

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

BUDGET

On February 4, 2019, Pennsylvania Governor Tom Wolf released his proposed budget for the 2019-20 fiscal year which begins on July 1, 2019. The budget would increase funding for human services, education and job training and contains no broad-based tax increases. No consolidation of departments is proposed. Below we summarize some items of interest to the disability community in the Governor's budget proposal. The General Assembly has held appropriations committee hearings. Appropriations bills have been introduced in both chambers (HB 790, SB 234). An on-time budget must be enacted by June 30, 2019.

INITIATIVES

The Governor is proposing to make over \$26M in state funds and \$226,000 in lottery funds available for an increase in direct care workers' wages in six programs, contingent on the passage of legislation raising the minimum wage to \$12.00 an hour. Pennsylvania's current minimum wage is \$7.25/hour. Projected net savings are over \$36M in state funds through reduced eligibility for public health benefits of \$63.4M in HealthChoices.

Representatives of Department of Human Services (DHS) cited average wage data showing that child care workers earn \$10.42/hour and direct care workers earn \$11.51/hour. The budget proposes federal block grant funds to support the increased minimum wage for Child Care Services and Child Care Assistance in the DHS Child Development program. Other programs slated to benefit and the projected state funding amounts projected to be needed are:

CHIP	\$ 5,700,000
PENNCARE	\$ 226,000
Services to Persons with Disabilities	\$ 1,611,000
Attendant Care	\$ 543,000
Aging Waiver	\$ 2,573,000
Community HealthChoices	\$16,511,000

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The Early Intervention, (EI) rates would increase by 3% for infant/toddler EI providers through a \$5 million state investment that leverages \$1.8M in federal funds that will help hire and retain qualified staff.

The Department of Human Services would add \$2,601,000 to General Government Operations for increased inspections and licensing of personal care homes, assisted living residences, and residential and day programs that serve people with intellectual and developmental disabilities. This funding would provide additional staff to keep pace with the number of settings that are licensed.

The budget continues to place a strong emphasis on ensuring that people with substance use disorder have access to meaningful treatment and can recover, including additional funding of \$1.5M for naloxone.

HUMAN SERVICES

- The Governor proposes a \$29 million increase in state funds for the **Intellectual Disabilities Community Waivers** that includes funding for an additional 765 individuals on the emergency waiting list to be served in the Community Living waiver and funding for 100 people on the emergency waiting list to receive Consolidated waiver services. An estimated 800 students graduating from special education in 2019 are able to be served through existing funding. No rate increases are proposed for these programs other than funding for changes to regional room and board payments.
- **No state center closure** is proposed and funding for state centers is reduced by \$188,000. The census of individuals residing in the remaining four facilities continues to decline, and is projected to be 716 at June 30, 2019.
- State funds for the **Intellectual Disabilities Community Base Program** would increase by .44% (\$654,000).
- **Autism Intervention and Services** is slated to receive a decrease of \$1,159,000, or 3.76%. Individuals with autism can now be served in all ODP waivers.
- The Governor would increase state funding for **mental health** by \$28,268,000 or 3.64%. The mental health line item funds both mental hospitals and community services. There is funding for 45 additional people out of state hospitals (CHIPPs) for an average six-month start up of services.
- State funding for **Medical Assistance for Workers with Disabilities** (MAWD) would increase by 21.58% (\$5,568,000).

- **The Medical Assistance Transportation Program** (MATP) would see increased funds for services of \$3,847,000, while a non-recurring federal payment reduces the net appropriation by 7.2% (\$5,401,000). The Department issued a Request For Application (RFA) on December 21, 2018 as the first step in implementing a brokerage model for the program across the state, slated to occur in 2021.
- **MA Community HealthChoices** (CHC) is the new managed long term services and supports system which began rolling out in January, 2018 in Southwestern PA and now includes services in Southeastern PA since January 1, 2019. The Governor's budget includes \$2,347,851 in state funds for services in the Southwest and Southeast Regions for a full year and in the remaining Regions for six months. Beginning January 1, 2020, CHC will be available in the Northeast, Northwest, and Lehigh-Capitol Regions.
- For the **Aging Waiver** (Home & Community-Based Services) state funds are reduced \$325,634,000 due to the transfer of funds to the Community HealthChoices line item. It includes funds to serve 1,860 additional older Pennsylvanians who become eligible through December 31, 2019.
- State funding for the **LIFE** program (Living Independence for the Elderly) would be increased by \$10,007,000, including funds to serve 300 additional older Pennsylvanians.

