

# *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

### STATE BUDGET

Governor Wolf delivered his budget request for 2015-16 in March. (See Volume 15, 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. (See Volume 15 Issue 2 for a chart comparing the Governor's requests to the amounts in H.B. 1192). Most recently, on October 7, the House voted on a bill which contained the Governor's most recent revenue proposal. It was defeated with all Republicans and nine Democrats voting against it.

With no resolution in sight, many human service providers and schools are struggling to keep their doors open. Any agency related to public health, safety and welfare continues to be paid, even though there is no budget. Those still being paid include: health and mental health care services paid for through Medical Assistance, for hospitals, other healthcare providers and nursing homes; transportation to medical appointments through the Medical Assistance Transportation Program; home and community based services, including attendant care, for seniors and people with disabilities; prescription drug coverage under the PACE program; pension programs for Blind and Paralyzed Veterans; Medicare Part A and B premium payments; early intervention, autism and intellectual disability services; and State workers' pay. Other agencies have had to borrow money, spend down any reserve they had or find some way to keep operating until state funds again start to flow.

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## BILLS OF INTEREST

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

**HB 133.** Introduced by Representative Thomas P. Murt (R-Montgomery). It would establish a **bill of rights** for individuals with intellectual and developmental disabilities. It's been voted out of the House Human Services Committee, the House Appropriations Committee and the House Rules Committee and given two considerations by the full House. It is awaiting amendments.

**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 passed by the House on April 15, 2015 and has been voted out of the Senate Aging and Youth Committee, given first consideration by the full Senate and is currently in the Senate Appropriations Committee.

**HB 1466.** Introduced by Representative Thomas P. Murt (R-Montgomery). It would amend the Human Relations Act and provide for the right to freedom from discrimination in employment, housing and public accommodations, and in public transportation for those who use **therapy dogs**. It was introduced and referred to the House State Government Committee, July 21, 2015.

**HB 1504.** Introduced by Representative Thomas P. Murt (R-Montgomery). It would amend the **Mental Health Procedures Act** to redefine danger to self by removing the 30 day time frame limit during which, without involuntary treatment, death, serious bodily injury or serious physical debilitation would occur. It was introduced and referred to the House Judiciary Committee, August 14, 2015.

**SB 879 introduced by** Senator Lisa Baker (R-Luzerne). 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**. SB 879 passed the Senate on September 18, 2015 and is currently in the House Finance Committee. See also, **HB 1319.** Introduced by Representative Jim Marshall (R-Beaver). HB 1319 was passed by the full House on June 24, 2015, passed the Senate Finance Committee and is currently in the Senate Appropriations Committee. And see HB 444, HB 583 and SB 726. A chart, prepared by The Arc of PA, comparing the bills, is available at [www.thearcpa.org/ABLE](http://www.thearcpa.org/ABLE). PAABLE updates are available from the Treasury Department. To sign up, go to <http://pa529.com/able.html>.

## Community HealthChoices

The Department of Human Services in partnership with the Department of Aging released a concept paper on the proposed transition to managed care for long term services and supports (MLTSS). The new program will be called Community HealthChoices (CHC). The Department has said it will not include behavioral health services in CHC but will require coordination with these services. Individuals served in the Act 150 Attendant Care, Aging Options and Office of Developmental Programs are also not included. Read the concept paper at [www.dhs.state.pa.us/](http://www.dhs.state.pa.us/). Stakeholders are invited to join a webinar held the third Thursday of every month. For more information, please visit [www.dhs.state.pa.us/](http://www.dhs.state.pa.us/).

[pa.us/foradults/managedlongtermsupports/](http://pa.us/foradults/managedlongtermsupports/) . Direct questions to the Bureau of Policy and Regulatory Management at 717.783.8412.

The Department has established a new subcommittee of the Medical Assistance Advisory Committee (MAAC) for the Community HealthChoices development and implementation over the next several years. The committee has a majority of members who are consumers. Meeting dates, transcripts and committee members are at [www.dhs.state.pa.us/communitypartners/informationforadvocatesandstakeholders/mltss/index.htm](http://www.dhs.state.pa.us/communitypartners/informationforadvocatesandstakeholders/mltss/index.htm).

## **HealthChoices RFP**

In September, the PA Department of Human Services (DHS) issued a request for proposals (RFP) for physical health services provided through HealthChoices, Pennsylvania's Medicaid managed care program. The new RFP is intended to result in contracts that "reward value, care coordination, and better health outcomes rather than simply paying for services as they are provided. The result will be a system that focuses more on the patient as a whole and provides higher quality care to those in the Medicaid system." Contracts will provide for patient-centered medical homes, coordination of physical and behavioral health systems and telemedicine to help serve areas of the state that do not have easy access to doctors.

## **ODP**

The Office of Developmental Programs has rescinded one Bulletin (OMH-94-10) effective September 16, 2015 regarding cost centers for County MH/ID programs. The Bulletin does not reflect current procedures and has been superseded by OMHSAS 12-2.

