

Volume 21 - Issue 3 2020

Covid-19 Update

After more than six months since the COVID-19 pandemic began in the US, information has been collected, analyzed, and shared about its impact and effective actions to reduce risk.

- You can find resources from the American Psychological Association offered to the general public on specific topics such as dealing with grief, the importance of self-care, and parenting during the pandemic here: [American Psychological Association Resources](#).
- We know that older people are disproportionately affected by COVID-19. Concern that the pandemic has sparked discrimination and a tendency to devalue older people in resource allocation is addressed in this article: [Article on Impact of COVID19 on Older Individuals](#).
- You can find coverage of the disproportionate impact on people with intellectual disabilities is at this link: [Article on Impact of COVID-19 on Individuals with Disability](#).
- The federal Center for Disease Control (CDC) offers information about COVID-19 and health risk for people with disabilities at this link: [CDC Information on Risk of COVID-19 to Individuals with Disabilities](#).

Pennsylvania continues to update their resources at [PA COVID-19 Resources](#). There are multilingual resources available at: [Multilingual Resources from PA Departments](#).

COVID-19 has impacted the mental health of many individuals. To access support, information, and treatment for a mental illness, visit: [Mental Health Information and Support](#).

State News

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 400. Introduced by Representative Kate A. Klunk (R-York). This bill would further provide for the offense of abuse of **care-dependent person**. Third Consideration and Final Passage, June 10, 2020. Referred to Senate Judiciary, June 17, 2020.

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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 672. Introduced by Representative Jason Ortitay (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. Approved by the Governor, July 23, 2020 becoming **Act No. 65**.

Impact: Revises consent to voluntary inpatient or outpatient mental health services/treatment for minors from 14 to 18 years of age to allow for greater clarity on the rights of parents or legal guardians.

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 23, 2020.

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

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. Re-reported as committed, Sept. 8, 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 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, Sept. 1, 2020.

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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.

SB 890. Introduced by Senator Bob Mensch (R-Berks). This bill would allow individuals with disabilities to increase earnings under a new category of **MAWD**, called Workers with Job Success (WJS). Referred to Health and Human Services, Oct. 8, 2019. Passed the Senate, 50-0, Oct. 5, 2020.

Impact: Would create a new category under MAWD that would allow for a higher earning level for an individual with disabilities who has participated in the MAWD program for the previous 12 consecutive months. Under this new category, individuals would contribute a larger percentage towards their medical assistance benefits and still be able to retain access to their benefits.

New Bills

HB 2350 introduced by Representative Kaufer (R-Luzerne), referred to Health and Human Services, July 13, 2020 [Senate], Third consideration and final passage, July 7, 2020; **HB 2351** introduced by Representative Thomas (R-Bucks), referred to Health and Human Services, June 29, 2020 [Senate]; **HB 2352** introduced by Representative Grove (R-York), re-committed to Rules, June 9, 2020 [House]; **HB 2353** introduced by Representative Gaydos (R-Allegheny), referred to State Government, June 30, 2020 [Senate]; **HB 2354** introduced by Representative Clint Owlett (Tioga), referred to State Government, June 30, 2020 [Senate]; **HB 2355** introduced by Representative Sankey (R-Clearfield), referred to Health and Human Services, June 29, 2020 [Senate]. These bills include a package to reform state government operations including Medicaid. This package will codify the recent grand jury recommendations along with enacting statutes which mirror federal law to allow the commonwealth to **combat fraud in Medicaid** and the rest of state government while recouping state tax dollars.

Impact: Would alter how providers must report information to receive reimbursement under Medicaid and codifies a structure of penalties for those who actively seek to defraud when putting in for reimbursement for services under Medicaid.

HB 2626. Introduced by Representative Dan Moul (R-York). This bill would implement **election and voter reform** for the upcoming 2020 General Election in regards to the impact of COVID-19. Passed the House 112-90. Re-referred to Senate Appropriations September 9, 2020.

