

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.

ELECTION NEWS

2018 MIDTERM ELECTION RESULTS

NATIONAL ELECTION RESULTS

After the November 6th midterm election, Pennsylvania continues to prove our state's purple color by splitting our U.S. Congressional seats (9-Democrats and 9-Republicans), U.S. Senate seats (1-Democrat and 1-Republican) and narrowed the republican majority in the State House and State Senate. Furthermore, Pennsylvania set a record in electing four women to represent us in Washington, D.C. The 2018 midterm election results:

United States Senate - Sen. Bob Casey (D) defeated Cong. Lou Barletta (R) by 56% to 43%.

U.S. House of Representatives

In February 2018, the Pennsylvania Supreme Court ruled the congressional map violated the

Pennsylvania constitution for gerrymandering and ordered the maps to be redrawn. Once the court-drawn maps were approved, Pennsylvania became one of the most watched states this midterm election. In true Pennsylvania's purple nature, our state elected 9 Democrats and 9 Republicans.

The winners by district:

- District 1: **Fitzpatrick** (R)
- District 2: **Boyle** (D)
- District 3: **Evans** (D)
- District 4: **Dean** (D)

In This Issue

Election News.....	page 1
State News	page 3
National News	page 5
Resources	page 6
Contact PIE	page 7

District 5: **Scanlon** (D)
 District 6: **Houlihan** (D)
 District 7: **Wild** (D)
 District 8: **Cartwright** (D)
 District 9: **Meuser** (R)
 District 10: **Perry** (R)
 District 11: **Smucker** (R)
 District 12: **Marino** (R)
 District 13: **Joyce** (R)
 District 14: **Reschenthaler** (R)
 District 15: **Thompson** (R)
 District 16: **Kelly** (R)
 District 17: **Lamb** (D)
 District 18: **Doyle**(D)

STATE ELECTION RESULTS

Governor - Gov. Tom Wolf (D) and running mate **John Fetterman (D)** defeated Scott Wagner (R) and his running mate Jeff Bartos (R) by 58% to 41%.

State Senate

Last session, the Senate Republicans held a 34-16 veto proof majority. After the November 6th election, the republican veto proof majority no longer exists. The Senate Democrats gained 5 seats, narrowing the Republican majority to 29-21. The five new democratic members: **Santarsiero, Collett, Kearney, Williams, and Muth**. The two new republican members are **Phillips-Hill** and **Ward**. Key highlights:

- An open seat, previously held by Sen. McIlhinney (R) who did not seek re-election, flipped after Tuesday's election. **Rep. Santarseria (D)** defeated former Rep. Quinn (R) by 5 points.
- An open seat, previously held by Sen. Greenleaf (R), his son Stewart Greenleaf Jr. (R) ran for his seat and lost by 5 points to his democratic challenger **Maria Collett (D)**.
- Incumbent Sen. McGarrigle (R) was defeated by his democratic challenger **Tim Kearney (D)**.
- In the Southeast, Sen. Rafferty (R), 5th term Senator, lost his seat to **Katie Muth (D)**.

State House

House Republicans will see a reduction to their current 121 majority, narrowing the gap between Republicans and Democrats by 12 seats. This upcoming year, the Republicans will hold a 109-

91 majority. This does not include the special election to fill Rep. Kavulich (D-Lackawanna), who suddenly passed in October and Rep. Vanessa Brown (D-Philadelphia), who won re-election but will have to resign due to being convicted of accepting bribes. The key highlights:

- The incumbents who lost their seats: **Rep. Kate Harper** (R- Montgomery), **Bryan Barbin** (D-Cambria), **Tom Quigley** (R-Montgomery), **Becky Corbin** (R-Chester), **Warren Kampf** (R-Chester), **Eric Roe** (R-Chester), **Jamie Santora** (R-Delaware), **Duane Milne** (R-Chester), **Alex Charlton** (R-Delaware), **Bud Cook** (R-Washington), and **Helen Tai** (D-Bucks).

