

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

STATE BUDGET

Governor Wolf delivered his budget request for 2015-16 in March. (See Volume 16, Issue 1 of the Slice of PIE for an analysis of items of interest to the disability community.) The General Assembly passed a budget bill (HB 1192) for 2015-16 on June 30, which the Governor vetoed. The 2015-16 state fiscal year began on July 1. As of this writing in mid-July, no agreement on the state budget for 2015-16 has been reached between the Democratic Governor and the Republican-controlled General Assembly.

The chart (on page 2) compares 2014-15 funding levels to the Governor’s request for 2015-16 and to HB 1192 for some of the line items of interest to the disability community. Budget negotiations are ongoing and nothing is final. Until then, advocates should contact their state representative and state senator and the Governor and let them know what is good and bad in the budget and how they would like to see

the budget resolved.

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. 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.

In This Issue

State News	page 1
National News	page 6
Resources	page 6
Contact PIE	page 8

Line Item	2014-15 Available	Governor's Budget 2015-16	HB 1192 (for 2015-16)
ID State centers	\$132,984,000	\$141,179,000	\$136,548,000
MA Transportation	\$62,433,000	\$63,274,000	\$62,657,000
ICF/ID	\$152,298,000	\$155,964,000	\$155,713,000
Intellectual Disability (ID) Base	\$149,681,000	\$153,715,000	\$148,229,000
ID Community Waiver	\$1,066,613,000	\$1,211,588,000	\$1,202,683,000
Autism	\$19,169,000	\$19,510,000	\$21,501,000
MA Workers w/Disabilities	\$30,583,000	\$102,291,000	\$70,631,000
Mental Health	\$731,584,000	\$787,312,000	\$768,057,000
Attendant Care	\$132,897,000*	\$145,131,000	\$148,291,000
Services to Persons w/Disabilities	\$267,593,000*	\$302,979,000	\$313,716,000
Aging Waiver	\$127,974,000*	\$241,229,000	\$226,445,000
Assistive Technology Demonstration and Training (AT Lending Library)	\$399,000	\$399,000	\$470,000
Assistive Technology Devices (AT Financing Program)	\$400,000	\$400,000	\$470,000
Centers for Independent Living	\$1,912,000	\$2,318,000	\$1,912,000
OVR State Match/Transfer to Voc. Rehab fund	\$40,473,000	\$45,473,000	\$40,673,000
Supported Employment	\$397,000	\$397,000	\$397,000
Special Education	\$1,046,815,000	\$1,066,815,000	\$1,166,815,000

HB 133. Introduced by Representative Thomas P. Murt (R-Montgomery). It would establish a **bill of rights** for individuals with intellectual and developmental disabilities. It was voted out of the House Human Services Committee, given first consideration by the House and sent to the Rules Committee, June 9, 2015.

HB 221. Introduced by Representative Thomas Caltagirone_(D-Berks). This bill provides for **training for police** and minor judiciary on the identification and recognition of individuals with mental illness, autism or intellectual disabilities. The bill passed the General Assembly on June 30, 2015 and was signed by the Governor on July 10, becoming **Act 25 of 2015**.

HB 337. Introduced by Representative Pam Snyder (D-Fayette). This bill amends the law on allowing **minors to consent to outpatient mental health examination and treatment** to give the Department of Human Services the authority to issue guidelines and adopt rules

and regulations. It passed the House, June 9, 2015 and has been referred to the Senate Public Health and Welfare Committee, June 12, 2015.

HB 400. Introduced by Representative Mauree Gingrich (R-Lebanon). This bill would provide for the **Work Experience for High School Students with Disabilities Act**. It was voted out of the House, April 14, 2015. It's been voted out of the Senate Labor and Industry Committee and the Senate Appropriations Committee with amendments and given first consideration by the full Senate. See also **SB 200**. Introduced by Senator Lisa Baker (R-Luzerne) and referred to the Senate Labor and Industry Committee, January 16, 2015.