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Impact: Would amend election rules through the following provisions: counties can begin to pre-canvass ballots the Saturday before election day; limit the location a mail-in/absentee ballot may be dropped off in person; move the deadline to register for a mail-in/absentee ballot from 7 days to 15 days before the election; requires counties return a report on the implementation of the election; would allow watchers to go to polling locations outside of their own registered polling location; and requires the election board to contact a voter who's signature on their mail-in/absentee ballot did not match the one on file to ensure that the ballot is accurate.

HB 2640. Introduced by Representative Austin Davis (D-Allegheny). This bill would institute a **Direct Care Worker Wage Advisory Board**, a minimum wage for Direct Care workers, and a Direct Care Worker registry. Referred to House Labor & Industry Committee June 29, 2020.

Impact: Establishes a Direct Care Worker Wage Advisory Board that would be tasked with examining the challenges to recruiting and retaining direct care workers. Requires the Secretary of Human Services to establish a minimum wage for direct care workers in the Commonwealth. Lastly, the Advisory Board will establish a registry of direct care workers that providers must update quarterly with their direct care worker staff information. This registry will only be available to direct care worker organizations.

HB 2650. Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would establish a Statewide registry of **caregivers who abuse** individuals with disabilities or special needs; and imposing duties on the Department of Human Services. Referred to Human Services, July 1, 2020.

Impact: Requires the Department of Human Services establish a registry within the Commonwealth of individuals who have been charged or convicted of abuse against an individual with disabilities. The registry would be made publicly available.

HB 2679. Introduced by Representative Karen Boback (R-Columbia). This bill would provide for primary **caregiver support** program. Referred to Human Services, July 8, 2020.

Impact: Expands the primary caregiver support program to allow for respite care services of up to 3 hours per week for care receivers to attend an older adult day living center.

HB 2684. Introduced by Representative Karen Boback (R-Columbia). This bill would provide for a primary **caregiver support** program and caregivers of individuals with disabilities. Referred to Human Services, July 14, 2020. Re-referred to Aging and Older Adult Services, Aug. 28, 2020.

Impact: Expands the Family Caregiver Support Program to include caregivers for individuals with disabilities to be eligible for respite and caregiving related service supplies.

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HB 2740. Introduced by Representative Natalie Mihalek (R-Washington). This bill would establish the **Nonprofit Economic Emergency Delivery System (“NEEDS”) Grants Program**. Referred to Appropriations, Aug. 6, 2020. Companion legislation, SB 1314.

Impact: This Grant Program would be for eligible community-based human services nonprofit organizations who have been impacted by the COVID-19 crisis and funded through \$200 million CARES Act money received by the Commonwealth.

HB 2767. Introduced by Representative Ed Neilson (D-Philadelphia). This bill would establish the Long-Term Services and Supports Commission, the Long-Term Services and Supports Council and the **Long-Term Services and Supports Trust Fund**, imposing duties on the Department of Human Services and the Department of Revenue and imposing a payroll premium. Referred to Aging and Older Adult Services, Aug. 7, 2020.

Impact: Established a fund to provide up to \$36,500 in lifetime benefits to eligible beneficiaries for long term care services, such as respite care, in-home caregiving, time in a nursing home/assisted living facility, or home modifications.

HB 2785. Introduced by Representative Joseph C. Hohenstein (D-Philadelphia). This bill would mandate the **inclusion** of the political, economic, and social contributions of individuals with disabilities in Pennsylvania’s K-12 curriculum. Referred to Education, Aug. 13, 2020.

Impact: Would expand the knowledge of students across the Commonwealth with the contributions individuals with disabilities have made to their society and community.

HB 2788. Introduced by Representative Jesse Topper (R-Bedford). This bill would provide for extended **special education enrollment** due to COVID-19; and, in terms and courses of study, provide for an optional year of education due to COVID-19. Referred to Education, Aug. 18, 2020. Third consideration and final passage, Sept. 2, 2020, 197-5. Referred to [Senate] Education, Sept. 28, 2020.

