



December 2, 2024

Pennsylvania Department of Human Services  
Office of Mental Health and Substance Abuse Services (OMHSAS)  
Bureau of Children's Behavioral Health Services  
Attention: Donald Hindmarsh  
Commonwealth Tower, 11th Floor  
303 Walnut Street  
Harrisburg, Pennsylvania 17105

**RE: Children's Home of York comments for IRRC #3417 - Regulation #14-555: Psychiatric Residential Treatment Facilities**

Dear Mr. Hindmarsh:

For more than 150 years, Children's Home of York has been dedicated to its charitable mission of empowering children to thrive, strengthening families and enriching communities. From our origins as a home for children orphaned during the Civil War, we have grown into a multi-faceted social service organization that serves the most vulnerable children, youth and families across Pennsylvania. Throughout our history, we have embraced collaboration and partnership as essential components to helping children, families and communities heal and grow.

In that spirit of partnership, Children's Home of York offers the following comments, concerns and recommendations for improving the proposed **IRRC #3417 - Regulation #14-555** pertaining to Psychiatric Residential Treatment Facilities (PRTF). We applaud efforts to update, modernize and improve the PRTF regulations to meet the needs of today's children and families, and we support many of the recommendations included in the new regulations. However, several regulations will impose a significant financial and operational burden on PRTFs, such as the PRTF operated by Children's Home of York – a burden which will negatively impact our ability to provide high-quality programs and services to children and families in our community.

We are united in our shared goal of ensuring Pennsylvania children and families have access to high-quality care and trauma-informed practices. The proposed regulatory changes to expand training and professional development requirements and a renewed focus on best practice standards through accreditation are positive changes that we fully support. Unfortunately, those positive impacts would be severely blunted by several deficiencies in the proposed regulatory changes, which would limit our ability to continue to provide services at our current high level of care.

Children's Home of York offers a comprehensive range of programs and services designed to meet the needs of children and their families including prevention, foster care, adoption, psychiatric residential treatment, independent living group homes, and a partial hospitalization program. Our SOAR Program at the A.N.G.E.L. Center is a Sanctuary® informed, secure, and licensed Psychiatric Residential Treatment Facilities (PRTF). The program serves as an alternative to inpatient psychiatric hospitalization and was designed to meet the individualized mental health needs of the Commonwealth's most vulnerable children. As the only program of its type in Pennsylvania, the SOAR Program addresses these children's uniquely complex treatment needs. However, if the proposed regulations are accepted and promulgated as currently written, this program will become financially unsustainable and would likely be forced to close.

The following are specific areas of concern with the proposed regulations and our recommendations for improving them:

- §5330.42(c)(3) requires a mental health professional to be on-ground for awake hours, which would be an extremely challenging for our unique PRTF setting since we serve a maximum of two clients. This proposed regulation would require Children's Home of York to hire an additional 1.5 FTEs at an additional cost of \$96,900 including benefits. Recruiting mental health professionals is already exceedingly difficult in our treatment programs that offer more traditional work hours. To recruit qualified mental health professionals to work onsite during evenings, weekends and holidays would make recruitment and retention of these positions virtually impossible, especially when telehealth and other options have been embraced in other healthcare settings. For Children's Home of York's unique setting, requiring the addition of mental health professionals to essentially be onsite while not necessarily carrying a caseload would waste resources and increase the cost of care unnecessarily.

**Recommendation: Change the proposed regulation to allow mental health professionals to be on-call as in the past.**

- §5330.50(4), §5330.47a, and §5330.185i place unnecessary and burdensome nursing requirements on PRTFs, which would be difficult to meet, given the ongoing nursing shortage across the Commonwealth. §5330.50(4) requires an LPN onsite anytime an RN is not, but §5330.47a requires an RN to always be onsite or available on-call, which essentially requires double nursing coverage 24/7. Additionally, if using an LPN, they still cannot complete the required post ESPI assessment. An RN is required to complete the in person face-to-face assessment within 30 minutes (§5330.185i). This means that the RN on-call has additional requirements for their on-call period, staying within 30 minutes of the program. The proposed regulations exceed the federal requirements. In Children's Home of York's unique program setting, to meet this regulation, we would need to hire two additional nursing staff at an additional annual cost of \$136,705 including benefits.

