

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

### BUDGET

On May 29, 2020, Governor Wolf signed into law a \$25.75 billion Interim budget for the Commonwealth for the Fiscal Year 2020-2021 that begins on July 1, 2020. The enacted budget funds Pennsylvania’s operations through November 30, 2020 at approximately 5/12ths of the current year for most programs and services, and includes full year funding for education at current year levels. Another General Fund budget will be required to be passed for the remaining seven months of the new fiscal year. Also enacted were the fiscal code bill and CARES Act funding (Act 24) which supports the COVID-19 response across the state. Below is a list of the enacted appropriations, and where applicable, CARES Act funding:

**Department of Human Services (DHS)**  
(funded at approximately 5/12ths (42%) of current budget except where noted)

- **Early Intervention Services:** \$78,870,000
- **Intellectual Disabilities Community Waivers:** \$784,163,000 plus \$260 million Act 24 funds
  - o The Act 24 funds of \$260 million will be divided as follows:
    - \$90 million to providers of residential, respite, or shift nursing services;

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- \$80 million to providers of Community Participation Support services for 120 days of retainer payments, covering operations from March through June; and
- \$90 million to providers of in-home and community, supported and small group employment, companion, and transportation trip services for 120 days of retainer payments, covering operations from March through June.
- **Intellectual Disabilities State Centers:** \$48,186,000
- **Intellectual Disabilities Community Base Program:** \$60,793,000
- **Intellectual Disabilities Intermediate Care Facilities:** \$66,598,000
- **Autism Intervention and Services:** \$12,435,000 plus \$720,000 Act 24 funds
- **Mental Health Services:** \$334,654,000
- **Medical Assistance for Workers with Disabilities (MAWD):** \$34,086,000 which is 85.9% of current budget
- **Medical Assistance Transportation (MATP):** \$26,637,000
- **Medical Assistance Community HealthChoices:** \$1,375,944,000 which is 59.1% of current funding due to completion of the final roll-out in Phase Three, plus \$50 million Act 24 funds
- **Medical Assistance Long-Term Living** (formerly named Long-Term Care): \$62,446,000 and now includes the OBRA waiver and Act 150
- **Home and Community Based Services:** the costs to serve individuals in the Aging Waiver have been shifted into Community HealthChoices
- **Services to Persons with Disabilities, and Attendant Care:** the costs to serve individuals in the OBRA and Act 150

programs have been merged into Medical Assistance Long-Term Living

- **Long-Term Care Managed Care (LIFE program):** \$71,383,000 plus \$10 million Act 24 funds

**Additional Act 24 Funding in DHS programs and services:**

- Nursing Facilities: \$253 million including for ventilator care
- Personal Assistance Services: \$112 million for Agencies; \$28 million for participant-employed workers
- Assisted Living Residences/Personal Care Homes: \$50 million
- Adult Day Care: \$13 million
- Residential Habilitation Office of Long Term Living (OLTL); \$1 million
- Child Care Services: \$116 million
- Domestic Violence Programs: \$10 million
- Homeless Assistance Services: \$10 million
- Legal Services: \$8 million
- Critical Access Hospitals: \$10 million

**Department of Labor & Industry**

The following line items in this Department are funded at approximately 5/12ths of the current appropriation:

- **Transfer to Rehabilitation Fund:** \$19,976,000
- **Supported Employment:** \$165,000
- **Centers for Independent Living:** \$813,000 plus federally-funded CILs receive CARES Act funding directly
- **Assistive Technology Financing:** \$198,000
- **Assistive Technology Demonstration & Training:** \$188,000

Programs that serve individuals with sensory disabilities in the **Bureau of Blindness & Visual Services or Office for the Deaf and Hard of Hearing**: funded at approximately 5/12ths of the current funding.

### Department of Health

**Epilepsy Support Services, Sickle Cell, Cystic Fibrosis, Lupus, ALS, Tourette's syndrome** and the other specialized health programs: funded at approximately 5/12ths of the current funding.

### Department of Education

**Special Education**: \$1,186,815,000 for a full year, plus School Districts will receive CARES Act funding.

**Pre-school Early Intervention**: \$136,625,000.

**Chartered schools for children who are deaf and blind**: \$29,180,000 which is 53.5% of current funding.

**Special Education - Approved Private Schools**: \$77,872,000 which is 67.9% of current funding.

### Treasury

The **ABLE program**: \$900,000 which is 79.6% of the current appropriation.

### Department of Drug and Alcohol Programs

Assistance to **Drug and Alcohol Programs**: \$18,638,000.

**General Government Operations**: \$1,107,000.

## **ELECTION 2020 – REGISTER TO VOTE**

The Pennsylvania Primary Election scheduled to be held on Tuesday, April 28th **was delayed to June 2, 2020 due to the COVID-19**. This election determined who will run in the General Election for each party from local, state, and federal levels. The General Election will be held on Tuesday, November 3, 2020. The deadline

to register to vote in the 2020 General Election is October 19, 2020.

You can register to vote online, by mail, or at a number of government agencies, including PA Department of Transportation (PennDOT). For more information on how to register to vote, visit: <https://www.votespa.com/Register-to-Vote/Pages/default.aspx>.

New rules for voting by mail are now in effect. In Pennsylvania, you now have two options for mail ballots. You may choose a mail-in ballot or an absentee ballot to complete and return to your county election office.

