

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

On February 9, 2016, Governor Tom Wolf delivered his proposed budget for the fiscal year July 1, 2016 to June 30, 2017. Yet, as we go to print with this issue of the Slice of PIE, the state budget for the July 1, 2015 to June 30, 2016 current fiscal year is still not final. That makes it difficult to analyze the proposal for next year, since there are no final numbers for this year to which to compare. We'll try to give you a picture of how key disability programs seem to fare in the Governor's proposal for next year (2016-17). See below. As more information becomes available, on both this year's budget and next, PIE will keep you informed.

- The Governor's proposed budget for 2016-17 costs \$33.2 billion. According to the administration, that amount is needed to cover a \$2.2 billion dollar deficit and provide needed funds for education and other state-funded programs. To pay the bill, he would: raise the **personal income tax** from 3.07%

to 3.4%; add a dollar a pack to the tax on cigarettes and tax smokeless tobacco; apply the sales tax to cable tv, movie tickets and books, iTunes and other digital downloads; apply a 6.5% tax on gas drilled from Marcellus Shale; increase the tax on banks and on property, fire and casualty insurance; and tax promotional play at casinos.

Education

- He proposes a \$200 million increase in basic education and a **\$50 million increase in special education.**

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Human Services

- The Governor's proposed budget includes funds to implement **Community HealthChoices**.
- Funds would be added to cover the costs of the second year of a three year initiative to restore funds cut in the 2012-13 **Human Services Block Grant pilot**. Programs affected include Intellectual Disability (ID) base funding, Behavioral Health and Mental Health.
- The Governor's proposed **Intellectual Disabilities** budget for 2016-17 would provide for community services for: 75 people coming **out of state centers**; 250 people off the **waiting list** under the Consolidated Waiver; and 500 students **graduating from special education** into the Person and Family Directed Supports Waiver.
- The **Autism** budget would provide for home and community based services for an additional 100 adults.
- The Governor's proposal includes \$17.8 million for a **rate increase for nursing homes** and \$31.4 million for **increased utilization of nursing homes**.
- The **Mental Health** proposed budget includes funds to bring 90 people out of state hospitals and provide community services (CHIPPS).
- Funding would provide home and community services for an additional 2,304 people in the **Aging Waiver** and an additional 600 people in the **Options program**. **LIFE program** services would be expanded in five counties.
- An additional 1,440 people would receive services under the **Services to Persons with Disabilities** line item which includes the **Independence** (1,368 additional people), **OBRA** (0 additional people) and **CommCare** (72 additional people) **waivers**.

- The proposed budget includes funding to provide **Attendant Care** to 600 additional people in the Attendant Care waiver, but no growth in Act 150.

Labor and Industry

- The **Office of Vocational Rehabilitation** would receive an additional two million dollars enabling PA to pull down an additional eight million federal dollars.
- The **Assistive Technology Financing Program, Assistive Technology Equipment Lending Program** and **Supported Employment** all continue to be level funded.
- The Governor proposes \$2,318,000 for **Centers for Independent Living**. That is the amount that was also proposed for last year. The budget bill which passed, Act 10A, provided level funding at \$1,912,000.
- **Minimum wage** would increase from \$7.25 to \$10.15 per hour.

Health

- In the Department of Health, the Governor proposes no funding for a number of small programs, including **Lupus, Epilepsy, Tourette Syndrome** and **ALS**. In the past, funding has often been restored for these programs when the final budget is passed. **Services for Children with Special Needs** would receive a small increase.

For some of the line items of interest to the disability community, the chart below compares: the actual funding amount in 2014-15; the amount that the Governor is asking for in 2015-16 (In some cases, this is different than the amount of his original request); the amount for 2015-16 included in the budget bill passed by the General Assembly (Act 10-A of 2015); and the amount that the Governor is asking for in 2016-17. These are only state general funds; other state funds and federal funds are not included.

