

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.

STATE NEWS

State Budget

On February 4, 2014, Pennsylvania Governor Tom Corbett delivered his budget request for the 2014-15 fiscal year. Balancing this budget presents a number of challenges. For example, PA is losing \$400 million in federal share of Medicaid costs. Revenues have been below expected levels for the last three months. The administration has proposed a number of ways to fill the holes. Budget Secretary Charles Zogby has said that whatever happens, the administration is prepared to deal with it.

The proposed budget includes funding to serve more people in intellectual disability, autism, physical disability and aging home and community based services. In his speech, Governor Corbett said, "We need to create a Pennsylvania where people with disabilities, and their families, will never be forced to wait for services again." The Healthy PA portion of the budget would provide

for subsidies for private insurance for uninsured Pennsylvanians while cutting back on what the Governor referred to as "unsustainable" Medical Assistance services. It is expected to save the state \$125 million next year. (See article below on Pennsylvania's proposed waiver known as Healthy PA.)

Below PIE summarizes some items of interest to the disability community in the Governor's budget. Remember that this is not the final budget. The House and Senate Appropriations Committees

In This Issue

State News	page 1
National News	page 9
Resources	page 10
Contact PIE	page 11

have just finished a series of hearings on the budget. After that, a budget bill(s) will be moved. Any of the Governor's proposals can be changed before the budget bills are passed and signed, probably in late June. For more information, contact PIE at The Arc of Pennsylvania office at 717-234-2621 or pie@thearcpcpa.org.

Department of Public Welfare

Intellectual Disability Waivers: State funding increased by 5.8%, almost \$60 million. This includes \$22,355,000 in state funds for nine months for an additional 700 people with intellectual disabilities graduating from high school special education programs and for 400 people off the emergency waiting list for seven months. As of November 30, 2013 there were 4,045 people on the emergency waiting list. The budget also includes state funds of \$772,000 and combined state and federal funds of \$2.5 million to move 50 people from state centers to the community. There were 1,060 people in State Centers as of January 1, 2014. The Department of Public Welfare (DPW) expects the number to drop below 1,000 by June, 2014.

Autism: Increase in state funds of \$2.1 million or 12.8%. This includes \$1.1 million to serve, for a full year, an additional 100 adults with autism who are on the interest list, waiting for services.

State Centers: Institutions for people with intellectual disabilities would receive a 9.3% increase for maintenance of current program.

Community Base Funding Intellectual Disabilities: There's again a small reduction in base funding.

Services to Persons with Disabilities: This line item includes funding for the Independence, OBRA and Commcare Waivers. The line item would receive an additional \$27,721,000 in state funds or a 12.3% increase. This includes \$15,325,000 to serve an additional 15 people in OBRA, 108 people in Commcare and 1,080 in Independence for a total of 1,203 people. Funding for specialized services in nursing homes has been moved to the Long Term Care

line item.

Attendant Care: The Attendant Care line item, which includes both the waiver and Act 150, would receive an additional \$8.9 million or 7.9%. This includes \$2.7 million to serve an additional 396 people in the Attendant Care Waiver. It does not include funding to address the Act 150 waiting list. Asked about this, DPW Secretary Beverly Mackereth said that the administration didn't provide funding to take any one off the Act 150 Attendant Care waiting list because Act 150 is supported only by state dollars and doesn't draw any federal match. As of December 31, 346 people were on the Act 150 waiting list.

Adult Protective Services: There's no language in the budget, but according to the Secretary and the policy office, APS will receive the same amount of funding this year as last. We're told that the amount is \$3.841 million.

Human Services Development Fund: Level funded.

Human Services Block Grant Pilot: This block grant pilot was created in the 2012-13 fiscal year in 20 counties. In 2013-14, it was expanded to serve 30 counties. Funding for six programs--Community Mental Health, the Behavioral Health Services Initiative, Intellectual Disability Base funds, County Child Welfare Special Grants, Homeless Assistance, and Act 152 Drug and Alcohol—is combined into one block grant and the county is given flexibility on how the money is spent. In the first year of the pilot, funding for those programs was reduced by 10%. That 10% cut has not been restored. According to Secretary Mackereth, the Administration plans to expand to additional counties in 2014-15.