- Absentee ballot – If you plan to be out of the municipality on Election Day or if you have a disability or illness, you should request this ballot type, which still requires you to list a reason for your ballot.
- Mail-in ballot – If you aren't an absentee voter, you may apply for a mail-in ballot. Anyone can request this ballot, and you do not need a reason to request it.

To register for a mail-in ballot or absentee ballot, you fill out a request form and return it to your county election office by October 27, 2020. Updated information will be available later this summer at <https://www.votespa.com/Voting-in-PA/Pages/Mail-and-Absentee-Ballot.aspx>.

## **SPEAKER OF THE HOUSE RETIRES**

On June 15, 2020, Speaker of the House Mike Turzai (R-Allegheny) retired. Majority Leader Bryan Cutler (R-Lancaster) was unanimously elected the 141st Speaker of the Pennsylvania House of Representatives on June 22, 2020. Speaker Cutler's new position led the Republican Caucus to hold elections on June 22, 2020 for following leadership positions: Majority Leader Kerry Benninghoff (R-Centre); Majority Whip Donna Oberlander (R-Clarion); and Republican Policy Committee Chair Representative Martin Causer (R-Potter).

## **TITLE V MCHSBG FIVE- YEAR NEEDS AND CAPACITY ASSESSMENT DRAFT SUMMARY NOW AVAILABLE**

Over the past year, the Bureau of Family Health (BFH) conducted its Title V Maternal and Child Health Services Block Grant (MCHSBG) Five-Year Needs and Capacity Assessment. This assessment provided the BFH and the Pennsylvania Title V program with the opportunity to evaluate the health status of women and mothers, infants, children, adolescents, and children and youth with special health care needs in Pennsylvania, engage stakeholders and service recipients from across the state and identify the set of priorities that will inform Title V-funded work over the next five-year funding cycle from 2021 to 2025. A draft summary of the 2020 Title V MCHSBG Five-Year Needs and Capacity Assessment is now available for public comment on the BFH's Title V website here: <https://www.health.pa.gov/topics/Documents/Programs/III.C.2.%205-Year%20Needs%20Assessment%20Summary%20Draft%205.26.20.pdf> . If you have any comments send an e-mail with your input to [RA-DHPATITLEV@pa.gov](mailto:RA-DHPATITLEV@pa.gov) .

## **DEPARTMENT OF EDUCATION RELEASES GUIDELINES ON ALLOW IN-PERSON INSTRUCTION STARTING JULY 1**

On June 5, 2020, the PA Department of Education (PDE) announced the release of preliminary guidelines for school districts to follow to begin in-person instruction following the development and implementation of a Health and Safety Plan. To read the press release, visit: <https://www.media.pa.gov/Pages/Education-Details.aspx?newsid=870> .

To read PDE's Preliminary Guidance on Phased Re-Opening for K-12, visit: <https://www.education.pa.gov/Documents/K-12/Safe%20Schools/COVID/GuidanceDocuments/Pre-K%20to%2012%20Reopening%20Guidance.pdf> .

## **PENNSYLVANIA STATE INTERAGENCY COORDINATING COUNCIL REPORT**

Read the 2018-2019 Pennsylvania State Interagency Coordinating Council's Annual Report to the Governor at: <file:///C:/Users/Arc%20Advocate/Downloads/SICC%202018-19%20Annual%20Report.pdf> .

## **OFFICE OF CIVIL RIGHTS RESOLVES PA COMPLAINT AFTER REVISION TO PANDEMIC CARE POLICIES**

On April 16, 2020, the Office of Civil Rights complaint against Pennsylvania was resolved after Pennsylvania revised the Pandemic Health Care Triage Policies to protect against disability discrimination if providers in the state were to begin triaging life-saving health care services. You can read the press release here: <https://www.hhs.gov/about/news/2020/04/16/ocr-resolves-civil-rights-complaint-against-pennsylvania-after-it-revises-its-pandemic-health-care.html> .

## **DEPARTMENT OF HUMAN SERVICES**

### **OLTL**

**Community HealthChoices** has now been implemented in all of Pennsylvania following the launch of the program in the Northeast, Northwest, and Lehigh/Capital Regions. On June 30, 2020, the final continuity of care period ends for providers and participants. During the coronavirus pandemic, the managed care organizations were directed to make no changes to service plans unless requested by the participant. The Managed Long-Term Services and Supports subcommittee of the Medical Assistance Advisory Committee meets monthly and reviews the program, including the OLTL COVID-19 response. Information presented at the May 12, 2020 meeting is available here: <http://listserv.dpw.state.pa.us/Scripts/wa.exe?A2=ind20&L=mltss-meeting-minutes&F=&S=&P=5076> .

## Deputy Secretary Change

On June 12, 2020, Kevin Hancock, Deputy Secretary of the Office of Long-Term Living left state employment for the private sector. On June 15, 2020, Jamie Buchenauer, who served as Director of the Bureau of Fee-for-Service Programs in the Office of Medical Assistance Programs, assumed the role. Jamie has held this position since August 2015 and has held numerous roles in state government at the Department of Health, the Pennsylvania Higher Education Assistance Agency, and the General Assembly and outside state government with the Hospital and Healthsystem Association of Pennsylvania and the Pennsylvania Chapter of the National Association of Social Workers.