Services to Persons with Disabilities (OBRA, and Independence waivers) is decreased by \$236,797,000 due to the transfer of funds to the Community HealthChoices line item. All individuals previously served in the COMM CARE waiver are now served in either the CHC program or in the Independence waiver. The appropriation includes funds to serve 1,380 additional people with disabilities.

- State funding for the **MA Long-Term Care** line item (nursing homes) is reduced by \$384,354,000 due to the transfer of funds to the Community HealthChoices line item.
- **Attendant Care** (Act 150 program and waiver) is decreased by \$165,826,000 due to the transfer of funds to the Community HealthChoices line. It includes funding to serve 840 additional people with disabilities. \$49,792,000 reflects the transfer of attendant care program funding for people over age 60 from the PENNCARE appropriation in the Department of Aging to the Department of Human Services Community HealthChoices line item.

- The **federal financial participation** full-year blended rate (the federal share of Medicaid) will increase from 52.1425% to 52.25% for qualified services. All programs that have this federal match will need slightly less state funding for the same amount of services as the current year.
- The Governor proposes a number of supplemental appropriations of state funds for DHS programs totaling about \$431M net additional funds, not including Lottery or Tobacco funds, which affect the current year's budget (FY2018-19) and would be included in the budget bill that funds FY2019-20.

HEALTH

Epilepsy Support Services, Sickle Cell, Cystic Fibrosis, Lupus, ALS, 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.

AGING

The Lottery funded **PENNCARE** program includes \$6,144,000 to provide attendant care services for an additional 480 recipients over age 60. In addition, \$81,381,000 would transfer to Community HealthChoices.

LABOR & INDUSTRY

The **Office of Vocational Rehabilitation (OVR)** would receive an increase of \$2,316,000 or 5.08% in state match to draw down federal funds. **Supported Employment, Centers for Independent Living and Assistive Technology Devices** would receive the same amount of funding as last year, and **Assistive Technology Demonstration and Training** would receive an increase of \$50,000.

EDUCATION

State funding for **special education** would increase by \$50 million (4.4%).

Pre-school early intervention would receive a \$15 million or 5.01% increase.

Funding for **chartered schools for those who are deaf and blind** would be increased 3.34% and **approved private school** funding would increase 3.28%.

BILLS OF INTEREST

Below we summarize some bills of interest to the disability community from the 2019-2020 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 51. 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 Health, Jan. 28, 2019. First consideration, Feb. 5, 2019. Removed from table, Feb. 19, 2019. Second consideration, Feb. 20, 2019. Re-committed to Appropriations, Feb. 20, 2019.

HB 113. Introduced by Representative Dan L. Miller (D-Allegheny). This bill would seek to improve the transition to post-secondary schools for **students with disabilities** by incorporating parts of Senator Bob Casey's federal RISE (Respond, Innovate, Succeed and Empower) Act. Referred to Education, Jan. 28, 2019.

HB 125. Introduced by Representative Dan L. Miller (D-Allegheny). This bill would seek to require pharmacies to make **accessible prescription drug container labels** available to individuals who are deafblind and visually-impaired when requested. These labels will be available, at no cost to the consumer, in audio, braille, and large font formats. This measure is modeled off of the best practices released by the United States Access Board in 2013, and will enable individuals with a visual impairment to manage their medications securely, independently, and privately. Referred to Health, Jan. 28, 2019.

HB 271. Introduced by Representative Michael J. Driscoll (D-Philadelphia). This bill would require **wheelchairs and other electrical mobility devices** to have red reflectors in order to make them more visible to drivers. Referred to Transportation, Jan. 29, 2019.

HB 294. Introduced by Representative Austin A. Davis (D-Allegheny). This bill would reduce **ID card** fees for senior citizens, as well as low-income, homeless, and individuals with a disability. Referred to Transportation, Jan. 30, 2019.

HB 491. Introduced by Representative Karen Boback (R-Columbia). This bill would amend the Unemployment Compensation (UC) Law to allow for **reasonable**

accommodations to be made for individuals with a disability who are required to take the reemployment class. Referred to Labor and Industry, Feb. 12, 2019.

HB 503. Introduced by Representative **Garth D. Everett (R-Lycoming)**. This bill would provide for procedures to protect victims and witnesses with **intellectual disabilities or autism**. Referred to Judiciary, Feb. 12, 2019. Removed from table, Feb. 21, 2019. Second Consideration, with amendments, March 11, 2019. Re-committed to Appropriations, March 11, 2019.

