

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 7, 2017, Pennsylvania Governor Tom Wolf delivered his proposed budget for the 2017-18 fiscal year which begins on July 1. He took a different approach than his first two budgets. He proposed a modest increase in education funding and no increases in the personal income tax or the sales tax. Instead he addressed the state's difficult financial situation by limiting spending in some areas, recommending some new targeted taxes and revenue generators, and finding efficiencies in government like the consolidation of some state agencies. The third of five priorities that the Governor mentioned in his preview of the budget was to, "Make sure seniors and individuals with disabilities receive the quality services they need to thrive." The General Assembly is now reviewing the Governor's proposal and has held Appropriations hearings with Department heads. **Nothing is final** until the budget is passed by the House and Senate and signed by the Governor, hopefully before

July 1, 2017. It's important that people let their State Representative and State Senator know what they like or what they dislike in the Governor's proposal.

Consolidation

The Governor proposes combining the Departments of Health, Human Services, Aging and Drug and Alcohol Programs into one Department of Health and Human Services. This proposal is intended to improve services and to save money—more than \$90 million in 2017-18. Of that estimated amount, \$45 million would

In This Issue

State News	page 1
National News	page 6
Resources	page 6
Contact PIE	page 7

come from unifying programs, including PACE, for purchasing, dispensing and monitoring prescription drugs. Other savings would come from closing some State Health Centers, and other efficiency measures. The number of state workers in these four departments would be reduced from the current 18,850 to 18,328, a 2.8% decrease. DHHS would be headed by one secretary with ten deputy secretaries including: Medical Assistance Programs; Behavioral Health and Substance Use Disorder Services; Aging and Adult Community Living; and Developmental Programs. This proposal requires legislative approval. At a budget briefing, administration officials indicated that they intended to seek stakeholder input.

The Department of Corrections and the state's Board of Probation and Parole would also be joined in a new Department of Criminal Justice. Governor Wolf's budget assumes that the General Assembly has passed necessary legislation to implement the plans in enough time to begin the consolidation at the start of the new year.

Governor Wolf's Recommended Funding

(Except where otherwise noted, all dollar amounts are for state funds only.)

Department of Health and Human Services

Intellectual Disabilities

Governor Wolf is proposing some significant growth in community services for people with intellectual disabilities. His budget would provide funding for home and community based services (HCBS) for: a thousand people currently on the waiting list through a new Community Waiver capped at \$70,000 per person per year; 820 graduates from special education programs (they believe that would be all the grads next year); and 40 people out of state centers and into the community. It includes \$54.8 million for a rate increase. This would amount to an almost 15% increase in community ID funding. The State Center budget would be decreased while ID base funds and ICF/ID funds would increase a small amount. The Department is planning to close Hamburg Center.

Autism

The proposed budget includes funds for an additional 50 adults to receive HCBS and to

provide Targeted Service Management for 1,545 people on the waiting list.

Mental Health

While state funding for mental health services would be reduced by 1.9%, federal and other funding, including a new \$22.6 million Intergovernmental Transfer, would increase, resulting in a 1% total increase. The Governor's budget would provide for 90 people in state hospitals to be moved to the community under the Community/Hospital Integration Project Program (CHIPPs). The civil portion of Norristown State Hospital is slated to close.

Attendant Care

While state funding would be slightly reduced, it seems to amount to an increase because of additional federal funds. The budget would serve an additional 840 people in the Attendant Care waiver, and apparently no additional people in Act 150.

Services to Persons with Disabilities

The budget would increase to serve an additional 1,470 people.

Aging Waiver

The Aging Waiver line item would lose almost \$15 million in state funds and \$19 million in federal funds for a nearly 5% decrease, but the budget indicates that funding is enough to serve an additional 1,428 people.

Other

Medical Assistance Transportation and ***Medical Assistance for Workers with Disabilities (MAWD)*** would receive less funding next year under the Governor's proposal. ***Early Intervention (Birth to Age 3)*** would receive a 5.7% increase. ***Adult Protective Services*** is funded at \$4,582,000 in the DHS General Government Operations line item.

Department of Labor and Industry

Centers for Independent Living, Assistive Technology Demonstration and Training, Assistive Technology Financing and Supported Employment would all be flat funded.

Transfer from the Vocational Rehabilitation state match would increase very slightly. We've been told that the amount should be sufficient to pull down all available federal funds.