## COVID-19/CORONAVIRUS UPDATE

### Department of Health

The Pennsylvania Department of Health continues to monitor the ongoing situation with Coronavirus (COVID-19) in tandem with the work of the federal government and the Center for Disease Control (CDC). The virus causes respiratory illness in people and can spread from person-to-person. To get the most accurate and up-to-date information including recommendations, closures, and statistics, visit: the Department of Health's website at: <https://www.health.pa.gov/topics/disease/Pages/Coronavirus.aspx> .

### Impact on Programs and Services in the Department of Human Services

<https://www.dhs.pa.gov/providers/Providers/Pages/Coronavirus-2020.aspx> .

- General: assessments, eligibility, consumer protections, reporting – Pennsylvania applied for and received approval from the Centers for Medicare and Medicaid (CMS) to use flexibilities and temporary changes through an 1135 waiver for its Medicaid programs.

Read the details at this link: <https://www.medicaid.gov/state-resource-center/disaster-response-toolkit/federal-disaster-resources/entry/54073> .

- Long-Term Care (Nursing Homes, Personal Care Homes, Assisted Living Residences) – Due to the number of COVID-19 infections and deaths, there is great concern for the vulnerable populations living in congregate settings in Pennsylvania. The Department of Health has posted information on testing, visitor restrictions, and mitigation efforts at this link: <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Nursing-Homes.aspx> .
- Home and Community-Based Services (Residential, Day and Community Participation Services, Personal Assistance, and Employment Programs) – The DHS program offices have asked the providers of services to individuals with intellectual disability, autism, physical disabilities, seniors, and others who receive services to continue to offer services through the COVID-19 crisis period. Certain services may be offered remotely due to the closure of congregate or community activities.
- Behavioral Health – The Wolf Administration has encouraged the use of telehealth so that many services can continue to be provided.
- Transportation – Changes, closures, and restrictions to travel and public transportation have been in effect during the COVID-19 crisis. Information is available here: <https://www.penndot.gov/pages/coronavirus.aspx> .
- Hospitals and outpatient services – The Wolf Administration issued procedures in early March for the expansion of telemedicine for physical health managed care organizations, and recently issued

guidelines for the resumption of outpatient and elective procedures. Information on the response, including a hospital Data Dashboard is available here: <https://www.pa.gov/guides/responding-to-covid-19/> .

## Resources for Individuals and Families

The Wolf Administration has created a webpage with information about the COVID-19 response in Pennsylvania including mental health resources, emergency assistance, and learning assistance. It is available at <https://www.dhs.pa.gov/providers/Providers/Pages/Coronavirus-Citizen-Resources.aspx> .

The Centers for Disease Control and Prevention (CDC) have issued guidance on numerous topics during COVID-19 including accommodations, educational supports, information for parents, and developmental monitoring and screening of children. It is available at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/developmental-behavioral-disorders.html> .

Rights during the pandemic;

- Medical Rationing Guidelines and Exceptions to Hospital Visitation Policies – disability advocates have worked to get improvements and clarification on the treatment of individuals with intellectual and other disabilities who need or receive healthcare during the COVID-19. Information on, and assistance with these issues is available at <https://www.disabilityrightspa.org/> .
- Early Intervention – Families may continue to be assessed for and receive services for their young child at risk of developmental delay. Pennsylvania has altered the provision of assessment and services during the COVID-19, including the use of virtual interactions, called tele-intervention. View the factsheet here: <https://www.dhs.pa.gov/providers/Providers/Documents/Coronavirus%202020/EI%20services%20during%20COVID%204%202020.pdf> .

- Individuals with Disabilities Education Act (IDEA) – Information about changes to instruction and Individual Education Programs (IEPs) is available from the federal Department of Education at this link: <https://sites.ed.gov/idea/departments-releases-covid-19-idea-related-q/> .
- Federal Economic Incentive Payments - The Centers for Medicare and Medicaid Services (CMS) has issued clarification that the Stimulus Checks from the CARES Act sent to nursing home residents may not be seized by the facility. Residents and families are encouraged to contact their state Attorney General if they are unable to get their funds. In Pennsylvania, this is <https://www.attorneygeneral.gov/get-help/> or the Senior Protection Helpline at 866.623.2137 .

## 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 1270.** Introduced by Representative Tarah Toohil (R-Luzerne). This bill will include children born to mothers with postpartum depression eligible to be assessed and tracked for potential need for **Early Intervention Services**. Referred to Children and Youth, April 17, 2019. Recommitted to Appropriations on June 10, 2020.

**Impact:** Expands the eligibility of children to be tracked and assessed for future need of early intervention services.

**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. Third consideration and final passage, June 9,

2020 (202-0). Referred to Senate Health and Human Services, June 14, 2020.

**Impact:** Establishes a bill of rights for individuals with intellectual disabilities or autism by affirming that individuals with intellectual disabilities or autism have an intrinsic right to live, participate, and thrive in their home and communities. It also requires the Department of Human Services to implement a plan to end the Waiting List in 5 years.

**HB 1439.** Introduced by Representative Aaron D. Kaufer (R-Luzerne). This bill 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. Third consideration and final passage, May 4, 2020. Referred to Senate Banking and Insurance, May 7, 2020.