Mental Health: The proposed budget includes 6% (\$41.7 million) more than the 2013-14 budget. This includes \$4.7 million to move 90 people from state hospitals to the community for six months. No additional funding is provided for community services. Budget documents note that the 90 CHIPPs (people out of institutions) in 2013-14 enabled the closing of units at Clark Summit and Warren State Hospitals. This resulted in the

elimination of 56 staff positions and saved the state \$4.5 million

Behavioral Health: BHSI is level funded at \$43.1 million which includes \$17.2 million for Mental Health and \$25.9 million for Drug and Alcohol.

Aging Waiver: The Aging Waiver state line item is cut by more than 57% \$121 million. This is not an actual cut, but rather a switch to using \$130 million of Lottery Funds instead of State General Funds. The Governor proposes \$11.6 million in Lottery and State General Funds to serve an additional 1,764 people in the Aging Waiver. The budget also provides \$9.4M for an additional 800 older adults in the **LIFE program**.

Nursing Homes (Long Term Care): Nursing homes are slated for an increase of 2.2% in State General Funds at a cost of \$18 million. They also would receive an additional \$62.8 million from tobacco settlement funds and continue to receive \$309 million in Lottery Funds. Funds for **Specialized Services in Nursing Homes** and for **Nursing Home Transition** have been moved to this Long Term Care (Nursing Home) line item.

Early Intervention (Birth to age 3): DPW's Early Intervention program is slated for a 3.3% increase.

Medical Assistance Transportation: Funding is increased 9.7%.

Prior Authorization: The detail of the Governor's budget mentions anticipated cost savings of \$1,223,000 in state and federal funds by implementing a prior authorization process for durable medical equipment in the Office of Long Term Living waivers, and another \$206,000 in savings by requiring prior authorization for Physical Therapy, Occupational Therapy and Speech Therapy provided in the state plan.

Medical Assistance for Workers with Disabilities (MAWD): In the current 2013-14 fiscal year, MAWD is spending more than was budgeted. For next year, State funding would be reduced by \$11.5 million or 29%. Tobacco Settlement funding is significantly reduced as

well. This is because the administration plans to eliminate the program in January 2015 as part of the Healthy PA plan.

Balancing Incentive Program: Pennsylvania intends to apply to the federal government for increased federal funds under the Balancing Incentive Program. The additional federal funds will provide for the increases noted above in the number of people with intellectual disabilities, adults with physical disabilities and older Pennsylvanians to receive home and community based services.

Supplemental Appropriations: As part of the budget package which is mostly focused on next year's 2014-15 budget, the Governor asks for supplemental appropriations for the current 2013-14 fiscal year. This is needed because some programs are costing more than the budget provides while others are costing less. Supplementals, as they are called, can either increase the amount available for the current year or decrease it. Programs slated for additional funds in the current year include: Mental Health; Services to Persons with Disabilities; Early Intervention; Aging Home and Community Based Services; Long Term Care Managed Care; Medical Assistance for Workers with Disabilities (MAWD) and autism. Programs which would be decreased include: Long Term Care; and Medical Assistance Transportation

Federal Match: The Federal share of Medicaid costs is going down in 2014-15 from 53.52% to 51.82%. This will cost the state almost \$322 million.

Cost Saving: This budget includes a number of cost savings. It assumes changes in the Medical Assistance benefit package. This can be done by an amendment to our state plan without federal approval of a waiver. It also assumes that PA can get federal approval and enhanced federal funds through a rebalancing initiative. And it would delay payments to Managed Care and Behavioral Health Managed Care organizations to save money.

Department of Aging

Aging Services: The proposed budget includes: \$9.4 million for an additional 800 people in the LIFE program; \$1.1 million to take 500 people off the OPTIONS waiting list; and \$1.4 million for 204 people transitioning from the DPW Attendant Care program to the Aging program. The \$2 million in lottery funds to Senior Centers would continue.

Department of Labor and Industry

Transfer to Vocational Rehabilitation Fund (OVR state match) would increase from \$40,473,000 to \$41,473,000, an increase of 2.5%. This is intended to provide on-the-job training for young people between the ages of 18 and 25 with disabilities.

Supported Employment, Centers for Independent Living (CILs), Assistive Technology Devices (alternative financing program) and **Assistive Technology Demonstration and Training** (lending library): All of these programs are level funded.

Department of Community and Economic Development

PA Accessible Housing Program: The PAHP program is part of the Keystone Communities line item which is reduced by 4.4%.

