PA Legislature Opens Hearings on FY 2013-2014 State Budget

The PA Senate Appropriations Committee kicks off its series of 2013 Pennsylvania budget hearings in the PA legislature with a presentation on February 19 at 9:30 am by the PA Governor’s Budget Office at Hearing Room 1 in the North Office Building. The session will be followed later in the day by the presentation by the Independent Fiscal Office of its Economic Outlook & Revenue Overview. Meanwhile, the PA House of Representatives will open its series of budget hearings on Tuesday, February 19 with a hearing at 10 a.m. by the House Appropriations Committee featuring an Independent Fiscal Revenue. The PA Department of Revenue will follow later in the day and present its budget information to the Committee at 1:00 p.m. at Room 140 in the Main Capitol. FMI: See www.legis.state.pa.us. To view all House hearings see www.pahousegop.com. To view all Senate hearings see www.pasenategop.com.

PA Attorney General Kane Determines Lottery Contract Illegal

On February 14 PA Attorney General Kathleen Kane announced that the Office of Attorney General has determined that it cannot approve the contract to allow Camelot Global Services to operate and manage the Pennsylvania Lottery. The management agreement was to provide services to PA senior citizens and was a key element of the Governor Corbett’s budget proposal for the fiscal year beginning July 1 to provide an additional $50 million for senior citizen programs. Attorney General Kane said that the proposed Lottery contract with Camelot Global Services violates the Pennsylvania Constitution and is not statutorily authorized. The text of the memorandum issued by the Office of Attorney General to the Department of Revenue is available at http://www.attorneygeneral.gov/press.aspx?id=6815. For reaction to the decision of the PA Attorney General see http://www.post-gazette.com/stories/local/state/attorney-general-kane-rejects-lottery-contract-675392/.

PARF Mourns Passing of Alice Sankey

Alice Sankey passed away on February 13 at Allegheny Valley Hospital, Natrona Heights. PARF members and staff mourn her death. As the Chief Executive Officer of Lark Enterprises, Alice served on the PARF Board of Directors for more than a decade. She was engaged in numerous PARF initiatives to support vocational rehabilitation services in Pennsylvania. Alice was a leader in the PARF Vocational Division and the Northwest Pennsylvania Providers. Her career in services for people with disabilities was distinguished by her dedication and service to people she served at the Mental Health Mental Retardation Program of Bradford, Sullivan, and Tioga Counties, Human Services Center in New Castle, and most recently – since September 2000 – at Lark Enterprises Inc in New Castle. For the obituary please see http://obituaries.triblive.com/listing/220905/Alice-K-Sankey/. For more information, contact PARF at parfmail@parf.org.
House Bill 765 Guarantees $120 million for Senior Services

On February 14 House Democrats urged swift passage of House Bill 765 which would guarantee more than $120 million in additional funding for senior programs. House Democrats said the Pennsylvania Lottery has a projected surplus of $187 million this year, which can be used to fund senior programs. That surplus is projected to rise to $200 million next year. House Bill 765 would guarantee more than $120 million in additional funding for senior programs next year. H.B. 765 would require that funding for senior programs increase next year by at least the same amount funding increased this year – more than $120 million, due to record growth in lottery profits. HB 765 would retain the $50 million proposed for the four programs included in Governor Corbett’s proposal – the Aging Waiver Program for in-home services to seniors; the OPTIONS program for care management, home-delivered meals, protective services and in-home services for seniors; the 52 Area Agencies on Aging; and a new Senior Center Modernization program – and would add more than $70 million for other programs for senior citizens. Under the bill, the $70 million would be divided among the several programs according to the proportional share of funding the programs would receive under the governor’s proposed 2013-14 budget. They are: PennCARE (which includes the 52 Area Agencies on Aging and full- and part-time senior centers); family caregiver support; Alzheimer’s outreach; grants to senior centers; home and community-based services; property tax and rent rebates; and free transit and reduced-fare shared rides. FMI: See www.pahouse.com. See http://www.pahouse.com/PAHouseNews.asp?doc=28841

PA Senate Banking and Insurance Committee Approves Benevolent Gesture Bill

On February 12 the PA Senate Banking and Insurance Committee, chaired by Senator Don White (R-Indiana), approved legislation that offers some protection to health care professionals who may apologize to patients. Senate Bill 379, sponsored by PA Senator Pat Vance (R-Cumberland), makes any benevolent gesture made prior to the commencement of a medical liability action by certain health care workers inadmissible as evidence of liability or an admission against interest. A benevolent gesture is defined in the bill as any action that conveys a sense of apology, condolence, explanation, compassion, or commiseration emanating from humane impulses. The bill would apply to health care providers and assisted living residence workers who make a benevolent gesture regarding a patient's discomfort, pain, suffering, injury or death. FMI: See www.pahousegop.com