Impact: Address concerns of educational regression for students with disabilities due to COVID-19 and allows for students who aged out of special education services during the outbreak of COVID-19 to attend school for the 2020-2021 school year.

HB 2798. Introduced by Representative Dan L. Miller (D-Allegheny). This bill would help support the Direct Support Professionals (DSPs) that are essential to the delivery of services for Pennsylvanians with **intellectual disabilities and autism** by requiring that rates annually be set based on a national market consumer index. Referred to Human Services, Aug. 18, 2020.

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Impact: Would require the Department of Human Services to use the national market consumer rate to set the rates for DSPs annually, and if there is a percentage increase in the national market rate implement the higher rate. Currently, the Department can do a rate reset every 3 years but is not required to implement any rate increase.

SB 10: Introduced by Senator Joe Scarnati (R-Tioga). This bill would implement **election and voter reform** for the upcoming 2020 General Election in regards to the impact of COVID-19. Referred to State Government, Aug. 24, 2020.

Impact: Would amend election rules through the following provisions: counties can begin to pre-canvass ballots the Saturday before election day; limit the location a mail-in/absentee ballot may be dropped off in person; move the deadline to register for a mail-in/absentee ballot from 7 days to 15 days before the election; would allow watchers to go to polling locations outside of their own registered polling location; and requires the election board to contact a voter who's signature on their mail-in/absentee ballot did not match the one on file to ensure that the ballot is accurate.

SB 1314. Introduced by Senator Judy Ward (R-Blair). This bill would establish the **Nonprofit Economic Emergency Delivery System ("NEEDS") Grants Program**. First Consideration, September 9, 2020. Companion legislation, HB 2740.

Impact: This Grant Program would be for eligible community-based human services nonprofit organizations who have been impacted by the COVID-19 crisis and funded through \$200 million CARES Act money received by the Commonwealth.

SB 1350. Introduced by Senator Pat Browne (R-Lehigh). This bill allocates **CARES Act Funds** to different services in Pennsylvania. Re-referred to Senate Appropriations, Oct. 6, 2020.

Impact: Allocates CARES Act money to the following programs under the Dept. of Human: ID State Centers - \$7,813,000.00; ICF/ID - \$11,500,000.00; ID Base - \$913,000.00; Community ID Waiver - \$123,233,000.00; Autism Services - \$1,445,000; and Early Intervention (B-3) - \$3,605,000.

Resolutions

HR 935. Introduced by Representative Thomas Murt (R-Montgomery). This Resolution designates the month of October 2020 as "**Lifesharing Awareness Month**" in Pennsylvania. Reported as committed from Human Services, Aug. 28, 2020.

HR 950. Introduced by Representative Thomas Murt (R-Montgomery). This Resolution designates the month of September 2020 as "**Fetal Alcohol Spectrum Disorders Awareness Month**" in Pennsylvania. Reported as Committed, September 2, 2020.

HR 952. Introduced by Representative Kristine C. Howard (D-Chester). This Resolution creates a task force to study the effects and effectiveness of remote learning, with the

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ultimate goal of issuing a report detailing critical factors and barriers to successful implementation of remote learning, with special attention given to educational outcomes and **social emotional, mental and physical health**, and to identify best practices to better inform future research, legislation and school policies. Referred to Education, July 22, 2020.

HR 1010. Introduced by Representative Mike Sturla (D-Lancaster). A resolution recognizing the **essential work** performed by individuals with disabilities during the 2020 pandemic. Voted, 202-0, Sept. 30, 2020.

HR 1043. Introduced by Representative Karen Boback (R-Lackawanna). A resolution designating the month of November 2020 as **'Family Caregiver Month'** in Pennsylvania.

SR 350. Introduced by Senator Bob Mensch (R-Berks). This Resolution celebrates the **30th Anniversary of the Americans with Disabilities Act**. Referred to Rules and Executive Nominations, July 29, 2020.