Department of Education

Special Education: Special education would receive a small 1.9% increase in state funds—the first increase in 6 years. Basic education is level funded. Additional funds are provided for a new education block grant program called “Ready to Learn” with limits on how the new money can be spent.

Early Intervention (for ages 3 to 5): Would receive a \$14.7 million supplemental appropriation in the 2013-14 fiscal year and an increase of \$841,000 in 2014-15.

Approved Private Schools: Approved Private

Schools are again level funded.

PA Charter School for the Deaf and Blind: Charter schools for children who are deaf and blind would be level funded.

Department of Health

Services for Children with Special Needs would be level funded.

The AIDS Programs and AIDS Special Pharmaceuticals line items are combined and level funded in state dollars.

Epilepsy Support and Tourette Syndrome: The Governor proposes eliminating funding for these two programs. This has happened before and the General Assembly has restored funding.

Sickle Cell would be cut from \$1,260,000 state dollars, reducing funding to \$1.2 million.

Department of Drug and Alcohol Programs

Assistance to Drug and Alcohol Programs: State program funding is level. Administrative funds for the Department would be increased by 32%.

Bills of Interest

Below we summarize some bills of interest to the disability community from the 2013-2014 session. For more information about these or any other state bills, go to: www.legis.state.pa.us/cfdocs/legis/home/session.cfm. At the top of the page is a 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 21. Introduced by Representative Glen Grell (R-Cumberland). This bill would allow **psychologists to testify on competence to stand trial**. It is similar to HB 1405 from last session, which passed the House unanimously, but did not receive third and final passage in the Senate before the end of the last session. HB 21 was voted out of the House on October 23, 2013 and out of the Senate Judiciary Committee

on January 28, 2014. It has been given first consideration by the full Senate.

HR 631. Introduced by Representative Thomas P. Murt (R-Montgomery). This resolution would direct the Legislative Budget and Finance Committee to study the financial and administrative effectiveness of the law requiring **autism spectrum disorders insurance coverage**. It was referred to the House Insurance Committee on February 4, 2014.

HR 664. Introduced by Representative Tarah Toohil (R-Luzerne). The resolution recognizes the month of March 2014 as “**Intellectual Disabilities Awareness Month**” in Pennsylvania. It was introduced and adopted as a noncontroversial Resolution on February 26, 2014.

SB 137. Introduced by Senator John R. Gordner (R-Columbia). The bill amends the **Speech-Language and Hearing Licensure Act and renames it, the Speech-Language Pathologists and Audiologists Licensure Act**. It spells out the definition of “audiologist” to require education, training and clinical experience as well as a license. It passed the Senate on June 19, 2013, was voted out of the House Professional Licensure Committee, June 20, 2013. It has been given two considerations by the full House and was referred to the House Appropriations Committee on January 15, 2014.

SR 61. Introduced by Senator Bob Mensch (R-Bucks). This resolution directs the Legislative Budget and Finance Committee to study and issue a report on the status of and any disparities found in **dental care for Pennsylvanians with disabilities**. It was adopted on January 13, 2014.

SR 308. Introduced by Senator Pat Vance (R-Cumberland). This resolution honors the Pennsylvania **Developmental Disabilities Council** for “for working to improve the lives of people with developmental disabilities and, in doing so, the lives of all Pennsylvanians.”

Healthy PA

On December 6, 2013, the Department of Public Welfare (DPW) released a draft of its application for a Section 1115 waiver to implement their

Healthy PA plan. The draft plan was the subject of public hearings, webinars and written comment. Before submitting the application to the federal government, the state made some changes in response to the more than 1,000 comments received. On February 19, 2014, the administration submitted the waiver application to the U.S. Department of Health and Human Services (HHS). The application was found to be complete and posted on the Centers for Medicare and Medicaid Services’ (CMS) website. The public has until March 28 for additional public comment. After the close of the federal comment period, CMS will review the application and comments and either approve the application as is or request modifications from the state. The proposal changes the state’s current Medicaid programs and creates a private insurance option for those newly eligible under the federal Affordable Care Act.