PA Legislation to Assist Military Spouses in Transferring Professional Licenses

On February 8 PA State Senator Matt Smith (D-Allegheny/Washington) introduced legislation aimed at easing the transfer of professional licenses for military spouses. Senate Bill 452, also known as the Military Spouse License Portability Act, would allow military spouses to move more rapidly and efficiently into the workforce by providing a streamlined process to obtain the transfer of their professional license into the Commonwealth. The legislation would allow Pennsylvania’s professional boards to issue a provisional license to a military spouse. This would allow professionals such as accountants, nurses, social workers, and real estate agents to work while they satisfy any requirements in Pennsylvania. Currently, 27 states have passed similar legislation to address this issue. FMI: See www.pasenate.com
PA House Health Committee Approves Bills Concerning Medical Assistance

On February 13 the PA House Health Committee approved two bills sponsored by its chairman Representative Matt Baker (R-68th District - Bradford/Tioga) to achieve savings in Medicaid and to streamline the budget process in regard to the state’s Medical Assistance (MA) program. House Bill 523 would require the non-custodial parent of children for whom Medical Assistance (MA) is sought to enroll their children in their own health insurance plan before the Commonwealth would pay for medical care for them. House Bill 278 would make the payment of the state share of Medical Assistance a permanent part of the budget to ensure the state’s 13 critical care hospitals always receive full Medicaid reimbursement. Both bill now head to the full House for consideration. FMI: See www.pahousegop.com

PA House Labor and Industry Committee Approves Unemployment Compensation Bill

The PA House of Representatives Labor and Industry Committee has approved legislation that would amend the Pennsylvania Unemployment Compensation Law to allow greater access to appeal hearing testimony. House Bill 393 would require that the testimony at any unemployment compensation appeal hearing be taken by a recording device. Under the bill, an unabridged written transcript and audio recording of the testimony would be made available to any party and their attorneys or other representatives, upon written request. Under current law, when an initial eligibility determination is appealed before an Unemployment Compensation official, a memo of the testimony must be made and preserved for a period of 90 days. In accordance with regulation, recorded referee hearings are not transcribed or made available to claimants unless a request is made in writing, and a subsequent appeal has been filed with the UC Board of Review or with the Commonwealth Court. For any other purposes, the information is considered confidential and a requesting party has no recourse available. This legislation now heads to the full House for consideration. FMI: See http://www.pahousegop.com/NewsItem.aspx?NewsID=16491

PA House Human Services Committee Approves Bill to Restore DPW Funding, Monitor Rx

On February 12 the PA House Human Services Committee approved legislation sponsored by its chair Representative Gene DiGirolamo (R-Bucks) to support people in need of state-funded human services and to aid people with prescription-drug addictions. House Bill 315 seeks to restore $84 million in state funding that was cut from the FY 2012-13 state budget for state-county funded human services. The legislation would return the line items to their funding levels from fiscal year 2011-12 and would add funding to the line items for mental health services, intellectual disabilities/community-based programs, county child welfare services, behavioral health services, homeless assistance, the Human Services Development Fund, and Medical Assistance outpatient care. The committee also endorsed House Bill 317, which would create a database, to be managed by the PA Department of Drug and Alcohol Programs, to enable informed and responsible prescribing and dispensing of controlled substances and to reduce diversion and misuse of the drugs of concern. The bill is intended to pinpoint the potential for abuse and misuse of prescription drugs, namely those that are highly addictive controlled substances like pain relievers. Both bills now move to the full House for consideration. FMI: See www.pahousegop.com.
PA Senate Finance Committee Advances Purely Public Charity Bill

On February 13 the Senate Finance Committee approved Senate Bill 4, legislation sponsored by Chairman Mike Brubaker (R-36) to further clarify a "purely public charity" in Pennsylvania and ensure these entities are eligible for a property tax exemption. PARF along with numerous other state associations urged Senators to approve SB 4. To date, purely public charities in the state have been exempt from paying real estate taxes as part of a law approved by the General Assembly (Act 55 of 1997). Senate Bill 4 arises from a state Supreme Court ruling in 2012 – Mesivtah v. Pike County Board of Assessment Appeals – wherein the court applied a different standard to determine which entities qualified for an exemption, therefore placing in question the eligibility of many charities. Senate Bill 4 would amend the Pennsylvania Constitution to clearly define a purely public charity and ensure these organizations are eligible for an exemption from paying local property taxes. The goal of Senate Bill 4 is to give the Legislature the sole authority to establish criteria for a tax exemption, thereby providing a clear avenue to protecting charities. This would allow the legislature to maintain certainty and uniformity across the state in this area of the law, rather than allowing the standards to be built one court decision at a time. The measure requires amending the Pennsylvania Constitution. The bill must receive approval in two consecutive legislative sessions and be acted upon by voters in a public referendum. FMI: See www.pasenategop.com

