

Changes to Deaf Services and the Harry M. Class ODP Announcement 21-055

AUDIENCE:

Individuals and Families, Administrative Entities, Supports Coordination Organizations, Providers, and all interested parties.

PURPOSE:

The Harry M. settlement agreement will be ending on July 29, 2021. This announcement describes how this change impacts stakeholders.

DISCUSSION:

The Harry M. settlement agreement was approved by a federal court judge on August 20, 2013. This settlement agreement was created to ensure Pennsylvanians who are D/deaf¹ and receive services/supports from the Office of Developmental Programs (ODP), are provided with necessary communication assistance services. The settlement also includes a requirement to provide communication assessments and reassessments to evaluate expressive and receptive language skills and make recommendations. The settlement will end July 29, 2021.

ODP will continue to meet all requirements that were imposed by the settlement; however, new D/deaf individuals that enroll in the Consolidated, Community Living or Person/Family Directed Support (P/FDS) Waivers will not automatically be scheduled for an assessment. Class Members who previously received a Communication Assessment

¹ The term “D/deaf” captures both Deaf individuals who are members of the Deaf Community and Deaf Culture and deaf individuals who have a hearing loss.

Report that recommended a reassessment will still receive their reassessment automatically.

Beginning July 30, 2021, when a D/deaf individual is enrolled in the Consolidated, Community Living, or P/FDS waiver, the Supports Coordinator (SC) is to check the “Harry M. Litigation” checkbox in the demographics screen in HCSIS. This indicator alerts the Deaf Services Coordinator of the individual. Within 30 days of the individual being enrolled in an applicable waiver, the SC should contact the Deaf Services Coordinator at RA-ODPDeafServices@pa.gov for a consultation. This consultation will allow the Deaf Services Coordinator to recommend specific trainings and resources, and an assessment, if applicable.

Note: Communication assessments are available in the Waivers for adults age 21 and older through the Speech/Language Therapy service. For individuals age 20 or younger, communication assessments are available through Medical Assistance.

Please see the accompanying document, revised Supports Coordinators’ Guide to the Communication Assessment and Reassessment.

CONTACT:

Please direct any questions about this announcement to the ODP Deaf Services Mailbox at RA-ODPDeafServices@pa.gov or to the appropriate ODP Regional Office.

OBSOLETE COMMUNICATIONS:

This announcement obsoletes the following:

- Announcement 080-13, Harry M. Settlement Approved
- Announcement 092-18, Clarification on Declining a Communication Assessment Report

- Announcement 19-135, Supports Coordinators' Guide to the Communication Assessment and Reassessment