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MR TRAINING SERVICES

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Thank you for the opportunity to comment on the proposed regulations. As a day services provider, my comments are focused on the 55 Pa. Code chapters 2380 and 2390.

It is appreciated that the timeframe for the annual IP is not citable against the Day Program Provider under these revised regulations as the provider of Day Services will no longer control that annual process in most circumstances unless the individual does not have an assigned Supports Coordinator.

Question: When is an individual considered to not have an assigned Supports Coordinator? If a Supports Coordination entity has a vacancy in its staffing roster and it is time for an individual's annual plan, will the Day Services provider's Program Specialist need to conduct the meeting and write the plan? Or does it mean an individual who has never been assigned a Supports Coordinator such as an ICF/MR individual (non-plaintiff class) where the QMRP acts as the case manager? **Please define or clarify "does not have an assigned supports coordinator".**

The ICF programs have their own processes and formats. Will the day services program specialist be required to "coordinate the development of the IP" and "prepare the IP using the Department approved format" which will be highly redundant and time consuming given that a plan will still need to be completed by the ICF? In a day program such as ours where we serve almost 30 ICF/MR individuals in both 2380 and 2390 services, having to complete full blown IP's will have a significant impact on the use of our Program Specialists time and be an additional expense. Also, will an electronic version of the "Department approved format" be made available as currently only Supports Coordinators have access to the format stipulated?

Hypothetically, as I am aware of no one with this situation, if an individual is living in a 6400 residential program, and there is no Supports Coordinator assigned, the language in both the proposed Residential regulations and the Day Program regulations require each program specialist to "coordinate the development of the IP" and "prepare the IP using the Department approved format." Again, this is highly redundant as it should be one program or the other completing the IP. Will a provider

be cited if one program takes the lead and the other program is just a participant? Who will take the lead in such a situation? It would be logical for the Residential program to be the lead as they typically have more of the medical/family/etc. information. If so then there should be language in the regulations that will have the day program send the assessments and information that would typically be sent to a supports coordinator to the residential provider.

Another consideration is for private pay individuals and individuals who are not in the ODP system such as those in the behavioral health system. By stipulating the IP format to be only the "Department approved" seems unnecessarily limiting. Under the 2390 regulations regarding applicability, there are many disabilities other than mental retardation that can be served in a 2390 licensed facility who may or may not benefit from the "Department approved format".

Under section 2380.104 it is stated that the review of each individual's progress be completed . . . "every 3 months, or more frequently if the individual's needs change." If a review is moved up before the 3 month mark, will subsequent reviews be recalibrated to the early date or fixed with the original 3 month date? If recalibrated to the early date, then all subsequent reviews and ultimately the annual will be changed. If fixed on the original 3 month review date, then there is the likelihood that the next review date would exceed 3 months and be citable.

2380.35

(e) and (f) stipulate direct staff support ratios "as specified in the IP". Does this conflict with 2380.35 (a) or are the staffing ratio exceptions still allowable (i.e. maintaining ratios "except while staff persons are attending meetings or training at the facility")?

How does 2380.35(e) "Direct Staff Support as specified in the IP shall be implemented as written", differ from 2380.35(f) "Staffing ratios specified in the IP shall be implemented as written"?

If 2380.35(e) is referring to, or explicating upon, 2380.35(d) shouldn't the language be consistent, i.e., "direct supervision as specified in the IP shall be implemented as written".

2390.95 (2) suggest adding "attendance" to "within 60 days". If the individual is a part time attendee or is absent for an extended period of time, 60 calendar days may not be sufficient to garner the information needed to do a thorough IP.

2380.103 (2) suggest adding “attendance” to “within 30 days”. If the individual is a part time attendee or is absent for an extended period of time, 30 calendar days may not be sufficient to garner the information needed to do a thorough IP.

Suggest changing 30 days to 60 days as in 2390.95(2) to allow the program specialist adequate time to complete assessments, invitations, and the complete IP on the Department’s format.

2390.96(a) (7) Change “Services” to “Service”

2390.96 (b) and (c) Suggest combining into one statement that could read: “The program specialist shall document and report in writing all missing or incomplete items from the IP to the supports coordinator”.

2390.96 (a) (5)

This statement was carried forward from 2380.106 (5). Under the 2380’s an annual assessment is required initially (within 20 day) and then annually. However, in the 2390’s an initial 20 day assessment is required but there is no requirement for an annual assessment except for “an assessment of the client’s placement potential”. Is the statement referencing the absence of direct supervision that is consistent with the individual’s assessment referring to the initial assessment (which could be years old) or the assessment of the client’s placement potential which is required annually but may or may not include an absence of supervision assessment?

Suggest changing “denies” & “denial” to “declines and declination” or “refuses & refusal” in all sections referring to copies being offered to team members.

Again, thank you for the opportunity to comment on the proposed regulations.

Sincerely,

Joseph Kissling
COMHAR Day Services Director