PA House Committees Approve Legislation on Special Education, EMS Funding

On February 11 two (2) committees of the PA House of Representatives approved legislation aimed at providing assistance to both special education students and emergency service organizations. House Bill 2, which would address current issues with the state’s distribution of special education funding, was approved by the House Education Committee. The bill creates a legislative commission to examine and recommend an equitable formula to distribute state funding for special education. Currently, Pennsylvania assumes a 16 percent special education population in each of our 500 school districts. House Bill 179 was also approved by the House Veterans Affairs and Emergency Preparedness Committee. It would ensure that emergency medical service agencies receive prompt payment for their services. Both bills now move to the full House for consideration. FMI: See www.legis.state.pa.us.

Nominations for PA 2013 Supportive Housing Award Due on March 29

Nominations of individuals and organizations creating quality housing opportunities for older Pennsylvanians are being sought by March 29 for the Pennsylvania 2013 Supportive Housing Award. Nominations are due by March 29. The award is sponsored by the departments of Aging and Public Welfare and the Pennsylvania Housing Finance Agency. It recognizes significant efforts to increase the availability of supportive housing for older Pennsylvanians. The Supportive Housing Award recognizes those who have shown leadership and innovation in creating new housing models and strategies. Any individual or organization, public or private, including builders, architects, planners, public housing authorities, municipal governments, financial institutions and non-profits can apply for the award. The winner will be announced on May 3 during the 2013 Commonwealth Housing Forum in Harrisburg. For more information about the award, please email: RA-housingaward@pa.gov or see www.aging.state.pa.us.
ODP Announces Standard Room and Board Contract Available

On February 14 the PA DPW Office of Developmental Programs (ODP) issued ODP Announcement # 015-13 notifying stakeholders that 55 Pa. Code Chapter 51 Room and Board Contract is available to residential habilitation provider agencies. ODP said that in accordance with 55 Pa. Code Chapter 51, Office of Developmental Programs Home and Community-based Services, §§ 51.121- 51.128, ODP has developed a Department-approved standard room and board contract form to be used for waiver participants who receive unlicensed or licensed residential habilitation services. Section § 51.122 (a) states “A Department-approved room and board contract shall be used by a provider for a participant receiving a residential habilitation service.” This contract should also be used for base-funded participants when the provider renders residential habilitation services to both waiver and base-funded participants at the same waiver service location. The contract is entitled Room and Board Contract under 55 Pa. Code Chapter 51 and is also identified as DP 1051. This form is located on the ODP Consulting System website at www.odpconsulting.net by navigating from the ODP Consulting home page > Resources > ODP Forms. FMI: See the announcement at www.odpconsulting.net

ODP Sets Process for Exception to Base Respite Care Limits

On February 11 the PA DPW Office of Developmental Programs (ODP) issued ODP Announcement # 013-13 describing the process for an exception to the established base respite care limit referenced in 55 Pa. Code Chapter 6350 Family Resource Services. The Family Resource Services regulations allow for a waiver for specific provisions within this chapter as specified in §6350.16. The county can submit a written request to the Department of Public Welfare for a waiver. This announcement is specifically related to a waiver of the 4-week maximum base respite limit (28 day) in a fiscal year as provided for in 55 Pa. Code §6350.21(c)(2). Effective for dates of service on or after February 18, 2013, DPW will: (a) no longer require separate written requests be made to the Department for an exception to the base funded respite limit; and (b) accept County review, approval and authorization of base funded respite in an Individual Service Plan (ISP) as departmental approval of base-funded respite (even when that authorization exceeds the 4-week base funded respite limit). ODP says that changes have been made to PROMISE™ so that claims will be validated against the information provided in the ISP and claims will process automatically as long as the service is authorized in an approved ISP. ODP said that if an individual is in respite in a licensed setting under 55 Pa. Code Chapter 6400 or 6500 for less than 30 days, certain sections of those regulations do not apply while the individual is receiving respite. If the individual receives respite for more than 30 days, all licensing requirements apply. Questions about the content of this announcement should be directed to the appropriate Regional Program Manager. See www.odpconsulting.net.

See www.odpconsulting.net.
U.S. Senate to Consider Alternatives to Sequester

On February 15 Senate Democrats and Republicans agreed to formally introduce their alternatives to sequestration on February 25 or 26. The alternative plans would be used to delay the automatic, across-the-board spending reductions, currently scheduled to take effect on March 1, 2013, through January 2, 2014. Senate Democrats took the lead in publicly announcing their plans. On February 14 Senate Majority Leader Harry Reid (D-NV) presented the details of his proposal to replace the sequestration with alternative savings. (There is no word yet from Senate Republicans on the plan that it will propose.) The Senate Democratic plan entitled, American Family Economic Protection Act, would achieve $110 billion in deficit reduction, half from tax hikes and half from spending cuts. The White House announced it would support Senator Reid’s proposal. However, the Senate Democratic proposal in its current form is not expected to pass.