HB 590. Introduced by Representative Dan L. Miller (D-Allegheny). This bill would amend the Public School Code to add curriculum requirements for Health classes across Pennsylvania to **educate students** in an age-appropriate manner about mental health, physical disabilities, and developmental disabilities. Referred to Education, Feb. 28, 2019.

HB 606. Introduced by Representative Anthony M. DeLuca (D-Allegheny). This bill would provide for departmental powers and duties as to small **personal care homes**. Referred to Health, Feb. 28, 2019.

HB 672. Introduced by Representative Jason Ortity (R-Allegheny). This bill would amend the act of February 13, 1970 (P.L.19, No.10), entitled “An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances,” further providing for **mental health treatment** and for release of medical records. Referred to Human Services, March 1, 2019.

HB 790. Introduced by Representative Stan Saylor (R-York). This bill provides **appropriations** for fiscal year July 1, 2019 to June 30, 2020. Referred to Appropriations, March 12, 2019.

SB 134. Introduced by Senator Christine M. Tartaglione (D-Philadelphia). This bill would give **people with disabilities** additional points on the State Civil Service Exam. Referred to State Government, Jan. 31, 2019.

SB 234. Introduced by Senator Patrick Browne (R-Lehigh). This bill provides **appropriations** for fiscal year July 1, 2019 to June 30, 2020. Referred to Appropriations, Feb. 7, 2019. Reported as committed, March 18, 2019. First Consideration, March 18, 2019. Second Consideration, March 19, 2019. Re-committed to Appropriations, March 20, 2019.

SB 268. Introduced by Senator Kristin Phillips-Hill (R-York). This bill would integrate behavioral health and physical health services in Pennsylvania’s Medicaid program, **HealthChoices**. Referred to Health and Human Services, Feb. 7, 2019.

SB 277. Introduced by Senator Michele Brooks (R-Crawford). This bill would provide for a medical assistance “**deemed eligible**” program for seniors for home care and home health services. Referred to Health and Human Services, Feb. 7, 2019.

SB 322. Introduced by Senator Scott Martin (R-Lancaster). This bill would reduce the per capita cost of health care for **Medical Assistance** enrollees. The health initiative would be carried out through an RFP. Referred to Health and Human Services, Feb. 22, 2019.

SB 375. Introduced by Senator Lisa M. Boscola (D-Lehigh). This bill would provide for **voter’s bill of rights**. Referred to State Government, March 4, 2019.

SB 390. Introduced by Senator Lisa Baker (R-Luzerne). This bill would delay the implementation of the Department of Human Services (DHS) shift to utilizing a statewide or regional broker for the **Medical Assistance Transportation Program (MATP)**. Referred to Health and Human Services, March 5, 2019.

RESOLUTIONS

HR 10. Introduced by Representative Francis X. Ryan (R-Lebanon). This resolution urges Congress of the United States to fund the costs associated with **special education**. Referred to Education, Jan. 28, 2019.

HR 74. Introduced by Representative Angel Cruz (D-Philadelphia). This resolution declares that the General Assembly of the Commonwealth of Pennsylvania is committed to equal rights for **individuals with cognitive disabilities to technology and information access**. Referred to Human Services, Feb. 11, 2019.

Cabinet Changes

- Governor Wolf has named Robert Torres Acting Secretary of Aging. He previously served as acting secretary of the Department of State where he also was the executive deputy secretary. His background includes work in health information technology and administration in the Department of Health. He is an attorney and holds a bachelor’s degree in business administration.
- Governor Wolf also named Jen Swails Secretary of the Budget. She has over 19 years of fiscal and policy experience at the Commonwealth. She most recently was the fiscal management director of the newly created Shared Services Budget Office, which is responsible for the oversight of the budgets for the departments of Aging, Health, Human Services, and the Drug and Alcohol Programs. She holds a Bachelor of Science in professional accountancy.

OLTL

Community HealthChoices

On January 1, 2019, Community HealthChoices (CHC) began in the five counties in the Southeast Region – Bucks, Chester, Delaware, Montgomery and Philadelphia. An estimated 131,000 individuals are enrolled, with about 94% eligible for both Medicare and Medicaid. The Department has begun to prepare for the third and final phase in the remaining counties with a January 1, 2020 start date. Information about CHC is available at <http://www.healthchoices.pa.gov/info/about/community/>.