**Impact:** Brings state law into compliance with the Federal Mental Health Parity & Addiction Equity Act of 2008, which requires health insurance policies that include treatment for alcohol and drug addiction and/or treatment for mental illnesses provide coverage in parity with other illnesses. This will ensure purchasers of insurance are able to access coverage for addiction treatment.

**HB 1895.** Introduced by Representative David H. Rowe (R-Union). This bill would amend the Mental Health Procedures Act to protect the rights of Pennsylvanians receiving **mental health care**. This Bill will state that persons in treatment have a right to be free from abuse, neglect, and exploitation. Referred to Human Services, Sept. 30, 2019. Reported as committed, Jan. 21, 2020. Re-committed to Appropriations, Feb. 4, 2020. Third consideration and final passage, April 20, 2020. Referred to Senate Health and Human Services, April 28, 2020.

**Impact:** Grants individuals in treatment the right to be free from abuse, neglect, or exploitation. It

also includes the right to challenge the legality of detention or degree of restraint that is used in order to be afforded the rights listed above.

**HB 2120.** Introduced by Representative Tim Hennessey (R-Chester). This bill would provide for **nonemergency medical transportation services**. Referred to Transportation, Dec. 12, 2019. Laid on the table, March 25, 2020.

**Impact:** Requires the commission of an analysis on current Federal and State law, regulations, and policies controlling nonemergency medical transportation services and other human services transportation programs. It will analyze the effectiveness and efficiency of the current system, review other states' model of service, and the impact of maintaining the current transportation delivery model versus implementing the brokerage model. The analysis will be due no later than 180 days after the effective date of this bill.

**HB 2187.** Introduced by Representative John T. Galloway (D-Bucks). This bill would provide for Statewide **children's mental health ombudsman**. Referred to Human Services, Jan. 10, 2020. First consideration, May 19, 2020. Removed from table, May 27, 2020.

**Impact:** This legislation would designate an official be tasked with the following responsibilities: the authority to advocate on behalf of children with mental disorders; identify barriers to effective mental health treatment; monitor compliance with laws pertaining to children's behavioral health services; and investigate and attempt to resolve complaints regarding violations by an entity regulated by the State which have an adverse effect upon children.

## **NEW BILLS**

**HB 400.** Introduced by Representative Kate A. Klunk (R-York). This bill would further provide for the offense of abuse of **care-dependent person**. Referred to Aging and

Older Adult Services, May 2, 2019. Re-committed to Appropriations, June 9, 2020. Third consideration and final passage, June 10, 2020.

**Impact:** Expands the definitions of what is an offense of abuse of care-dependent person if a caretaker uses an audio, video or still image of the care-dependent person to ridicule or demean the individual. This action would be a misdemeanor of the third degree.

**HB 469.** Introduced by Representative Anthony M. DeLuca (D-Allegheny). This bill would provide for ten **essential health benefits** including: ambulatory patient services; emergency services; hospitalization; maternity and newborn care; mental health and substance abuse disorder services; including behavioral health treatment; prescription drugs; rehabilitation and habilitation services and devices and chronic disease management; and pediatric services, including oral and vision care. Referred to Insurance, Feb. 11, 2019, Re-referred to Health, April 27, 2020.

**Impact:** Would put current federal essential health benefits under the Affordable Care Act (ACA) into state law to ensure individuals will not be denied coverage for the healthcare they need should there be any change on the federal level to the ACA.

**HB 471.** Introduced by Representative Peter Schweyer (D-Lehigh). This bill would prohibit health insurers from using an individual's **pre-existing medical condition** to deny or exclude coverage under a health insurance policy. Referred to Insurance, Feb. 11, 2019. Re-referred to Health, April 27, 2020.

**Impact:** Would protect individuals with pre-existing conditions from being discriminated against or denied coverage by health insurers should the Affordable Care Act (ACA) be overturned or repealed on the Federal level.

**HB 1210.** Introduced by Representative Mike Jones (R-York). This bill would amend the act of March 10, 1949 (P.L.30, No.14), known as

the Public School Code of 1949, in preliminary provisions, further providing for **Special Education** Funding Commission and for Basic Education Funding Commission. Referred to Education, April 15, 2019. Third consideration and final passage, May 1, 2019. Referred to Senate Education, May 3, 2019. House concurred in Senate amendments, May 28, 2020 (199-3). Approved by the Governor, June 5, 2020 becoming **Act No. 30**.

**Impact:** Moves the deadline for the Special Education Funding Commission to release their report on the Special Education Funding Formula to September 30, 2020. The original due date was November 30, 2019. This report will be used to decide on how the Special Education Funding Formula will be altered or changed in the future.

**HB 1696.** Introduced by Representative Thomas P. Murt (R-Montgomery). This bill 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, July 8, 2019. Re-committed to Appropriations, April 29, 2020.

**Impact:** Requires Insurance Carriers who cover behavioral health to submit data to the Pennsylvania Department of Insurance to ensure compliance with the Federal Mental Health Parity and Addiction Equity Act.

**HB 1827.** Introduced by Representative Dawn W. Keefer (R-York). This bill would be referred to as "Shawn's Law." It would amend the provision in the Crimes Code entitled Causing or Aiding Suicide and would provide for a sentence enhancement where the person who commits suicide is under 18 years of age or has an **intellectual disability**. Referred to Judiciary, Sept. 18, 2019. Third consideration and final passage, May 20, 2020. Referred to Senate Judiciary, May 25, 2020.



