

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 June 28, 2019, Governor Wolf signed the budget and related bills for the Commonwealth for the fiscal year July 1, 2019 to June 30, 2020. House Bill 790 was passed by the House 140-62 and by the Senate 42-8. The appropriation bill total is \$33,997,395,000, which is 1.8% larger than FY 2018-19, and \$148,882,000 less than the Governor’s proposed budget. View the enacted budget at <https://www.budget.pa.gov/Pages/default.aspx>.

The summary below is unofficial until the respective program offices finalize their spending plans. All references are to state General Fund dollars unless noted otherwise. The **federal financial participation** full-year blended rate (the federal match portion of Medicaid) will increase from 52.1425% to 52.25% for qualified services. All Medicaid programs that have this federal match will need slightly less state funding for the same amount of services as the previous year.

The Governor’s proposal 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 was not included in the enacted budget. The projected funding for this initiative was subtracted in the enacted appropriation for affected line items. The enacted budget did, however, include a 2% increase in rates for Office of Long-Term Living (OLTL) agency-directed personal assistance services intended to provide for an increase in wages for direct care workers.

HUMAN SERVICES

- **Intellectual Disabilities Community Waivers** are funded at \$1,728,641,000. That includes funding for an additional 765 individuals on

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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 were enacted for these programs other than funding for changes to regional room and board payments. This represents 5.2% over FY 2018-19 available funding and accounts for increased projected cost and utilization in the program.

- **State Centers** are funded at \$115,646,000 which is 1.4% lower than FY 2018-19 available funding. The census of individuals residing in the remaining four facilities continues to decline, and was projected to be 716 at June 30, 2019.
- **Intellectual Disabilities Community Base Program** is funded at \$149,653,000 which is .2% higher than FY 2018-19 available funding and accounts for increased cost and utilization in the program.
- **Autism Intervention and Services** is funded at \$30,925,000 which is .3% over FY 2018-19 available funding. The appropriation includes restoration of funding for programs omitted in the Governor's proposed budget, e.g. ASERT centers, and a reduction in projected cost and utilization in the program. Individuals with autism can now be served in all ODP waivers.
- **The Early Intervention** program is funded at \$161,432,000 which includes funding for a 3% proposed rate increase for infant/toddler EI providers through a \$5 million state investment that leverages \$1.8M in federal funds intended to help hire and retain qualified staff. The appropriation represents a 1.4% increase over FY 2018-19 available funding which was adjusted to reflect an \$8.8 M lower supplemental funds request.
- **Mental Health** services are funded at \$803,169,000 which is 3.4% over FY 2018-19 available funding. The mental health line item funds both mental hospitals and community services. There is funding for 45 additional people to move out of state hospitals (CHIPPs) for an average six-month start up of services.

- **Medical Assistance for Workers with Disabilities** (MAWD) is funded at \$52,262,000 which is 20.1% higher than FY 2018-19 available funding adjusted to reflect increased supplemental funding and accounts for projected increased cost and utilization in the program.
- **The Medical Assistance Transportation Program** (MATP) is funded at \$69,653,000 which is 7.2% lower than FY 2018-19 available funds and reflects the Governor's proposed amount.
- **MA Community HealthChoices** (CHC) is the new managed long-term services and supports system which was implemented in January 2018 in the Southwest, in the Southeast in January 2019, and will be implemented in the remaining three Regions on January 1, 2020. It is funded at \$2,343,340,000 which represents the transfer of funds from other programs, increased supplemental funding for FY 2018-19, and increased projected cost and utilization.
- **Home & Community-Based Services**, known as the Aging Waiver, is funded at \$159,605,000 which reflects transfer of funds to CHC, increased supplemental funding, and decreased projected cost and utilization. It includes funds to serve 1,860 additional older adults who become eligible for services before December 31, 2019.
- **Long-Term Care Managed Care**, known as the LIFE (Living Independence for the Elderly) program is funded at \$156,933,000 including funds to serve 300 additional older Pennsylvanians, which is 5.3% higher than FY 2018-19 available funding including increased supplemental funds.
- **Services to Persons with Disabilities** (OBRA, and Independence waivers) is funded at \$123,500,000 which reflects the transfer of funds to Community HealthChoices, increased supplemental funding, and increased projected cost and utilization. All individuals previously served in the COMMCARE 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.
- **Long-Term Care** line item (nursing homes) is funded at \$491,395,000 which reflects the transfer of funds to Community HealthChoices.