Some points of interest to the disability community:

- Instead of expanding Medicaid (or Medical Assistance, as it’s called in PA) for those not currently in the system (new), the state will purchase private insurance coverage for new adults aged 21 through 64 with income up to 133 percent of the federal poverty level who do not currently qualify for Medicaid. Only new people who are found to be “medically frail,” would be put into Medicaid. Those in private coverage would not have the same benefits as those in Medicaid, for example, no Medical Assistance Transportation, nor the same rights, for example, no right to notice and a fair hearing.
- Healthy PA will eliminate Medical Assistance for Workers with Disabilities (MAWD).
- Among the changes between the draft proposal and the submitted proposal, is that in the first year, current co-pays will continue and premiums will not be imposed.
- Beginning in year two, monthly premiums will be charged to non-exempt adults over 100 percent of the federal poverty level-- \$25 per month for households with one adult and \$35 per month for households with more than one adult. Adults with incomes under 100 percent of the federal poverty level will have co-payments capped at 5 percent of their income.

- The work or work search requirements remain, though they will not be enforced in the first year. After that, most adults between 21 and 65 on Medicaid, except for those who are exempt, would be required to work at least twenty hours per week or to register and participate in at least 12 job search activities per month through Pennsylvania's JobGateway program. Adults on waivers or in group homes are not exempt. *[Note that after the waiver was submitted, the Governor suggested to HHS that the state would consider an alternative making work requirements voluntary and offering incentives in the form of lower co-pays and premiums for those who participate. This change resulted in extending the deadline for comments to April 10, 2014.]*
- The new benefit packages divide consumers into two categories of coverage: low risk and high risk. Some groups, including pregnant women, SSI beneficiaries, individuals dually eligible for Medicare and Medicaid, residents of nursing homes, and individuals receiving Home and Community-Based Services Waivers, will be automatically put into the high risk benefit package. All others will be screened.
- Healthy PA places new limits on many Medicaid services, though the cuts are scaled back from the original proposal. Radiology is limited to six tests per year for those in the low risk category and eight for high risk. DPW also increased coverage for durable medical equipment; DME is limited to \$2,500 a year for those in the high risk group and \$1,000 for those in the low risk group. Medical supplies have the same limit amounts. In-patient, non-emergency hospitalizations are limited to 3 per year for high risk and 2 for low risk. Outpatient surgery is limited to 2 per year for low risk and 4 for high risk. Lab work is limited to \$350 per year for low risk and \$450 for high risk.
- In behavioral health benefit limits include, 30 outpatient mental health visits per year for those in the low risk group and 60 for high risk. The same numbers apply to outpatient drug and alcohol visits. The limit is thirty days of in-patient psychiatric treatment and the same

for in-patient drug and alcohol treatment for the low risk group and 60 days for each in the high risk group. Targeted case management is not covered for the low risk group.

- Medicaid will no longer cover podiatry, optometry, and chiropractic services for adults.
- Children under age 21 are not affected by these changes. Older adults over age 65 are not affected by the work search and cost sharing requirements of Healthy PA; the benefit limits do apply to those over 65.

For more information about Healthy PA, go to www.dpw.state.pa.us/healthypa. For an advocacy perspective, go to Community Legal Services at <http://clsphila.org/learn-about-issues/tag/199> or Janice Meinert at PA Health Law Project - jmeinert@phlp.org 412-434-5637.

Balancing Incentive Program

The Department of Public Welfare has submitted an application to the Centers for Medicare and Medicaid (CMS) to participate in the Balancing Incentive Program. The state would receive additional federal Medicaid funds to increase access to Home and Community-Based Services (HCBS). The additional funds would provide for additional waiver slots as noted in the state budget article above. The state hopes to have approval in time to start drawing down funds by July 1, 2014, and the funding is available through September 30, 2015. As required by CMS, DPW submitted a preliminary work plan which describes how the state will comply with three requirements:

- Establishment of a "No Wrong Door-Single Entry Point" application and enrollment system for home and community based services;
- Conflict-free case management services; and
- Assessment instruments for all waivers including common core data.

Consumers, families and advocates presented recommendations on how the requirements are met and asked to be part of the development and implementation of system changes.