HB 650. Introduced by Representative Joseph F. Markosek (D-Allegheny). This bill would amend the current law which requires that health insurance providers cover the diagnosis and treatment of **autism spectrum disorders**. The bill would ensure that those covered under

an earlier definition (DSM-IV) would still be covered under DSM-V. The bill was introduced and referred to the House Insurance Committee, February 26, 2015.

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** at the PA Department of Aging. It was introduced and referred to the House Aging and Older Adult Services Committee, March 9, 2015.

HB 949. Introduced by Representative Will Tallman (R-Adams). This bill would establish a funding formula for MH/ID funds in the **human services block grant pilot program**. It was introduced and referred to the House Health Committee, April 10, 2015.

HB 991. Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would provide for an additional disposal fee of \$3.00 for all solid waste disposed of at the municipal waste landfill. This fee is to be deposited into the **Intellectual Disabilities and Autism Waiting List** Account. In addition, this legislation provides for the Intellectual Disabilities and Autism Waiting List Account to be used to fund services for individuals on the waiting list. It was introduced and referred to the House Environmental Resources and Energy Committee, April 20, 2015.

HB 995. Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would impose an additional \$0.04 tax on cigarettes sold in PA to fund services for people on the **Intellectual Disabilities and Autism Waiting List**. It was introduced and referred to the House Finance Committee, April 20, 2015.

HB 1014. Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would provide for the delivery of services and programs to veterans with cognitive mental disability and emotional trauma and establish the **Office of Veterans' Mental Health Awareness**. It was introduced and referred to the House Veterans Affairs and Emergency Preparedness Committee, April 20, 2015.

HB 1015. Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would provide

for **Medical Assistance payment for cognitive rehabilitation therapy**. It was introduced and referred to the House Health Committee, April 20, 2015.

HB 1017. Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would require each slot machine licensee to collect a \$2 per patron admission fee to establish the **Intellectual Disabilities and Autism Waiting List Account** in the State Treasury. It was introduced and referred to the House Gaming Oversight Committee, April 20, 2015.

HB 1183. Introduced by Representative Mark B. Cohen (D-Philadelphia). This bill would establish in law the **Governor's Cabinet and Advisory Committee for People with Disabilities** and move it from its current location in the Department of Human Services to the Office of the Governor. It was introduced and referred to the House Human Services Committee, May 11, 2015. Also see **SB 271**, introduced by Senator Christine Tartaglione on January 28, 2015.

HB 1319. Introduced by Representative Jim Marshall (R-Beaver). This bill would provide for the establishment of a savings program by the Treasury Department to encourage eligible individuals with disabilities to save private funds from which the expenses related to their disabilities may be paid to assist them in maintaining health, independence and quality of life. These savings accounts are commonly referred to as **ABLE savings accounts**. HB 1319 was passed by the full House on June 24, 2015 and referred to the Senate Finance Committee, June 29, 2015. See also **HB 444** and **HB 583** and **SB 726**. And see **SB 879** introduced by Senator Lisa Baker (R-Luzerne) which was voted out of the Senate Finance Committee, June 24, 2015 and referred to the Senate Appropriations Committee. A chart, prepared by The Arc of PA, comparing the ABLE account bills, is available at www.thearca.org/file_download/inline/a29df2bd-337a-43db-80dd-0b28c9908566. See also State and National News.

SB 268. Introduced by Senator John N. Wozniak (D-Bedford). This bill would **abolish the Department of Drug and Alcohol** programs and transfer its powers and duties to the Department of Health. It was introduced and referred to the

Senate Public Health and Welfare Committee, March 13, 2015.

SB 640. Introduced by Senator Andrew E. Dinniman (D-Chester). This bill would amend the Pennsylvania Human Relations Act, which currently allows service dogs on public transportation. This bill would extend that right to **therapy dogs** and their handlers. It was voted out of the Senate State Government Committee, March 23, 2015, and given two considerations by the full Senate.