## **CHIP**

In late August, Governor Tom Wolf announced that the Children's Health Insurance Program (CHIP) will provide enhanced benefits to meet the minimum coverage requirements of the federal Affordable Care Act. These added benefits will begin when new CHIP policies take effect December 1. Added benefits that will become available in all CHIP plans include a prohibition on annual and lifetime dollar limitations for specific services classified as essential health benefits, including durable medical equipment, hearing aids, pediatric vision and dental service, including orthodontic services. Prior to the minimum essential coverage requirements there were limits such as \$5,000 per year for durable medical equipment and \$120 per year for glasses. And, health plans must provide parity between mental health/substance abuse benefits and medical/surgical benefits. For more information, go to [www.CHIPcoversPAkids.com](http://www.CHIPcoversPAkids.com), or call 1-800-986-KIDS.

## **Medicaid Expansion**

September 1 marked the end of the transition from former Governor Tom Corbett's Medicaid expansion plan "Healthy PA" to Governor Tom Wolf's expansion of the traditional Medicaid managed care program. That process, started on April 1, moved more than 120,000 individuals from the previous Healthy PA "high risk" plan to HealthChoices. Also, since April 27, another 216,000 newly eligible Pennsylvanians have enrolled in HealthChoices. A total of 440,000 people have been enrolled in the Medicaid expansion plan. As of June 30, nearly 2.6 million Pennsylvanians, or approximately 20 percent of the state's population, were enrolled in Medicaid. The Wolf administration expects the expansion will save Pennsylvania \$626 million, due primarily to the federal government picking up the entire cost of the expansion enrollees,

many of whom had been receiving health care services paid solely by the state. But, starting in 2017, the federal government will begin to reduce its support for people enrolled under the expansion until that support reaches 90-percent in 2020 and beyond, with the state picking up the rest. The state Independent Fiscal Office's analysis of Medicaid expansion shows declining state savings through 2019, and then in 2020, the state budget begins to experience overall costs.

## **Voter Registration**

Pennsylvania now has online voter registration at [www.pavoterservices.state.pa.us/Pages/VoterRegistrationApplication.spx](http://www.pavoterservices.state.pa.us/Pages/VoterRegistrationApplication.spx). The application was designed to be compatible with adaptive software and was tested for universal usability. Those with a Pennsylvania driver's license or PennDOT ID card have an electronic signature on file, and so can complete the application process entirely online. Others must print, sign and mail the application to their county voter registration office to complete the process or request that the Department mail them a signature form. The deadline to register in the next election on November 3, 2015 has passed. That election is for judges and municipal (local government) offices. For information about voting in Pennsylvania, go to [www.votesPA.com](http://www.votesPA.com).

## **Special Elections**

In August, special elections were held to fill five vacant state House seats. Three Democrats won for three Philadelphia districts: Ed Neilson for the 174<sup>th</sup> district; Joanna McClinton for the 191<sup>st</sup> and Donna Bullock for the 195<sup>th</sup>. In the 87th District in Cumberland County, Republican Greg Rothman was elected. In Delaware County's 161st District, Democrat Leanne Krueger-Braneky was elected. This leaves the composition of the state House of Representatives at 119 Republicans and 84 Democrats.

# **NATIONAL NEWS**

## **Federal Budget 2016**

Congress has not enacted a budget for the fiscal year which began on October 1, 2015. A continuing resolution (CR) was passed providing a budget through December 11, 2015. A CR continues the spending levels of the prior year's budget. Obstacles to enacting a budget to avoid a government shut-down included Planned Parenthood funding, the Iran Deal, pressure to loosen spending caps, and how to pay for the Highway Trust Fund.

## **Supreme Court on ACA**

On June 25th, the U.S. Supreme Court issued its decision in King v. Burwell ruling that anyone buying insurance through the federal Marketplace can continue to receive tax credits and subsidies. The Affordable Care Act expanded health insurance options by allowing individuals to buy coverage through a state-run exchange or, if their state, like Pennsylvania, chose not to develop its own exchange, through one run by the federal government. In addition, it provided for tax credits and subsidies to lower the cost of this insurance. The petitioners in King v. Burwell argued that the Affordable Care Act (ACA) only allowed tax credits and subsidies to be provided to people who purchase health insurance through "an Exchange established by the State". However, the Supreme Court ruled that, despite that language,

the overall intent of the ACA was that tax credits and subsidies would be available whether a state ran an exchange or whether the state defaulted to the federal exchange. (Submitted by the PA Health Law Project and supported by a grant from the Pennsylvania Developmental Disabilities Council).

# RESOURCES

## Centers Closing Study

On September 30, 2015, the Legislative Budget and Finance Committee released its report on the Department of Human Services' Implementation of the Olmstead Decision as it pertains to State Centers. Last year, a House Resolution (HR903) was passed on June 27, 2014 calling for a report on the economic impact of closing the five State Centers for individuals with intellectual disabilities that remain in Pennsylvania. Read the report at [lbfc.legis.state.pa.us/](http://lbfc.legis.state.pa.us/).