- **Attendant Care** (Act 150 program and waiver) is funded at \$ 50,647,000 which reflects the transfer of funds to Community HealthChoices, increased supplemental funding, and reduced projected cost and utilization. It includes funding to serve 840 additional people with disabilities.

HEALTH

Epilepsy Support Services, Sickle Cell, Cystic Fibrosis, Lupus, Tourette's syndrome and most of the other specialized health programs are funded at the FY 2018-19 level. Lyme Disease and ALS Support Services will receive increased funding of \$500,000 and \$100,000, respectively.

AGING

The Lottery funded **PENNCARE** program includes funding to provide attendant care services for an additional 480 recipients over age 60 and reflects the transfer of funds to Community HealthChoices.

LABOR & INDUSTRY

The Office of Vocational Rehabilitation (OVR) is funded at \$47,942,000 in state match to draw down federal funds, which is 5.08% higher than FY 2018-19 available funding and reflects the Governor's proposed budget. This line item includes funding for the Bureau of Blindness and Visual Services. **Supported Employment** is level funded at \$397,000. **Centers for Independent Living** are funded at \$1,950,000 which is 2% higher than FY 2018-19 available funding. **Assistive Technology Financing** (formerly Devices) is funded at \$475,000 which is \$25,000 higher than FY 2018-19 available funding, and **Assistive Technology Demonstration and Training** is funded at \$450,000 which is an increase of \$50,000 and reflects the Governor's proposed budget. The **General Government Operations** line that includes funding for the Office for the Deaf and Hard of Hearing is level funded which reflects the Governor's proposed budget.

EDUCATION

Special education is funded at \$ 1,186,815 which is 4.4% higher than FY 2018-19 available funding and reflects the Governor's proposed budget.

Pre-school Early Intervention is funded at \$314,500,000 which is 5.01% higher than the FY 2018-19 available funding and reflects the Governor's proposed budget.

Funding for **chartered schools for those who are deaf and blind** is \$54,584,000 which is 4.3% higher than FY 2018-19 available funding and \$500,000 over the Governor's proposed budget. **Approved private school** funding is \$114,738,000 which is 3.3% higher than FY 2018-19 available funding and reflects the Governor's proposed budget.

The Department of Drug and Alcohol Programs (DDAP) is funded through two line items: the General Government Operations line is funded at \$2,657,000 which is 42.5% higher than the FY 2018-19 available funding, and Assistance to Drug and Alcohol Programs is funded at \$44,732,000 which is level funded. Both appropriations reflect the Governor's proposed budget. Two initiatives are included: Staffing and administrative enhancements. The DDAP is largely supported by non-General Fund resources at 82%, mostly Federal funding.

BILLS OF INTEREST

Below we summarize some bills of interest to the disability community from the 2019-2020 Session. For more information about these bills or any other state legislative activity, go to <https://www.legis.state.pa.us/>.

HB 33. Introduced by Representative George Dunbar (R-Westmoreland). This bill would eliminate the general assistance **cash benefit** program and amend the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, further providing for definitions, for general assistance-related categorically needy and medically needy only medical assistance programs. Referred to Health, Jan. 28, 2019. Third consideration and final passage, June 19, 2019 (106-95). Referred to Senate Health and Human Services, June 21, 2019. Third consideration and final passage, June 26, 2019 (26-24). Signed in House and Senate, June 26, 2019. Signed by the Governor, June 28, 2019. Act 12.

