



CCAP 2018 Priorities Status Report November 2018

CCAP members identified seven priority issues for 2018. Grassroots activity on the priorities began following their adoption at the 2017 Fall Conference. After a formal announcement in January, officers and staff launched efforts to work with the General Assembly and the administration to introduce and advance proposals.

The current status is presented in priority order, as established by CCAP members.

Human Services Funding and System Reform

Gov. Wolf signed [HB 2121](#), the commonwealth appropriations bill for FY 2018-2019, into law on June 22, a \$32.7 billion spending plan that represents an increase of about \$560 million over FY 2017-2018 spending, but less than the \$32.9 billion budget proposed by the Governor in February.

Much of the FY 2018-2019 increase is directed to educational line items, with an additional \$100 million for basic education, and another \$70 million for school safety. In addition, half of a projected FY 2017-2018 surplus - some \$74.5 million - goes into the Rainy Day Fund, the first time money has been added since FY 2006-2007.

For counties, the FY 2018-2019 budget represents largely flat funding in most lines that impact them. There are some small increases for home and community-based long-term care services, autism services and the Medical Assistance Transportation Program. It also includes funding to serve 965 more individuals with intellectual disabilities currently on the waiting list, and to give 800 more families affected by opioids access to evidenced-based home visit services. But the enacted budget fails to address counties' priority specifically calling for restoration of the ten percent aggregate cut in FY 2012-2013 to seven key human services line items that impact core services in all 67 counties.

Counties also sought increased state funding for county children and youth agencies struggling to deal with increases in referrals and workloads following nearly 30 new child welfare laws enacted in 2015 as well as the impact of the opioid epidemic on families and children. The new budget includes an increase of \$44.7 million in state funds, based on the counties' needs-based budgets. The appropriation for family centers also includes a \$4.5 million initiative to provide home visiting services to approximately 800 families affected by substance abuse disorders, consistent with the Governor's proposal.

Gov. Wolf had again recommended consolidation of several state agencies, including the restructuring of the current Health and Human Services agencies into the Department of Health

and Human Services, although without the departments of Aging or Drug and Alcohol Programs as he had proposed in FY 2017-2018. While this unification was not included as part of the FY 2018-2019 budget, the budget does contain appropriations to the Department of Corrections and the Board of Probation and Parole as a unified Department of Criminal Justice, pursuant to a memorandum of understanding signed by the agencies in October 2017.

In addition, the omnibus amendments to the Human Services Code enacted in [HB 1677](#) to implement the FY 2018-2019 state budget include language to require the Department of Human Services (DHS) to seek federal approval to move nonemergency medical transportation services (the Medical Assistance Transportation Program, or MATP) to a statewide or regional full-risk brokerage model. It is unclear why the change was made on such a short notice, and several counties have since noted their concerns about the potential impacts on services and clients. DHS is tasked with developing program guidelines, and CCAP is actively working with the Department and the Governor's office to push for a county role in their development.

CCAP has provided an analysis of the budget and its impact on counties, which is available on CCAP's [Budget News and Updates](#) web page.

Ultimately, counties' overarching theme for this year's policy and budget objectives is to emphasize the state-county partnership in service delivery, recognizing that a mutual understanding of that partnership can yield a promise of effective and responsible delivery of constituent services. Moving forward, CCAP has developed an analysis that highlights key county line items and provides historical context regarding the trends in the state-county partnership in service delivery. Staff is developing strategy to share this with legislators as part of counties' overall advocacy related to the state budget.

Preventing Substance Abuse and Drug Overdose

At the beginning of 2018, Gov. Wolf declared a state of disaster emergency to combat the opioid and heroin crisis, which was renewed a third time in late September to allow the initiatives introduced since the original declaration to continue. Among other efforts, these initiatives have included the creation of an Opioid Operational Command Center within the Pennsylvania Emergency Management Agency to monitor progress and implementation, as well as the creation of an [online opioid data dashboard](#) to incorporate real-time data and public health modeling. Other measures include waiving the face-to-face physician requirement for narcotic treatment program admissions, enabling certified registered nurse practitioners and physician assistants to do intake review, and expanding treatment programs to allow dosing at satellite centers. Emergency service providers are also enabled to leave the rescue drug naloxone with people after responding to an overdose call, and organizations like prisons and treatment programs are allowed to make naloxone available to at-risk individuals when discharged from these facilities. The declaration further waives annual licensing requirements for high-performing drug and alcohol facilities to permit a bi-annual process, and waives separate licensing requirements for hospitals to expand access to drug and alcohol treatment.

In addition to the disaster declaration, Gov. Wolf signed legislation introduced by Sen. Lisa Baker (R-Luzerne), [SB 978](#), to give hospice staff the authority to properly dispose of unused prescription drugs following a patient's death. Previously, staff were required to return unused medication to the patient's family, which had in some cases led to unforeseen and undesirable outcomes.

A report of the advisory committee on addiction treatment services to the Joint State Government Commission, established under [SR 267](#) of 2015, was published in early February, reviewing the current services and programs available to Pennsylvania residents who are suffering from substance abuse disorders. Several members of CCAP's affiliate, the Pennsylvania Association of County Drug and Alcohol Administrators (PACDAA), participating in the advisory committee, and the report is available at jsg.legis.state.pa.us.

In mid-July, Gov. Wolf released [guidelines](#) for how opioids should be prescribed in workers' compensation cases. Earlier in the spring, the Governor had vetoed [SB 936](#), which would have created a state list of all prescribed drugs injured workers could receive under the Workers' Compensation Act.

