

Bill No. 2380-06

No. 10-06-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Allegheny County Administrative Code by adding a new Article 919 that governs information gathering and reporting by the Office of Mental Retardation/Developmental Disabilities (MR/DD).

WHEREAS, in Allegheny County there are over 9,500 people with mental retardation or developmental disabilities that are served through home and community-based systems by not-for-profit agencies with which the County contracts at an annual cost of over \$180 million; and

WHEREAS, home and community-based services are cost-effective and high in customer satisfaction and served a desperate need caused by decades of deinstitutionalization, a need that is expected to increase again as elderly family caretakers look for support for aging children; and

WHEREAS, a large amount of information on individuals providers is currently requested by the County MR/DD Office or the Pennsylvania Department of Public Welfare, but the information is not easy to find or navigate for consumers, yet is public information that should be accessible to clients and caregivers who are seeking to make decisions about community-based care; and

WHEREAS, the County currently offers services and support directories for families and consumers navigating the system of community-based care; the implementation of a Provider Report with additional public information that provides "report cards" in areas that impact upon the quality of care that each provider offers, further allowing an evaluation of the efficiency, effectiveness, and success of each provider.

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1.

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

SECTION 2.

Part 9 of the Administrative Code is amended by adding a new Article 919 as follows:

ARTICLE 919 Mental Retardation/Developmental Disabilities Reporting

§ 5-919.01. Policy.

- A. It shall be the policy of Allegheny County that persons with mental retardation have the same rights and should be afforded the same opportunities to live, work, and find recreation in the same environments as other Allegheny County citizens.
- B. In keeping with the principles of the Department of Human Services, all services will be high quality, readily accessible, strengths-based, culturally competent, individually tailored and empowering, and holistic.
- C. Assuring that consumers, families, and workers within the County are afforded sufficient information to make informed choices about where to seek services, to assess the health of the community-based system, and to participate in ongoing discussions about system transformation shall be a priority of the County.

§ 5-919.02. Definitions.

The following words and phrases when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

COMMUNITY-BASED MR SYSTEM – Pennsylvania's county-run mental retardation service system established by the 1966 Mental Health and Mental Retardation Act.

CONSUMER – An individual who is registered with the County mental retardation program or who receives supports or services from facilities licensed by the Department of Public Welfare's Office of Mental Retardation, or both.

DIRECT CARE WORKER – Workers in the Community-Based MR System whose primary contact is with consumers of services. This term shall also apply to those employees who are designated as Specialist Assistant 1, 2, 3 or 4 within the personnel action plan filed with the County.

INTEGRATED EMPLOYMENT – Employment of a person with a developmental disability where the employer is not related to the pre-vocational facility; sometimes called competitive employment.

PROVIDER – An entity that receives funds pursuant to a contract with Allegheny County, specifically with the Allegheny County Department of Human Services, either directly or indirectly, to provide or secure supports or services for individuals authorized to receive services from a county mental retardation program.

VOCATIONAL FACILITY – A premise in which rehabilitative, habilitative, or handicapped employment or employment training is provided to one or more disabled clients for part of a 24-hour day, as defined by 55 Pa. Code. Chapter 2390.

§5-919.03. Availability of Information.

The Department of Human Services shall make the following information, as it pertains to Providers under contract with the Office of Mental Retardation/Developmental Disabilities, available to the public, both as hard copies upon request and through posting to the County's website, beginning no later than January 1, 2007:

- A. A copy of the Application for Admission of New Providers filed by each provider with whom the Department contracts;
- B. A copy of each Workstatement document prepared by each provider with which the Department contracts;
- C. A copy of each Departmental On-site Review and Monitoring Report completed by the Department for any provider with whom the Department contracts, together with supporting documents including, but not limited to, the Provider's Personnel Action Plan;
- D. A copy of all universal Allegheny County Supplemental Schedules completed by any provider with whom the Department contracts;
- E. A copy of all Findings of Noncompliance and Questioned Costs prepared by or at the request of the Department pertaining to any provider with whom the Department contracts;
- F. A copy of all Corrective Action Plans in the possession of the Department pertaining to any provider with which the Department contracts;
- G. A copy of all County incident management reports filed in accordance with the requirements of 55 Pa. Code §6000.985; and

- H. Any information regarding staff turnover and salary of the Provider's Chief Executive Officer or individual with equivalent duties, submitted by Providers for inclusion, provided that such submissions are entirely voluntary.

