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

PURPOSE: The purpose of this memorandum is to clarify that consultation regarding the communication needs of waiver participants who are deaf is available as a covered service.

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 (“class members”) are provided with necessary communication assistance services based on their assessed needs. The Harry M settlement agreement establishes that consultation regarding the communication needs of Consolidated Waiver participants who are deaf is a covered service.

For the purposes of providing consultation services, 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
The Harry M settlement agreement established a Deaf Services Coordinator (DSC) position to oversee and implement certain provisions of the agreement. One such provision allows providers of fee schedule services who serve class members to request program exceptions to cover additional costs resulting from the need to employ staff persons fluent in sign language. The DSC is responsible for ensuring that requested exceptions to fee schedule services are provided by staff with the necessary level of sign language proficiency as outlined in an individual’s Individual Service Plans (ISP). The DSC also monitors the ISPs of individuals who are deaf to ensure that communication needs are included with specificity (e.g., level and type of signing skills required by staff and any needed assistive technology, such as video relay) in the ISP, and that all recommended services and supports are offered, including assistive technology on an ongoing basis.

DISCUSSION:
Consultation services generally include, but are not limited to:

- The evaluation of expressive and receptive language skills including the ability to sign, speak, read, write, speech read, use technology, gesture, and the individual’s ability to learn any of these communication methods, and
- Recommending communication strategies to assist class members in acquiring, maintaining, and improving self-help, domestic, socialization, and adaptive skills necessary to reside successfully in home and community-based settings.

Consultation services may be provided by:

- A Speech Language Pathologist who has expertise in deafness, OR
- A person who meets the criteria to serve as a “communication assessor,” as determined by DSC. These criteria include:
  - The ability to sign at Intermediate Plus level or above, as determined by the Sign Language Proficiency Interview (SLPI);  
  - A background in Speech Language Pathology, sign linguistics, education of deaf, or another relevant professional background approved by coordinator, with verified experience doing communication assessments;
  - Experience with people with intellectual disabilities;
  - A verified ability to write reports; and
  - Meeting applicable criminal background check requirements.

PAYMENT FOR SERVICES
The Office of Developmental Programs (ODP) is in the process of developing a mechanism for waiver participants to receive covered consultation services from communication assessors approved by the DSC. A subsequent info memo will be released when this process is
complete. Inquires about consultation services required before the service is established should be directed to the DSC. The DSC and appropriate ODP staff will address each inquiry on a case-specific basis to ensure that needed services are provided to class members.

Additional information about services for Harry M class members will be provided in the next edition of ODP’s *Individual Support Plan (ISP) Manual for Individuals with an Intellectual Disability*.

**CONTACT:**
Questions about the contents of this memorandum or about the Harry M settlement agreement may be directed to the DSC via the ODP Deaf Services Mailbox at Ra-odpdeafservices@pa.gov.