HB 335. Introduced by Representative Seth M. Grove (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. 1, 2019.

HB 399. Introduced by Representative Lynda Schlegel Culver (R-Northumberland). This bill would amend Title 18 and allow for concurrent jurisdiction for the Attorney General during financial exploitation investigations of

care dependent individuals. Referred to Aging and Older Adult Services, May 2, 2019.

HB 503. Introduced by Representative Garth D. Everett (R-Lycoming). This bill would protect **victims and witnesses with intellectual disabilities or autism.** Referred to House Judiciary, Feb. 12, 2019. Third consideration and final passage, April 9, 2019. Referred to Senate Judiciary, April 22, 2019. See also, **SB 469**, now Act 30.

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 790. Introduced by Representative Stanley Saylor (R-York). The **General Appropriation Act of 2019** for the fiscal year July 1, 2019, to June 30, 2020. Rereferred to House Appropriations May 1, 2019. Third consideration and final passage, June 25, 2019 (140-62). Referred to Senate Appropriations June 25, 2019. Third consideration and final passage June 27, 2019 (42-8). Signed in the House and Senate June 27, 2019. Signed by the Governor June 28, 2019. Act 1A.

HB 836. 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, March 14, 2019.

HB 840. 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.** Referred to the State Government Committee, March 14, 2019.

HB 845. Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would place the **burden of proof** on school districts, rather than a party seeking relief, in **special education hearings.** It was introduced and referred to the House Education Committee, March 14, 2019.

HB 965. Introduced by Representative Tim Briggs (D-Montgomery). This bill would require the addition of **mental health education** into existing health and wellness curricula for all primary and secondary schools under the jurisdiction of the Department of Education. Referred to Education, March 25, 2019.

HB 986. Introduced by Representative Aaron Bernstine (R-Beaver). This bill would delay the implementation of utilizing a statewide or regional broker for the **Medical Assistance Transportation Program (MATP)** until DHS conducts a thorough review. Referred to Health, April 2, 2019.

HB 1215. Introduced by Representative Patty Kim (D-Dauphin). This bill would increase **minimum wage** and mandates that savings be used to increase childcare and **home and community-based services** to ensure that these providers are able to pay the increased minimum wage. Referred to Labor and Industry, March 25, 2019. See also, **SB 12** introduced by Senator Christine M. Tartaglione (D-Philadelphia).

HB 1309. Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would direct the Department of Human Services to establish a **Family Caregiver Support Advisory Board.** The Family Caregiver Advisory Support Board will work closely with the Department to address the needs of caregivers and to assure appropriate services are available. Referred to Human Services, April 25, 2019.

HB1328. Introduced by Liz Hanbidge (D-Montgomery). This bill would allow an election official to bring a paper ballot – or portable **voting** machine when available – to any voter outside the physical polling place who has a physical, emotional, intellectual, developmental disability or short-term inability that would preclude them from easily accessing voting machines. Referred to State Government, April 25, 2019.

HB 1349. Introduced by Representative Martina White (R-Philadelphia). This bill would provide for evaluation of the person's needs for either **mental health or addiction treatment** due to a drug overdose. Referred to Judiciary, May 1, 2019. Rereferred to Human Services, June 11, 2019.

HB 1363. 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, May 6, 2019.

HB1438, HB 1439. Introduced by Representative Aaron D. Kaufer (R-Luzerne). These bills would amend Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, in regulation of insurers and related persons generally, providing for **mental health parity and addiction treatment.** Referred to Insurance, May 8, 2019.

HB 1508. Introduced by Representative Liz Hanbidge (D-Montgomery). This bill would require that individuals receive their benefits no later than 90 days after being deemed eligible for the **HCBS waiver** program. Referred to Health, May 23, 2019.

HB1606. Introduced by Representative Benjamin V. Sanchez (D-Montgomery). This bill would increase the **personal needs allowance** deduction for Medical Assistance-eligible individuals living in nursing facilities. Referred to Aging and Older Adult Services, June 11, 2019.

