

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.

Election News

ELECTION

On November 6, Pennsylvania will join the rest of the nation in electing a President. We also will choose a U.S. Senator; an Attorney General, Auditor General and Treasurer; all the members of the U.S. House and the State House and half of the State Senate. The deadline for registering to vote in this election is October 9, 2012. October 30 is the last day to apply for an absentee ballot and absentee ballots must be received by November 2. You can confirm if you are registered at www.pavoterservices.state.pa.us/Pages/VoterRegistrationStatus.aspx. There is information on the new

voter identification law and other voting related issues at www.VotesPA.com. You can also call 1-877-VotesPA (1-877-868-3772). The Disability Voting Coalition has a Facebook page with lots of useful information. It's at www.facebook.com/pages/Disability-Voting-Coalition-of-Pennsylvania/175089769265010.

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Voter ID Law

In March, the Pennsylvania General Assembly passed a law, Act 18 of 2012, requiring all voters to show photo identification (ID). Concerned about the potential exclusion of some voters less likely to have acceptable ID, a number of groups filed a challenge to the voter ID law. The challenge failed in PA Commonwealth Court and was appealed to the Pennsylvania Supreme Court. The Supreme Court sent the case back to the Commonwealth Court judge, requiring him to delay implementation of the law if he finds that the state is not providing “liberal access” to the new ID cards or if any voter will be unable to cast a ballot because of the voter-ID law. He is required to give his decision by October 2. As of this writing, the fate of the voter ID law for the November election is unknown.

ID requirements

To be valid, the photo ID must show an expiration date that is current (except as noted below). Acceptable forms of ID include:

- Pennsylvania driver’s license or non-driver’s license photo ID (IDs are valid for voting purposes 12 months past expiration date);
- Valid U.S. passport;
- U.S. military ID - active duty and retired military (a military or veteran’s ID must show an expiration date or show that the expiration date is indefinite). Military dependents’ ID must contain an expiration date;
- Employee photo ID issued by Federal, PA, County or Municipal government;
- Photo ID cards from an accredited Pennsylvania public or private institution of higher learning;

- Photo ID cards issued by a Pennsylvania care facility, including long-term care facilities, assisted living residences or personal care homes.

The name on the voter ID does not have to be an exact match for the voter registration (for example, one says “James” and the other “Jim”), but it must “substantially conform” to the name on the voter registration. Poll workers decide what substantial conformance is.

The new law requires voters to provide proof of identification with an Application for Absentee Ballot. Proof of identification for absentee balloting purposes is a Pennsylvania driver’s license (or PennDOT Photo ID) number, if the absentee voter has one, or the last four digits of the voter’s social security number if the absentee voter does not have a driver’s license number. If the absentee voter has neither of these numbers, the voter may send a copy of an acceptable photo ID. If the voter is qualified to vote by alternative ballot, he or she is not required to send proof of identification.

Obtaining ID

If you do not have one of the above IDs and need one for voting purposes, you may be entitled to get one free of charge at a PennDOT Driver License Center. To find the Driver License Center nearest you, and learn what identification and residency documents you will need to get a photo ID, visit PennDOT’s Voter ID website at www.dmv.state.pa.us/voter/voteridlaw.shtml, call PennDOT at 800-932-4600 or call the Department of State’s Voter ID Hotline at 1-877-VotesPA (1-877-868-3772). PA citizens can get a free copy of their birth

certificate to help them obtain valid ID. For more information on the birth certificate, go to www.portal.state.pa.us/portal/server.pt/community/voter_id/20978.

Voters who show up at the polls without a photo ID may cast a provisional ballot, and will have six days to provide photo ID and an affirmation to their county elections office to have their ballots count.

Facility IDs

Nursing homes, assisted living facilities and personal care homes can (but are not required to) issue photo IDs. Other long term care facilities do not have this ability. DPW sent a template to personal care homes on how to create valid voter IDs. The ID must include the person's name, an expiration date and a photo. The expiration date can simply be a sticker issued by the facility. Employees of care facilities can also use their Photo IDs as photo identification as long as it includes their full name and has an expiration date.

Getting Involved

Disability organizations not only can, but in some cases, must provide for voter registration. Another way to get more involved in the electoral process is to recruit people with disabilities to serve as poll workers. People can begin by signing up to fill in as a substitute or appointed poll worker in their county. Most counties need fill-in poll workers. To become a poll worker, a person must be a US Citizen age 18 or older and a registered Pennsylvania voter. Poll workers must be registered to vote 30 days prior to the election and serve in the county where they are registered. They are paid for their work. To sign up, fill out the survey at www.surveymonkey.com/s/2VSLL8N, or contact your county election bureau. Go to www.votespa.com/portal/server.pt?open=514&objID=1174076&parentname=ObjMgr&parentid=1&mode=2.