The Office of Long-Term Living has issued three new Bulletins:

- Standardized Physician Certification Form (59-19-01) was issued on January 29, 2019 and was effective on February 1, 2019. The Bulletin issues a standardized Physician Certification form (MA 570) to be used when determining level of care eligibility for individuals applying for, and enrolled in, home and community-based services in OLTL programs.
- Act 150 program Sliding Fee Scale for Calendar Year 2019 (54/59-19-02) was issued on February 11, 2019 and was effective on January 1, 2019. The Bulletin provides the most recent sliding fee scale for OLTL Service Coordination Entities working with Act 150 program participants.
- Hearings and Appeals (59-19-03) was issued on February 11, 2019 and was effective on that date. The Bulletin articulates the responsibilities of Service Coordination Entities with respect to the notice and fair hearing requirements.

ODP

The Office of Developmental Programs (ODP) has issued one new Bulletin in conjunction with the Department of Labor and Industry:

- OVR Referral process for ODP Employment Related Services (00-19-01) was issued on February 14, 2019 and was effective on February 15, 2019. The joint Bulletin updates guidance regarding the requirements for when individuals must be referred to the Office of Vocational Rehabilitation (OVR) to align with the current approved ODP waivers and the Workforce Innovation and Opportunity Act (WIOA).

DHS Program Bulletins are available at <http://www.dhs.pa.gov/publications/bulletinsearch/index.htm>, and can be searched by program office, regulation, provider type, issue year, or subject.

EVV GUIDANCE

The Department of Human Services has issued guidance on the implementation of Electronic Visit Verification (EVV) for affected programs. Electronic Visit Verification is a technology solution which electronically verifies that home and community-based services are delivered to the individuals needing those services. The 21st Century Cures Act requires all state Medicaid agencies to implement an EVV solution to manage their personal care services by January 1, 2020, and home health care services by January 1, 2023. DHS is working with DXC and Sandata to develop an EVV system that will integrate with the existing Medicaid Management Information System (MMIS), PROMIS[™]. As previously announced, Pennsylvania is using an open EVV system model and providers may use their own EVV vendor/system as long as it complies with state and federal requirements. The go-live date is targeted for this fall and updated information, including training opportunities, will be available at this link:

<http://www.dhs.pa.gov/provider/billinginformation/electronicvisitverification/index.htm>.

National News

FEDERAL BUDGET 2019

On February 15, 2019, President Trump signed the remaining five appropriations bills that fund the federal government through September 30, 2019. The action came after a partial government shutdown from December 22 through January 25. The other appropriations bills had been passed prior to the start of the fiscal year that began on October 1, 2018.

FEDERAL BUDGET 2020

On March 11, 2019, President Trump released his proposed budget for fiscal year 2019-2020 that begins on October 1, 2019. The proposal includes deep cuts to Medicaid, the core program providing access to health care and home and community-based services for people with disabilities. The Administration proposed budget includes replacing both the Medicaid expansion and ACA subsidies with a block grant, and converting the rest of Medicaid into a per capita cap which would deeply cut the program and cap the amount of funding available. If enacted, advocates are concerned that states would receive less federal support to administer Medicaid that could result in restricting eligibility, cuts to services, and growing waiting lists due to the omission of any adjustment in funding for changes in health care, drug costs, aging of the population, or emergencies.

Often, Congress does not take up the President's proposed budget, but develops its own. The document is available here:

<https://www.whitehouse.gov/wp-content/uploads/2019/03/budget-fy2020.pdf>.

EXPANDING ABLE PROGRAM

A bipartisan group of Senators have introduced a bill to raise the eligibility age for ABLE accounts from 26 to 46 through the ABLE Age Adjustment Act (S.651). The measure would allow an estimated six million more individuals to benefit from the program that permits people with disabilities to save up to \$100,000 without risking their eligibility for Social Security and other government benefits. The move would also ensure the long-term financial stability of the program. Information about the program is available here: <http://www.ablenrc.org/about/what-are-able-accounts> and on Pennsylvania's program here: <https://www.paable.gov/>.

MONEY FOLLOWS THE PERSON

On Feb. 25, 2019, new versions of the EMPOWER Care Act extending the Money Follows the Person (MFP) program for five years were introduced in the House (H.R. 1342) and Senate (S. 548). Short-term MFP funding to help people transition out of institutions ends soon. On January 25, 2019, the Medicaid Extenders Act of 2019, a bill that includes short-term funding for the Money Follows the Person program, became law. The bill includes three months of funding for MFP that states have until September 31, 2019 to spend. The bill also included an extension of the spousal impoverishment protections for people receiving home and community based services to March 31, 2019.