Line item	2014-15 Actual	Governor's Revised Ask 2015-16	Act 10A 2015-16	Governor's Ask 2016-17
ID State centers	\$132,984,000	\$138,496,000	\$136,548,000	\$141,769,000
MA Transportation	\$56,438,000	\$62,657,000	\$62,657,000	\$65,483,000
ICF/ID	\$152,298,000	\$139,110,000	\$139,110,000	\$142,621,000
Intellectual Disability (ID) Base	\$149,681,000	\$153,561,000	\$148,229,000	\$158,914,000
ID Community Waiver	\$1,074,887,000	\$1,211,993,000	\$1,202,683,000	\$1,283,376,000
Autism	\$19,169,000	\$21,501,000	\$21,501,000	\$23,978,000
MA Workers w/Disabilities	\$115,450,000	\$52,205,000	\$62,391,000	\$34,482,000
Mental Health	\$731,584,000	\$790,663,000	\$768,057,000	\$846,777,000
Attendant Care	\$137,229,000	\$160,010,000	\$148,291,000	\$172,909,000
Services to Persons w/Disabilities	\$273,578,000	\$334,036,000	\$313,716,000	\$378,177,000
Long Term Care Nursing homes	\$810,545,000	\$968,083,000	\$968,083,000	\$1,096,608,000
Aging Waiver	\$132,951,000	\$255,441,000	\$226,445,000	\$312,160,000
Early Intervention Birth to Three	\$127,974,000	\$127,974,000	\$127,974,000	\$129,211,000
Assistive Technology Demonstration and Training (AT Lending Library)	\$399,000	\$399,000	\$470,000	\$399,000
Assistive Technology Devices (AT Financing Program)	\$400,000	\$400,000	\$470,000	\$400,000
Centers for Independent Living	\$1,912,000	\$2,318,000	\$1,912,000	\$2,318,000
OVR State Match/Transfer to Voc. Rehab fund	\$40,473,000	\$45,473,000	\$45,473,000	\$47,473,000
Supported Employment	\$397,000	\$397,000	\$397,000	\$397,000
Special Education	\$1,046,815,000	\$1,096,815,000	\$1,076,815,000	\$1,146,815,000
Early Intervention (3-5)	\$237,516,000	\$237,516,000	\$237,516,000	\$237,516,000

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.

HB 698. Introduced by Representative Jim Marshall (R-Beaver). This bill would provide for lifetime **hunting permits for individuals with disabilities**. It passed both chambers and was signed by the Governor on December 10, becoming **Act No. 76 of 2015**.

HB 792. Introduced by Representative Thomas H. Killion (R-Delaware). This bill provides funding

for the **statewide Housing Trust Fund (HTF)** - PA Housing Affordability and Rehabilitation Enhancement Fund (PHARE). PHARE funds can be used to clean up blight and develop homes affordable for low wage workers and people on fixed income. It uses excess revenue from the Realty Transfer Tax (RTT) without increasing the RTT, or pulling revenue out of the General Fund. It passed both chambers and was signed by the Governor on November 4, becoming **Act No. 58 of 2015**.

HR 305. Introduced by Representative Gene DiGirolamo (R-Bucks). This Resolution urges the Commonwealth, including the General Assembly, to adopt and utilize person-first language for people with disabilities. The use of person-first language in legislation, policies, and other documents will contribute greatly to the integration, inclusion, and participation of

children and adults with disabilities in society. The use of person-first language will also signify the Commonwealth's support of and respect for people with disabilities. It was adopted by the full House, June 2, 2015 by a vote of 195-0.

SB 984. Introduced by Senator Camera Bartolotta (R-Beaver). The bill provides for regulation of Transportation Networking Companies such as Uber, Lyft, etc. It includes provisions on non-discrimination against people with disabilities. It passed the Senate on November 24, 2015 and is currently in the House Consumer Affairs Committee.

Legislative Schedule 2016 PA Senate Session Days

March 14, 15, 16, 21, 22, 23
April 4, 5, 6, 11, 12, 13
May 9, 10, 11, 16, 17, 18
June 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

PA House Session Days

March 14, 15, 16, 21, 22, 23
April 4, 5, 6, 11, 12, 13
May 2, 3, 4, 16, 17, 18, 23, 24, 25
June 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30

Community HealthChoices

The Department of Human Services continues to receive stakeholder input for the proposed transition to managed care for long term services and supports (MLTSS). A Request For Proposals (RFP) for managed care organizations was issued on February 22, 2016. The Department plans to implement the changes for the OLTL services on January 1, 2017 in the Southwest Region. Information is at www.dhs.pa.gov under Community HealthChoices.

