Charles Zogby spoke about a \$2 billion budget hole awaiting Governor-Elect Tom Wolf and the new general assembly. The current year’s budget was balanced by using a number of “one time fixes” that are no longer available. The new administration will present the proposed budget for 2015-16 on March 3, 2015.

### **ODP**

The Office of Developmental Programs has issued one new Bulletin in conjunction with the Department of Labor & Industry, Office of Vocational Rehabilitation which can be seen at [www.dhs.state.pa.us/publications/bulletinsearch/index.htm](http://www.dhs.state.pa.us/publications/bulletinsearch/index.htm).

- OVR Referral Process for Employment Services (00-14-05) was issued on July 1, 2014 and was effective

on that date. The Bulletin provides guidance on referrals to the Office of Vocational Rehabilitation (OVR) for individuals enrolled in the Office of Developmental Programs' waivers for Supported Employment, Prevocational Services, and Transitional Work Services.

### **Residential Services Rates**

On October 28, 2014 the Department of Public Welfare (now Department of Human Services) signed a Settlement Agreement to amend the payment rates for providers of residential services for individuals with intellectual disabilities. The Agreement was based on the recommendations of a stakeholder group convened by the Department. In addition to rate adjustments, the Agreement calls for the stakeholder process to continue in order to address additional changes needed to the Chapter 51 Regulations enacted through Act 22 in 2012. For more information, contact the ODP Deputy Secretary's office at 717.787.3700.

### **OMHSAS**

The Office of Mental Health and Substance Abuse Programs has issued two new Bulletins which can be seen at [www.dhs.state.pa.us/publications/bulletinsearch/index.htm](http://www.dhs.state.pa.us/publications/bulletinsearch/index.htm)

- Affordable Care Act Re-enrollment Guidance for Behavioral Health Providers (OMHSAS-14-03) was issued on August 1, 2014 and was effective on March 25, 2011. The Bulletin provides additional guidance to OMHSAS' enrolled providers regarding re-enrollment (revalidation) requirements for continued participation in the Medicaid program.

- Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM 5) (OMHSAS-14-04) was issued on September 5, 2014 and was effective on September 19, 2014. The Bulletin provides information regarding changes associated with the DSM 5 released in May 2013.

# **NATIONAL NEWS**

### **ABLE Act**

The Achieving a Better Life Experience (ABLE) Act had very strong bipartisan support with 85% of Congress signed on as co-sponsors. It sets up a way for people with disabilities and their families to have tax-exempt savings up to \$100,000 for future expenses such as education, housing, and transportation without losing eligibility for Social Security, Medicaid, and other services. It is modeled on the current 529 plans for college savings. It would be limited to people who got their disability before age 26. It passed the House 404 to 17 and the Senate 76 to 16. President Obama signed it into law on December 19, 2014. Pennsylvania's Senator Casey was a bill sponsor. Details about the bill are at [www.casey.senate.gov/newsroom/releases/caseys-able-act-becomes-law-with-president-obamas-signature](http://www.casey.senate.gov/newsroom/releases/caseys-able-act-becomes-law-with-president-obamas-signature).

### **UN Treaty**

The 113<sup>th</sup> Congress has not considered the United Nations Convention on the Rights of Persons with Disabilities (CRPD) since a Senate vote in December

2012 fell five votes shy of passage. The CRPD is an international treaty that was inspired by U.S. leadership and modeled on the Americans with Disabilities Act, recognizing the rights of people with disabilities. On September 17, 2014, Senator Tom Harkin (D-Iowa) pushed for a floor vote to ratify the measure. The effort was derailed, dashing hope for a vote before Congress adjourns in December. To date, 150 other countries have ratified the treaty. For more information, go to [www.disabilitytreaty.org](http://www.disabilitytreaty.org)

# RESOURCES

## Labor Home Care Rule

The Department of Labor's new home care rule will apply overtime and minimum wage coverage to home care workers. Several national disability advocacy organizations have put together an article, "Action Steps for Consumers and Advocates Regarding the New Home Care Rule: How to Prevent Service Cuts and Protect Consumer-Directed Programs." It's intended to help consumers and advocates understand the new rule and ensure that their state implements it in a way that helps consumers and the workers who provide services to them and does not cause unintended harms, such as cuts to services, dismantling of programs that allow consumers to control their own care or further limiting the workforce. It's available at [www.bazelon.org/LinkClick.aspx?fileticket=yU9Q2aI\\_Dvw%3D&tabid=40](http://www.bazelon.org/LinkClick.aspx?fileticket=yU9Q2aI_Dvw%3D&tabid=40).

## MA Managed Care

In December, the U.S. Office of Inspector General released a report, "Access To Care: Provider Availability In Medicaid Managed Care." The study found major access problems. "51 percent of providers were either not participating in the plan at the location listed or not accepting new patients enrolled in the plan... Among the providers who offered appointments, the median wait time was 2 weeks. However, over a quarter had wait times of more than 1 month, and 10 percent had wait times longer than 2 months." Recommendations are offered. The report is available at <https://oig.hhs.gov/oei/reports/oei-02-13-00670.pdf>.

## Elder Task Force

The Pennsylvania Supreme Court's Elder Law Task Force convened in February 2013 to address concerns about guardianship, elder abuse and neglect and access to justice. The task force report includes recommendations on how to assure that older Pennsylvanians' rights and needs are recognized under the law. For more information or to read the report, go to [www.pacourts.us/courts/supreme-court/committees/supreme-court-boards/elder-law-task-force](http://www.pacourts.us/courts/supreme-court/committees/supreme-court-boards/elder-law-task-force).

## Federal Budget 2015

In the absence of a budget for the federal fiscal year October 1, 2014 to September 30, 2015, Congress had passed a continuing resolution (CR) to keep the government operating through December 11, 2014. On the night of December 11, the Republican controlled House passed a budget package by a 219-206 vote, with support from 57 Democrats. Liberal Democrats objected to the roll-back of

financial reforms, while conservatives objected to the bill because they said it doesn't do enough to curb the president's executive action on immigration. The budget package includes 11 of the 12 appropriations bills for full year funding. (The twelfth bill, for the Department of Homeland Security, only provides funding until early next year.) As we go to press, the bill has passed the Senate and is expected to be signed by President Obama. The new Congress begins on January 3, 2015, with the major change being that the Senate, like the House, will be a Republican majority. Before summer 2015, Congress must also address the need to raise the debt ceiling.

# The PIE Team

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## 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](mailto: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](mailto: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](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.

# *A Slice of Pie*

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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.

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