

Clarification of Deaf Services Requirements

ODP Announcement 22-097

AUDIENCE:

Individuals and Families, Administrative Entities, Supports Coordination Organizations and Providers of Consolidated, Community Living, or Person/Family Directed Support (P/FDS) Waiver Services or Base-Funded Services

PURPOSE:

This announcement is to clarify Supports Coordinator and Provider responsibilities when supporting d/Deaf, hard of hearing, and DeafBlind individuals.

DISCUSSION:

There is some confusion regarding deaf services within ODP. First, to clarify who is a Harry M class member and who is not:

Harry M. Class Members	Other d/Deaf Individuals supported by ODP
Consolidated waiver participants who were identified within the settlement agreement timelines and received a Communication Assessment from a Harry M Assessor through Temple Institute on Disabilities.	Enrolled in Consolidated waiver after the settlement ended or in the Community Living or PFDS waiver, are not considered class members.

If you are not sure if you are supporting a Harry M class member or not, please email the ODP Deaf Services Mailbox.

While the settlement has now ended, ODP's commitment to effectively supporting d/Deaf, hard of hearing, and DeafBlind individuals continues and requirements are still in effect.

Continued requirements for teams of Harry M class members:

- Communication Assessments and Reassessments
 - ODP's commitment to providing assessments and reassessments to class members continues. Individuals whose assessment recommended a reassessment can expect to receive a reassessment through Temple Institute on Disabilities.
 - These can only be declined by the class member. Supports Coordinators and providers need to be responsive and accommodating to the assessor when the assessor makes contact to schedule.
 - The implementation and continuation of the recommendations is critical for the improvement of the individual's communication and their overall quality of life.
 - Not providing the needed communication support as recommended is considered a rights violation. As defined in ODP Bulletin 00-21-02, "The failure to support an individual to communicate at all times. This includes a failure to obtain needed communication evaluations, assistive devices or services; provide communication support; or maintain communication devices in working order."
- Supports Coordinators, Providers, Investigators, and Monitors must complete the training as required in ODP Announcement 119-17 [on MyODP](#).
- Residential Habilitation vacancy management process for any vacancies that become available in a home where a Harry M. class member resides.

Requirements for teams of d/Deaf individuals who are not Harry M class members:

- When a D/deaf individual is enrolled in the Consolidated, Community Living, or P/FDS waiver, the Supports Coordinator is to check the “Harry M. Litigation” checkbox in the demographics screen in HCSIS. This does not identify them as a class member since the settlement is closed. Within 30 days of the individual being enrolled in an applicable waiver, the Supports Coordinator should contact the Deaf Services Coordinator at RA-ODPDeafServices@pa.gov for a consultation. This consultation will allow the Deaf Services Coordinator to recommend specific trainings and resources, and a communication assessment by a Speech and Language Pathologist, if applicable.
- Supports Coordinators, Providers, Investigators, and Monitors must complete the training as required in ODP Announcement 119-17 [on MyODP](#).
- If the needed communication support is not provided, it is considered a violation of the individual’s rights. As defined in ODP Bulletin 00-21-02, a rights violation is, “The failure to support an individual to communicate at all times. This includes a failure to obtain needed communication evaluations, assistive devices or services; provide communication support; or maintain communication devices in working order.”

CONTACT:

Please direct any questions about this announcement to the ODP Deaf Services Mailbox at RA-ODPDeafServices@pa.gov or to the appropriate ODP Regional Office.