**Impact:** Allows for a greater criminal sentence to an individual who is convicted of assisting or aiding an individual who is under 18 years old or has an intellectual disability or autism in committing suicide.

**HB 2331.** Introduced by Representative John T. Galloway (D-Bucks). This bill would establish a **mental health care services clearinghouse**. This clearinghouse will serve as a publicly accessible registry of mental health care resources available across the Commonwealth and will accordingly assist school personnel in connecting families to community mental health resources. Referred to Human Services, March 5, 2020. Removed from table, May 27, 2020.

**Impact:** Streamlines and makes a publicly accessible site for information on mental health care services that are available in Pennsylvania. This clearinghouse would increase coordination efforts among schools, communities, and mental health providers.

**HB 2359.** Introduced by Representative Timothy J. O’Neal (R-Washington). This bill would intend to preserve access to **ventilator care** in Pennsylvania by dedicating additional Medicaid funding to those facilities already demonstrating a significant commitment to caring for these Pennsylvanians. Referred to Health April 27, 2020. Companion to **SB 959**, introduced by Senator Camera Bartolotta (R-Beaver).

**Impact:** Provides increased Medicaid funding to facilities that offer ventilator care in the Commonwealth to address an access to care crisis and incentives for facilities to expand geographic access. This will expand the ability for these care facilities to assist more individuals throughout the state.

**HB 2387.** Introduced by Representative Stanley Saylor (R-York). This bill provides appropriations from the **General Fund** for the expenses for fiscal year July 1, 2020, to June 30, 2021. Referred to Appropriations, April 6, 2020, Re-committed to Appropriations, April

20, 2020. Approved by the Governor, May 29, 2020 becoming **Act No. 1A**.

**Impact:** Details the money appropriated to services in the Interim State Budget. See breakdown at the beginning of issue for in-depth detail.

**HB 2391.** Introduced by Representative Joseph C. Hohenstein (D-Philadelphia). This bill would fill in those gaps of the federal government’s proposed **Families First Coronavirus Response Act** by guaranteeing that all employees will receive emergency paid sick leave if they are not already covered by the proposed federal bill. Referred to Labor and Industry, April 14, 2020.

**Impact:** Protects workers and their families by providing a financial safety net to workers who do not have access to emergency paid sick leave as provided under the Federal paid sick leave action.

**HB 2405.** Introduced by Representative Cris Dush (R-Jefferson). This bill would provide for **reporting of appropriated funds**. Referred to Appropriations, April 14, 2020.

**Impact:** The agencies within the Commonwealth are required to submit a report on the money appropriated to them in each of the 10 months before the end of the fiscal year to the Governor, Secretary of the Budget, the State Treasurer, and members of the General Assembly. It also requires that each agency report an itemized list of financial obligations that will be made publicly available on the website of the Governor’s Budget Office.

**HB 2437.** Introduced by Representative Todd Stephens (R-Montgomery). This bill would provide for **health care facility reporting** relating to COVID-19 and for duties of the Department of Health and the Department of Human Services. Referred to Aging and Older Adult Services, April 27, 2020. Re-committed to Appropriations, June 9, 2020. Third consideration and final passage, June 10, 2020.

**Impact:** Requires information be made publicly available on the number of COVID-19 cases in each long-term care facility that has been reported to the Department of Health and the protocol for isolating positives cases in a long-term care center.

**HB 2481.** Introduced by Representative Robert F. Matzie (D-Allegheny). This bill calls for the immediate inspection of all **long-term care facilities** in Pennsylvania. This bill would require the PA Department of Health to determine and assess each facilities' infection control procedures, provide testing for every resident and worker, record all findings and report said findings to the public. In addition, the Department will be required to provide the appropriate personnel and resources to each facility, as necessary, to deal with any observed outbreak in real time. Referred to Health, May 4, 2020.

**Impact:** Provides the public with information on long-term care facilities in Pennsylvania gained through inspections and assessments of each facility. Assists the long-term care facility in having the personnel and protective equipment and resources to respond to the impact of COVID-19.

**HB 2510.** Introduced by Representative Mike Turzai (R-Allegheny). This bill would establish a framework to protect our seniors and others living in a **long-term care** nursing facility, a personal care home and an assisted living residence. Referred to Appropriations, May 12, 2020. Approved by the Governor, May 29, 2020 becoming **Act No. 24**.

**Impact:** Appropriates Federal CARES Act funding received by the Commonwealth to different services to address the impact of COVID-19. The Intellectual Disability Community Waiver received \$260 million and Autism Services received \$720,000.

**HB 2537.** Introduced by Representative Seth M. Grove (R-York). This bill would amend the

Act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for coronavirus aid, relief and emergency response; and establishing the **Coronavirus Aid, Relief and Emergency Response Fund**. Due to these statutory restrictions, this proposed legislation will ensure strict oversight. Referred to Finance, May 21, 2020.

**Impact:** Instills strict oversight in the appropriation and use of CARES Act money appropriated to the Commonwealth. The State Treasurer will be in charge of the funds and establish a reimbursement system to ensure funds spent meet the strict federal requirements.

