March 20, 2015

Ted Dallas, Acting Secretary
Department of Human Services
Office of Long-Term Living
P.O. Box 2675
Harrisburg, PA 17105-2675

Submitted via Email to RA-PWHCBSFINALRULEPL@pa.gov

RE: TP Final Rule

Dear Secretary Dallas:

Thank you for the opportunity to submit comments on Pennsylvania’s proposed Home and Community-Based Settings (HCBS) Transition Plan. The Center for Advocacy for the Rights and Interests of the Elderly (CARIE) is a non-profit organization, founded in 1977, seeking to improve the well-being, rights and autonomy of older persons through advocacy, education, and action. The following comments are in addition to what we previously submitted last year in regard to the draft HCBS transition plan. CARIE continues to have concerns that the most recent draft of the transition plan lacks detail. The transition plan should include a narrative that explains the justification and details of the plan. For example, the transition plan should include more substance as to what HCBS programs need to do to be in compliance with CMS rules and more specifics about the stakeholders who are being engaged in the transition planning process. There should be clearer benchmarks and the progress of all benchmarks should be made available to the public. Action item #2 on Page 6, “Develop Communications Materials” should be part of an ongoing effort for public outreach and engagement and should not end in March 2015. The transition plan website should be updated with progress made, problems encountered, and other key information about the transition process. There should be ongoing opportunities for stakeholder input particularly when problems are identified. All identified deliverables should be made public and posted on the website.

Furthermore, since “Ongoing Stakeholder Engagement,” item #7 on page 6, is a vital part of the transition plan, Pennsylvania should have an ongoing plan to educate consumers, family members, advocates, providers, and other stakeholders about the transition process, what is changing including any policies or procedures, and how to provide input. Consumers, families and advocates need to understand any new policies, consumer rights, and how to file a complaint to ensure HCBS promote community integration. It is also important to include key stakeholders, particularly consumers, their families and advocates, in all stages of the transition process including providing input to any proposed changes to policies or procedures or when developing materials. All materials, including monitoring and oversight reports, should be easily accessible on the transition plan’s website and made available to the public. It is important that the transition process be transparent and inclusive.

The transition plan mentions various tools being developed, some with a targeted end of March 2015. For example, item # 5 on page 2, “Develop, Test, & Refine Provider Assessment Tools,” identifies tools being developed. Any tools or related documents already developed and in use should be attached to the transition plan. Any draft tools or documents should be made available for public comment and this process should be included as an action item in the plan.
CARIE also recommends adding language to the following action items. Action item #1 on page 2 should also include government agencies outside of the Department of Human Services (DHS) such as the Department of Aging to be sure there is comprehensive input into the transition plan and process. Action item #3 on page 4 should be expanded to include consumer advocates and the public in the “feedback” process. For example, consumer advocates and the public should also be able to report possible non-compliance to a helpline. Action item #10 on page 5 should also include notification to the Long Term Care Ombudsman Program in settings where they have jurisdiction such as in cases involving Adult Day Centers.

In conclusion, CARIE hopes that the plan will be amended by providing greater detail to avoid any ambiguity in its implementation and enforcement of the regulations. In addition, we hope DHS will utilize an ongoing transparent process that includes meaningful stakeholder input.

Thank you once again for the opportunity to provide comments. Should you have questions or need additional information, please contact me at 267-546-3434 or menio@carie.org.

Respectfully Submitted,

Diane Menio
Executive Director