SB 750. Introduced by Senator Stewart J. Greenleaf (R-Montgomery). This bill would add provisions relating to **mental health procedures** including duty to warn and assisted outpatient treatment. It was introduced and referred to the Senate Public Health and Welfare Committee, June 18, 2015.

SB 906. Introduced by Senator Randy Vulakovich (R-Allegheny). This bill would provide for a **voluntary autism spectrum disorder designation on driver's license** or identification card and for any individual applying for a driver's license or identification card to make a voluntary \$1 contribution to a newly created Autism Spectrum Disorder Awareness Account. It was introduced and referred to the Senate Transportation Committee, June 19, 2015. See also **HB 104**.

RESOLUTIONS

HR 322. Introduced by Representative Matthew E. Baker (R-Bradford). This resolution recognizes **The Developmental Disabilities Council** and honors the Council for working to improve the lives of people with developmental disabilities. It was introduced and adopted on May 5, 2015.

HR 418. Introduced by Representative Peter Schweyer (D-Lehigh). This resolution recognizes the 25th anniversary of the **Americans with Disabilities Act**. It was introduced as a Noncontroversial Resolution Under Rule 35, July 1, 2015.

SR 113. Introduced by Senator Shirley M. Kitchen (D-Philadelphia). This resolution urges the Commonwealth to adopt and use **person-first language** with respect to people with disabilities. It was adopted June 2, 2015.

CABINET

The following individuals have been confirmed for key cabinet posts:

- **Secretary of Human Services-- Ted Dallas** most recently served as the secretary of the Maryland Department of Human Resources. For five years before that, he was the executive deputy secretary of the Pennsylvania Department of Public Welfare.
- **Secretary of Aging-- Teresa Osborne** most recently served as executive director of the Luzerne/Wyoming Counties Area Agency on Aging.
- **Secretary of Education--Pedro Rivera**, former superintendent of the Lancaster School District
- **Secretary of Health-- Karen Murphy** is the former chief executive officer of Moses Taylor Hospital in Scranton.
- **Secretary of Labor and Industry--Kathy Manderino** served in the PA House of Representatives for 18 years.
- **Secretary of Budget-- Randy Albright**, served as the Democratic Executive Director of the Pennsylvania Senate Appropriations Committee since 2009.
- **Secretary of Transportation-- Leslie Richards** was a Montgomery County Commissioner.
- **Secretary of Corrections-- John Wetzel** remains as the head of the Department of Corrections.
- **Secretary of State--Pedro Cortés** served as secretary of state under Gov. Rendell.
- **Secretary of Community and Economic Development --Dennis M. Davin**, was the director of Allegheny County Economic Development.
- **Secretary, Department of Drugs and Alcohol--Gary Tennis** remains as Secretary of the Department.

Several other key appointments within DHS

STATE AND NATIONAL NEWS

include: Nancy Thaler, Deputy Secretary of the Office of Developmental Programs (ODP); Jen Burnett, Deputy Secretary of the Office of Long-Term Living (OLTL); Leesa Allen, Deputy Secretary for Medical Assistance Programs; Steve Surovec, Special Advisor to the Secretary; Jen DeBell, Policy Director; and Brendan Harris, Executive Deputy Secretary.

EDUCATION TRANSPORTATION

On June 29, 2015, the Pennsylvania Department of Education found that the School District of Philadelphia had violated the rights of students with disabilities under the Individuals with Disabilities Education Act and ordered the School District to correct the problems and compensate students for missed school hours. The complaint had been filed by the Philadelphia Coalition of Special Education Advocates. For questions about the complaint or the complaint investigation report, contact Gabe Labella, Staff attorney, Disability Rights Network of PA, 215-238-8070, ext. 218 or glabella@drnpa.org.