**HB 2538.** Introduced by Representative Jason Ortity (R-Allegheny). This bill would establish the Coronavirus Aid, Relief and Emergency Response Fund and the Financial Assistance for **Front Line Workers Program**. Referred to Finance, May 21, 2020.

**Impact:** Would appropriate \$400 million to provide front-line workers with financial assistance in recognition for the hazardous work environment they face. It would amend the fiscal code to create a program under the Department of Revenue to allow for specific individuals, characterized as essential workers, to apply for financial reimbursement from the Commonwealth. They must be employed by a: hospital/hospital network; long-term care facility; retail grocery store; licensed pharmacy; police department; fire department; volunteer fire department; EMS company; social advocacy organization; or financial institution.

**HB 2543.** Introduced by Representative Todd Stephens (R-Montgomery). This bill would provide for COVID-19 testing in **long-term care facilities** and for duties of the Department of Health and Department of Human Services. Referred to State Government, May 21, 2020.

**Impact:** Requires the Department of Health to test all employees and residents in PA's long-term care facilities for COVID-19.

**HB 2560.** Introduced by Representative Jason Ortity (R-Allegheny). This bill would require the Secretary of Education to immediately issue a waiver to any order by the Governor closing any public or nonpublic schools based on the proclamation of disaster emergency issued by the Governor on March 6, 2020 or any extension of that order to all public schools and nonpublic schools to permit them to provide in-person special education services that comply with the individualized education program under the **Individuals With Disabilities Education Act** (IDEA). Referred to Education, May 28, 2020.

**Impact:** Would allow in-person special education services to occur during the Governor's emergency declaration as long as social distancing guidelines are followed.

**HB 2574.** Introduced by Representative David H. Zimmerman (R-Lancaster). This bill would provide for duties of **long-term care** nursing facilities and personal care homes during public health emergency. Referred to Health, June 8, 2020.

**Impact:** Requires nursing homes to house and feed employees who require quarantine due to their exposure to COVID-19 in the facility during a public health emergency. It would reduce the likelihood of the employee possibly infecting their family members.

**SB 30.** Introduced by Senator Thomas H. Killion (R-Chester). This bill would create a state housing tax credit to incentivize private investment to create new and preserve existing **affordable rental housing** which will increase economic opportunity for senior citizens, individuals with disabilities. Referred to Urban Affairs and Housing, March 21, 2019, Third consideration and final passage, Jan. 28, 2020. Referred to House Urban Affairs, Jan. 30, 2020. Removed from the table, June 10, 2020.

**Impact:** Would see growth in availability of affordable rental housing which could support

individuals with limited incomes having the ability to access their own housing options within the community.

**SB 422.** Introduced by Senator Elder A. Vogel Jr. (R-Beaver). This bill would establish the **Pennsylvania Election Law Advisory Board**. Members of the board will include legislative appointees, one member of each congressional district, an advocate for individuals with disabilities, an advocate for voter's rights, and a county election official. Referred to State Government, March 12, 2019. Approved by the Governor, March 27, 2020 becoming **Act No. 12**.

**Impact:** The Advisory Board will work to: identify ways to update voting in the Commonwealth; collaborate with agencies to study election related issues; study new voting/election technologies; identify and promote best practices to ensure voting integrity and efficiency; and publish an annual report with their findings on the PA Department of State's website.

**SB 857.** Introduced by Senator Elder A. Vogel Jr. (R-Beaver). This bill would provide for telemedicine, authorizing the regulation of telemedicine by professional licensing boards and providing for **insurance coverage of telemedicine**. Referred to Banking and Insurance, Sept. 19, 2019. Signed in Senate, April 21, 2020. Signed in House, April 21, 2020. Vetoed by the Governor, April 29, 2020, **Veto No. 4**. The Senate has laid the bill together with Governor's Veto Message, on the table, May 6, 2020.

**Impact:** Authorizes and provides for the use of telemedicine within the Commonwealth.

**SB 959.** Introduced by Senator Camera Bartolotta (R-Beaver). This bill would intend to preserve access to **ventilator care** in Pennsylvania by dedicating additional Medicaid funding to those facilities already demonstrating a significant commitment to caring for these Pennsylvanians. Referred to Health and Human Services, Nov. 20, 2019.

Re-referred to Appropriations, April 29, 2020. Referred to Health, May 12, 2020 [House]. See **HB 2359**, introduced by Representative Timothy J. O’Neal (R-Washington).

**Impact:** Provides increased Medicaid funding to facilities that offer ventilator care in the Commonwealth to address an access to care crisis and incentives for facilities to expand geographic access. This will expand the ability for these care facilities to assist more individuals throughout the state.

**SB 970.** Introduced by Senator Patrick Browne (R-Lehigh). This bill would merge the Department of Health and the Department of Human Services into a new **Department of Health and Human Services**. Referred to Health and Human Services, Jan. 24, 2020.

**Impact:** Requires the consolidation of the PA Department of Health and PA Department of Human Services to ensure better coordination of programs and services, while reducing administrative inefficiencies.

**SB 1108.** Introduced by Senator Patrick Browne (R-Lehigh). A Supplement to the act of June 28, 2019 (P.L.839, No. 1A), known as the **General Appropriation Act** of 2019, adding Federal appropriations to the Executive Department of the Commonwealth for the fiscal year July 1, 2019, to June 30, 2020. Referred to Appropriations, April 7, 2020. Third consideration and final passage, April 21, 2020. Referred to House Appropriations, April 21, 2020. Third consideration and final passage, May 28, 2020. Approved by the Governor, May 29, 2020 becoming **Act No. 2A**.

