

❖ **SPECIAL FEATURE**

FEDERAL VACCINE MANDATE COVID-19 Vaccination Requirements for Health Care Providers and Suppliers

RCPA continues to engage with the Department of Human Services (DHS) and the Governor's office on Pennsylvania-specific recommendations and guidance as they relate to this mandate. Over the course of the past two weeks, the landscape of the mandatory vaccination requirements has been ever changing, including recent legislation that put a stay to the OSHA vaccine requirements. There have also been legal challenges relating to the CMS vaccine requirements, though at this time nothing has been formally announced.

On Friday, November 19, as part of the RCPA Member Update Webinar, Jeff Worley of Gibbel Kraybill & Hess LLP reviewed the vaccine mandate requirements and their impacts on our members. Jeff reviewed several of the legal issues, as well as guidance to possible operational solutions to consider while the implementation dates near. A link to the webinar recording can be found [here](#).



Photo by CDC on Unsplash

RCPA will continue to monitor and advise members on any developments, which include the information below:

- ▶ The Centers for Medicare & Medicaid Services (CMS) has released a one-page overview titled "[COVID-19 Vaccination Requirement for Health Care Providers and Suppliers](#)." The one-pager gives an overview of the facilities and organizations that are required to participate in the vaccine mandate as well as guidance for meeting the standards and the enforcement process.
- ▶ [CMS Omnibus Staff Vax Requirements – External FAQ \(508 Compliant\)](#)
- ▶ [Ten States Sue the US Over the Vaccine Mandate for Health Care Workers](#) ◀



NEW MEMBER INFORMATION

December 2021

ASSOCIATE MEMBERS

Staunton Farm Foundation

401 Liberty Ave, 3 Gateway Towers,
Ste 2325
Pittsburgh, PA 15217
Joni Schwager, Executive Director

PROVIDER MEMBERS

CENTRAL REGION

New Visions of S Central PA

138 E King St
Shippensburg, PA 17257
Craig Cordell, Executive Director

NORTHEAST REGION

New Directions Treatment Services

1 Park Plaza, 832 N Park Dr
Wyomissing, PA 19610
Margaret (Mairead) Desmond,
Executive Director

OUT-OF-STATE

Alchera Inc. dba SafeinHome

45 Quail Ct, Ste 300
Walnut Creek, CA 94596
Ken Traverso, CEO

About RCPA:

With well over 350 members, the majority of who serve over 1 million Pennsylvanians annually, Rehabilitation and Community Providers Association (RCPA) is among the largest and most diverse state health and human services trade associations in the nation. RCPA advocates for those in need, works to advance effective state and federal public policies, serves as a forum for the exchange of information and experience, and provides professional support to members. RCPA provider members offer mental health, drug and alcohol, intellectual and developmental disabilities, children's, brain injury, medical rehabilitation, and physical disabilities and aging services, through all settings and levels of care. Contact **Tieanna Lloyd**, Membership Services Manager, with questions about membership.

[View Benefits of Membership](#)

[Join RCPA or Renew Your Membership](#)



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Fady Sahhar, XtraGlobex

Consultant, RCPA President/CEO

❖ SPECIAL FEATURES

RCPA Workforce Survey

This fall, RCPA initiated a [workforce survey](#) for human service providers in Pennsylvania to participate in. The statewide survey examines workforce topics for a diverse range of programs, including mental health, IDD/autism, brain injury, drug & alcohol, inpatient rehabilitation facilities (IRF), and others. The survey responses are intended to gather data related to hiring, retention, vacancy rates, pay structures, vaccinations, and COVID-19 impacts on programs, as well as access to care associated with the pandemic. The survey was developed for legislative and state stakeholders who requested that RCPA quantify the impact of the pandemic on our workforce, so that we might effectively lobby for the welfare of the agencies that support and serve individuals with disabilities and health issues.

RCPA did reopen the survey briefly to capture additional data, and we expect the full report to be published in early December, in time for the return of the PA General Assembly.

Initial Key Findings

- ▶ The number of individuals served in residential programs declined by 7.1%, and we saw a 1.4% increase in the number of individuals receiving outpatient services.
- ▶ Fewer staff were employed in June 2021 than in June 2019. The number of professional staff employed within the industry declined by about 14%. The number of direct support professionals or mental health aides declined by 12.3%.
- ▶ Using data collected over a single quarter, approximately 37.5% of DSPs/aides separated from their positions over a three-month period. Prorating this value to the more typically reported annual figure yielded an estimated annual turnover of approximately 149.8%.
- ▶ Mean hourly wage for direct support professionals/mental health aides was \$14.95.
- ▶ Vacancy rate for direct support professional/mental health aide positions was 24.5%. These vacancies resulted in the need to pay an enhanced (overtime) rate for 31.4% of hours. They also resulted in 82.7% of responding agencies relying on management staff to provide direct care.
- ▶ There were 24,565 applicants for open direct support professional/mental health aide jobs over a three-month period. Only 9% (2,215) were actually hired.
- ▶ Over 25% of respondents reported that they had at least partially closed parts of their program due to the staffing problems.
- ▶ The brightest spot in the survey was the finding that respondents reported that 71.5% of their employees had been vaccinated against COVID-19. ◀

❖ MEMBER CONTRIBUTOR CORNER

TRUE JUSTICE: Mental Health Intervention vs. Incarceration

*Published: November 2020 | ©2021 Beacon Health Options.
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Most people probably don't know that nearly 25 percent of individuals involved with the criminal justice system report a serious mental illness. It's an unsettling statistic as it suggests that correctional institutions have become de facto mental health facilities.