Senator Casey to Serve on Senate Finance Committee & HELP Subcommittee

On February 12 U.S. Senator Robert Casey Jr. (D-PA) announced his appointment to the Senate Finance Committee. He will fill the seat that was vacated by John Kerry who was confirmed as Secretary of State on January 29. Pennsylvania is one of two states (the other is Ohio) with both of its senators serving on the most influential committees in the Senate. Senator Pat Toomey became one of two freshmen senators on the committee when he was appointed in early January. Senator Casey said that he would now be better able to ensure that essential programs like Medicare work for current and future beneficiaries. Senator Casey also serves on the Foreign Relations Committee; Health, Education, Labor, and Pensions; the Special Committee on Aging; and the Joint Economic Committee where he serves as chairman. On February 13 Senator Casey’s office released a statement announcing his new position as Chairman on the Subcommittee on Employment and Workplace Safety on the Health Education Labor and Pensions Committee (HELP). Senator Casey said that in his leadership position he would continue address improvements to the workforce development system and workplace safety protections. See www.senate.gov. See also http://www.casey.senate.gov/newsroom/press/releases/2013/2/casey-help-chair-release. See http://www.casey.senate.gov/newsroom/press/release/?id=bc2973ea-2885-46e1-923d-0e619b4bf86. See http://www.casey.senate.gov/newsroom/press/release/?id=e9e737d0-8b16-4583-b60f-1d89a5495a68.

DOL Media Campaign Encourages Youth with Disabilities to Pursue Careers

The U.S. Department of Labor’s Campaign for Disability Employment has released a new video public service announcement titled "Because." The PSA features real people with disabilities — not actors — who are pursuing and realizing their goals and passions as a result of the support they received from everyday people in their lives. The PSA is intended to replace myths and misperceptions about disability employment with new views of what people with disabilities can do. FMI: To learn more about the new media campaign see http://www.dol.gov/opa/media/press/odep/ODEP20122469.htm
Workforce Investment Act Re-Introduced

On February 15 House Education and the Workforce Committee Democrats reintroduced legislation to improve the federal workforce development programs. The Workforce Investment Act of 2013 - introduced by Representatives John Tierney (D-MA), Rubén Hinojosa (D-TX) and George Miller (D-CA) - would promote more effective coordination among local stakeholders including business representatives, labor organizations, educational institutions, economic development agencies, and community-based organizations. The bill would also increase the accountability and encourage innovation and best practices. Specifically, the Workforce Investment Act of 2013 would streamline and improve workforce program services, improve accountability and transparency, promote innovation and promising practices, expand the role of community colleges in job training, and create competitive employment services and opportunities for individuals with disabilities. The bill establishes competitive integrated employment as the goal for vocational rehabilitation services, expands services for supported employment and customized employment for individuals with disabilities, requires states to provide pre-employment transition services for youth with disabilities and establishes national and local transition coordinators to facilitate those services. The bill also increases outreach to employers for hiring individuals with disabilities and codifies the Office of Disability Employment Policy at the Department of Labor. The bill is identical to the bill introduced by the House Democrats last year. The House Republicans are expected to release their version in the next few weeks. For more details on the legislation, see http://democrats.edworkforce.house.gov/bill/workforce-investment-act-wia-2013. See also http://democrats.edworkforce.house.gov/press-release/ed-workforce-dems-reintroduce-bill-help-workers-find-jobs-modernizing-workforce

TUC Seeks Partners in Examining Influence of Environment on Community Participation

The Temple University Collaborative (TUC) on Community Inclusion is looking for mental health agencies from throughout the United States and territories to serve as partners in a future research study that will examine the community participation of persons with psychiatric disabilities. The partnering agencies would designate a staff member to help us distribute information about the study to individuals who receive services at the agency. The study would involve a single interview lasting less than one hour. Participants would be compensated for their time. TUC anticipates that staff time needed for this effort would be minimal, and the process would take less than two months. In return, partnering agencies will receive a report about the community participation of program participants (across all individuals - no individual data will be able to be shared) and the opportunity to be a special partner of the Collaborative and obtain in-depth technical assistance on topics in which the TU Collaborative has expertise. This includes how to use survey results for program improvement, recovery and community inclusion data collection, and community inclusion policies, programs, and practices. FMI: An agency or organization interested in partnering with TUC on this study may e-mail Shadiya Moss at shadiya.moss@temple.edu or phone (215) 204-3230.