

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.**

The Policy Information Exchange is funded in part by the Pennsylvania Developmental Disabilities Council.

STATE NEWS

Bills of Interest

Below we summarize some bills of interest to the disability community from the new 2013-2014 session. For more information about these or any other state bills, go to www.legis.state.pa.us/cfdocs/legis/home/session.cfm. At the top of the page is a box labeled, "Find Legislation By", choose "Bill #", then enter the bill number and click on "Go".

SB 137. Introduced by Senator John R. Gordner (R-Columbia). The bill amends the Speech-Language and Hearing Licensure Act and renames it, the Speech-Language Pathologists and Audiologists Licensure Act. It spells out the definition of "audiologist" to require education,

training and clinical experience as well as a license. It passed the Senate on June 19, 2013 and was referred to the House Professional Licensure Committee, June 20, 2013.

SB 428. Introduced by Senator Jay Costa (D-Allegheny). This bill provides for **pooled trusts for people with disabilities**. It was voted out of the Senate Judiciary

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Committee and the Senate Appropriations Committee and given two considerations by the full Senate.

HB 1141. Introduced by Representative Stanley Saylor (R-York). Among other things, this bill extends the due date of the **report of the Special Education Funding Commission** from September 30, 2013 to November 30, 2013. It was signed by the Governor, July 9, 2013 becoming Act No. 59 of 2013.

HR 255. Introduced by Representative Michele Brooks (R-Crawford). The resolution directs the Joint State Government Commission to study the Commonwealth's delivery system of **long-term care services and supports** including: a review of the current infrastructure that exists for providing services and supports; consumer access to the system, including an identification of barriers that exist; financing issues; and to report its findings and recommendations to the General Assembly. It was adopted June 27, 2013.

Fall Agenda

After a summer break, the Pennsylvania General Assembly returned to Harrisburg for a fall session on September 23. There are a variety of major issues which remain undone—including transportation funding, liquor privatization and pension reform. There are reports that the Governor is interested in focusing on job creation and improving the economy.

Here is a listing of the days that the state House and Senate plan to be in session:

SENATE SESSION SCHEDULE

September 23, 24, 25, 30
October 1, 2, 15, 16, 21, 22, 23
November 12, 13, 18, 19, 20
December 3, 4, 9, 10, 11

HOUSE SESSION SCHEDULE

September 23, 24, 25, 30
October 1, 2, 15, 16, 17 (NV)*, 21, 22, 23
November 12, 13, 18, 19, 20
December 9, 10, 11, 16, 17, 18 (NV)*

*NV means that it's a non-voting session day.

PA Medicaid Expansion

On September 16, DPW Secretary Beverly Mackereth announced that Pennsylvania plans to submit an 1115 waiver application to the federal government to implement a part of the Affordable Care Act (ACA). Adults up to 138% of the federal poverty level would receive premium assistance to purchase health insurance through private insurance companies on the Health Insurance Marketplace. This approach, named **Healthy PA**, is similar to the way Arkansas and Iowa plan to expand their Medicaid coverage. "Able-bodied" adults enrolled in Medicaid who do not have a job will be required to sign up for some job seeking programs. Individuals on Medicaid would pay co-pays of up to \$25 per month, or up to \$35 for a household. The premiums would be on a sliding scale based on income. The number of benefit plans available for adults (but not children) would be decreased. There will be a public comment period on the waiver application. The Centers for Medicare and Medicaid Services (CMS) must approve

the application before the program can begin. The Secretary said that the program likely would not be implemented until 2015. Public comments can be sent to RA-PWHealthyPA@pa.gov or sent to: PA Dept. of Public Welfare, c/o Healthy PA, 625 Forster St. Suite 333, Harrisburg, PA 17120. For more information on the Governor's plan, go to www.portal.state.pa.us/portal/server.pt?open=514&objID=1598151&parentname=ObjMgr&parentid=2&mode=2.

Lottery

In late 2012, the Corbett administration signed a contract to allow a private company to manage the state lottery. The contract is with a British firm, Camelot Global Services. On February 14, Attorney General Kathleen Kane found the contract to be illegal and voided it. The bid would have expired, but Camelot reached an agreement with the Commonwealth to extend it. There have been ten extensions; the most recent extends the bid until October 29. Seventy-five percent of the Department of Aging's budget is funded by the Lottery, while the rest comes from federal funding and the Tobacco Settlement Fund.

ODP

The Office of Developmental Programs has issued one new Bulletin which can be seen at www.dpw.state.pa.us/publications/bulletinsearch/index.htm.