**Impact:** Appropriates Federal CARES Act funding received by the Commonwealth to different services to address the impact of COVID-19. The Intellectual Disability Community Waiver received \$260 million and Autism Services received \$720,000.

**SB 1126.** Introduced by Senator Patrick Browne (R-Lehigh). This bill would merge the Department of Health and the Department of

Human Services into a new **Department of Health and Human Services**. Referred to Health and Human Services, April 21, 2020.

**Impact:** Requires the consolidation of the PA Department of Health and PA Department of Human Services into the PA Department of Health & Human Services to ensure better coordination of programs and services, while reducing administrative inefficiencies.

## RESOLUTIONS

**HR 718.** Introduced by Representative Tina Pickett (R-Bradford). A Resolution designating the month of March 2020 as “**Brain Injury Awareness Month**” in Pennsylvania. **Adopted**, May 20, 2020.

**HR 789.** Introduced by Representative Tarah Toohill (R-Luzerne). A Resolution recognizing the month of March 2020 as **Intellectual Disabilities Awareness Month**. Referred to House Human Services, Feb. 28, 2020. Reported as committed, May 19, 2020.

**HR 860.** Introduced by Representative Morgan Cephas (D-Philadelphia). A Resolution urging the Congress of the United States to pass H.R. 6420 and update the **CARES act** to allow children younger than 19 years of age, students 24 years of age and younger and all dependents with disabilities to receive direct cash payments from the Federal Government. Referred to Finance, May 4, 2020.

**HR 864.** Introduced by Representative Eric R. Nelson (R-Westmoreland). A Resolution establishing a select subcommittee on COVID-19 in **long-term care** facilities to investigate, review and make recommendations concerning the response to COVID-19 in long-term care facilities in this Commonwealth. Referred to Aging and Older Adult Services, May 12, 2020.

# NATIONAL NEWS

## FEDERAL BUDGET 2021

On February 10, 2020, President Trump released his proposed budget for fiscal year 2020-2021 that begins on October 1, 2020. The proposal includes deep cuts to Medicare and Medicaid, two core programs providing access to healthcare for people with disabilities and seniors. Typically, Congress does not adopt the President's budget but develops its own proposals. The President's budget is available at <https://www.whitehouse.gov/omb/budget/> . Congress has not acted upon the appropriations bills during the COVID-19 response. The May 2020 budget deficit has grown to \$399 billion which is nearly double over one year ago and reflects a year-to-date total of \$1.88 trillion. The Treasury Department cites the stimulus spending plus a 25% drop in revenues.

## CENSUS 2020

Reminder: fill out your 2020 Census information!

Every 10 years the government counts everyone across the country to gather information to make decisions about funding for services and program. The census is also used to determine the number of members of Congress in the House of Representatives for each state. Each state is given a specific number of Congress members based upon the number of people who live in each state. It is important to participate in the 2020 Census so that the government can get an accurate count on the population. One person in each household will need to fill out the form. The final deadline for the Census is **October 31, 2020**. The form can be filled out online, by phone, or by mail. There are guides to help people with disabilities fill out the census. If you have questions, you can **call 1-800-923-8282** or go to [www.2020census.gov](http://www.2020census.gov) .

## REPORT SHOWS DATA QUALITY ISSUES IN RESTRAINT AND SECLUSION DATA

The Government Accountability Office (GAO) released a report showing major issues with the quality of data from school districts regarding restraint and seclusion. Interviews revealed that state and school district officials do not have a consistent understanding of reporting rules. You can read the report at: [https://www.gao.gov/products/GAO-20-345?utm\\_campaign=usgao\\_email&utm\\_content=topic\\_education&utm\\_medium=email&utm\\_source=govdelivery](https://www.gao.gov/products/GAO-20-345?utm_campaign=usgao_email&utm_content=topic_education&utm_medium=email&utm_source=govdelivery) .

## US EDUCATION SECRETARY DECLINES TO RECOMMEND WAIVERS OF CORE IDEA PROVISIONS

On April 27, Education Secretary Betsy DeVos submitted a report to Congress required by the Coronavirus Aid, Relief, and Economic Security (CARES) Act with recommendations on waivers for various education laws. Secretary DeVos did not recommend waivers of core provisions of the Individuals with Disabilities Act (IDEA) or Section 504 of the Rehabilitation Act. She did, however, recommend waiving technical provisions to allow extending Part B transition evaluation timelines and allowing children to continue receiving Part C services until Part B determinations are complete. You can read the report to Congress at: <https://www2.ed.gov/documents/coronavirus/cares-waiver-report.pdf> .

# RESOURCES

## CONFERENCES

Due to changes and precautions to limit the spread of the coronavirus, many planned meetings and conferences are postponed, cancelled, or converted to a virtual or on-line format. Please check with the organizer about the status of any event for an update.