Long Term Care Commission

In late January, Governor Tom Corbett signed an Executive Order establishing the Pennsylvania Long-Term Care Commission. The 25 member commission appointed by the Governor will recommend improvements in the current long-term care system, including “identifying effective ways to provide a better coordinated approach to delivering services and support, ... ensuring quality health care for older Pennsylvanians and individuals with physical disabilities... We need to increase access to those services, focusing on the people we serve and their needs and identifying ways to make the system more sustainable.” Secretary of Public Welfare Beverly Mackereth and Secretary of Aging Brian Duke will serve as the co-chairs of the commission. The commission will have until December 2014 to complete its evaluation and will submit its findings to the governor. The first meeting was held on March 7, 2014. To view the Executive Order, go to www.oa.state.pa.us and click on “Records & Directives,” then “Executive Orders”.

ODP Bulletins

The Office of Developmental Programs has issued two new Bulletins which can be seen at www.dpw.state.pa.us/publications/bulletinsearch/index.htm.

- Rate-Setting Methodology in the ODP Service System (00-14-01) was issued on January 9, 2014 and was effective on July 1, 2013. The Bulletin provides final notice of the method used in the Prospective Payment System (PPS) to develop rates for certain intellectual disability (ID) residential and transportation services.
- Fee Schedule Rates and Department-Established Fees (00-14-02) was issued on January 9, 2014 and was effective on July 1, 2013. The Bulletin announces that DPW provided final notice of certain ID rates.

OMHSAS

The Office of Mental Health and Substance Abuse Services has issued one new Bulletin which can be seen at www.dpw.state.pa.us/publications/bulletinsearch/index.htm.

- Rescission of Joint Bulletins released by OMHSAS, OIM, and ODP (00-13-05) was

issued on December 24, 2013 and was effective on January 1, 2014. The Bulletin withdraws six joint Bulletins because they do not reflect current practice.

OLTL Bulletins

The Office of Long Term Living has issued three new Bulletins regarding its home and community based programs which can be seen at www.dpw.state.pa.us/publications/bulletinsearch/index.htm.

- Hearings and Appeals (51/55/59-13-12) was issued on December 23, 2013 and was effective on January 23, 2014. The Bulletin spells out the responsibilities of the Service Coordination Entities for notice and fair hearing requirements.
- OLTL Home and Community-Based Services Service Authorization Form (51/55/59-14-01) was issued on January 15, 2014 and was effective on January 22, 2014. The Bulletin notifies all OLTL Service Coordination Entities of the implementation of the updated Service Authorization Form.
- Release of OLTL Home and Community-Based Services Provider Handbook (03/05/08/11/17/19/23/15/26/41/51/54/55/59-14-02) was issued on January 30 and was effective on that date. The Bulletin gives guidance to OLTL providers.

The Provider Handbook is located at www.dpw.state.pa.us/dpworganization/officeoflongtermliving/providers/index.htm.

Reorganization

The Office of Long Term Living has announced a reorganization of the Division of Regional Operations in the Bureau of Participant Operations. Rather than being based on geography, the four offices are now based on topic. Topic areas are: Case Management; Enrollment; Service Plan Review; and Home Modifications. For information about this re-organization, please contact Jeanne Parisi, jeparisi@pa.gov or 717-783-7375.

Voter ID

On January 17, 2014, a state law that would have required Pennsylvanians to show photo identification before voting was found to be unconstitutional. Commonwealth Court Judge

Bernard McGinley said the law “unreasonably burdened the right to vote...the photo ID provisions in the Voter ID Law violate the fundamental right to vote and unnecessarily burden the hundreds of thousands of electors who lack compliant photo ID,” he wrote. Plaintiffs successfully argued that requiring voters to have a photo ID would create ‘unnecessary’ and ‘insurmountable’ obstacles for many people, including people with disabilities. In late January, lawyers for Governor Tom Corbett and Attorney General Kathleen Kane asked Judge McGinley to reconsider its ruling.

General Assembly Changes

After 28 years in Harrisburg and two terms as Speaker of the State House, Sam Smith, R-Jefferson, will retire from politics at the end of the year, the end of his current term.

And on the state senate side, Senator Richard Kasunic (D-Fayette) became the sixth senator to announce retirement. The others who will retire from the state senate are Mike Brubaker (R-Lancaster), Robert Robbins (R-Mercer) Edwin Erickson (R-Delaware) and Jim Ferlo (D-Allegheny). Mike Waugh (R-York) has already resigned from the state Senate to become the executive director of the Pennsylvania Farm Show Complex.