## Siblings Job Leave

The Family and Medical Leave Act (FMLA) entitles an eligible employee to take up to 12 work weeks of unpaid leave for the birth or placement of a son or daughter or to care for a son or daughter with a serious health condition. The U.S. Department of Labor has issued a [Factsheet](#) clarifying that siblings may also take up to 12 work weeks of unpaid leave under certain circumstances to care for their brother or sister with a serious health condition. See [www.dol.gov/whd/regs/compliance/whdfs28B.htm](http://www.dol.gov/whd/regs/compliance/whdfs28B.htm).

## Balancing Rights & Protection

A webinar, "The Fine Art of Balancing Protection with Self Determination," has been archived and is available at [www.nclc.org/national-elder-rights-training-program/the-fine-art-of-balancing-protection-with-self-determination.html](http://www.nclc.org/national-elder-rights-training-program/the-fine-art-of-balancing-protection-with-self-determination.html). It includes information about a new model from the American Bar Association to avoid guardianship, called supported decision-making.

## Early Childhood Inclusion

The U.S. Departments of Education and Health and Human Services have issued a policy statement highlighting the importance of making sure that all young children with disabilities have access to inclusive high-quality early childhood programs. The Statement is at [www2.ed.gov/about/inits/ed/earlylearning/inclusion/index.html](http://www2.ed.gov/about/inits/ed/earlylearning/inclusion/index.html).

## Rebalancing

In September, Robert Wood Johnson Health Affairs, released a policy briefing on rebalancing Medicaid long term services and supports. It is at [healthaffairs.org/healthpolicybriefs/brief\\_pdfs/healthpolicybrief\\_144.pdf](http://healthaffairs.org/healthpolicybriefs/brief_pdfs/healthpolicybrief_144.pdf).

## Voting Video

In partnership with the National Disability Rights Network, The Advocacy Center of Louisiana, Disability



Rights New York and Disability Rights Washington, the Disability Rights Network of Pennsylvania has released a voting video. The video was produced by Rooted in Rights, a new online community for people with disabilities, and their friends, families and allies. The video is intended to inform voters with disabilities of their rights, and to encourage people with disabilities to get out and vote. To view the video and learn more about voting rights, go to [www.rootedinrights.org/disabilityvote](http://www.rootedinrights.org/disabilityvote).

## Deaf & Hard of Hearing

The Pennsylvania Office for the Deaf and Hard of Hearing has launched a facebook page—**Pennsylvania Office for the Deaf and Hard of Hearing**. ODHH will use the page to provide educational materials, resources, answers to questions, and schedules of activities.

## Tech Toolkit

Through a partnership with the Comcast Foundation, The Arc created the TechToolbox [www.thearc.org/page.redir?target=https%3a%2f%2ftoolbox.thearc.org%2f&srcid=35475&srctid=1&erid=7120904&trid=175e0fdd-6101-4a60-ad22-f4a7f78f557etoolbox.thearc.org](http://www.thearc.org/page.redir?target=https%3a%2f%2ftoolbox.thearc.org%2f&srcid=35475&srctid=1&erid=7120904&trid=175e0fdd-6101-4a60-ad22-f4a7f78f557etoolbox.thearc.org). The purpose of the toolkit is to help people with intellectual and developmental disabilities (I/DD) access technology. There are over 500 apps and devices in Tech Toolbox, and the list will continue to grow. Tech Toolbox is supported by a grant from the Comcast Foundation.

## Money Management

In August, the Pennsylvania Assistive Technology Foundation (PATF) released the 3<sup>rd</sup> edition of [cents and Sensibility, a Guide to Money Management](#). Information and activities, including information about the ABLE Act, have been added. To view it, go to [patf.us/wp-content/uploads/2014/03/PATF\\_FinancialEducation\\_3rdEdition.pdf](http://patf.us/wp-content/uploads/2014/03/PATF_FinancialEducation_3rdEdition.pdf).

## Scholarships

The Autistic Self Advocacy Network has created a new college scholarship program, the Autistic Scholars Fellowship. The ASAN Autistic Scholars Fellowship program will provide 3 to 5 autistic students \$5,000 tuition scholarships each to create systems change on their college campuses. For more information and for the application, go to [autisticadvocacy.org/home/projects/autistic-scholars/](http://autisticadvocacy.org/home/projects/autistic-scholars/). Completed applications for the January 2016 scholarship period are due on November 15. Questions about the fellowship program and the application process should be directed to Natalia Rivera Morales, Leadership Programs Coordinator for ASAN, at [nriveramoraless@autisticadvocacy.org](mailto:nriveramoraless@autisticadvocacy.org).

For a list of scholarships available to people with disabilities, go to [www.aclsmedicaltraining.com/financial-aid-opportunities-for-disabled-individuals/](http://www.aclsmedicaltraining.com/financial-aid-opportunities-for-disabled-individuals/).

# Contact PIE

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

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

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