## **UPDATED GUIDANCE ON MEDICAL ASSISTANCE TRANSPORTATION (MATP)**

The Department of Human Services has issued updated guidance regarding the Medical Assistance Transportation Program (MATP) in light of the COVID-19 public health emergency. This guidance is available at: <https://www.dhs.pa.gov/providers/Providers/Documents/Coronavirus%202020/MATP%20Guidance%20for%20COVID-19%205-8-20%20Final.pdf> .

## **LEARN MORE ABOUT THE PA ABLE PROGRAM**

A PA ABLE Savings Program account gives individuals with qualified disabilities (Eligible Individuals), and their families and friends, a tax-free way to save for a wide range of disability-related expenses, while maintaining government benefits. The state and federal tax-free investment options are offered to encourage eligible Individuals and their families to save private funds to support health, independence, and quality of life.

Register for Wednesday, July 15th, 2020 from 11 am – 12 pm at: <https://register.gotowebinar.com/register/3364300377813144332> .

## **THE VIRTUAL 2020 PA COMMUNITY OF PRACTICE TRANSITION CONFERENCE – TOGETHER TOWARDS TOMORROW**

On July 15, 2020, 8:30 p.m. – 4:30 p.m. enjoy an ONLINE conference. Each year the PA Community of Practice Transition Conference brings together a diverse community of stakeholders to share information, explore resources, and gain knowledge regarding successful practices in secondary transition. All participants should register for this PaTTAN-sponsored event by visiting the website at: <http://www.pattan.net> .

Click training calendar and go to July. If you prefer, you may email the registration form to Paula Quinn, [pquinn@pattan.net](mailto:pquinn@pattan.net) or <https://www.pattan.net/Events/Conferences/Course-2737/Events/Session-34592> .

## **PA DEPARTMENT OF AGING SEEKS COMMUNITY & STAKEHOLDER INPUT FOR STATE PLAN ON AGING 2020-2024**

The Pennsylvania Department of Aging requests the assistance of community members and stakeholders who are passionate about the needs of older adults in helping to shape the priorities for the State Plan on Aging. Adults of all ages are invited to take part in a 5-10 minute online survey. Adults over 60 years old are especially encouraged to participate. Your input will help build an innovative and responsive plan for the next four years. To complete the survey, follow the link below. To participate by phone, call the Department of Aging at: (717) 783-1550. To take the survey online, visit: <https://forms.office.com/Pages/ResponsePage.aspx?id=QSiOQSGb1U2bbEf8Wpob3tnwPlu1PNILtDOF3P18adBUMDNaU1AwTjZNNktDVEVTUFVUVzZFVvhSVi4u> .

## **EMPLOYMENT FIRST INFORMATIONAL WEBINARS AND PODCASTS**

The Employment First Community of Practice webinar on “Self-Employment Possibilities and Resources for People with Mental Health Challenges” is available for viewing at: [https://econsys.adobeconnect.com/\\_a968322745/pg4e0hu652w9/?proto=true](https://econsys.adobeconnect.com/_a968322745/pg4e0hu652w9/?proto=true) .

The podcast, “Creating a VR Workplace Training Programs for People with Disabilities,” at: <https://www.peatworks.org/futureofwork/podcast/2020/05/ImagineColorado> .

The podcast, “Eliminating Algorithmic Bias in Hiring and Employment,” at: <https://www.peatworks.org/futureofwork/podcast/2020/04/EightfoldAI> .

## **PA HOUSING FINANCE AGENCY (PFHA) HOUSING STUDY**

Housing affordability is a growing issue for Pennsylvanians and renters. Low-income households and minorities are disproportionately burdened by housing costs, according to a study shared by the Pennsylvania Housing Finance Agency. The Pennsylvania Comprehensive Housing Study, produced in collaboration with the University of Pennsylvania Department of City and Regional Planning, explores the current status and predicted trends for housing statewide. Access the full study at: <https://www.phfa.org/housingstudy/2020/> .

## **NDNRC UPDATE COVID-19 & DISABILITY SURVEY SUMMARY REPORT**

The National Disability Navigator Resource Collaborative released a COVID-19 & Disability

Survey Summary Report. The purpose of the survey was to conduct a rapid, real-time online assessment of the COVID-19 pandemic’s impact on access to healthcare on adults with a range of disabilities. To read the summary report, visit: [https://www.aahd.us/wp-content/uploads/2020/05/COVID-19\\_Summary\\_Report.pdf](https://www.aahd.us/wp-content/uploads/2020/05/COVID-19_Summary_Report.pdf) .

## **THE POSITIVE APPROACHES JOURNAL RELEASES LATEST ISSUE**

The theme of the latest issue from Positive Approaches Journal (Volume 9, Issue 1) is Navigating the Justice System: Considerations, Best Practices, and Points to Ponder.

To read it online, visit:

<https://palms-awss3-repository.s3-us-west-2.amazonaws.com/Communications/ODP/2020/Positive+Approaches+is+Available+May+2020.pdf> .

# **CONTACT PIE**

Contact the PIE Team with any questions, comments, suggestions, or information to share at PIE, c/o The Arc of Pennsylvania, 1007 Mumma Road, Suite 100, Lemoyne, PA 17043, by email at [pie@thearc-pa.org](mailto:pie@thearc-pa.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@thearc-pa.org](mailto:pie@thearc-pa.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.

# *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@thearcpcpa.org](mailto:pie@thearcpcpa.org). Thank you.

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THE ARC OF PENNSYLVANIA

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