In addition to Smith, nine other House members are leaving at the end of this session. Representatives Chris Ross (R-Chester), Dick Stevenson (R-Mercer), RoseMarie Swanger (R-Lebanon), Jerry Stern (R-Blair), Mike McGeehan (D-Philadelphia) and Phyllis Mundy (D-Luzerne) are retiring. Three House Republicans are running for Senate: Mario Scavello for a newly created district in the Poconos, and Gordon Denlinger and Ryan Aument for Senator Brubaker’s seat. Another vacancy was created by the death of Representative Dick Hess (R-Bedford) who died in September. In late January, Jesse Topper won a special election to fill Hess’ seat.

Other changes will come as a result of new district maps which the state Supreme Court approved in March after lengthy litigation. Four newly drawn districts would force two Democratic incumbents to run against each

other for the same seat: John Sabatina and Ed Neilson in Philadelphia (resolved when Neilson was tapped for a City Council seat, leaving the House seat to Sabatina); Frank Burns and Gary Haluska near Johnstown (resolved when Haluska decided to retire at the end of the term); Harry Readshaw and Erin Molchany in Pittsburgh; and Frank Farina and Kevin Haggerty in Scranton. A new District in Erie will contain two freshmen, Republican Representative Greg Lucas and Democratic Representative Ryan Bizzarro. Bizzarro is running to keep the seat, but Lucas plans to run for the Senate seat vacated by Senator Bob Robbins’ (R-Mercer) retirement. At least two Democrats in the General Assembly are running for the suburban Philadelphia district now represented by U.S. Representative Allyson Schwartz, who is running for the Democratic gubernatorial nomination. State Representative Brendan Boyle (D-Montgomery) is running both for Schwartz’s seat in Congress, and also to keep his Philadelphia state House seat. If he gets the Democratic Party’s congressional nomination, he plans to step aside as a state House candidate. The other, Senator Daylin Leach (D-Montgomery), is in the first year of a four-year term and would not be up for Senate re-election until 2016.

PA Primary

On May 20, 2014 Pennsylvanians will vote in the primary election. The primary will decide who will be on ballot in the fall for Governor and Lieutenant Governor, all of the state house seats and half of the state senate seats. March 11 was the deadline for candidates to file to run in the primaries. There are two Republicans running for governor in the primary, current Governor Tom Corbett and Bob Guzzardi. Six Democrats are running for governor in the primary: Rob McCord, Katie McGinty, Allyson Schwartz, Jack Wagner and Tom Wolf. Lieutenant Governor Jim Crawley is the only Republican running for lieutenant governor in the primary. Democratic primary nominees for lieutenant governor are Mark Critz, Brad Koplinski, Brandon Neuman, Jay Paterno, Mark Smith and Mike Stack.

NATIONAL NEWS

2014 Federal Budget

In January, Congress passed the budget bill for the current fiscal year that began on October 1, 2013. It was based on the first year of the two-year spending plan enacted in December 2013, as the Bipartisan Budget Act of 2013. Some human services funding, including special education was restored in the budget bill as compared to the cuts that had been planned under sequestration. In the Department of Health and Human Services, the Administration for Community Living, most programs had very small increases. The Centers for Disease Control and Prevention budget was cut 14.4% for disability programs research, while autism research was increased by 6.7%. Employment, vocational and assistive technology programs saw small increases. HUD Section 811 Supportive Housing for Persons with Disabilities was cut 19.6%. Developmental Disabilities Councils, Protection and Advocacy Agencies and University Centers for Excellence received slightly more than level funding. Congress also passed a bill in February to raise the debt ceiling until January 2015 without any amendments that require further cuts.

2015 Federal Budget

On March 4, President Barack Obama released his proposal for the budget for the federal fiscal year that begins October 1, 2014. The requested budget amount is \$3.901 trillion and follows the two-year spending limits set forth in the Bipartisan Budget Act of 2013. He is **not** proposing a change to the calculation used to compute the annual Social Security cost of living adjustment (COLA). Many advocates for people with disabilities and seniors have opposed changing to a new calculation, known as the “chained CPI,” that would reduce future increases in Social Security checks. No major

structural changes to Medicare or Medicaid are proposed, but cost-savings ideas in these programs over 10 years are included. Congress is not expected to base their budget bills on the President’s proposals but will work within the same spending limits. For summaries of the budget proposal, go to www.whitehouse.gov/omb/budget/ or www.hhs.gov/budget/fy2015/fy-2015-budget-in-brief.pdf for a chart comparing the President’s proposed funding for 2015 for the Department of Health and Human Services to funding for 2013 and 2014.