OBRA Renewal

The OLTL has begun the renewal process for the OBRA waiver which expires on 6/30/16, and is seeking public comment. OBRA will continue to serve individuals who meet Intermediate Care Facility for Persons with Other Related Conditions (ICF/ORC) level of care and are not eligible for another waiver. To view a side-by-side comparison of the current and revised language, and all of the renewal language, including the Community

HealthChoices Transition Plan, go to www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm#.Vs38ha32bSe. All documents are available in alternate format and in paper copy upon request by calling the Office of Long-Term Living Bureau of Policy and Regulatory Management at (717) 783-8412. Comments can also be sent to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: OBRA Renewal, P.O. Box 8025, Harrisburg, PA 17105-8025 or to RA-waiverstandard@pa.gov. Use OBRA Renewal as the subject line. The comment forms are at www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm#.Vs38ha32bSe. The public comment period ends on March 28, 2016. More information, including details on two webinars on March 9, 2016 1:00-2:00pm and March 23, 2016 10:00-11:00am is available at www.dhs.pa.gov/learnaboutdhs/dhsorganization/officeoflongtermliving/oltlwaiverinfo/index.htm#.VtCNTo-cE2w.

ODP

The Office of Developmental Programs has issued one new Bulletin, 00-16-01, Targeted Services Management (TSM) for Individuals with an Intellectual Disability on January 20, 2016, effective on that date. The Bulletin communicates and clarifies the requirements for TSM in Pennsylvania's Medical Assistance State Plan.

OLTL

The Department of Human Services is making changes to the Office of Long Term Living (OLTL) waiver enrollment process this spring by adding the Aging waiver and requiring an eligibility determination within 60 days, rather than 90 days. Beginning this fall, the clinical eligibility determinations for nursing facility level of care will be conducted by Aging Well, LLC. The Department has announced that it will extend the contract of the current Financial Management Services (FMS) vendor rather than make a change at this time.

OLTL Bulletins

- Individual Service Plan Development, Review, and Implementation, 54-15-06 and 59-15-06, was issued on December 14, 2015, effective December 21, 2015. The Bulletin provides updated guidance to OLTL service

coordination entities of the person-centered ISP development, review, and implementation procedures for OLTL Home and Community Based Services.

- Two Revised Pennsylvania Preadmission Screening Resident Review Forms (01-15-05/03-15-15 and 01-15-04/03-15-04/07-15-04/55-15-04), were issued on December 15, 2015 and effective January 1, 2016. The Bulletins issue revised PA-PASSRR-EV Evaluation and PA-PASSRR-ID Identification forms.
- Overtime and Minimum Wage Requirements in Participant-Directed Models of Service, 54-16-01/59-16-01, was issued January 11, 2016 and effective January 1, 2016. The Bulletin communicates new overtime and minimum wage policy to OLTL Service Coordination Entities and vendor fiscal/employer agents to ensure compliance with the change to the U.S. Department of Labor Fair Labor Standards Act regulations at 29 CFR Part 552.

OMHSAS

The Office of Mental Health and Substance Abuse Services has issued one new Bulletin, OMHSAS-16-01, Mental Health Emergency Services Guidelines on January 8, 2016, effective immediately. The Bulletin provides guidelines for the delegate function in the review of the application and the decision to issue a warrant under Section 302 of the Mental Health Procedures Act.