There are also elected positions. Every four years, in the year after the President is elected, registered Pennsylvania voters may run for the office of Judge of Elections or Inspector of Elections. The requirements are the same except elected poll workers must run and serve in the precinct where they are registered to vote. To run for a position as Judge of Elections or Inspector of Elections, contact the county election office by the first week of February in a year after a Presidential election. The next opportunity would be February of 2013.

For more information on becoming a poll worker, go to www.pollworkersforpennsylvania.org/become_a_pollworker.html.

STATE NEWS

LEGISLATIVE SCHEDULE

The fall schedule for the Pennsylvania General Assembly lists the following session days:

Senate:

September 24, 25

October 1, 2, 3, 15, 16, 17

November 14 (Leadership Elections)

House:

September 25, 25

October 1, 2, 3, 4, 15, 16, 17, 18

November 13, 14, 19, 20

This session ends on November 30, 2012. At the end of a session, all bills which have not passed are dead and must be reintroduced in the next session. The 2013-14 session will begin in January, 2013.

Legislative Changes

Randy Vulakovich won a special election to represent the 40th Senatorial District (Allegheny and Butler counties) and was sworn in August 29, 2012. Senator Vulakovich had represented the 30th Legislative District (Allegheny County) in the state House. He is a Republican.

Representative John Bear (R-Lancaster County) and Representative Joseph Brennan (D-Lehigh and Northampton counties) have announced that they will not seek reelection.

OMHSAS

The Office of Mental Health and Substance Abuse Services has issued one new Bulletin which you can find at <http://services.dpw.state.pa.us/olddpw/bulletinsearch.aspx>. Mental Health Targeted Case Management (TCM) Documentation Requirements (OMHSAS-12-03) was issued on June 14, 2012 and is effective on that date. The Bulletin emphasizes the documentation requirements for Mental Health Targeted Case Management service providers in both the Managed Care and Fee-For-Service Programs.

Children's Co-pays

In the August 11, 2012 Pennsylvania Bulletin, the Department of Public Welfare (DPW) published new rules that establish copayments for some Medicaid services to children with disabilities whose household

income is above 200% of the Federal poverty income guidelines based on family size. Some services will have fixed copayments and others will use a sliding scale based on the Medical Assistance fee for the service. The provider will collect the copayments and the amount will be deducted from the payment due to the provider from DPW. The providers may not deny covered care or services, nor may they waive or reduce the copayment. These changes are planned for October 1, 2012, for new families and November 1, 2012, for existing families. The notice is at www.pabulletin.com/secure/data/vol42/42-32/1551.html.

Community Choice

Effective July 1, Community Choice is no longer available to consumers trying to get into Waiver programs. Community Choice had been available in some counties to allow Waiver applications to be expedited when an individual was at imminent risk for placement in a nursing home or other type of facility. Community Choice also allowed Waiver services to start within 24 to 72 hours to prevent people from being institutionalized and allowing them to stay in the community.

This means that before consumers can begin to receive services through a Waiver program, their Waiver applications must first be approved by the County Assistance Office (which can take 30 days) and the Office of Long Term Living (OLTL), followed by the development of service plans which must be approved by OLTL. As a result, new Waiver recipients may wait several weeks, or months, before any services can begin.

In cases where an individual is trying to transition from a nursing home or hospital back to the community, the service plan cannot be developed until they are in the community. Once the plan is developed, it must be sent to OLTL for review and approval. Advocates are concerned that these delays in getting Waiver services approved and started will result in more people going to a nursing home if they need immediate services, or in people being unable to leave nursing homes to return to the community. (Thanks to PA Health Law Project's Senior Health News for this information.)

OLTL

The Office of Long Term Living has issued one new Bulletin which you can find at: <http://services.dpw.state.pa.us/olddpw/bulletinsearch.aspx>. Billing Instruction for HCBS Waiver Providers (05/51/54/55/59-12-01) was issued on June 5, 2012 and is effective on June 1, 2012. The Bulletin notifies HCBS Waiver providers of the procedure codes that will be used effective June 1, 2012, when billing waiver and vendor services through PROMISe™.

FMS

The Office of Long Term Living has submitted waiver amendments to the Centers for Medicare and Medicaid Services (CMS). These changes are needed to conform to the Financial Management Services (FMS) changes. Financial Management Services are the payroll and other supports given to consumers who employ their own attendants. For many years, consumers have had a choice of FMS provider. The Department of Public Welfare is negotiating with PCG, Public Partnerships, LLC (PPL) to be the vendor

to which the current FMS providers will transition all of their consumers. Public Partnerships will begin October 1, 2012 for new participants and January 1, 2013 for all participants enrolled in participant-directed model of service.