SR 361. Introduced by Senator Lisa Baker (R- Luzerne). This Resolution designates the month of September 2020 as **"Fetal Alcohol Spectrum Disorders Awareness Month"** in Pennsylvania. Referred to Rules and Executive Nominations, September 9, 2020.

SR 395: Introduced by Senator Christine Tartaglione (D-Philadelphia). A resolution designating the month of October 2020 as **'National Disability Employment Awareness Month'** in Pennsylvania. Referred to Senate Rules and Executive Nominations, Sept. 29, 2020.

SR 396: Introduced by Senator Christine Tartaglione (D-Philadelphia). A resolution recognizing the **essential work** performed by individuals with disabilities during the 2020 pandemic. It has been referred to Senate Rules and Executive Nominations, Sept. 29, 2020.

National News

FEDERAL BUDGET

The blueprint for the federal budget FY2021 spending was established in the Bipartisan Budget Act of 2019 on August 2, 2019. It set the appropriations committees allocations and suspended the debt ceiling through 2021. Without this measure, deep automatic cuts would take place through the Budget Control Act of 2011. The appropriations bills that fund the federal government beginning October 1, 2020 have not been enacted by Congress. The House has completed most of its work on the twelve measures but the Senate has not. A Continuing Resolution (CR) will be needed by September 30, 2020 to avoid a government shutdown. Negotiations on the details, including the length of the

extension, are taking place in September. Review the status of all budget bills at this link:

[Link to Budget Bills](#)

OFFICE FOR CIVIL RIGHTS RELEASES ANNUAL REPORT TO CONGRESS

On July 29, the Department of Education Office for Civil Rights (OCR) released its Annual Report to Congress for FY 2019. The report found that almost half of complaints filed with OCR in fiscal years 2017 and 2018 related to disability discrimination, with the most common complaint involving students not receiving a free appropriate public education (FAPE). Among other things, the report also highlights the Department's restraint and seclusion initiative, including compliance reviews, data quality reviews, and technical assistance. You can read the report here: [Department of Education Office for Civil Rights Annual Report](#).

CMS EXTENDS DEADLINE FOR HCBS SETTINGS RULE

On July 14, The Centers for Medicare & Medicaid Services (CMS) announced in a letter to state Medicaid Directors that the deadline for compliance with the Home and Community Based Services (HCBS) Settings Rule will be extended until March 17, 2023 due to the COVID-19 pandemic. The previous deadline was March 17, 2022. The HCBS Settings Rules requires all settings funded by Medicaid HCBS programs to, among other things, provide opportunities for participants to be integrated in and engage in community life, have access to the community, control their personal resources, and seek employment and work in competitive settings. You can read the letter here: [CMS Letter on Deadline for Compliance with HCBS Settings Rule](#).

HUD ISSUES FINAL RULING LIMITING HOUSING DISCRIMINATION PROTECTIONS

On August 7, the Department of Housing and Urban Development (HUD) issued its final Affirmatively Furthering Fair Housing (AAFH) Rule, called the "Preserving Community and Neighborhood Choice." This new final rule will become effective on September 8, 2020.

FEDERAL POVERTY INCOME GUIDELINES FOR 2020

The Department of Human Services (DHS) announced the implementation of the 2020 Federal Poverty Income Guidelines. Comments regarding the implementation of Federal Poverty Income Guidelines can be sent to DHS Office of Income Maintenance, Cathy Buhrig, director, Bureau of Policy, Room 427, Health and Welfare Building, Harrisburg, PA 17120. Additional information can be found on the Pennsylvania Bulletin website here: [PA Bulletin Website for more Information on Implementation of 2020 Federal Poverty Income Guidelines](#).

U.S. DEPARTMENT OF LABOR ANNOUNCES NATIONAL DISABILITY MONTH THEME

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The U.S. Department of Labor announced that “Increasing Access and Opportunity” is the 2020 theme for October’s annual observance of National Disability Employment Awareness Month (NDEAM). This year is the nation’s 75th observance of NDEAM, which is administered by the Department’s Office of Disability Employment Policy (ODEP). You can read more here: [Information on National Disability Employment Awareness Month Theme](#).