2018 MIDTERM ELECTION RESULTS: WOMEN'S EDITION

While Pennsylvania has never elected a female U.S. Senator, this year was different with a significant number of women who ran for seats in the U.S. Congress and for the state legislature and won.

On the federal-level, Pennsylvania set a state record by electing four women to represent us in Washington, D.C. Hats off to those four women: **Dean** (D-District 4), **Scanlon** (D-District 5), **Houlihan** (D-District 6), and **Wild** (D-District 7).

For the year 2018, Rutgers's Eagleton Institute of Politics ranked Pennsylvania as #39 in female representation in a state legislature. Women represented 19.4% (49 out of 253) of our state legislature. More specifically, 14% (7 out of 50) in the State Senate and 20.7% (42 out of 203) in the State House. After the November 6th midterm election, those numbers increased. Out of the 118 women that ran in the 2018 election, 9 (4 Democrats and 5 Republicans) were elected in the State Senate and 49 (28 Democrats and 21 Republicans) were elected in the State House. This results in an overall 3.5% increase in female representation in our state legislature.

PENNSYLVANIA LEADERSHIP

House Republicans

Speaker of the House Nominee: Mike Turzai (Allegheny)

Leader: Bryan Cutler (Lancaster)

Whip: Kerry Benninghoff (Centre)

Appropriations Chairman: Stan Saylor (York)

Caucus Chairman: Marcy Toepel (Montgomery)
Policy Chairman: Donna Oberlander (Clarion)
Administrator: Kurt Masser (Northumberland)
Secretary: Mike Reese (Westmoreland)

House Democrats

Leader: Frank Dermody (Allegheny)
Whip: Jordan Harris (Philadelphia)
Appropriations Chairman: Matt Bradford (Montgomery)
Caucus Chairman: Joanna McClinton (Philadelphia)
Policy Chairman: Mike Sturla (Lancaster)
Administrator: Neal Goodman (Schuylkill)
Secretary: Rosita Youngblood (Philadelphia)

Senate Republicans

President Pro Tempore Nominee: Joseph Scarnati (Jefferson)
Leader: Jake Corman (Centre)
Whip: John Gordner (Columbia)
Appropriations Chairman: Patrick Browne (Lehigh)
Caucus Chairman: Bob Mensch (Montgomery)
Policy Chairman: David Argall (Schuylkill)
Administrator: will be named by President Pro Tempore Scarnati
Secretary: Richard Alloway (Franklin)

Senate Democrats

Leader: Jay Costa (Allegheny)
Whip: Anthony Williams (Philadelphia)
Appropriations Chairman: Vincent Hughes (Philadelphia)
Caucus Chairman: Wayne Fontana (Allegheny)
Policy Chairman: Lisa Boscola (Northampton)
Administrator: John Blake (Lackawanna)
Secretary: Lawrence Farnese (Philadelphia)

STATE NEWS

Bills of Interest

Below we summarize some bills of interest to the disability community from the 2017-2018 session. For more information about these or any other state bills, go to: <http://www.legis.state.pa.us/cfdocs/legis/home/session.cfm>. At the top of the page in the box labeled, "Legislation Quick Search," enter the bill number and click on "Search". The site contains lots of useful information. So, take a few minutes and check it out.

HB 1216. Introduced by Representative Frank A. Farry (R-Berks). This bill would provide for definitions, for the offense of neglect of animal and for the offense of attack of guide dog; for the offense of discrimination on account of guide, signal or **service dog** or other aid animal. Referred to Judiciary, April 17, 2017; final passage, July 7, 2017 (190-0). Referred to Senate Judiciary, July 14, 2017; second consideration, with amendments, June 22, 2018. Approved by the Governor, Oct. 24, 2018 becoming Act No. 104.