Recognizing the need for change, many communities are diverting justice-involved individuals with mental illness from the criminal justice system to needed behavioral health services. Read Beacon Health Options' white paper, "[TRUE JUSTICE: Mental Health Intervention vs. Incarceration](#)," to learn more. ◀

*Thanks to Beacon Health Options
for this informative article!*



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Complacent, Compliant, or Committed – How Does Your Organization Stack Up in Abuse Prevention?



Lisa A. Bellis, ARM, CPG, CSM, CIC, CRIS
Senior Vice President, Risk Management & Loss Control

Take a moment and focus on your organization's abuse prevention program. Do you consider your organization complacent, compliant, or...committed? Complacent organizations are typically tight-knit environments where everyone knows everyone. The culture in this setting usually does not support a belief that the risk of abuse is real, and so they become complacent with their policies, screening, and employee training. Compliant organizations are 'box-checkers.' They check off boxes for only those items required by licensing or law. Then there are committed organizations. I'm not talking about buy-in at some of the levels. Committed means your organization is focused on abuse prevention starting with your board of directors and trickling down to every employee or volunteer at every level in your organization [\[read full article\]](#). ◀

DIVERSITY

New Program Promotes Equity for Diverse Populations

Advocacy defined is: "any action that speaks in favor of, recommends, argues for a cause, supports or defends, or pleads on behalf of others." It happens on behalf of the children and families we serve each and every day in big and small ways at IPRC member organizations. The IPRC Education & Advocacy Committee shares member stories to celebrate these efforts and inspire others.



Grand Rapids, Mich. – A new program at Mary Free Bed Rehabilitation Hospital, the brainchild of Penny Adams, is helping pediatric rehab patients of color receive items to make them feel more at home during their hospital stay [\[read full article\]](#). ◀

TELEHEALTH

PA Telehealth Bulletin and Waiver

The Office of Mental Health & Substance Abuse Services (OMHSAS) is pleased to provide the [Behavioral Health Telehealth Frequently Asked Questions \(FAQs\)](#) memorandum in response to inquiries regarding recent OMHSAS Behavioral Health Telehealth Policy changes in [OMHSAS-21-09 Guidelines for the Delivery of Behavioral Health Services Through Telehealth](#).

As a reminder, while Act 73 of 2021 remains in effect, it supersedes the requirements for providers to submit requests for waivers of the following suspended regulations:

- ▶ 55 Pa. Code § 5221.33 for Mental Health Intensive Case Management services;
- ▶ 55 Pa. Code § 1153.14 for Outpatient Psychiatric Services (psychiatric outpatient clinics, partial hospitalization outpatient facilities, and mobile mental health treatment services); and
- ▶ 55 Pa. Code § 1223.14 for Outpatient Drug and Alcohol Clinic Services.

However, when Act 73 of 2021 sunsets (current date March 31, 2022), the requirement for being in possession of an approved waiver for the above regulations will be immediately reinstated. To prevent last minute rush and potential confusion as the suspension end date approaches, OMHSAS will immediately begin to process requests for regulatory waivers that have been submitted by impacted providers. Decision letters will be sent to each provider, and requests that have been approved will have an effective date of **"April 1, 2022 or the day after regulatory suspensions are lifted, whichever is later."** Providers that have already submitted a request for waiver do not need to submit a second request. ◀

GOVERNMENT AFFAIRS

RCPA's Legislative Tracking Reports

RCPA is constantly tracking various policy initiatives and legislation that may have positive or negative effects on our members and those we serve — so for your convenience, RCPA has created a legislative tracking report, which is broken down into specific policy areas. You can review these tracking reports below to see the legislative initiatives that the General Assembly may undertake during the current Legislative Session. If you have questions on a specific bill or policy, please contact [Jack Phillips](#), Director of Government Affairs.