- Crosswalk between ODP Cost Center Codes and Human Services Block Grant Cost Center Codes (00-13-04) was issued on August 21, 2013 and was effective on July 1, 2013. The Bulletin helps County programs classify costs in accordance with the reporting requirements of Act 80.

Chapter 51 FAQ issued

The Office of Developmental Programs has issued a list of frequently asked questions (FAQ) to provide answers to questions about 55 Pa. Code Chapter 51, *Office of Developmental Programs Home and Community-Based Services*. The information in this FAQ applies only to intellectual disability services, not services administered by the Bureau of Autism Services (BAS). The regulations were effective July 1, 2012. To view the document, go to the ODP Consulting System website (www.odpconsulting.net) under Topic Info or at <http://bit.ly/1gg4tJo>.

OLTL Bulletins

The Office of Long Term Living has issued two new Bulletins which can be seen at www.dpw.state.pa.us/publications/bulletinsearch/index.htm.

- Additions to OLTL standardized HCBS Waiver Participant Informational Materials (51/55/59-13-06) was issued on July 12, 2013 and was effective on that date. The Bulletin provides information to ensure all agencies provide participants with consistent and uniform information.
- OLTL HCBS Service Authorization Form (51/55/59-13-05) was issued on July 12, 2013 and was effective on that date. The Bulletin notifies all OLTL Service Coordination Agencies of the Service Authorization Form.

OMHSAS

The Office of Mental Health and Substance Abuse Services has issued one new Bulletin which can be seen at www.dpw.state.pa.us/publications/bulletinsearch/index.htm.

- Policy Clarification Regarding Written Prescriptions, Orders, and Requests

(OMHSAS-13-02) was issued on June 27, 2013 and was effective immediately. The Bulletin clarifies the term “written” as it applies to prescriptions and orders under DPW regulations.

DPW Workgroups

In July Secretary of the Department of Public Welfare Beverly Mackereth announced that the Department intended to form two workgroups to explore models of care for people who receive both Medicare and Medicaid coverage, also known as “dual eligible beneficiaries”. The dual eligible workgroup will study the care needs of those who are dual eligible and the models available to improve care and control costs. Specific models mentioned include but are not limited to Integrated Care, enrollment of dual eligible individuals into Medicaid managed care, intensive case management programs and managed fee-for-service systems.

The long-term care workgroup will study how long-term care is delivered to identify how that system can be improved. The goal of the workgroups will be to develop recommendations for the state to pursue in the future. Both groups’ findings and recommendations will be presented to the General Assembly as well as the general public.

House Death

In September, State Representative Dick Hess (R-Bedford) died. The 74-year-old Hess, a 14-term legislator, was the majority chairman of the House Transportation Committee, and had been an important participant in the negotiations over transportation funding. House Speaker Sam Smith (R-Jefferson) has scheduled

a special election to fill the vacant seat in the 78th Legislative District which includes Bedford, Fulton and Huntingdon counties, for Tuesday, January 28, 2014.

NATIONAL NEWS

2014 Federal Budget

Earlier this year, the House and the Senate each passed spending bills for the 2014 fiscal year that begins on October 1, 2013. The two measures were about \$90 billion apart and use different assumptions about the need for further sequestration cuts. When there is not enough time to settle differences and pass appropriations bills, Congress usually passes a Continuing Resolution to keep the government running for a set time period. This year, several issues may affect the passage of a budget bill: disagreement over whether sequestration cuts should continue or be stopped; the need to raise the debt ceiling for federal borrowing in October or November; and disagreement over continued funding for the implementation of the Affordable Care Act.

Federal Hiring Rules

The Department of Labor has issued new rules that will require most government contractors to set a goal of having at least 7 percent of their employees be workers with a disability, and at least 8 percent be veterans. Both groups have high unemployment rates at 14.7 percent for disabled workers (nearly twice the rate of 7.4 percent for the general population)

and 9.9 percent for veterans who served in the Iraq and Afghanistan wars. Labor officials estimate that as many as 585,000 disabled workers and more than 200,000 veterans could be hired if all the companies meet the hiring goals within the first year of compliance. Business groups are trying, before the rules go into effect in six months, to resolve a conflict with federal laws that discourages employers from asking about a job applicant's disability status. For more information, go to <http://social.dol.gov/blog/promoting-opportunity-for-vets-and-workers-with-disabilities>.