Community Rule

CMS (Centers for Medicare and Medicaid Services) has issued a final rule effective March 17, 2014 that applies to home and community based service (HCBS) waivers under the Social Security Act. It applies to waivers in Pennsylvania’s Office of Developmental Programs and Office of Long Term Living. The rule provides for: clearer definitions of what are considered community settings, both residential and non-residential, including day programs and pre-vocational settings; clearer requirements for person-centered planning; enhanced requirements for public input in waiver development; opportunities for states to combine coverage for multiple target populations; and additional enforcement mechanisms for CMS to use to ensure state compliance.

Each state must review its programs and submit a transition plan to make any needed changes. Further guidance will be issued regarding non-residential settings such as day programs and pre-vocational programs. For fact sheets, go to the Medicaid website at www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Support/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html.

Minimum Wage

On February 12, 2014, President Obama signed an executive order requiring that workers employed under federal contracts, including those with disabilities, be paid at least \$10.10 per hour. Many workers with disabilities had been paid less than minimum wage under the

federal Section 14(c) provision. In signing, the President said “This executive order will cover Americans with disabilities because this principle doesn’t just apply to some of us; it applies to all of us.”

ID & Death Penalty

In 2002, the U.S. Supreme Court ruled in the case of *Atkins v. Virginia*, that executing inmates with intellectual disabilities is unconstitutional. They left it to the states to define what was then called “mental retardation.” On March 3, 2014, the Court heard arguments in the case of *Hall v. Florida*. The central issue that the Court will decide is whether a state can decide, based only on IQ, whether a person has intellectual disabilities. A decision is expected by the end of June. To read a friend of the court brief filed by The Arc and other briefs filed in the case, go to www.americanbar.org/publications/preview_home/12-10882.html.

RESOURCES

Guidelines for Schools

The federal Departments of Justice and Education have released guidelines to prevent schools from violating civil rights laws. The report came after data showed that minority students and those with disabilities were more likely to face discipline or arrest and that the punishments were often different and more severe. The guidelines are aimed at curbing the “school-to-prison pipeline.” They emphasize staff training and appropriate discipline. Go to www.ed.gov/school-discipline.

Voting Report

A bipartisan commission appointed by President Obama has delivered a report with recommendations to improve the nation’s voting procedures. It includes improvements that would benefit voters with disabilities. The President has urged implementation of the recommendations. It’s available at www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf.

Seclusion & Restraint

The Senate Health, Education, Labor and Pensions Committee has released a report about seclusion and restraint used on students with disabilities in schools. It uses ten case studies, including one from Pennsylvania, to show that parents are often not notified when these measures have been used or why they were necessary. The report has led to the drafting of a bill by Senator Harkin, the Keeping All Students Safe Act, that would require timely reporting and data collection by schools. The report is available at www.help.senate.gov/imo/media/doc/Seclusion%20and%20Restraints%20Final%20Report.pdf.

Alzheimer’s Report

In February, the [Pennsylvania State Plan for Alzheimer’s Disease and Related Disorders](http://www.pennsylvania.gov) was posted on the Department of Aging’s website. For more information, go to www.portal.state.pa.us/portal/server.pt?open=512&objID=18160&PageID=618857&mode=2&contentid=http://pubcontent.state.pa.us/publishedcontent/publish/cop_hhs/aging/dsfmig/aging_news_and_media_portlet/articles/pennsylvania_alzheimer_s_disease_planning_committee_presents_recommendations_to_governor_corbett.html.

Housing

The National Fair Housing Alliance, in collaboration with the U.S. Department of Housing and Urban Development, has created 12 videos in American Sign Language (ASL) with English captioning. These videos provide legal and practical housing information in a format accessible to people who are **deaf or hard of hearing**. The videos, which cover housing and lending discrimination, reasonable accommodations in housing and more, are available at www.fairhousingdeafvideos.com.

Lottery

Pennsylvania’s Independent Fiscal Office has released a new report entitled *The Pennsylvania Lottery: Historical Data and Interstate Comparisons*. A copy is available at <http://goo.gl/X3gkVA>.

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

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

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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@thearcpa.org.
Thank you.