AUDIENCE:
Individuals and Families, Providers, Administrative Entity (AE) Administrators or Directors, County Administrators, Supports Coordination Organizations (SCO) and Other Interested Parties.

PURPOSE:
This memorandum provides a process for providers to request enhanced residential habilitation rates for Harry M class members and reports how the Department of Human Services, Office of Developmental Programs (ODP) will respond to such requests.

BACKGROUND:
The Harry M. settlement agreement was approved by a federal court judge on August 20, 2013. This settlement agreement was created in order to ensure Pennsylvanians who are deaf, have an intellectual disability, and are enrolled the Consolidated Waiver are provided with necessary communication assistance services based on their assessed needs. The Harry M settlement agreement allows providers to request enhanced residential rates to employ staff fluent in Sign Language in order to adequately serve class members in residential settings.

DISCUSSION:
The agreement specifies that a process similar to ODP’s existing high-cost process be used to request, and requires that the process be based on the staffs’ qualifications (i.e. fluency in Sign Language) rather than the number of staff employed. Per the settlement agreement, a “Harry M class member” or “class member” is an individual who is deaf and is enrolled in the...
Consolidated Waiver now or in the future; an individual is identified as “deaf” when he or she has a hearing impairment and:

- Is unable to understand/communicate verbal expressions commensurate with his/her intellectual disability even with the use of hearing aids, OR
- Whose primary language is one of the following:
  - American Sign Language (ASL)
  - Sign language from other countries (such as Spanish)
  - Signed Exact English
  - A mixture of ASL and Signed Exact English, or
  - Visual-Gestural Communication

**REQUESTING THE ENHANCED RATE:**

Providers who wish to request an enhanced rate for licensed or unlicensed residential habilitation services must complete the *Residential Habilitation Enhanced Communication Request Form* accompanying this memorandum and submit the completed form to ODP’s deaf services mailbox at ra-odpdeafservices@pa.gov. The provider will receive confirmation of receipt of the form via email. The Residential Habilitation Enhanced Communication Request Form can also be accessed through the following Docushare link:


Following receipt of a provider’s request, ODP will review the information submitted and determine whether the provider is eligible for the enhanced rate. The provider will be notified of ODP’s decision to pay the Enhanced Communication Services Rate following the review. If additional information or discussion concerning the request is required, ODP will contact the persons identified on the *Residential Habilitation Enhanced Communication Request Form*.

Please note that this process may change as implementation of the Harry M settlement progresses. ODP will notify stakeholders of any future changes via the standard communication process.

**CONTACT:**

Questions about the contents of this memorandum may be directed to the ODP Deaf Services Mailbox at Ra-odpdeafservices@pa.gov.