REPORT SHOWS MOST STATES NOT MEETING IDEA OBLIGATIONS

The U.S. Department of Education found that only 21 states deserved the “meets requirements” designation with regard to Part B for the 2018-2019 school year. Twenty-seven states and the District of Columbia were placed into the “needs assistance” category. Two states were placed in the “needs intervention” category. The findings come from an annual mandatory assessment of state compliance with the Individuals with Disabilities Education Act (IDEA). Pennsylvania is listed in the Meets Requirements category. You can read the report and findings here: [Department of Education Report on State Compliance to IDEA Requirements](#).

Resources

HOME AND COMMUNITY BASED SERVICES CONFERENCE

Dec. 2-3 and Dec. 8-10, 2020: The HCBS Conference will be a virtual experience spaced over two weeks. Learn more at www.hcbsconference.org.

NEW COVID-19 GUIDANCE FROM PA DEPARTMENT OF EDUCATION

The Pennsylvania Department of Education and Department of Health recently released new guidance for schools for determining instruction models in development of their health and safety reopening plans. You can read it here: [PA Departments of Education & Health Guidance for Schools](#).

PATF’S MONEY TALKS WEBINARS

One Wednesday of the month, Pennsylvania Assistive Technology Foundation will have a new episode of their free webinar series “Money Talks”. This series will cover a range of topics on financial empowerment for people with disabilities. To learn more and register, visit: [PATF Money Talks Webinar Registration](#).

PEAL CENTER TRANSITION TUESDAY WEBINARS

Starting this September, The PEAL Center in Pittsburgh will be hosting the Transition Tuesdays webinar series on the fourth Tuesday of every month. Individuals and families with youth ages 13 through 21 with Individualized Education Programs (IEPs) are encouraged to register to learn about methods for secondary transition planning to facilitate an individual's progress towards education, employment, and community living. You can register here: [PEAL Center Transition Tuesday's Webinar Registration](#).

ANNOUNCING THE MYODP PODCAST

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The MyODP Podcast is the latest form of outreach and capacity building from ODP. It consists of an audio series on a dedicated topic with a targeted audience in mind. Each podcast in our first series has a duration of 7-10 minutes and focuses on getting tools to Direct Support Professionals (DSPs) titled A Supporter's Toolbox. Check out the podcast at [My ODP Podcast](#) to listen.

COVID-19 & SURVEY OF PEOPLE WITH DISABILITIES REPORT ISSUED

The purpose of the COVID-19 & Disability Project is to understand the impact of the coronavirus pandemic on access to health care and on adults with a range of disabilities responding to COVID-19. Read the comparative analysis report entitled "COVID-19 & Survey of Adults with Disabilities: Comparative Analysis of Results by Type of Disability" here: [COVID-19 & Disability Project Report](#).

GUIDE FOR FAMILIES FOR IN-PERSON/IN-HOME EI SERVICES DURING COVID-19

The Office of Child Development and Early Learning (OCDEL) developed the Guide for Families for In-Person/In-Home Early Intervention Services During COVID 19. This guidance was designed to help families understand the guidance that has been provided to their local EI programs, as well as to assist them in navigating concerns, considerations and questions they may have, as it relates to in-person/in-home early intervention services during COVID-19. You can read the guidance here: [OCDEL Guide for Families for In-Person/In-Home EI Services](#).

TRANSITION GUIDE TO POSTSECONDARY EDUCATION AND EMPLOYMENT FOR STUDENTS AND YOUTH WITH DISABILITIES

The Office of Special Education and Rehabilitative Services has published an updated transition guide to advance efforts in ensuring that all students and youth with disabilities are equipped with the skills and knowledge to achieve their post-school and career goals. Added is information about dual enrollment and the Achieving a Better Life Experience (ABLE) Act. It is entitled, "A Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities". You can read it here: [Transition Guide for Students and Youths with Disabilities](#).