- ▶ Brain Injury
- ▶ Budget
- ▶ Children and Youth
- ▶ COVID
- ▶ Criminal Justice
- ▶ Drug & Alcohol
- ▶ Insurance
- ▶ Intellectual Disability
- ▶ Medicaid
- ▶ Medical Rehabilitation
- ▶ Mental Health
- ▶ Suicide



MEDICAL REHABILITATION

CMS Releases Medicare Physician Fee Schedule Final Rule for CY 2022

The Centers for Medicare and Medicaid Services (CMS) has [released](#) the calendar year (CY) 2022 Medicare Physician Fee Schedule (MPFS) final rule. Some of the key provisions contained in this final rule include:

Telehealth Services

CMS finalized a policy to allow for Category 3 telehealth services to be available to providers through December 31, 2023. Category 3 telehealth services are those services CMS has added temporarily to the telehealth list due to the public health emergency (PHE) but wishes to consider for permanent addition to the telehealth list. Presently, many occupational and physical therapy services are on the Category 3 list, with some exceptions. However, CMS has not yet added any speech-language service codes to the Category 3 list, so their availability will cease at the end of the PHE. The current list of available telehealth codes is available [here](#) – [\[read full article\]](#). ◀

BRAIN INJURY

Department of Health's Head Injury Program Releases TeleRehab Program Evaluation Report

The Pennsylvania Traumatic Brain Injury (TBI) Advisory Board State Action Plan formed a Telehealth Work Group to provide input to the Department of Health (DOH) regarding the utilization of telehealth services to deliver remote cognitive rehabilitation therapy (CRT). DOH had the opportunity to pursue the recommendation of the Telehealth Work Group to perform a program evaluation project under its 2018–2021 Administration of Community Living (ACL) State Partnership

Program Traumatic Brain Injury grant. Approval was obtained from ACL to provide education and training for Pennsylvania Head Injury Program (HIP) providers to deliver CRT remotely. Beginning in February of 2020, 27 HIP clients from four PA brain injury providers were recruited to participate in the program evaluation project, which concluded on May 31, 2021. The [report](#) provides additional details and results of the project. ▶

December Shaping Up As Decisive Month in ASAM Transition

Throughout 2021, RCPA's top priority for its drug and alcohol treatment provider members has been the ASAM transition. Most specifically, RCPA has been working against requirements the Department of Drug and Alcohol Programs (DDAP) is imposing on providers that go beyond ASAM Criteria. Although RCPA members support the ASAM Criteria as a placement, continued stay and discharge tool, changes to intensive outpatient counselor-to-client ratio, required daily therapeutic hours at the residential level of care, and credentialing requirements all constitute unlawful rulemaking. In other words, DDAP and the Department of Human Services (DHS) have circumvented the regulatory review process in creating requirements that should have been put before the Independent Regulatory Review Commission (IRRC). DDAP's and DHS's failure to do so means that costs to implement and stakeholder input, among other considerations, were ignored.

In the months-long effort to reach a more manageable transition for providers, December is shaping up to be a decisive month. On Oct. 28, Commonwealth Court heard a request for a preliminary injunction filed by the Drug and Alcohol Service Providers Organization of Pennsylvania (DASPOP) that would stop implementation of the overreaching requirements. In its defense, DDAP asserted that the requirements in question are not requirements at all but actually guidelines that are not subject to IRRC approval. Yet with DDAP in the lead, these "guidelines" have been placed in provider contracts with single county authorities (SCAs) and behavioral health managed care organizations, and deadlines for compliance with them have been set by DDAP. Ultimately, the court will decide whether the actions of DDAP and DHS have created binding norms using the Medicaid managed care system as a workaround to the lawful regulatory review process. **As of this writing, Commonwealth Court still had not made a decision** [[read full article](#)]. ◀

❖ INTELLECTUAL/DEVELOPMENTAL DISABILITIES

The I/DD Waterfall

August 23, 2021 | Monica E. Oss

Like all of the health and human service field, the sector providing services and supports to consumers with autism and intellectual and developmental disabilities (I/DD) is in a state of change. The drivers of change existed before the pandemic, but the pandemic has sped up the market evolution.

What does the future hold for the financing and delivery of I/DD services? The answer to that question was the focus of today's [OPEN MINDS 2021 I/DD Executive Summit: Strategies For The "Next Normal": Responding To I/DD At The Crossroads](#). In their opening session, [I/DD Landscape Overview](#), Raymond Wolfe, J.D., *OPEN MINDS* Senior Associate and Peggy Terhune, Ph.D., *OPEN MINDS* Advisory Board Member and Chief Executive Officer of Monarch, painted a picture of the emerging landscape for I/DD services. They described the "waterfall effect"—the rapid shift toward managed care driving the preference for integrated care coordination for I/DD consumers. That development is driving the use of more risk-based and value-based reimbursement; which is changing the economies of scale needed by provider organizations in the field [[read full article](#)].

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ANCOR Publishes White Paper Offering Key Lessons for the Transition to Alternative Payment Models

New publication assesses five promising programs to glean lessons on implementation of programs to transform I/DD service delivery

ANCOR has long been seen as a leader in the coming systems transformation being heralded by alternative payment models — the transition away from fee-for-service methods to pay for the delivery of community-based I/DD services. As this transformation gains traction across the US and beyond, we're pleased to share with you their latest endeavor in this arena: the publication of their newest white paper [[read full article](#)]. ◀



RCPA Events Calendar

*Events subject to change; members will be notified of any developments.

SAVE THE DATE
2022 RCPA Conference
Oct 11–14 at Hershey Lodge!

