

MEMORANDUM

TO: CCAP

FROM: Dick Gmerek, President & CEO

DATE: August 24, 2018

RE: Governor’s Office – Regulatory Agenda

As a result of Executive Order 1996-1, all agencies under the jurisdiction of the Governor are required to semi-annually publish an agenda of regulations under development or consideration in the *Pennsylvania Bulletin*. I have included below a listing of regulations that we thought might be of interest to you.

Please let me know if you have any questions on this information.

1. Proposed Regulations - Department of Agriculture:

Agriculture Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e (# 2-192)	September 2018, as Proposed	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulations.
Weights, Measures and Standards 7 Pa. Code Chapter 9 (# 2-187)	October 2018, as Final	The regulation will rescind outdated paperwork requirements relating to the issuance of weighmaster certificates.

2. Proposed Regulations - Department of Community and Economic Development:

Local Earned Income Tax— Act 32 of 2008 Regulations 12 Pa. Code Chapter 151 (# 4-97)	Summer 2018, as Final	The final regulation interprets and makes specific the provisions of the Local Tax Enabling Act, as provided in Chapter 5 of the act (53 P.S. §§ 6924.501 et seq.). The final regulation establishes procedures to supplement the implementation of the act which will facilitate consolidated collection of local income taxes in this Commonwealth.
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3. Proposed Regulations - Department of Drug and Alcohol Programs:

Standards for Licensure of Treatment Facilities 28 Pa. Code Chapter 709 (# 74-3)	Summer 2018, as Proposed	The regulation will be revised to enlarge the amount of time between inspections for the free standing drug and alcohol facilities that, for the last two years, have not had any citations in four critical areas (conduct or omissions that jeopardized the safety of any persons, compromised the quality of treatment provided, violated a client's confidentiality rights or resulted in treatment being provided without informed consent) and have reasonably and timely taken any remedial measure requested by the Department. Act 50 of 2010 authorizes DDAP to modify existing drug and alcohol regulations.
Recovery Home Regulations 28 Pa. Code Chapter _ (new)	Winter 2018, as Proposed	Act 59 of 2017 directs DDAP to establish regulations for recovery houses that receive public funds or referrals. Recovery homes provide support to those suffering from addiction subsequent to leaving inpatient treatment or correctional facilities.

4. Proposed Regulations – Department of Health

Long Term Care Facilities 28 Pa. Code Chapters 201—211	February 2019, as Proposed	Pennsylvania's long-term care facility licensure regulations were last updated in 1999. Since that time, the clinical complexity of nursing home residents has changed substantially. The Nursing Home Quality Improvement Task Force was commissioned by the Secretary of Health to make recommendations for revisions to the regulations. The long-term care facility regulations will be updated to reflect those recommendations.
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5. Proposed Regulations - Department of Human Services

Outpatient Psychiatric Services and Psychiatric Outpatient Clinics 55 Pa. Code Chapters 1153 and 5200 (# 14-538)	October 2018, as Final	These amendments will update the current regulations to align outpatient psychiatric services with current industry standards and parity requirements and will include provisions for mobile mental health treatment.
Psychiatric Rehabilitation Services 55 Pa. Code Chapter 5231	December 2018, as Proposed	This regulation will amend psychiatric rehabilitation services for individuals 14 years of age and older with serious mental health conditions to support the transition to adulthood, implement an initiative to improve