FMS Problems

The Office of Long Term Living has been addressing problems that occurred over the summer following the transfer of a large number of consumers and their employees from several FMS providers to one serving the western and north central parts of the state. Attendants who did not get paid correctly or on time have complained to the state and asked their legislators to assist them. Officials at DPW have said that they are working to resolve the problem and to determine the cause so it will not happen again.

Corrective Action

The Office of Long Term Living (OLTL) has posted to its website an updated Global Corrective Action Plan for its Medicaid waivers for home and community based services (HCBS). It shows the progress made on a large number of tasks for all the OLTL HCBS waivers. Review the plan by following the link on each waiver at www.portal.state.pa.us/portal/server.pt?open=514&objID=733116&mode=2.

Revenue

Pennsylvania collected \$1.8 billion in General Fund revenue in August, which was \$32.3 million, or 1.8 percent, less than anticipated. For the fiscal year-to-date, General Fund collections are .9 percent, below estimate.

Intake Lawsuit

The Disability Rights Network of Pennsylvania and the Department of Public Welfare have reached a settlement in the federal class action lawsuit *Mosley v. Alexander*. The lawsuit dealt with how application, eligibility, notices and appeal rights were handled for the waivers, except the Aging Waiver, administered by the Office of Long Term Living. The settlement will require DPW to make eligibility decisions within 90 days for people who apply for the programs as of September 1, 2012. The Court will hold a hearing on November 27, 2012 to decide whether to approve the Settlement Agreement. The Agreement, including the new phone script and process, is available at <http://drnpa.org/wp-content/uploads/2012/09/MoselyPreApprovalAtt3.pdf>.

A summary and the class notice is at <http://drnpa.org/wp-content/uploads/2012/09/MoselyClassNoticeFinalPosted.pdf>

Shared Living Responses

In July, 2011, DPW asked stakeholders to submit, by early October, ideas for improving and expanding the use of Pennsylvania's Home and Community Based Services (HCBS) Shared Living Program (SLP) for some Medical Assistance program participants. The Department wanted to look at possible ways to improve service options for housing and support services for consumers. Many responses were received and DPW has now placed them on the website at www.dpw.state.pa.us/communitypartners/sharedliving/index.htm. A summary of findings is also included, with a timetable for next steps.

MA Audits

DPW has purchased a computer system to examine all medical assistance payments before they're issued. The program, called InvestiClaim, is expected to save \$5 million a year.

DPW Changes

Tim Costa, former Executive Deputy Secretary of the Department of Public Welfare, left that position on September 10 to join a lobbying firm. Costa has been the lead for DPW efforts to address waste and fraud. The position is currently vacant. Brendan Harris, former Director of the Office of Legislative Affairs is now Chief of Staff to DPW Secretary Gary Alexander. Neal Leshner took over as DPW Director of Legislative Affairs.

Aging Changes

Mark Rosenstein is the new Legislative Liaison for the Department of Aging. Kelly O'Donnell is the Director of Community Services and Advocacy.

NATIONAL NEWS

2012-13 BUDGET

The federal fiscal year ends on September 30 and a new budget should begin on October 1. In recent years Congress has not passed the appropriations bills by that date and has instead used extensions until a budget was passed. None of the disability program bills has been acted upon. Before the summer recess, the 112th Congress struck a tentative deal to fund the government into the next fiscal year through a continuing resolution through March, 2013, with spending rates slightly higher than the FY2012 levels. The deal was reached to avoid the threat of a government shutdown just before the upcoming 2012 general elections, and to allow the next Congress and President to deal with very difficult spending and tax decisions.

RESOURCES

MA Advisory Committee

With the close of many of the advisory committees to the Department of Public Welfare, people with disabilities and their families, advocates and providers are turning to the Medical Assistance Advisory Committee (MAAC) and its subcommittees as a source of information. The schedule for meetings for the rest of 2012 is:

- Medical Assistance Advisory Committee: October 25 and December 6
- Fee for Service Subcommittee: November 14, 2012

- Consumer Subcommittee: September 26, October 24, December 5
- Long Term Care Subcommittee: October 9 and December 11

For more information, including a list of Committee members, go to www.dpw.state.pa.us/communitypartners/informationforadvocatesandstakeholders/advisorycommittees/medicalassistanceadvisorycommitteemaac/index.htm.