**Recommendation: Change this requirement to permit the RN to be on-call for any OMHSAS licensed PRTF during times they are not available to be on grounds and revise the requirement of face-to-face post ESPI assessment to occur within 60 minutes, rather than 30 minutes, to align with federal guidelines.**

- §5330.151 requires providers to have a minimum of two staff during transportation, as the driver is not permitted to be counted in the ratio. This requirement would impact a youth's ability to be transported for therapeutic leave, medical appointments, lab work, or even for extracurricular activities. In Children's Home of York's unique program model, which only serves a maximum of two youth at a time, this ratio requirement would result in an increase of at least one FTE, from three staff on duty to four, with a resulting financial impact of \$53,220.

**Recommendation: Change the requirement to allow the driver to count towards a staff ratio when two or fewer youth are being transported.**

- §5330.41 includes new supervision requirements for the medical director (psychiatrist), which will significantly add to the cost of care and service delivery with no clinical or operational benefit.

**Recommendation:** Remove the requirement for the medical director to supervise staff positions within the PRTF. The medical director should only be responsible for monitoring medication for youth as well as leading the treatment team, assisting with medical issues as needed and making recommendations for therapeutic/medical interventions.

- §1330.38(a)(9)(xviii) lists clothing, haircuts, and hygiene items as nonallowable costs, despite stating a client's right to appropriate clothing. This places the financial obligation on the organization to fulfill without receiving reimbursement.

**Recommendation:** Change this proposed regulation to ensure PRTFs do not face an unfunded mandate regarding their responsibility to support youth with appropriate clothing, haircuts, and hygiene items if a guardian is unwilling or unable to do so.

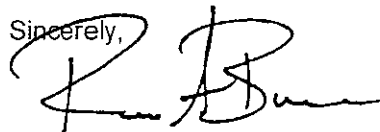
All told, we estimate the proposed regulations would have a financial impact of \$286,825 on Children's Home of York, and those costs would only increase year-over-year to account for inflation. These unnecessary additional costs would result in a 23.12% increase in Children's Home of York's per diem rate, rising to \$4,186 from our State Approved 2024-2025 per diem of \$3,400. Since changing our program delivery model at the request of our local Managed Care Organization to serve the complex needs of the state's most vulnerable youth, we have been operating with program budget losses for the past two years – including an \$84,541 loss for FY'23 and a \$223,747 loss for FY'24. The increased expenses required to implement these new regulatory requirements without adequate reimbursement, would severely threaten the financial sustainability of our programs. Without adjustments to the proposed regulations or increased funding, we risk being forced to discontinue these essential services, leaving Pennsylvania's most vulnerable children without the specialized care they urgently need.

At Children's Home of York, we believe that the journey to healing and growth is a collaborative effort. That means not just engaging with families, communities and organizations but also partnering with the Pennsylvania Department of Human Services Office of Mental Health and Substance Abuse Services to ensure we are doing everything we can to meet the needs of the children and families we serve. The proposed regulations go a long way to improving the level of care, but as noted above, there are several areas that would unintentionally cause great harm to PRTFs and impact our ability to serve our children, our families and our communities – at a time when the needs for our services are already in high demand.

We respectfully request the above recommendations be taken into consideration and added to the proposed requirements, with a recognition that the current proposed regulations – as written – would be operationally and financially detrimental to our organization and other PRTFs. With your help, we believe we can continue to improve and elevate the level of care provided by PRTFs and create lasting, positive change in the lives of the children and families we serve.

Thank you for your time and consideration.

Sincerely,



Ron Bunce, Ph.D., LMSW  
President and CEO  
Children's Home of York