Prison Mental Health Suit

In late January, the Department of Human Services (DHS) announced that it had settled a lawsuit filed by the American Civil Liberties Union (ACLU) on behalf of people in Pennsylvania's forensic mental health system. The forensic mental health system serves individuals who have been declared incompetent by the courts to stand trial on criminal charges and who have been ordered to be committed to Norristown State Hospital or Torrance State Hospital for treatment to help them attain competence. In October, the ACLU filed the class-action lawsuit challenging the amount of time people served by the forensic system stay in jail before being transferred to Norristown or Torrance. The agreement focuses on increasing placement options for those who have been committed by the courts to ensure that

they can get the mental health services they need more quickly and to reduce the negative impact that prolonged stays in jail have on their mental health and competency for trial. The agreement provides for: creation of 120 new placement options; making at least \$1 million available to create supportive housing opportunities in the City of Philadelphia; and assessing every person currently on a waiting list or being served at Norristown and Torrance's forensic units to determine if they are receiving the appropriate level of service.

Autism Lawsuit

The Disability Rights Network of Pennsylvania (DRN) recently settled *Sonny O. v. Dallas*, a class action lawsuit under Title XIX of the Social Security Act on behalf of Medical Assistance-enrolled children with Autism Spectrum Disorder (ASD) who requested Applied Behavioral Analysis (ABA). Plaintiffs alleged that DHS was leaving children without access to this evidence-based service. The settlement requires DHS to develop new medical necessity guidelines for ABA, promulgate regulations defining the qualifications required of ABA practitioners, require behavioral health managed care organizations to identify practitioners who are currently qualified to provide ABA and seek out-of-network providers if they do not currently have the capacity to provide ABA, develop a bulletin explaining that ABA can be used to address skill building for activities of daily living (toileting, brushing teeth, etc.) and appoint a person within DHS to receive complaints from families who feel they are not receiving medically necessary ABA based on the terms of the settlement.

Lawsuit Filed

In January, the Disability Rights Network of Pennsylvania (DRN) filed a federal lawsuit, *Miller v. Department of Human Services*, in the United States District Court for the Middle District of PA, on behalf of two people with intellectual disabilities against the Department of Human Services (DHS) for violations of federal Medicaid law, the Americans with Disabilities Act (ADA), and the Rehabilitation Act. Plaintiffs, who are Medicaid beneficiaries, are unable to access prompt services to which they are entitled, which places them at serious risk of unnecessary institutionalization.

The named plaintiffs are Consolidated Waiver participants who have been living at home with their families. The families have sought residential services repeatedly through the Consolidated Waiver, but those efforts have been unsuccessful. Without timely residential habilitation services, they will resort to institutionalization. The lawsuit is aimed at ensuring that DHS provides prompt access to Consolidated Waiver services so that people with intellectual disabilities can remain in the community and receive necessary services to avoid institutionalization.

General Assembly

The following members of the PA General Assembly have announced that they will not run for re-election:

- Representative Peter Daley, II (D-Fayette)
- Representative John Payne (R-Dauphin)
- Representative Bill Adolph (R-Delaware) – Currently House Appropriations Chairman
- Representative Dwight Evans, (D-Philadelphia), plans to retire this year to run for Congress.
- Representative Sandra Major, (R-Susquehanna)
- Representative Nick Kotik (D-Allegheny)
- Representative Mauree Gingrich (R-Lebanon)
- Representative Mike Vereb (R-Montgomery)
- Senator Pat Vance (R-Cumberland)
- Senator Shirley Kitchen (D-Philadelphia)

Staff Changes

John Hanger has resigned his position as the Governor's Secretary of Policy and Planning. He is replaced by Sarah Galbally, the Deputy Director of Policy and Planning, who was the Wolf campaign's policy director.

There are a number of changes at OHMSAS. **Ellen DiDomenico**, formerly OMHSAS' Director of the Bureau of Policy, Planning, and Program Development, will become Special Assistant to the Secretary, working with OMHSAS Medical Director, Dr. Dale Adair, on Pennsylvania's Certified Community Behavioral Health Center (CCBHC) initiative and on better integration of behavioral health and physical health strategies, including medical homes. **Sherry Peters** has been appointed to fill the position of OMHSAS' Director of the Bureau of Policy, Planning, and Program Development. **Shannon Fagan** has

been appointed to fill the position of OMHSAS Director of the Bureau of Children's Behavioral Health Services. In addition to these three appointments, **Shanna Klucar** joined OMHSAS as Executive Assistant to the Deputy Secretary on January 30, 2016.