DHS PROGRAM BULLETINS

The following Department of Human Services Program Bulletins can be seen at: www.dhs.state.pa.us/publications/bulletinsearch/index.htm

ODP

The Office of Developmental Programs has issued two new Bulletins: one on Rate-setting for ID programs, effective July 1, 2015; and one on Individual Support Plans, effective on May 15, 2015.

OLTL

The Office of Long Term Living has issued two new Bulletins on the 2015 Act 150 Sliding Fee Scale, effective January 1, 2015, and Critical Incident Management, effective April 16, 2015.

OMHSAS

The Office of Mental Health and Substance Abuse Services has issued one new Bulletin, effective April 1, 2015, on Community Incident Management & Reporting .

ABLE ACT

The federal ABLE (Achieving a Better Life Experience) Account law passed in December 2014. These accounts allow people with disabilities to save funds for community living expenses without losing their eligibility for services such as Medicaid and Social Security. Six months after ABLE was enacted, the Internal Revenue Service (IRS) issued proposed rules for how the new program will operate. A 90 day comment period began on June 22, 2015 for the proposed rules for the tax-free savings accounts for people with disabilities, including the definition of “qualified disability expenses” and paperwork requirements. Read the IRS document at this link: www.federalregister.gov/articles/2015/06/22/2015-15280/guidance-under-section-529a-qualified-able-programs

Each state must decide if their Treasury Department will make ABLE Accounts available. As of this writing, five bills with bi-partisan sponsors have been introduced in PA—HB 444, HB 583, HB 1319, SB 829 and SB 879. HB 1319 has passed the House and been sent to the Senate. SB 879 has seen movement in the Senate. A chart, prepared by The Arc of PA, comparing the bills, is available at www.thearcpa.org/file_download/inline/a29df2bd-337a-43db-80dd-0b28c9908566. See Bills of Interest for more information.

MANAGED LONG TERM CARE

On June 1, 2015, the PA Department of Human Services (DHS) released a document discussing their plans to move long term services and supports for adults into managed care. The paper describes the target populations to be included in Managed Long Term Services and Supports (MLTSS), the goals and objectives, the program components, the roll-out timeframe,

and the process for stakeholder input. Individuals served by the Office of Developmental programs are not included, nor are individuals who pay privately for services. The DHS held a series of public meetings across the state to hear from stakeholders. The discussion paper, a fact sheet, and transcripts of the six hearings can be found at www.dhs.state.pa.us/foradults/managedlongtermsupports/.

On May 26th, the Centers for Medicare & Medicaid Services announced proposed regulations to update Medicaid and CHIP managed care programs. To view the draft regs, go to www.gpo.gov/fdsys/pkg/FR-2015-06-01/pdf/2015-12965.pdf. Comments were due July 27.

HOUSING FUNDS

In March, the U.S. Department of Housing and Urban Development (HUD) announced an \$8,557,014 award to the Pennsylvania Department of Human Services (DHS) and the Pennsylvania Housing Finance Agency (PHFA) to prevent individuals with disabilities from being unnecessarily institutionalized or falling into homelessness. This grant will provide permanent affordable and integrated rental housing and needed supportive services to extremely low-income people with disabilities, many of whom are hoping to transition out of institutional settings back to the community. The award, made possible through the Section 811 Project Rental Assistance (PRA) program, is part of \$150 million in rental assistance to 25 State Housing Agencies.

NATIONAL NEWS

FEDERAL BUDGET 2016

After President Obama released his budget proposal in March, Congress began work to pass their own budget resolutions that set spending levels for the fiscal year that starts on October 1, 2015. Action on these measures has stalled, delaying the appropriations committees' work. When budget bills are not passed on time, a

Continuing Resolution keeps the government operating at the current year's funding levels. A factor that may complicate budget negotiations this year is an anticipated debt ceiling limit deadline in the Fall.