HB 1233. Introduced by Representative Thomas P. Murt (R-Montgomery). This bill would establish a new standard for court ordered **assisted outpatient treatment** in the community, while leaving in place the clear and present danger standard for involuntary hospitalization. The new standard would be based on a medical determination of whether a person with serious mental illness needs and can benefit from assisted outpatient treatment to survive safely in the community. Referred to Human Services, April 17, 2017. Approved by the Governor, Oct. 24, 2018 becoming Act No. 106.

HB 2049. Introduced by Representative Dan Moul (R-Adams). This bill would create the **Pennsylvania Assistance and Service Animal Integrity Act**. This legislation would take verification one step further and impose penalties for those who misrepresent themselves as disabled or misrepresent their animal as an assistance or service animal. It was referred to the House Urban Affairs, Feb. 2, 2018. Approved by the Governor, Oct. 24, 2018 becoming Act No. 118.

SB 888. Introduced by Senator John C. Rafferty Jr. (R-Berks). This bill would improve access to **disabled parking spaces** of this Commonwealth with a focus on prohibiting the obstruction of access aisles and strengthening enforcement measures. Referred to Transportation, Sept. 15, 2017. First consideration, Sept. 20, 2017. Approved by the Governor, Oct. 24, 2018 becoming Act No. 144.

SB 912. Introduced by Senator Michele Brooks (R-Crawford). This bill would provide for a medical assistance **presumptive eligibility** program for

seniors for home care and home health services. It was introduced and referred to the Health and Human Services Committee, Oct. 5, 2017. Referred to Health, Oct. 5, 2018.

NEW BILLS

HB 2561. Introduced by Representative Karen Boback (R-Columbia). This bill would amend the Unemployment Compensation (UC) Law to allow for **reasonable accommodations** to be made for individuals with a disability who are required to take the reemployment class. Referred to Labor and Industry, July 17, 2018.

HB 2581. Introduced by Representative Lynda Schlegel Culver (R-Northumberland). This bill would amend Title 18 and allow for concurrent jurisdiction for the Attorney General during financial exploitation investigations of **care dependent individuals**. Referred to Aging and Older Adult Services, Aug. 6, 2018.

HB 2722. Introduced by Representative Maureen E. Madden (D-Monroe). This bill would prohibit an employee of a **long-term care provider** from serving as a guardian, an agent under a power of attorney, a beneficiary of an insurance policy, or as the executor of the estate of an individual under his/her care. Referred to Aging and Older Adult Services, Oct. 17, 2018.

Office of Long-Term Living (OLTL) Community HealthChoices

Community HealthChoices is currently effective in the southwestern portion of the state. The Department of Human Services will launch the Community HealthChoices (CHC) program on January 1, 2019 in five counties in Southeastern Pennsylvania that includes Philadelphia, Bucks, Delaware, Montgomery, and Chester counties. The state contracts with three managed care organizations (MCO's) to serve participants in the OLTL waivers (except OBRA), nursing home residents on Medicaid, and additional individuals living in the community who are eligible for both Medicare and Medicaid. All affected individuals in the Southeast Region have an opportunity to choose an MCO or one will be chosen for them prior to the launch. All individuals can change their selected plan at any time. A six-month period during which participants will receive the

same services from their current providers will begin on January 1, 2019. The three MCOs for HealthChoices in the SE are Keystone First, PA Health & Wellness, and UPMC Community HealthChoices. Updated information is available at this link including contact information for the MCOs and participant communications: <http://www.healthchoices.pa.gov/info/about/community/>.

The monthly Managed Long-Term Services and Supports (MLTSS) Medical Assistance Advisory Committee (MAAC) meeting reviews information about the program implementation. Presentations, transcripts, and the 2019 meeting dates are available at <http://www.dhs.pa.gov/communitypartners/informationforadvocatesandstakeholders/mltss/index.htm>.