		coordination between the child and adult mental health care systems, and amend outdated language throughout.
Intensive Behavioral Health Services 55 Pa. Code Chapters 1155 and 5270 (# 14-546)	August 2018, as Proposed	This regulation will govern the provision of the array of in-home and community-based behavioral health rehabilitation services for children, including services for children with autism spectrum disorder.
Subsidized Child Care Eligibility 55 Pa. Code Chapters 3041 and 3042	October 2018, as Proposed	This regulation will rescind Chapter 3041 and replace it with Chapter 3042 to add requirements imposed by the 2014 Reauthorization of the Child Care Development Block Grant and amend other requirements regarding redetermination, continuation of subsidy during job loss, reporting and verification, financial eligibility, and prioritized groups.
Child Day Care Centers, Group Child Care Day Care Homes, Family Child Day Care Homes 55 Pa. Code Chapters 3270, 3280 and 3290 (# 14-542)	October 2018, as Proposed	This regulation will add new requirements imposed by the 2014 Reauthorization of the Child Care Development Block Grant and other requirements, including employment, background checks, training, water safety training, and equipment.
Home and Community-Based Supports and Licensing 55 Pa. Code Chapters 51, 2380, 2390, 6100, 6200, 6400 and 6500 (# 14-540)	November 2018, as Final	This regulation will rescind Chapter 51 and replace it with a new Chapter 6100, which will govern the program, operational and fiscal components of the Office of Developmental Programs' home and community-based waiver programs, State plan services, block grant and base-funded programs and will amend licensing requirements in chapters 2380, 2390, 6200, 6400 and 6500.
Definitions and Requirements 55 Pa. Code	September 2018, as Proposed	This regulation will allow applicants for and recipients of Temporary Assistance to Needy Families (TANF) to fulfill requirements without a face-to-face interview.

Chapters 123 and 133		
Miscellaneous Changes for Nonpublic and County Nursing Facilities 55 Pa. Code Chapters 1187 and 1189	December 2018, as Proposed	This regulation will amend Chapters 1187 and 1189: to establish the requirement for nursing facilities to subscribe to and monitor the Department's automated notification system; to align with the implementation of Pennsylvania's new managed care program, Community HealthChoices (CHC) and the Commonwealth's currently approved Medicaid State Plan; and to align Chapter 1187, Subchapter B with the new adult benefit package for individuals 21 years of age and older as announced in Medical Assistance Bulletin 99-15-05.
Medical Assistance Manual 55 Pa. Code Chapter 1101.51	September 2018, as Proposed	This regulation will be amended to rescind the outdated "shared space" language at § 1101.51(b)(3) to allow for a more integrated approach to the provision of health care by multi-disciplinary and co-location arrangements.

6. Proposed Regulations – Department of Military and Veterans Affairs

Veterans' Homes Regulations 43 Pa. Code Chapter 7	Fall/Winter 2018, as Proposed	The Department wishes to promulgate a comprehensive update to its regulations on State Veterans' Homes. The statutory authority for these regulations is section 902(10) of the Military and Veterans Code (51 Pa.C.S § 903(10)). These regulations are out-of-date. They were last updated in 1986. The purpose of the changes to these regulations is to bring them in line with best practices in the long-term care arena.
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7. Proposed Regulations – PA Emergency Management Agency

Act 187 of 2014	Fall 2018, as Proposed	Act 187 of 2014 established the Public Disaster Assistance Grant Program within the Pennsylvania Emergency Management Agency provide grants to political subdivisions and municipal authorities for assistance with repair of disaster-related damage in a disaster emergency area when the damages to public facilities are beyond the financial capabilities of the political subdivision or authority. The Pennsylvania Emergency Management Agency is directed to Promulgate any regulations necessary to implement and administer the program which include: (i) Development of additional procedures or requirements for the submission of grant applications; (ii) Development of procedures to verify adjusted loss; (iii) Development of criteria for the determination of the amount of assistance to be given to a political subdivision or municipal authority; and (iv) Development of a methodology to
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		prioritize projects based on the potential impact to the health and safety of the citizens of the affected community.
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8. Proposed Regulations – State Board of Examiners of Nursing home Administrators

Continuing Education Requirements 49 Pa. Code § 39.11 (# 16A-6219)	Fall 2018, as Proposed	The proposed regulation amends the biennial continuing education requirement to conform with the Governor's recommendations for licensure reform that were generated by Executive Order 2017-3. The biennial requirement of 48 credit hours will be reduced to 24. Additionally, the rulemaking provides for showing of continued competence where a licensee has been inactive for a period of time.
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