

# *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.**

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## STATE NEWS

### STATE BUDGET

On February 6, 2018, Pennsylvania Governor Tom Wolf released his proposed budget for the 2018-19 fiscal year which begins on July 1, 2018. The budget would increase funding for education and job training and contains no broad-based tax increases. Below we summarize some items of interest to the disability community in the Governor's budget proposal. Having wrapped up appropriations hearings, the General Assembly is developing its own proposal. On March 12, the House Appropriations Committee sent HB 2121 to the full House, putting it in position to be used as the budget bill. The fact that it is an election year adds to the pressure on the Governor and the members of the General Assembly to pass a budget by the June 30, 2018 deadline.

### Health & Human Services

- Last year's proposed **consolidation of state agencies** has been scaled back. This year the governor proposes consolidating the

Department of Health and the Department of Human Services. The Department of Aging and the Department of Drug and Alcohol Programs would remain separate. Updated organizational charts reflect that some administrative functions have already been combined, such as human resources and information technology.

- The governor proposes a \$15.5 million increase in state funds for the **Intellectual Disabilities community waivers** to expand waiver services to additional individuals

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including: funding for 6 months for 100 people on the emergency waiting list to receive Consolidated waiver services; funding for 9 months for 800 students graduating from special education in 2018 and funding for one month for 800 students graduating from special education in 2019; and funding for 25 people currently residing in state centers. The governor also proposes \$688,000 in state funding to serve an additional 40 adults in the **adult community autism program**. The proposed budget assumes the **closure of the Hamburg state center** by July 2018. Funding for state centers is reduced by 8.9%.

- State funds for the **Intellectual Disabilities Community Base Program** would increase by 1% (\$1.5 million), but that includes a transfer of \$1.8 million in operating costs from the Autism Intervention and Services appropriation to the Base Program.
- The governor would increase state funding for **mental health** by \$14,466,000 or 1.9%. The mental health line item funds both mental hospitals and community services. Under the proposed budget, funding for community services would be reduced. There is no funding for any additional people out of state hospitals (**CHIPPs**) or for restoration of the funds cut under the 2012-13 human service block grant. Current year (2017-18) funding would be reduced by \$7,622,000.
- State funding for Medical Assistance for Workers with Disabilities (**MAWD**) would increase while federal funding would decrease for a net decrease.
- **Medical Assistance Transportation** funding would increase by 6.6%.
- **MA Community HealthChoices** is the new long term services and supports system which began rolling out in January, 2018 in Southwestern PA. The Governor's budget includes a new line item with \$694,438,000 state funds and \$1,672,095,000 federal funds for services in the Southwest Region for a full year and in the Southeast Region for six months.
- For the **Aging Waiver** (Home & Community-Based Services) state funds are reduced

\$91,240,000. This is offset by the transfer of \$318,567,000 to the Community HealthChoices line item. It includes funds to serve 2,290 additional older Pennsylvanians.

- State funding for the **LIFE** program (Living Independence for the Elderly) would be increased by \$15,438,000, including funds to serve 480 additional older Pennsylvanians.
- **Services to Persons with Disabilities** (OBRA, COMMCARE, Independence waivers) is decreased. This is offset by the transfer of \$209,510,000 to the Community HealthChoices line item. It includes \$22,541,000 funds to serve 1,500 additional people with disabilities
- State funding for the MA Long-Term Care line item (**nursing homes**) is reduced by \$275,367,000. This is offset by the transfer of \$598,670,000 to the Community HealthChoices line item. A number of legislators expressed concern about the adequacy of the nursing home budget.
- **Attendant Care** (**Act 150** program and waiver) is decreased by \$61,987,000. This is offset by the transfer of \$104,874,000 to the Community HealthChoices line. It includes \$10,780,000 to serve 960 additional people with disabilities. \$27,375,000 reflects the transfer of the **attendant care program for people over age 60** from the PENNCARE appropriation in the Department of Aging to the Department of Human Services Community HealthChoices line item.
- There is no funding for **rate increases**.
- **Epilepsy Support Services, Sickle Cell, Tourette's Syndrome** and most of the other specialized health programs would be defunded. Each year, the governor defunds these programs, and every year the general assembly reinstates their funding. **Services for Children with Special Needs and Newborn Hearing Screening** would be level-funded.
- **The federal financial participation rate** (the federal share of Medicaid) will increase from 51.82% to 52.25%.