Department of Education

Special Education would receive a 2.3 % increase and *Early Intervention* (age 3 to 5) would receive a 4.6% increase.

Treasury Department

There is \$1.3 million proposed for the *ABLE* savings program.

Line item	2015-16 Appropriated/ <u>total with supplemental</u>	Governor's Proposal 2016-17	2016-17 Appropriated/ <u>total with requested supplemental</u>	Governor's Proposal 2017-18
ID State centers	\$136,548,000	\$138,496,000	\$136,548,000	\$141,769,000
MA Transportation	\$62,657,000	\$65,483,000	\$63,983,000	\$61,511,000
ICF/ID	\$139,110,000	\$142,621,000	\$127,621,000	\$128,426,000
Intellectual Disability (ID) Base	\$148,229,000	\$1,283,376,000	\$149,950,000	\$150,734,000
ID Community Waiver	\$1,202,683,000	\$1,211,993,000	\$1,283,113,000 <u>\$1,331,661,000</u>	\$1,527,602,000
Autism	\$21,501,000	\$23,978,000	\$24,833,000	\$26,908,000
MA Workers w/Disabilities	\$37,205,000/ <u>\$29,753,000</u>	\$34,482,000	\$13,500,000 <u>\$35,820,000</u>	\$20,661,000
Mental Health	\$768,057,000	\$846,777,000	\$788,677,000 <u>\$789,027,000</u>	\$774,429,000
Attendant Care	\$148,291,000/ <u>\$161,741,000</u>	\$172,909,000	\$171,638,000 <u>\$218,503,000</u>	\$217,429,000
Services to Persons w/Disabilities	\$313,716,000/ <u>\$339,077,000</u>	\$378,177,000	\$370,254,000 <u>\$419,874,000</u>	\$445,227,000
Long Term Care Nursing homes	\$968,083,000	\$1,096,608,000	\$996,784,000 <u>\$1,036,778,000</u>	\$1,187,718,000
Aging Waiver	\$226,445,000/ <u>\$261,945,000</u>	\$312,160,000	\$277,670,000 <u>\$351,350,000</u>	\$336,384,000
Early Intervention Birth to Three	\$127,974,000	\$129,211,000	\$129,211,000	\$136,545,000
Assistive Technology Demonstration and Training (AT Lending Library)	\$399,000	\$399,000	\$399,000	\$399,000
Assistive Technology Devices (AT Financing Program)	\$400,000	\$400,000	\$400,000	\$400,000
Centers for Independent Living	\$1,912,000	\$2,318,000	\$1,912,000	\$1,912,000
OVR State Match/Transfer to Voc. Rehab fund	\$45,473,000	\$47,473,000	\$47,473,000	\$47,478,000
Supported Employment	\$397,000	\$397,000	\$397,000	\$397,000
Special Education	\$1,076,815,000	\$1,146,815,000	\$1,096,815,000	\$1,121,815,000
Early Intervention (3-5)	\$237,516,000 <u>\$241,779,000</u>	\$237,516,000	\$252,159,000	\$263,878,000

The chart includes only state general funds. Other state funds, like the lottery, and federal funds, like Medicaid, are not included.

The 2015-16 column includes a few line items which received a “supplemental appropriation,” (a change in the appropriated amount) for 2015-16, as part of the 2016-17 budget process. These revised total amounts for 2015-16 are listed in **bold and underlined** under the original amount appropriated for 2015-16.

The 2016-17 column includes a few line items for which the Governor is requesting a “supplemental appropriation,” (a change in the appropriated amount) for 2016-17. The numbers in **bold and underlined** in the 2016-17 column represent the total if the supplemental requests are approved.

Bills of Interest

Below we summarize some bills of interest to the disability community from the 2016-2017 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 381. 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 was introduced and referred to the Human Services Committee, February 7, 2017.

HB 384. Introduced by Representative Harry Readshaw (D-Allegheny). This bill would allow for **involuntary commitment** for drug and alcohol abuse. It was introduced and referred to the Human Services Committee, February 7, 2017.

HB 414. Introduced by Representative Thomas P. Murt (R-Montgomery). **This bill would** establish a **bill of rights** for individuals with intellectual and developmental disabilities. It was introduced and referred to the Human Services Committee, February 8, 2017.