HB 1615. Introduced by Representative Mike Turzai (R-Allegheny). This bill would provide for **Special Education Funding Commission**. Referred to Rules, June 11, 2019. Re-committed to Appropriations, June 17, 2019. Third consideration and final passage, June 18, 2019 (132-67). In the Senate, referred to Education, June 18, 2019. Re-referred to Appropriations, June 26, 2019. Third consideration and final passage June 27, 2019. Signed in the House and Senate June 28, 2019. Signed by the Governor, June 28, 2019. Act 16.

SB 12. Introduced by Senator Christine M. Tartaglione (D-Philadelphia). This bill would increase **minimum wage**, and reinvest a portion of the savings in state-supported childcare and subsidized **homecare for seniors and people with disabilities**. Referred to Labor and Industry, March 22, 2019. See also, **HB 1215** introduced by Representative Patty Kim (D-Dauphin).

SB 31. Introduced by Senator Art Haywood (D-Montgomery). This bill would eliminate the \$25 million limit on RTT funds deposited into the PHARE Fund annually. This increased revenue can be spent on creating and preserving **affordable rental** housing units, assisting veterans, persons with disabilities, the elderly. Lifting the artificial cap will ensure more of these individuals receive help with payment assistance, counseling and construction. Referred to Urban Affairs and Housing, April 25, 2019. Re-referred to Appropriations, June 24, 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. Re-referred to Appropriations, April 30, 2019.

SB 411. Introduced by Senator Mike Folmer (R-Dauphin). This bill would further provide for **absentee voting**. Referred to State Government, March 19, 2019. Re-referred to Appropriations, June 19, 2019.

SB 469. Introduced by Senator Daniel Laughlin (R-Erie). This bill would protect **victims and witnesses with intellectual disabilities or autism**. Referred to Judiciary March 22, 2019. Signed in Senate and House, June 19, 2019. Signed by the Governor, June 28, 2019. Act 30. See also, **HB 503** introduced by Representative Garth D. Everett (R-Lycoming).

SB 571. Introduced by Senator Daylin Leach (D-Delaware). This bill would require the Department of **Education** to develop and implement a curriculum educating students about mental health and physical and developmental disabilities. This legislation seeks to create a model curriculum that emphasizes inclusiveness and combats the stigma surrounding mental health and disabilities. Referred to Education, April 18, 2019.

SB 603. Introduced by Senator Anthony H. Williams (D-Delaware). This bill would create the offense of falsely representing an animal as a **service animal**. Referred to Judiciary, April 30, 2019.

SB 664. Introduced by Senator Patrick Browne (R-Lehigh). This bill would place the **burden of proof** on school districts, rather than a party seeking relief, in **special education hearings**. It was introduced and referred to the Senate Education Committee, May 24, 2019.

SB 755. Introduced by Senator John T. Yudichak (D-Carbon). This bill would establish the **Livable Home Tax Credit**. This legislation will benefit residents, especially senior and disabled residents, who seek to make home modifications that would improve accessibility and enable them to remain at their current residence. Referred to Finance, June 12, 2019.

RESOLUTIONS

HR 143. Introduced by Representative Stephen Kinsey (D-Philadelphia). This resolution declares March 2019 as “**Disabilities Awareness Month**” in Pennsylvania. Adopted, March 20, 2019.

OLTL

Community HealthChoices

The Office of Long-term Living (OLTL) continues to implement the Community HealthChoices (CHC) program across the state. The continuity of care period for the Southeast Region ended on June 30, 2019. The next Regions to go into CHC are the Northeast, Northwest, and Capital/Lehigh on January 1, 2020. The state is preparing providers and participants for the change to the managed care program with mailings and informational sessions. Information is available at <http://www.healthchoices.pa.gov/info/about/community/>.