The Governor proposes a number of **supplemental appropriations which affect the current year's budget** (2017-18) including: Mental Health reduced \$7,622,000; State Centers reduced \$1,849,000; \$50,038,000 increase for nursing homes; Aging Waiver increased \$150,826,000 state and \$158,660,000 federal; LIFE \$7,181,000 decrease; Services to Persons with Disabilities increased \$27,015,000 state and \$29,903,000 federal; Attendant Care increased \$24,968,000 state and \$26,965,000 federal; Autism \$761,000; and Early Intervention \$7,551,000.

### **Aging**

- The Lottery funded PENNCARE program includes \$5,420,000 to provide **attendant care** services for an additional 480 recipients over age 60.
- PENNCARE Lottery funds are reduced \$11,166,000 due to the transfer of Medical Assistance assessments to the Long-Term Care appropriation in the Department of Health and Human Services.

### **Labor & Industry**

- The Office of Vocational Rehabilitation (**OVR**) would receive an increase of \$737,000 or 1.6% in state match.
- **Supported Employment, Centers for Independent Living** and the two **Assistive Technology** programs would receive the same amount of funding as last year.

### **Education**

- State funding for **special education would increase by \$20 million (1.8%)**.
- **Pre-school early intervention** would receive an \$11,622,000 or 4.4% increase.
- Funding for **chartered schools** for those who are deaf and blind would be increased 4.3% and **approved private school** funding would increase 2.9%.

### **Bills of Interest**

Below we summarize some bills of interest to the disability community from the 2017-2018 session. For more information about these or any other state bills, go to: <http://www.legis.state.pa.us/cfdocs/legis/home/session.cfm>. At the top of the page in the box labeled, "Legislation

Quick Search," enter the bill number and click on "Search". The site contains lots of useful information.

**HB 1124.** Introduced by Representative Jim Cox (R-Berks). This bill would further provide for the offense of **neglect of a care-dependent person**, and to create the offense of abuse of a care-dependent person. It was introduced and referred to the House Judiciary Committee, May 5, 2017. Third consideration and final passage, Dec. 12, 2017 (192-0). Referred to Senate Judiciary, Jan. 2, 2018

**HB 1641.** Introduced by Representative Bryan Cutler (R-Lancaster). This bill introduces "**The Employment First Act**," designed to promote the employment of people with disabilities at competitive wages by Pennsylvania employers. It was introduced and referred to the Labor and Industry Committee, June 29, 2017. Third Consideration and final passage, December 11, 2017, 191 to 0. Referred to Senate Labor and Industry, Jan. 2, 2018.

**HB 1829.** Introduced by Representative Aaron Bernstine (R-Beaver). This bill would provide greater access for seniors to in-home care by extending "**presumptive eligibility**" to those who meet the qualifications for Medicaid and who wish to remain in their own homes instead of in a more costly and restrictive setting. The qualifications for care still remain in place and eligibility criteria will not be altered or lowered. Instead, the bill will assist in expediting and equalizing the approval process for those who wish to receive care at home, as the process now does for nursing home care. It was introduced and referred to the House Health Committee, Sept. 27, 2017. Referred to Senate Health and Human Services, Jan. 2, 2018.

**SB 21.** Introduced by Senator Bob Mensch (R-Berks). This bill, entitled "**The Employment First Act**," would promote the employment of people with disabilities at competitive wages in Pennsylvania businesses and public agencies. It was introduced and referred to the Senate Labor and Industry Committee, June 29, 2017. It received first consideration in the Senate, Nov. 14, 2017. Referred to the House Labor and Industry Committee, Feb. 8, 2018.

## NEW BILLS

**HB 1024.** Introduced by Representative Kerry A. Benninghoff (R-Centre). This bill would amend the **Adult Protective Services Act** to establish a **statewide registry** of individuals who have been convicted of simple assault, aggravated assault or neglect of a care-dependent person. It was referred to the House Aging and Older Adult Services, March 30, 2017 and House Human Services Committee, May 10, 2017.

**HB 1983.** Introduced by Representative Martina A. White (R-Philadelphia). This bill would provide citizens of this commonwealth who are diagnosed with an **intellectual disability** and their families with a full list of community homes throughout Pennsylvania. It was referred to the House Health Committee, Dec. 21, 2017.

**HB 1995.** Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would prevent a transportation authority from denying, limiting, discouraging or imposing burdens or penalties on an individual with a disability who is accompanied by a harnessed and trained **therapy dog**. It was referred to the Agriculture and Rural Affairs, Jan. 3, 2018.