Subminimum Wage

The National Council on Disability (NCD) has put out a report, Subminimum Wage and Supported Employment, that makes recommendations on the use of the law that allows employers to pay people with disabilities a wage that is below minimum wage in certain situations. The report recommends that the rule, called Section 14(c) of the Fair Labor Standards Act, should be gradually phased out through change and reform efforts. The report also recommends that the U.S. Department of Education (DOE) improve opportunities for higher education, post-secondary training and transitions for people with disabilities. In addition, stakeholder involvement and expanded supported employment will be needed. The report can be found at www.ncd.gov/publications/2012/August232012

Managed Care Update

The Centers for Medicare & Medicaid Services Center for Medicaid and CHIP Services has made a new resource available on the growth of Medicaid managed long-term services and supports (MLTSS). The 2012 MLTSS Environmental Scan includes an inventory of all MLTSS programs that had been implemented

as of June 2012, and a projection of programs planned through January 2014. The report includes State-by-state results. The 136 page report is at www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Delivery-Systems/Medicaid-Managed-Long-Term-Services-and-Supports-MLTSS.html.

Guardianship

On July 5, 2012, Governor Corbett signed House Bill 1720 into law as Act 108 of 2012. The law, known as the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA), helps to determine which state has authority over guardianship proceedings. The Alzheimer's Association has published a fact sheet on the law. It's at www.alz.org/national/documents/adult_guardianship_factsheet.pdf.

D & A Department

In July the Department of Drug and Alcohol Programs (DDAP), was born. Governor Corbett nominated Gary Tennis to serve as Secretary and Kim Bowman is deputy secretary. For more information, go to their website at www.ddap.pa.gov/portal/server.pt/community/ddap_home_community/20800.

Medicaid

The agency Centers for Medicare and Medicaid Services (CMS) has a website with information about state Medicaid agencies and current waiver applications and state plan amendments. Go to www.medicaid.gov and www.medicaid.gov/mltss (Managed Long Term Services & Supports) for information and training on managed care programs.

Housing Vouchers

HUD issued PIH-2012-34 to offer "guidance on the administration of a Public Housing Agency's (PHA) Housing Choice Voucher (HCV) and Public Housing (PH) waiting lists, on the topics of opening the waiting list, applicant selection, placing applicants on the waiting list, and outreach." It's at <http://search.usa.gov/search?affiliate=housingandurbandevelopment&query=PIH-2012-34+%28HA%29>

Pennsylvania Developmental Disabilities Council

CONSUMER SATISFACTION SURVEY

Project Activity: Policy Information Exchange Grant

In order to gauge the effectiveness of PIE (Policy Information Exchange), we ask that you complete this short survey. The answers will give us an indication of how we are doing, and measure your satisfaction with the information products distributed by PIE emails (PIE information, alerts, and job postings); and A Slice of PIE newsletter.

Please note that some of the questions are required under the federal grant, and may not apply to PIE's work. You can skip over those questions.

We appreciate your feedback.

Directions – Please select the category that best describes you.

- Individual with a disability
- Family member
- Other _____

Directions – Please circle either **Yes** or **No** to tell us your opinion about the following statements.

1. I (or my family member) was treated with respect during this project activity.
Yes **No**
2. I (or my family member) have more choice and control as a result of this project activity.
Yes **No**
3. I (or my family member) can do more things in my community as a result of this project activity.
Yes **No**

Directions – Please circle the number that best describes your opinion.

4. I am satisfied with this project activity.
4 Strongly Agree 3 Agree 2 Disagree 1 Strongly Disagree

5. My life is better because of this project activity.

4	3	2	1
Strongly	Agree	Disagree	Strongly
Agree			Disagree

6. Because of this project activity, I (*or my family member*) know my rights.

Yes No

7. I (*or my family member*) am more able to be safe and protect myself from harm as a result of this project activity.

Yes No

What has been **helpful** or **not helpful** about this project activity? _____

8. Please rate the following about the emails sent by PIE

They are clearly written	Agree	Disagree	NA
The timing of the information sent is okay	Agree	Disagree	NA
They help with advocacy	Agree	Disagree	NA

9. Please rate the following about A Slice of PIE newsletter

It is clearly written	Agree	Disagree	NA
It informs me/my organization about state and national policy issues	Agree	Disagree	NA
It helps with advocacy policy issues	Agree	Disagree	NA

10. What do you find to be most useful about A Slice of PIE newsletter and/or PIE e-mails?

11. Comments or ways to improve emails and/or A Slice of PIE newsletter:

You can access the survey online at:

<http://survey.constantcontact.com/survey/a07e6dyjozh73oh9kg/start>

If you do not have computer access, detach this page and mail it to the PIE office at:

Policy Information Exchange
c/o The Arc of Pennsylvania
101 S Second Street, Suite 8
Harrisburg PA 17101

Questions about the survey can be sent to pie@thearcpa.org or by calling 800-692-7258.

Contact PIE

Contact the PIE Team with any questions, comments, suggestions, or information to share at PIE, c/o The Arc of Pennsylvania, 101 South Second Street, Suite 8, Harrisburg, PA 17101, by email at 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.
- * 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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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
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or by email to pie@thearcpa.org.
Thank you.