



Stephen Hoffman

From: IRRC
Sent: Tuesday, December 3, 2024 8:29 AM
To: Michelle Elliott; Shawn Good; Stephen Hoffman
Cc: Fiona Cormack; Leslie Johnson
Subject: FW: Department of Human Services (DHS) Proposed Regulation #14-555: Psychiatric Residential Treatment Facilities

Importance: High

Comment on #3417

From: Frank Mazza <fmazza@pacounties.org>
Sent: Monday, December 2, 2024 4:16 PM
To: IRRC <irrc@irrc.state.pa.us>
Subject: Department of Human Services (DHS) Proposed Regulation #14-555: Psychiatric Residential Treatment Facilities
Importance: High

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To whom it may concern:

Please find below comments on behalf of the County Commissioners Association of Pennsylvania (CCAP) regarding DHS proposed regulation # 14-555: Psychiatric Residential Treatment Facilities.



December 2, 2024

VIA ELECTRONIC SUBMISSION

Independent Regulatory Review Commission
 333 Market Street, 14th Floor
 Harrisburg, PA 17101
 Email: irrchelp@irrc.state.pa.us

RE: Proposed Regulation #14-555: Psychiatric Residential Treatment Facilities

On behalf of the County Commissioners Association of Pennsylvania, representing all 67 counties in the commonwealth, I write to submit our comments on proposed Regulation #14-555: Psychiatric Residential Treatment Facilities. We thank you for the opportunity to provide input on thoughtful, effective outcomes on

behalf of Pennsylvania children and families. We look forward to opportunities to further communication and open dialogue among stakeholders. We would be remiss if we did not recognize the Department of Human Services (“DHS”) in their efforts in putting forth these proposed regulations. We wish to express appreciation on behalf of all counties for the strong working relationship that exists between the department and counties across the commonwealth.

Specifically, we are writing to share our comments on the proposed regulation and its impact on counties in their ongoing work to address youth with complex needs. For several years now, counties have been working to address ongoing and increasing problems stemming from a lack of appropriate placement options for children with complex behavioral health needs in the custody of county child welfare agencies. Counties are concerned that this proposed regulation, which was developed based on stakeholder feedback gathered more than four years ago, will lead to a scenario where providers of critical behavioral health services to youth with complex needs are unable to meet the needs of children who require an increased level of care. This scenario could lead to an increased strain on county human services agencies and staff that already face their own challenges.

We raise this concern against the backdrop of counties continuing to raise alarm bells over their on-going challenges in dealing with “complex cases” in our child welfare and juvenile justice systems. While there has been a lack of options for children in the care of counties for many years, the shortage has reached a critical point. There is a desperate need for the Commonwealth to assist in solving this problem, as it is simply too large for the counties to be able to resolve on their own. The U.S. Senate Committee on Finance recently published a [report](#) with the findings of a two-year investigation into systemic child abuse and neglect in youth residential treatment facilities (RTFs) across the United States. The Committee’s report outlined more than a dozen findings and made recommendations for federal, state, and local governments and providers to take immediate action. The committee recommends that states use their existing authority to prioritize the availability and utilization of community-based services for children with behavioral health needs, as well as raising standards and strengthen oversight. Pennsylvania needs significant investment in the community-based system of care as a foundation to support children and youth in the least restrictive setting. Creating presently unreachable standards for providers at the highest level of care will leave even more young people unserved in an already overwhelmed system.

Recognizing a growing problem in Pennsylvania, counties made it an association priority in 2023 to address these needs. CCAP created the Complex Case Work Group consisting of county commissioners, a county executive, a county solicitor, and county human services staff. This work group met from July 2023 to February 2024 to examine the issue and create the final [report](#) that addresses several recommendations. The primary recommendation is that the state develop and implement a “no eject/no reject” program to ensure that every youth has a safe place to stay when there are no other options. The report outlines several additional recommendations, including recommending that efforts be undertaken between the state, counties, and other stakeholders to improve staffing across systems in order to build a strong and resilient workforce capable of meeting the needs of children and families in the state.

Counties cannot overstate the concern we have regarding children who have been determined to need high levels of behavioral health treatment but are simply being housed due to the absence of such services. Presently, the service array available to provide treatment is limited to private providers who have the option of rejecting a referral. Pennsylvania completely lacks a “no eject/no reject” program where children in need of treatment could go when all the private providers refuse to accept them. Children then get displaced into the child welfare system, which is not the appropriate avenue and may then be placed in restrictive settings that are not appropriate or meeting their needs.

The situation here in the Commonwealth has reached a crisis point. With children being housed in county child welfare agency offices and hotels supervised by child welfare caseworkers, it is only a matter of time until something terrible occurs. The caseworkers providing supervision are not trained mental health counselors and residential staff. They are not being supervised by clinicians trained to provide mental health services to children in need of treatment. The facilities are not adequate to ensure the children's needs are met. In short, these makeshift housing arrangements are not appropriate settings for these youth. There is simply no appropriate option available.

There is a need for the department to take some immediate action to resolve this situation. It is only a matter of time before Pennsylvania experiences more serious consequences as a result of children sleeping in unlicensed facilities and being supervised by those untrained in mental health care. These are some of our kids with the highest level of need, receiving the lowest level of care.

With these concerns in mind, counties encourage DHS to re-engage with stakeholders as they did back in 2020, including county mental health and children and youth administrators, to ensure the proposed rule meets the needs of the system as it exists today. Counties stand ready to work with DHS and other stakeholders to address the workforce challenges that currently exist for both counties and providers.

We thank you for your attention to these comments. If you have any questions or would like to discuss further, please do not hesitate to contact Frank Mazza, CCAP Director of Government Relations, at fmazza@pacounties.org or 717-736-4748.

Sincerely,



Lisa Schaefer
Executive Director
County Commissioners Association of Pennsylvania

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