**HB 2049.** Introduced by Representative Dan Moul (R-Adams). This bill would create the Pennsylvania Assistance and **Service Animal Integrity Act**. This legislation would take verification one step further and impose penalties for those who misrepresent themselves as disabled or misrepresent their animal as an assistance or service animal. It was referred to the House Urban Affairs, Feb. 2, 2018.

**HB 2069.** Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would codify an expiring grant program which has provided a lifeline for many **deafblind** Pennsylvanians by providing access to support service providers who facilitate communication and provide sighted guidance. It was referred to the House Health Committee, Feb. 12, 2018.

## Resolutions

**HR 707.** Introduced by Representative Stephen Kinsey (D-Philadelphia). This resolution designated March 2018 as “**Disabilities Awareness Month**” in Pennsylvania. It was introduced as Noncontroversial Resolution Under Rule 35, March 6, 2018.

## Secretary Confirmations

On March 19, 2018 the Senate Health and Human Services Committee voted to send positive confirmation recommendations for full Senate consideration of three Acting Secretaries to permanent positions: Teresa Miller for the Department of Human Services, Jennifer Smith for the Department of Drug and Alcohol Programs, and Dr. Rachel Levine for the Department of Health.

## OLTL

### Community HealthChoices

The Department of Human Services launched the Community HealthChoices (CHC) program on January 1, 2018 in 14 counties in Southwestern Pennsylvania to serve approximately 79,000 people. The managed care program serves participants in the OLTL waivers (except OBRA), nursing home residents on Medicaid, and additional individuals living in the community who are eligible for both Medicare and Medicaid. Affected individuals in the Southwest Region choose a managed care organization (MCO) or one was chosen for them prior to the launch. All individuals can change their selected plan at any time. All individuals receiving services as of December 31, 2017 will continue to receive the services in their current service plan from their current providers for six months unless they request a change. The three MCOs for HealthChoices are AmeriHealth Caritas, PA Health & Wellness, and UPMC Community HealthChoices. Updated information is available at this link including contact information for the three MCOs: <http://www.healthchoices.pa.gov/info/about/community/>.

In addition, the monthly Managed Long-Term Services and Supports (MLTSS) Medical Assistance Advisory Committee (MAAC) meeting reviews information about other aspects of the program implementation including the Quality Framework, the enrollment statistics, and the resolution of issues that emerged since the program began such as access to medical and non-medical transportation. Presentations, transcripts, and the 2018 meeting dates are available at <http://www.dhs.pa.gov/communitypartners/informationforadvocatesandstakeholders/mltss/index.htm>.

# NATIONAL NEWS

## Bulletins

The Office of Long-Term Living (OLTL) has issued two new Bulletins:

- Act 150 Program Sliding Fee Scale for Calendar Year 2018, 54-17-02/59-17-02, was issued on January 2, 2018 and was effective on January 1, 2018. The Bulletin provides the most recent sliding fee scale to all OLTL Service Coordination Entities working with Act 150 Program participants.
- Standardized Participant Information Packet, 59-18-01, was issued on January 16, 2018 and was effective on that date. The Bulletin introduces the new OLTL Participant Information Packet that provides accurate and updated standardized informational materials for service coordination and enrollment staff to ensure uniform information.

## ODP

The Office of Developmental Programs (ODP) has issued one new Bulletin: Individual Support Plans for Individuals Receiving targeted Support management, Base Funded Services, Consolidated or P/FDS Waiver Services or Who Reside in an ICF/ID, 00-17-03, was issued on December 1, 2017 and was effective on that date. The Bulletin provides the ODP requirements and standardized processes for preparing, completing, documenting, implementing, and monitoring Individual Support Plans (ISPs) to ensure they meet certain criteria.

## OMHSAS

The Department of Human Services (DHS) has developed an application for a Federal Section 1115 Demonstration waiver to provide substance use disorder (SUD) services in Pennsylvania targeted to be effective July 1, 2018. The purpose of the Demonstration is to afford continued access to high quality, medically necessary treatment for opioid use disorder and other substance use disorders for Medicaid beneficiaries. The goals of the Demonstration are to improve overall population health outcomes, decrease use of high-cost emergency and hospital care, and improve care transitions across the continuum of substance use services. The status of the application is that the Department has submitted it to the Center for Medicare and Medicaid (CMS) as an amendment to a current approved Pennsylvania 1115 waiver.

