



REHABILITATION & COMMUNITY
PROVIDERS ASSOCIATION

Proposed Regulatory Process Improvement for Mental Health and Substance Use Disorder in Pennsylvania: An Initial Call to Action

The Pennsylvania **regulatory process** has remained unchanged for decades. Given the technology that we have today, and the evidence of best practices that have been established, we need to update this outdated process so we can assure that the Commonwealth does not waste funds and instead utilizes these resources to provide the best possible services to PA citizens.

The regulatory process in Pennsylvania is antiquated and, simply put, broken. The best example of this is the ongoing proposed mental health outpatient regulations. On many occasions it has been reported that the new regulations were “going through the regulatory process.” After over eight years of waiting, it is clear that the regulatory review process must be dramatically improved. RCPA sent a white paper to the Office of Mental Health and Substance Abuse Services (OMHSAS) in June of 2010. The white paper, entitled “The Collapse of the Outpatient Program,” was extremely well received by OMHSAS. The Acting Deputy Secretary at that time almost immediately organized a large stakeholder group to research the regulations and make recommendations for changes. The appointed task force presented a final set of revised regulations and they were approved by OMHSAS in January of 2014. To date, there are still no final regulations.

Given this situation, RCPA proposes that there must be a new expedited process that will once and for all end the waste of millions of state dollars, increase access to services considerably, and decrease the unnecessary burdens placed on providers.

RCPA would like to work with OMHSAS and DDAP to change the regulatory process for mental health and substance use disorder programs. We know it is a colossal endeavor but these outdated regulations have clearly held up so many important changes that need to occur. In this time of such issues as the opioid epidemic and gun violence, it truly becomes a matter of life and death. Governor Wolf has demonstrated a strong commitment to addressing these crises; however, we are being held back by these antiquated regulations. We must improve these systems and processes and find ways to get more dollars to direct services.

Department of Drug and Alcohol Programs (DDAP) Secretary Jennifer Smith was contacted to discuss this issue — she was very supportive and proposed an excellent next step. Secretary Smith suggested that legal counsel from DDAP, OMHSAS, and DHS collaborate to map out the process as it exists today, perhaps developing a flow chart. Secretary Smith was then willing to take a look at the process and assess the establishment of specific timeframes for each step. Lynn Kovich, Deputy Secretary of OMHSAS, is also very supportive of the idea. She further proposed scheduling a meeting as soon as possible to develop a plan of action.

Below is a brief initial draft plan to quickly begin the revision process:

- RCPA meet with OMHSAS and DDAP to initiate a plan of action for regulatory process renovation.
- Consider asking the legal counsel of DHS, OMHSAS, and DDAP to put together a flow chart of the current regulatory process.
- Organize a time sensitive task force of stakeholders and state officials to review the current process and make recommendations.
- Implement the proposed changes needed via in-house DHS modifications and actions, requests to CMS, and/or legislative initiatives if necessary.