NATIONAL NEWS

Federal Budget 2016

Congress has passed a final fiscal year (FY) 2016 omnibus budget bill (H.R. 2029, the Consolidated Appropriations Act), a \$1.149 trillion package of all 12 annual appropriations bills, to provide funding for federal government operations through September 2016. The final bill avoids cuts and even provides some small, but much needed increases to key disability programs such as: University Centers for Excellence in DD and DD Councils each received one million dollar increases; assistive technology programs receive a \$4 million increase; the Lifespan Respite Act (\$1 million increase), and Family Caregiver Support Services (\$5 million increase); \$16 million for housing for people with disabilities; \$415 million for funding to states under the Individuals with Disabilities Education Act for school-age children; a \$57 million increase for Vocational Rehabilitation Grants to States. A list of appropriations for the Departments of Labor, HHS, Education and Related Agencies is at www.aucd.org/docs/FY%202016%20Appropriations%20Report.pdf. For the Substance Abuse and Mental Health Services Administration (SAMHSA), the bill includes \$160 million more than last year, including an increase of \$50 million for the Mental Health Block Grant. Review of the entire bill is at www.appropriations.senate.gov/news/minority/summary-consolidated-appropriations-act-of-2016.

Federal Budget 2017

On February 9, 2016, President Obama sent his budget proposal to Congress for the fiscal year starting October 1, 2016. The President called for

funding for implementing employment initiatives through WIOA and expanding access to mental health care. The Bipartisan Budget Act of 2015 provides some budget stability and predictability by holding off on the debt limit until March 15, 2017 and amending the Balanced Budget Act of 1985 to increase spending caps through September 30, 2017. Discretionary spending, which includes many disability-related programs such as education, housing, and employment, will increase about 5%. Visit www.whitehouse.gov/omb/budget/ for more information.

RESOURCES

Elections

The Disability Voting Coalition is interested in recruiting people with disabilities to work at the polls on election days. If you're interested in learning more about becoming a poll worker, or if you are already a poll worker and would like to share your experiences, contact the Coalition at dvcpa@drnpa.org.

Election Dates to Remember:

- March, 28 2016 Last day to register to vote* in the Primary Election
- April 19, 2016 Last day to apply for a civilian absentee ballot
- April 22, 2016 Last day for County board of Elections to receive voted civilian absentee ballots
- April 26, 2016 Primary Election
- October 11, 2016 Last day to register to vote* before the November Election
- November 1, 2016 Last day to apply for a civilian absentee ballot
- November 4, 2016 last day for County Boards of Elections to receive voted civilian absentee ballots
- November 8, 2016 General Election

***Remember that Pennsylvania now has online voter registration. To register, go to www.pavoterservices.state.pa.us/Pages/VoterRegistrationApplication.spx.**

Presidential Candidates

The group RespectAbility has developed a 16 question survey for presidential candidates. RespectAbility is nonpartisan and does not

endorse candidates. To view the results of their candidate surveys, go to <http://respectabilityusa.com/super-tuesday-disability-voter-guide-released/>.

Person Driven Services

The Person Driven Services and Supports Project has released a report, "Status of Participant-Directed Supports (PDS) in Pennsylvania's Office of Developmental Programs (ODP)." It's available at www.drnpa.org/wp-content/uploads/2016/02/ODP-PDS-Report-Feb-2016.pdf. The report explains the PDS options available to people in the Office of Developmental Programs and analyzes PDS utilization data. For more about person-driven services and supports in Pennsylvania, please visit the [PDSS Project website](#) or contact Kristin Ahrens at kahrens@temple.edu. This is a project of the Institute on Disabilities at Temple University and is supported by a grant from the Pennsylvania Developmental Disabilities Council.

The PIE Team

THE ARC OF PENNSYLVANIA

PIE STAFF:

Maureen Cronin

Ashlinn Masland-Sarani

Sara Hughes

CONSULTANTS:

Terry Roth

Vini Portzline

Joan W. Martin

Theotis Braddy

A Slice of Pie

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U.S. POSTAGE
PAID
HARRISBURG, PA
PERMIT NO. 649

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

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.
 - 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.
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