## Federal Budget 2018

On February 9, 2018, President Trump signed a \$300 billion Bipartisan Budget Act of 2018 that funds the federal government through March 23, 2018 through another Continuing Resolution, increases defense spending, and provides hurricane disaster aid. A one day government shut-down occurred after the end of the previous Continuing Resolution in the federal fiscal year that began on October 1, 2017. The Congressional deal includes the budget blueprint for two fiscal years, extending expiring tax breaks, extending two health programs (CHIP and Community Health Centers), and lifting the debt ceiling for one year. Other health care provisions include \$6 billion to combat the opioid crisis and improve mental health care, repealing the Independent Payment Advisory Board that could have made Medicare cuts, and closing the Medicare Part D “donut hole” more quickly. Congress must now complete work on an omnibus budget bill that details the spending for government agencies.

## Federal Budget 2019

On February 12 2018, President Trump released his budget for the Federal fiscal year that begins on October 1, 2018. The proposal is in conflict with some provisions in the Bipartisan Budget Act of 2018 passed just days before in the amount of non-defense discretionary funding. The President’s budget proposals are viewed as communicating his administration’s policy priorities. Congress will develop the spending bills within the framework of the Bipartisan Budget Act. Access the budget proposal here: <https://www.whitehouse.gov/wp-content/uploads/2018/02/appendix-fy2019.pdf>.

## Tax Reform and Healthcare

The tax reform bill that Congress passed on December 20, 2017 includes provisions that are expected to impact healthcare. The bill eliminates the Affordable Care Act’s individual mandate starting in 2019 that will likely result in fewer people having health insurance, and in higher premiums for some people who rely

on the Healthcare Exchanges for coverage, particularly those over 60. Other effects of the new law threaten the protections for pre-existing conditions and increase pressure to make future safety net program cuts as a result of projected budget deficits. For more detailed analysis, go to <http://familiesusa.org/about>.

## **Medicaid Work Requirements**

### **Impact on Individuals with Disabilities**

The Trump Administration is encouraging states to apply to the federal government for permission to tie Medicaid eligibility to work requirements. If Pennsylvania pursues this it could negatively impact adults on Medicaid including those with disabilities. Proponents of Medicaid work requirements often describe these policies as applying to “able-bodied” adults. However, individuals with disabilities or chronic health conditions not receiving Supplemental Security Income (SSI) benefits can also be impacted. The Kaiser Family Foundation’s 2016 research shows that 57% of nonelderly Medicaid adults with disabilities do not receive SSI and more than three-quarters of them are not working. Requiring these adults with disabilities to work or prove they can’t work could result in loss of their health insurance and access to health care. Pennsylvania Medicaid recipients and others concerned about this issue can learn more from the Kaiser Family Foundation at: <https://www.kff.org/medicaid/issue-brief/how-might-medicaid-adults-with-disabilities-be-affected-by-work-requirements-in-section-1115-waiver-programs/>.

### **CHIP**

The federal action required to continue the Children’s Health Insurance Program (CHIP) occurred when Congress acted to extend the program for six years on January 22, 2018 before health insurance coverage for 8.9 million children across the country ended. The program was due to be extended on October 1, 2017. On February 9, Congress voted to extend the program another four years, through 2027. The program serves nearly 179,000 Pennsylvania children who benefit from the federal-state partnership.

# **RESOURCES**

## **Brain Injury Wallet Card**

The Department of Health has made available a wallet card that an individual with brain injury can carry that communicates important information about themselves and emergency contact information. It is available to print out and fill in at <http://www.health.pa.gov/> and type in “wallet card” in the search box.

## **School Discipline**

The Leadership Conference Education Fund (LCEF) released an 11 page report titled *School Discipline Guidance and Students’ Civil Rights* that describes the potential impact of changing the expectation that public schools should address the way they use school discipline for certain groups of students. The brief explains that students of color, students with disabilities, and LGBTQ students are disproportionately subject to suspension and expulsion in our public schools and focus should continue on this issue. Read the report here: <http://civilrightsdocs.info/pdf/education/School-Discipline-Policy-Brief.pdf>.

## **Disability Advisory Groups**

On March 1, 2018, six lawmakers, including Pennsylvania Senator Robert P. Casey, Jr., wrote to the Administrator of the Administration for Community Living with their concern that a number of advisory bodies on disability services have not been meeting on a regular basis under the Trump Administration. The groups include the President’s Committee for People with Intellectual Disabilities, The National Institute on Disability, Independent Living, and Rehabilitation Research Advisory Committee, and the Interagency Committee on Disability Research. Read the letter at <https://www.aging.senate.gov/imo/media/doc/Robertson%20Letter.pdf>.

# 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.

- 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@thearcpa.org](mailto:pie@thearcpa.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](http://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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by phone 800-692-7258  
or by email to [pie@thearca.org](mailto:pie@thearca.org).  
Thank you.

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