UN Convention

President Barack Obama is making a new push for the United States to ratify the United Nations Convention on the Rights of Persons with Disabilities (CRPD), an international disability rights treaty. The treaty calls for greater community access and a better standard of living for people with disabilities around the world. The President signed the CRPD in 2009, but without ratification the U.S. role in the treaty's implementation is limited. The Senate must approve ratification by a two-thirds majority. Last December, a vote on the measure came up short, but another vote may be held this fall. Supporters, including more than 300 disability organizations, say the treaty would not require any change to U.S. law, but would allow the nation to take a leadership role internationally on disability rights. It would also help to ensure that Americans with disabilities are protected when they travel abroad. To date, 133 countries have ratified the treaty, according to the U.N.

SSA to use Intellectual Disability

The Social Security Administration will become the latest federal agency to start using the term "intellectual disability" instead of "mental retardation." The change reflects the widespread adoption of the term "intellectual disability" by Congress, government agencies and various public and private organizations, including those made under Rosa's Law. A Social Security official said that advocates for individuals with intellectual disabilities have rightfully asserted that the term 'mental retardation' has negative meanings and has become offensive to many people. All references using the outdated language will be changed in the Social Security's Listing of Impairments and other agency rules. The change will not impact how benefit claims are evaluated. To read the final rule, go to www.gpo.gov/fdsys/pkg/FR-2013-08-01/pdf/2013-18552.pdf.

RESOURCES

Marketplace Navigators

In preparation for the launch under the Affordable Care Act of a Health Insurance Marketplace in each state on October 1, 2013, the federal government has named community organizations to help people understand the application process and choose the coverage that is right for them. Information about the insurance program, including eligibility for subsidies is available at www.cms.gov/ccio/programs-and-initiatives/health-insurance-marketplaces/assistance.html.

The five Navigators chosen to assist Pennsylvanians are:

- Resources for Human Development, Inc.
- Pennsylvania Association of Community Health Centers
- Pennsylvania Mental Health Consumers' Association
- Cardon Healthcare Network, LLC DBA Cardon Outreach
- Mental Health America

Job Website

The JobGateway website allows potential employees to post their resumes and find jobs and allows employers to search through resumes easily to find qualified candidates. The site was created to connect employers and job seekers in a high-tech and efficient way. The website sees an average of around 200,000 job openings at any given time and around 3,500 new jobs are posted each day.

Employment Blueprint

The National Governors Association (NGA) has released a document called Blueprint

for Governors as a product of a year-long initiative "A Better Bottom Line: Employing People with Disabilities." The report offers practical advice on engaging people with disabilities in the workforce. It also provides insight for both private and public sector employers about recruiting and retaining people with disabilities and the benefits to a company's bottom line. Governor Tom Corbett and administration representatives participated in the development of the document. For more information and to download the report, go to www.nga.org/files/live/sites/NGA/files/pdf/2013/NGA_2013BetterBottomLineWeb.pdf.

Data System

Disability and Health Data System (DHDS) is a tool of the Centers for Disease Control (CDC). It uses data from the Behavioral Risk Factor Surveillance System (BRFSS) to find differences in health between adults with and without disabilities. Data is available on a range of health indicators in each state. To view the Pennsylvania data, go to <http://dhds.cdc.gov> and click in State profiles.

Profile America Statistics

On July 26, 2013, Americans marked the 23rd anniversary of the signing of the Americans with Disabilities Act. Each year, to celebrate the day, the U.S. Census Bureau releases a report called "Profile America: Facts for Features" with statistics on the U.S. population with disabilities. It includes information on demographics, employment, government assistance and more. To view the report, go to www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb13-ff15.html

Contact PIE

Contact the PIE Team with any questions, comments, suggestions, or information to share at PIE, c/o The Arc of Pennsylvania, 301 Chestnut Street, Suite 403, Harrisburg, PA 17101, by email at pie@thearcpa.org or by phone at 800-692-7258.

- * *A Slice of Pie* is available by email and contains hyperlinks for ease of accessing websites and internet documents and resources.
- * PIE Alerts, PIE Information, and PIE Job Postings are available by email to keep people informed about disability issues between newsletters.
- * Sign up for *A Slice of Pie* or PIE electronic messages by phone at 800-692-7258 or by emailing pie@thearcpa.org.
- * 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.
- * *A Slice of Pie* is available at the Developmental Disabilities Council website www.paddc.org, by clicking on "Publications" and "Slice of Pie". Archived editions can also be found there.
- * *A Slice of Pie* is available in alternate format upon request.
- * The PIE office will download, copy, and mail information mentioned in *A Slice of Pie* upon request.

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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@thearcpa.org.
Thank you.