AMTRAK

In June, the U.S. Department of Justice released a letter finding Amtrak in violation of Title II of the Americans with Disabilities Act (ADA). Amtrak must make changes including: making all station facilities ADA compliant; identifying which stations are incorrectly classified as flagstop stations and making the inaccessible facilities at those stations accessible; educating employees on the requirements of the ADA and regulations; training workers on how to operate vehicles and equipment safely and how to interact with and assist individuals with disabilities. Amtrak must also pay compensatory damages to persons aggrieved in an appropriate amount for injuries caused by Amtrak's failure to comply with ADA and the regulations. The letter is at www.ada.gov/amtrak/amtrak_letter_of_findings.pdf.

RESOURCES

BUDGET ADVOCACY WORKSHOP

A free workshop, "Advocacy and the State Budget Process" is being offered on Thursday, August 6, 2015 from 10 a.m. till noon. The workshop is designed to help disability advocacy groups understand how the Pennsylvania General Assembly passes a state budget so you can be effective in advocating for funds. You will also receive tips on how best to influence the process and build the right advocacy campaign. The Disability Advocacy Support Hub (DASH) has arranged for Terry Roth, organizer of Disability Budget Coalition, and Beth Balaban, Human Services Budget Analyst for the Democratic Committee on Appropriations in the Pennsylvania House of Representatives, to offer training to PA disability advocacy groups. Training will be offered by phone. To Register or for more information, go to the DASH website at www.drnpa.org/dash or contact Lan Do @ ldo@drnpa.org, 800-692-7443 x312 TTY 1-877-375-7139 Fax: 717-236-

0192. Requests for accommodations should be made during registration prior to July 27. DASH is a project of the Disability Rights Network of Pennsylvania. The DASH project is supported by a grant from the Pennsylvania Developmental Disabilities Council.

FAMILY CAREGIVERS

In June, the Legislative Budget and Finance Committee issued a report on Pennsylvania's Medicaid Home and Community-Based Services (HCBS) waiver programs to review how much family members serve as caregivers, and any barriers that prevent paid family caregiving. The report reviews family caregiving, federal regulations that apply to legally responsible family members, the use of extraordinary care designation, and how each of the HCBS waivers in PA addresses the issue. The study was called for by House Resolution 2014-241. Read the report at: <http://lbfc.legis.state.pa.us/Resources/Documents/Reports/527.pdf>

INSURANCE CHOICE

Pennsylvania Health Law Project (PHLP) has published, "*MAWD or Marketplace? – What Pennsylvanians with Disabilities Need to Know about Choosing Health Insurance Coverage*," to help consumers, family members and health care navigators understand and choose between these two options. Medical Assistance for Workers with Disabilities (MAWD) is a Medicaid program for Pennsylvanians age 16 through 64 who have significant health issues or disabilities and who are also doing some type of paid work. These individuals, as long as they do not have Medicare, can also explore insurance options through the Marketplace (HealthCare.gov). It's available at www.phlp.org/wp-content/uploads/2015/06/MAWD-or-Marketplace-05.2015.pdf.

COLLEGE MH GUIDE

There's a new guidebook on mental health issues facing college students. It's at www.affordablecollegesonline.org/college-student-mental-health/. The guide was created to show college students (and their friends and families) the various on-campus and online resources they can use should a mental health concern arise. This includes an in-depth look at the most

common issues among college students (anxiety and stress; depression; alcohol and substance abuse; post-traumatic stress disorder; anorexia and bulimia), how to identify those issues, and when and how to get help.

HOUSING PRICES

"Priced Out in 2014" is a study by the Technical Assistance Collaborative of the severe housing affordability problems experienced by people with disabilities. It calculates the difference between what an individual receiving Supplemental Security Income (SSI) can reasonably afford to pay for housing costs and the average cost of modest housing units. The study, which includes national, State and local data confirms that non-elderly adults with disabilities living on SSI confront an enormous housing affordability gap across the entire nation. - See more at: www.tacinc.org/knowledge-resources/priced-out-findings/#sthash.GBQ15R1O.dpuf.

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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@thearcpcpa.org. Thank you.

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.
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