Resources

2019 Pennsylvania Mental Health & Wellness Conference

The 2019 Pennsylvania Mental Health & Wellness Conference will be held on May 20 and 21, 2019 at the Holiday Inn Harrisburg-Hershey. This conference will unite peers, family members, advocates and professionals for a statewide mental health event. This conference is being sponsored by NAMI Keystone Pennsylvania, Mental Health Association of Pennsylvania and the Pennsylvania Mental Health Consumer Association. Information is available at this link: http://pmhca.org/trainings/MH_Wellness.html.

REPORT ON PAID FAMILY LEAVE AND THE DISABILITY ANGLE

The Arc of the United States (The Arc) and the National Center for Children in Poverty (NCCP) at Columbia University's Mailman School of Public Health are releasing *Disability Perspectives on Paid Leave: A Qualitative Analysis of Leave-taking Among Workers Affected by Disabilities or Serious Health Conditions*. This ground-breaking research examines how workers with disabilities and working caregivers of people with disabilities use, need, and benefit from paid family and medical leave. It is one of the only studies to specifically explore whether current paid and unpaid leave policies and programs for working individuals meet the needs of the disability community. Findings offer key insights on how existing leave policies can become more inclusive to this historically under-served group, and highlight the need for a comprehensive, national paid leave policy. <https://www.thearc.org/paidleavestudy>.

2019 ARCH National Lifespan Respite Conference, Illuminate Respite!

The ARCH National Respite Network and Resource Center and its co-hosts, the New York State Caregiving and Respite Coalition and the New York State Office for the Aging will cohost the 2019 ARCH National Lifespan Respite Conference in Buffalo, New York, April 30-May 2, 2019. This national conference focuses on shining a light on innovation and quality in respite services for family caregivers of children and adults. The conference, Illuminate Respite! will provide a space to harness the power of the respite network to explore and formulate strategies to meet the respite needs of the nation's 43 million family caregivers. Information is available at this link: <http://www.nasuad.org/node/70603>.

2019 HCBS Conference

The National Home and Community Based Services (HCBS) Conference is hosted annually by NASUAD and will be held August 26 – August 29, 2019 in Baltimore, MD. The HCBS Conference highlights best practices from across the country in home and community-based services. The conference includes federal, state, and local policymakers as well as those who administer, manage, and deliver waiver and other HCBS programs. For information, go to <http://www.nasuad.org/hcbsconference>.

Pennsylvania Disability Data

The Pennsylvania State Data Center has issued a report on Disability in the Commonwealth 2013-2017. It includes information on trends for age, sex, race,

ethnicity, education, income, occupation, and disability characteristics. The report is at this link:

https://pasdc.hbg.psu.edu/sdc/pasdc_files/researchbriefs/Feb_2019.pdf.

ODP Data

The ODP 2017–2018 Annual Data Report is now available. It details enrollment, self-directed services, employment, residential, targeted services management, and financial trends so that individuals, families, advocates, providers, government officials, and taxpayers can see and measure how many individuals ODP serves, what services are provided, where the individuals live, and what costs are associated with services. The report is a good companion to the annual report published on the performance measures developed by ODP's Information Sharing and Advisory Committee (ISAC), entitled Everyday Lives: Values in Action Information, Sharing and Advisory Committee (ISAC) Recommendations, Strategies, and Performance Measures. The Report is available on the [MyODP Everyday Lives Publications web page](#).

Residential Services Report

The Department of Human Services, Office of Developmental Programs, has released a report

highlighting the department's commitment to maintaining high-quality services to assure the health and well-being of nearly 12,000 individuals with developmental disabilities who reside in community-based homes across the commonwealth. The report includes planned and on-going initiatives to improve the quality of care people receive in their communities. Access the report at:

https://s3-us-west-2.amazonaws.com/palms-awss3-repository/Communications/ODP/2019/FINAL_ODP-ImprovQualofResidentSrvcsV4.pdf.

Inside Aging Newsletter

Robert Torres, the Acting Secretary of Aging, has announced that the weekly Friday Wrap-up communication from the Department of Aging will become a monthly newsletter, called "Inside Aging" starting in March, 2019. The Department conducted a survey of stakeholders to determine the valued components of the new newsletter. The newsletter includes a message from the Secretary, What's New, Legislative Update, Area Agency on Aging Spotlight, and Calendars of various offerings and events across the Commonwealth. To read the first issue, go to <https://mailchi.mp/42a77557ad38/inside-aging-march?e=%5bUNIQID> and to subscribe to future issues, click on the "subscribe" tab at this link.

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 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.
- 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.

A Slice of Pie

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The PIE Team

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