Department of Health and Human Services Bulletins

The Office of Developmental Programs (ODP) has issued four new Bulletins:

- Health Care Quality Units (00-18-03) was issued on July 24, 2018 and was effective on that date. The Bulletin provides the functions of the Health Care Quality Units (HCQUs).
- Interim Technical Guidance for Claim and Service Documentation (00-18-04) was issued on July 25, 2018 and was effective on that date. The Bulletin provides interim guidance to providers on the claim and services documentation processes.
- Fee Schedule and Cost-based Rates and Department-Established Fees (00-18-05) was issued on September 13, 2018 and was effective on July 1, 2017. The Bulletin announces the DHS final notice on fees.
- Variance Form and Process (00-18-06) was issued on September 17, 2018 and was effective on that date. The Bulletin introduces the new Consolidated, Person/Family Directed Support, and Community Living Waiver Variance Form (DP 1086).

The Office of Long-Term Living (OLTL) has issued three new Bulletins:

- Revised PA Preadmission Screening Resident Review (PASRR) Level I and II Identification Forms (01-18-03, 03-18-03, 07-

18-03, 59-18-03, 01-18-04, 03-18-04), were issued on August 1, 2018 and were effective on September 1, 2018. These two Bulletins revise the forms and replace the previous forms dated January 1, 2016.

- Rescission of HCBS Directives, Bulletins, and other Policy Documents (59-18-06) was issued on September 17, 2018 and was effective on that date. The Bulletin provides a list of rescinded documents by the Office of Long-Term Living.

Electronic Visit Verification (EVV)

On July 30, 2018, President Trump signed H.R. 6042 that enacts a one year delay of the effective date for states to implement Electronic Visit Verification (EVV) rules to avoid a financial penalty. The new deadline for personal care services is January 1, 2020. Both ODP and OLTL have communicated that they will issue guidance in January 2019; offer provider training on system use in Spring, 2019; and full implementation in Summer 2019. The Department of Human Services will use an open system for EVV. For participant-directed programs in the OLTL, the vendor fiscal agent, Public Partnerships, LLC (PPL) will use their EVV system, Time4Care. OLTL has clarified that EVV will be required by the MCOs in Community HealthChoices effective January 1, 2018 for the SW and SE regions.

NATIONAL NEWS

Federal Budget 2019

At the end of September, Congress passed and the President signed two groupings of appropriations bills for the federal fiscal year that started October 1, 2018. The Defense and Labor/HHS/Education were enacted together. The measure included a Continuing Resolution (CR) through December 7, 2018 for the remaining seven bills. Congress must pass these bills by December 7 or enact another CR. The status of all bills in each chamber is found at this link:

<https://www.congress.gov/resources/display/content/Appropriations+for+Fiscal+Year+2019>. Next Spring, Congress will need to take action to lift the debt ceiling.

Money Follows the Person (MFP) Reauthorization

On September 30, 2016, the Money Follows the Person program expired. Since 2005, this Medicaid demonstration has helped over 75,000 seniors and individuals with disabilities nationwide to move out of nursing homes and other institutions. Almost every state participated, including Pennsylvania, and funds earned to date can be spent until 2020. Reauthorization is needed to continue access to an enhanced Medicaid rate that supports the program. A bipartisan bill to improve and extend the program for five years has been introduced in Congress called the EMPOWER Care Act (S.2227). <https://www.aahd.us/2017/11/medicaid-money-follows-the-person-reauthorization-advocacy/>.

On September 5, the House Energy and Commerce Committee held a hearing on several bipartisan health initiatives, including reauthorization of the Money Follows the Person (MFP) Demonstration Program. Additional information on advocacy to extend the program are at the following two links: <https://insider.thearc.org/2018/09/10/medicaidtss-house-committee-holds-hearing-addressing-mfp-advocates-hold-briefing/>.