Each document referenced by this Section may, only to the extent required by applicable law, be redacted in order to prevent the disclosure of information that would permit the identification of individual employees of or individuals receiving services from any Provider.

§ 5-919.04. Provider Reports.

In addition to the documents delineated in §5-919.03, the Department of Human Services shall also generate and make available to the public, both in hard copy upon request and through posting to the County's website, beginning no later than January 1, 2007, a Provider Report summarizing the data available to the County for each Provider under contract with the Office of Mental Retardation/Developmental Disabilities, which shall include the following:

- A. General Information:
1. Provider's name, business address, and telephone number;
 2. Contact person and phone number;
 3. Name of program, type of service provided, and goals of program; and
 4. Hours of operation, licensed consumer capacity, and current consumer enrollment.
- B. Business Information:
1. A copy of the Provider's Allegheny County Supplemental Schedule of Functional Expenditures by Cost Center;
- C. Vocational Facilities Data:
1. Number of consumers working in vocational facilities; and
 2. Number of consumers in previous year who moved from vocational facilities to integrated employment.
- D. Information Submitted Voluntarily by the Provider:
1. Annual aggregate turnover rate amongst provider's direct care workers employed to provide contracted services;
 2. The salary of the Provider's Chief Executive Officer or individual with equivalent duties;

3. For Providers not supplying information under Sections a. or b., the Department shall note "Provider supplied no information" on the topic(s) to which it applies in its summary.

E. Incident Information:

1. The number of Home and Community Services Information System (HCSIS) incident reports that have been reviewed and approved by the County as described in 55 Pa. Code §6000.971 for which investigation was required, broken into incident categories consistent with 55 Pa. Code §6000.925; and
2. A statement to be drafted by the Department explaining the relevance and appropriate use of incident data, noting the possibility for variable interpretations of incident data, and directing the consumer to other sources, including the Provider and the consumer's Supports Coordinator, for additional information;
3. In all information released to the public, names of consumers and other information by which a consumer could be identified, as well as confidential health information as defined by the Health Insurance Portability and Accountability Act (HIPAA), shall be removed or struck out by the County prior to release to the public.

§ 5-919.05. Notice to the Public.

- A. Notice of the availability of Provider Reports and their location shall be made available for posting at vocational rehabilitation centers located in Allegheny County, at Intermediate Service Coordination Units (ISCUs), offices of Pennsylvania Protection and Advocacy, and in the appropriate transition planning offices of area school systems and charter schools.
- B. All provider reports, both in hard copy and those made accessible on the website, shall remain accessible as public documents for a period of three years.

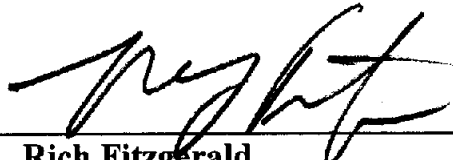
SECTION 3. *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.*

SECTION 4. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

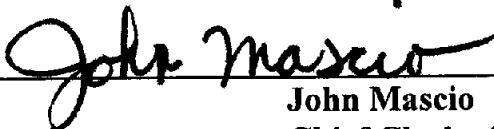
SPONSORED BY COUNCIL MEMBERS CLEARY, DeFAZIO, MARTONI, REA, ROBINSON, AND FINNERTY

Enacted in Council, this 17th day of May, 2006

Council Agenda No. 2380-06

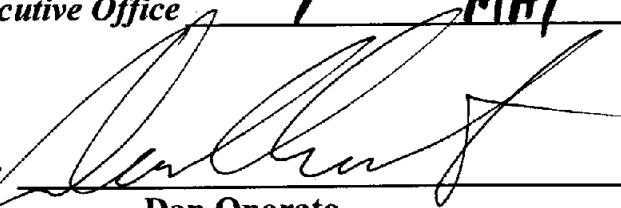


Rich Fitzgerald
President of Council

Attest: 

John Mascio
Chief Clerk of Council

Chief Executive Office  MAY 26, 2006

Approved: 

Dan Onorato
Chief Executive

Attest: 

Donna Beltz
Executive's Secretary