HB 416. Introduced by Representative Thomas P. Murt (R-Montgomery). This bill 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 State Government Committee, February 8, 2017.

HB 437. 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, February 10, 2017.

HB 440. Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would seek to protect the rights of Pennsylvanians to access **mental health and substance use**

services through their insurance company. It was introduced and referred to the Insurance Committee, February 10, 2017.

HB 538. Introduced by Representative W. Curtis Thomas (D-Philadelphia). This bill would allow a municipality to make a **disability accessible parking** space exclusive in limited instances where the disabled person can document a severe disability and the need for exclusive use of the space. It was introduced and referred to the Transportation Committee, February 17, 2017.

HB 626. Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would impose an additional \$0.04 tax on cigarettes sold in Pennsylvania to fund services for people on the **Intellectual Disabilities and Autism Waiting List**. It was introduced and referred to the House Finance Committee, February 24, 2017.

HB 628. 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, February 24, 2017.

SB 158. Introduced by Senator Christine M. Tartaglione (D-Philadelphia). It would establish in law the **Office for People with Disabilities and Advisory Committee for People with Disabilities**. It was introduced and referred to the Senate State Government Committee, January 31, 2017.

SB 307. 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, February 15, 2017.

SB 391. Introduced by Senator Jay Costa (D-Allegheny). The bill would amend the Mental Health Procedures Act to provide a procedure for families to seek **involuntary commitment of loved ones for treatment for**

alcohol and drug abuse. It was introduced and referred to the Senate Judiciary Committee on February 28, 2017.

Institutional Closures

In January, Department of Human Services (DHS) Secretary Ted Dallas announced that DHS plans to close the Hamburg State Center for people with intellectual disabilities in Berks County. DHS will also close the civil section of Norristown State Hospital in Montgomery County. The closures are expected to take approximately 18 to 24 months to complete as residents transition to the community.

Community HealthChoices

The Department of Human Services is moving forward with readiness review and contract negotiations with the three insurance companies chosen in to provide coverage under Pennsylvania's Community HealthChoices (CHC) managed long term services and supports (MLTSS) program: AmeriHealth Caritas; Centene, which operates nationally and in Pennsylvania will be called "Pennsylvania Health and Wellness;" and UPMC. The program had been on hold because of a temporary order by the Commonwealth Court which led the Department to delay the start date until January 1, 2018 for Southwest PA and until July 1, 2018 for Southeast PA. The remaining regions remain slated to begin on January 1, 2019. The Court denied the request for an ongoing hold. The MLTSS Subcommittee meets monthly to give input to the Department on CHC. Meeting transcripts and 2017 meeting dates are at www.dhs.pa.gov/communitypartners/informationforadvocatesandstakeholders/mltss/index.htm. Updated information on the program can be found at: www.dhs.pa.gov/citizens/communityhealthchoices/index/htm.

This article provided by the PA Health Law Project thanks to a grant from the PA Developmental Disabilities Council.

OLTL

The Office of Long Term Living has issued two new Bulletins:

- Participant Reviews – 59-16-12 was issued on December 28, 2016, effective January 1, 2017. The Bulletin rescinds and replaces the Office of Long-Term Living (OLTL) bulletin #59-16-08 issued on August 15, 2016 and

includes updates and clarification about the completion of the Participant Review Tool.

- Home and Community-Based Settings Requirements – 59-16-14 was issued on December 28, 2016 and effective on that date. The Bulletin provides guidance on which settings can be paid for delivery of home and community-based services to comply with federal requirements.

Direct Care Workers

On February 23, 2017 the Department of Health issued guidance to Home Care Agencies and Registries that describes how licensed providers can implement the November 2016 policy clarification that allows direct care workers to provide non-skilled activities and services, known as Specialized Care, in a person's home or other independent living setting. The guidance is at www.health.pa.gov/facilities/Consumers/Health%20Facilities/Home%20Health%20Services%20amp;%20Hospices/Documents/HcAGuidance.pdf.

Grant

Pennsylvania is one of eight (8) states chosen to receive a Certified Community Behavioral Health Clinic (CCBHC) demonstration grant from the federal government to improve services and care coordination for individuals on Medicaid and on CHIP with serious behavioral health needs. The state could receive additional \$10 million in federal funding.