The Office of Long-Term Living has issued one new Bulletin:

- Implementation of the Functional Eligibility Determination (FED) Process (IEB-19-04, IAE-19-04, 07-19-04) was issued on April 1, 2019 and was effective on that date. The Bulletin explains the FED process that is used to determine clinical eligibility for Medical Assistance (MA) long-term services and supports (LTSS).

Enrollment for OLTL

The Department of Human Services has released a Request for Information (RFI) to gather input and information on the application and enrollment services and beneficiary support services for OLTL programs. The Department seeks input on potential strategies and solutions to improve the current process for applicants. The RFI is available here: <http://www.emarketplace.state.pa.us/Solicitations.aspx?SID=RFI%20-%20DHS%20OLTL>. The comments can be submitted by email until July 29, 2019 at 12:00PM. to RA-PWRFICOMMENTS@PA.GOV with "OLTL Application and Enrollment Services RFI" in the subject line.

OMHSAS

The Office of Mental Health and Substance Abuse Services has issued one new Bulletin:

- Admission, Discharge and Continuity of Care for State Mental Hospitals (OMHSAS-19-01) was issued on March 20, 2019 and was effective immediately. The Bulletin updates the policy previously published in Mental Health Bulletin 99-84-24 entitled "Continuity of Care."

These and other Department of Human Services program bulletins are available at:

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

NATIONAL NEWS

FEDERAL BUDGET 2020

Congress has begun work on the 13 appropriations bills that fund the federal government for the fiscal year that begins on October 1, 2019. Few of the bills reflect the President's proposed budget he released in March. Information about the status of the bills is available here:

<https://www.congress.gov/resources/display/content/Appropriations+for+Fiscal+Year+2020>

DISASTER PLANNING

The President has signed a new law that requires the federal government to do more to consider the needs of people with disabilities during natural disasters. The Pandemic and All-Hazards Preparedness and Advancing Innovation Act will improve planning for disasters and requires a National Advisory Committee on Individuals with Disabilities and Disasters to look at better ways of being prepared. A recent report by the Government Accountability Office showed that people with disabilities and individuals over 65 faced more challenges evacuating to safe shelter, getting their medicine, and getting recovery help than others.

RESOURCES

PA POPULATION CHANGES

The Pennsylvania State Data Center (PSDC) has released information on changes to the disability population in the Commonwealth from 2013 to 2017. The Research Brief issued in February 2019 shows changes by age, sex, race, ethnicity, disability characteristics, and trends in education, income, and occupation. To view the report, go to <https://pasdc.hbg.psu.edu> and click on Research Briefs under the Data tab.

OLMSTEAD ANNIVERSARY

On June 22, 2019, disability advocates celebrated the 20th anniversary of the Supreme court decision in *Olmstead v. L.C* which started a change in the way our country thinks about supporting people with disabilities. The ruling said that states should take reasonable steps to provide community-based alternatives to institutions. In 1999, Medicaid spent nearly three times more on long-term services and supports provided in institutions like nursing homes than it did on services in the community. Today, most states use over half of their Medicaid LTSS spending on community services. For information about the decision and the ADA, go to <https://www.ada.gov/olmstead/>.

FINANCIAL LITERACY CONFERENCE

The Pennsylvania Assistive Technology Foundation (PATF) is holding its first financial empowerment conference for people with disabilities on October 3, 2019 in Harrisburg. "Vision for the Future" will bring together individuals with disabilities, family members, service providers, nonprofit organizations, and policy makers to discuss, collaborate, and learn about financial education. The conference is a one-day, free, accessible event open to the public. Registration is required. A limited number of scholarships are available to people with disabilities and their families to help defray the cost of travel and lodging. Certificates of completion will be available. Register at this link: <https://patf.us/financialempowerment/>.

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.

A Slice of Pie

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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 by phone 800-692-7258 or by email to pie@thearcpa.org. Thank you.

The PIE Team

THE ARC OF PENNSYLVANIA

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