Social Security Administration (SSA)

The Social Security Administration has announced a 2.8% cost-of-living adjustment (COLA) for Social Security and Supplemental Security Income (SSI) benefits in 2019. According to SSA, the average monthly benefit for a Social Security disabled worker beneficiary will increase from \$1,222 in 2018 to \$1,234 in 2019. In addition, the SSI Federal Payment Standard will increase from \$750 per month in 2018 to \$771 per month in 2019. Important work incentive thresholds for Social Security and SSI beneficiaries with disabilities will also increase, including the Substantial Gainful Activity level and the Trial Work Period earnings level. <https://www.ssa.gov/news/press/factsheets/colafacts2019.pdf>.

US Office of Special Education Programs

On October 11, 2018, President Trump appointed Laurie VanderPloeg as Director of the Office of Special Education Programs (OSEP). Ms. VanderPloeg served as President of the Council for Exceptional Children. Additionally, she has experience as a district special education administrator in Michigan. OSEP is the office within the U.S. Department of Education charged with administering the Individuals with Disabilities Education Act (IDEA).

Office of Vocational Rehabilitation Annual Report

The electronic copy of the Office of Vocational Rehabilitation (OVR) is now available. It includes stories from across the Commonwealth of individuals and businesses that are succeeding with assistance from OVR. Print copies will be available through local offices. <https://www.dli.pa.gov/Individuals/Disability-Services/Documents/OVR-624%20REV%2008-18%20-%20Accessible%20Copy.pdf>.

RESOURCES

Center for the Promotion of Social & Emotional Learning

The Center for the Promotion of Social and Emotional Learning (CPSEL) has announced a newly launched website. Visit and learn about their services and how they support the social and emotional learning efforts. <https://www.cpsel.org>.

Low-Income Home Energy Assistance Program

State Agencies encourage Pennsylvanians to apply for heating program. Low-Income Home Energy Assistance Program (LIHEAP) provides assistance for home heating bills to keep low-income Pennsylvanians warm and safe during the winter months. Assistance is available for renters and homeowners. Crisis and regular LIHEAP applications begin November 1, 2018 and end April 12, 2019. Eligibility for the 2018-19 LIHEAP season is set at 150 percent of the federal poverty income guidance. Online applications for LIHEAP can be completed at <https://www.compass.state.pa.us/>. Paper applications are available through local county assistance offices, or interested applicants can download and print an application from the department's website. For helpful tips on keeping warm throughout the winter while saving money on utility costs, visit www.energysavers.gov. For more information on LIHEAP, visit www.dhs.pa.gov.

National Council on Disability

The National Council on Disability (NCD) released its annual progress report on national disability policy. The report revisits the 2000 NCD report *Promises to Keep: A Decade of Federal Enforcement of the Americans with Disabilities Act (ADA)*, assessing progress made by several Federal Agencies to protect and advance the employment of people with disabilities. The report examines and offers recommendations on implementation and enforcement activities related to the ADA and other Federal disability rights laws and programs. <https://ncd.gov/newsroom/2018/annual-report-federal-disability-policy-highlights-gaps-enforcement>.

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@thearcpcpa.org or by phone at 800-692-7258.

- o **A Slice of Pie** is available by email and contains hyperlinks for ease of accessing websites and internet documents and resources.
- o PIE Alerts, PIE Information, and PIE Job Postings are available by email to keep people informed about disability issues between newsletters.
- o Sign up for A Slice of Pie or PIE electronic messages by phone at 800-692-7258 or by emailing pie@thearcpcpa.org.
- o 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.
- o 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.
- o **A Slice of Pie** is available in alternate format upon request.
- o The PIE office will download, copy, and mail information mentioned in A Slice of Pie upon request.

The PIE Team

THE ARC OF PENNSYLVANIA

PIE STAFF:

Maureen Cronin

Anne Yanikov

CONSULTANTS:

Vini Portzline

Joan W. Martin

A Slice of Pie

Policy Information Exchange
c/o The Arc of Pennsylvania
Suite 403 – Pennsylvania Place
301 Chestnut Street
Harrisburg, PA 17101

NON-PROFIT ORG.
U.S. POSTAGE
PAID
HARRISBURG, PA
PERMIT NO. 649

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@thearca.org.
Thank you.