OMHSAS

The Office of Mental Health and Substance Abuse Services has issued three new Bulletins:

- Peer Support Services – Revised OMHSAS-16-12 was issued on December 12, 2016, effective immediately. The Bulletin announces that peer support services may now be provided for youth who are 14 years of age and older with serious emotional disturbance, and issues revised provider handbook pages.
- Reissue of Medical Necessity Guidelines for Applied Behavioral Analysis (ABA) OMHSAS-17-01 was issued on January 13, 2017, effective immediately. The Bulletin provides guidelines for review of requests for ABA, and informs Behavioral Health Care

Organizations (BHMCOs) and providers of documentation requirements.

- ABA Using Behavioral Specialist Consultant-Autism Spectrum Disorder and Therapeutic Staff Support Services OMHSAS-17-02 was also issued on January 13, 2017, effective immediately. The Bulletin informs BHMCOs and providers of the procedure for requesting, providing and billing ABA using Behavioral Specialist-Consultant-Autism Spectrum Disorder and Therapeutic Staff Support Services. The PA ABLE program is launching April 3rd.

OMHSAS also issued a memo on January 9, 2017 announcing an initiative to address the unmet needs of individuals who are deaf, American Sign Language (ASL) users, and have mental health challenges by recruiting fifteen (15) individuals from the deaf community to become certified Peer Support Specialists. The Office of Vocational Rehabilitation (OVR) will partner with OMHSAS to provide tuition and follow-along supports for the required training. OMHSAS also encourages counties, managed care organizations, and peer support service agencies to provide supervised internships leading to the hire of certified individuals. For additional information, contact Ginny Mastrine at 717-772-7926 or ymastrine@pa.gov.

NATIONAL NEWS

New Faces

On February 10, 2017, Representative Tom Price (R-Georgia) was sworn in as President Trump's Secretary of Health and Human Services. He has served twelve (12) years in Congress and eight (8) years in the Senate in Georgia. His background is as an orthopedic surgeon. While in the House, he was a proponent of overhauling the nation's entitlement programs, including privatizing Medicare with subsidies to buy insurance and block-granting Medicaid. As Secretary of HHS, Mr. Price will oversee many programs, including Medicare, Medicaid, Administration on Intellectual and Developmental Disabilities (AIDD) and the

National Institute of Mental Health. President Trump has also named Seema Verna to head the Centers for Medicare and Medicaid Services. She worked with then-Governor Mike Pence to design the Indiana Medicaid expansion program which requires some low-income residents on the program to pay small monthly contributions for their health coverage.

RESOURCES

ABLE

The Pennsylvania Treasury has launched the PA Achieving a Better Life Experience (ABLE) Savings Program website (www.paable.gov) with information on the program to give individuals with qualified disabilities a tax-free way to save for future disability-related expenses, while maintaining government benefits.

Transition Resource

The website <https://pathways.grads360.org> brings together five different National Youth-Focused Training and Technical Assistance Centers, funded by the US Department of Education's Rehabilitation Services Administration (RSA) and Office of Special Education Programs (OSEP), as well as the US Department of Labor's Office of Disability and Employment Policy (ODEP). These five centers are working together to provide technical assistance and training to state/local agencies and programs to build successful pathways to postsecondary education and employment opportunities for youth and students with disabilities.

Everyday Lives

The booklet *Everyday Lives: Values in Action*, is available online at MyODP.org. It was developed by the Office of Developmental Programs (ODP) Information Sharing and Advisory Committee and includes thirteen (13) recommendations, strategies and performance measures to guide ODP and gauge its progress in achieving the goals of Everyday Lives.

Meeting Guide

Families USA has published a guide on how to set up a meeting with your member of Congress. It's available at <http://familiesusa.org/product/how-set-meeting-your-member-congress>.

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.

- o **A Slice of Pie** is available by email and contains hyperlinks for ease of accessing websites and internet documents and resources.
- o PIE Alerts, PIE Information, and PIE Job Postings are available by email to keep people informed about disability issues between newsletters.
- o Sign up for A Slice of Pie or PIE electronic messages by phone at 800-692-7258 or by emailing pie@thearcpcpa.org.
- o 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.
- o 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.
- o **A Slice of Pie** is available in alternate format upon request.
- o The PIE office will download, copy, and mail information mentioned in A Slice of Pie upon request.

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Thank you.