Pennsylvania secured two federal grants in late September totaling more than \$60 million to aid in its fight against the opioid epidemic. The first, a \$5.1 million grant from the Centers for Disease Control, will assist the Opioid Operational Command Center in its coordination efforts among the nine state agencies. In particular, the funding will be used to strengthen data collection and analysis, as well as training for first responders and outreach and education efforts. The other grant, at \$55.9 million, was awarded to the state's Department of Drug and Alcohol Programs to support prevention, treatment, recovery, education and training.

The Department of Human Services (DHS) has also received approval from the federal government for an 1115 waiver, allowing the agency to continue to receive federal Medicaid funding to be used in substance use disorder treatment facilities with more than fifteen beds, drawing more than \$55 million per year in federal funding to provide access to residential treatment for more than 12,000 individuals.

At the same time, the Centers of Excellence (COEs) continue to be implemented to expand access to medication assisted treatment, and recovery supports. The administration reports that more than 60 percent of individuals seen by the COEs have remained in treatment longer than 30 days. Counties also continue to offer input and solutions to substance abuse and drug overdose issues by focusing on best practices, such as peer-to-peer support, wraparound services, intra- and cross-agency collaboration, involving the private sector, and creating and sharing tools and data.

On the national level, the Department of Health and Human Services (HHS) renewed the opioid public health emergency issued by President Trump in late October for another 90 days. This is the fourth renewal of the original declaration issued in October 2017 following a recommendation made by the President's Commission on Combating Drug Addiction and the

Opioid Crisis, and enables the HHS Secretary to waive certain administrative regulations around treatment resources. In addition, the declaration allows greater abilities for states to use federal dollars to combat a public health crisis, although no new federal funds have been committed. Further, in mid-July, the Department of Justice announced an amendment to the Federal Register that will provide the Drug Enforcement Administration (DEA) with more control in the diversion of opioids by requiring the DEA to produce proposed aggregate production quotas and final aggregate production quota orders to state attorneys general.

On Oct. 24, President Trump signed [H.R. 6](#), known as the SUPPORT for Patients and Communities Act, into law. The final package focuses on improving the federal response to the opioid epidemic via changes to Medicare and Medicaid, expansion of treatment resources for health care providers, and enhancement of recovery supports for patients. H.R. 6 requires the Centers for Medicare and Medicaid Innovation to incentivize health information technology demonstrations for behavioral health providers, and Medicaid's Institutions for Mental Diseases' (IMD) exclusions are partially lifted to allow states to receive federal Medicaid payments for substance use disorder services provided in IMD facilities. Federal programs that support counties addressing substance abuse disorders are also reauthorized. NACo has provided a [legislative analysis](#) outlining all of the bills moving through Congress addressing the opioid epidemic, including the projected county impacts. The SUPPORT Act follows Congressional authorization of approximately \$6 billion over two years to address the opioid epidemic that was included as part of February's federal budget agreement.

CCAP and its affiliate, the Pennsylvania Association of County Drug and Alcohol Administrators (PACDAA) continue to engage the General Assembly and state agencies to highlight the critical role of the Single County Authorities in prevention, intervention and treatment, including the need for additional infrastructure and better coordination and collaboration between state and local authorities to develop and implement a comprehensive approach.

Maintaining the Shale Gas Impact Fee

CCAP's priority remains maintenance of the shale gas impact fee, complete and as it is now, with the ability to grow with the industry, and with the same distributions to impacted local governments, to all counties through the Legacy Fund, and to conservation districts and state agencies. As part of his FY 2018-2019 budget proposal, Gov. Wolf again called for a severance tax, but no severance tax proposals were brought up for consideration during the 2018-2019 budget discussions. Although severance tax bills were reintroduced throughout the session, most received limited if any discussion. If the issue is to receive active consideration, it will have to be reintroduced when the new session convenes in January.

In June, the Pennsylvania Public Utility Commission announced that it would be distributing \$209.6 million in 2017 impact fees, an increase of about \$36 million from the 2016 fees (distributed in 2017). Of that amount, about \$115 million will be distributed to county and municipal governments, and spreadsheets outlining the distributions to counties with spud wells, as well as Legacy Fund distributions to all counties for open space purposes, are posted on CCAP's [Shale Gas/Act 13 Analysis and Resources web page](#). In addition, state agencies will

directly receive \$18.25 million as specified by Act 13, and the Marcellus Legacy Fund, which provides financial support for many projects related to the environment and infrastructure, will receive \$76.5 million.

Increasing Forensic Bed Access for County Inmates with Mental Illness

With the growing concern expressed by counties over their inability to access state hospital services for inmates with mental illness, CCAP's Comprehensive Behavioral Health Task Force has taken the lead on this priority, under the direction of the Human Services and Courts and Corrections committees. The Task Force members have met several times to develop a basis for a proposal, and will facilitate discussions among counties looking to suggest regional projects. County jail administrators and third party health providers have also been engaged to both educate and include them in key Task Force discussions surrounding the development of both short-term and long-term strategies. The state Department of Human Services (DHS) has also dedicated staff to ongoing participation in the Task Force's activities, and a webinar was held earlier this year to help counties understand the issue and their options. A breakout session was held for the CCAP Spring Conference to provide updates as well. The fall conference will feature a breakout session that will focus on the diversion programs operated by several counties.

Immediately after the CCAP membership identified this issue as a priority, CCAP initiated outreach to DHS, including discussions with Secretary Teresa Miller and Deputy Secretary Lynn Kovich. Further engagement with the Department developed through a half day meeting with the staff heading up the Department's work to realign and address the bed shortage at the two state hospitals – Norristown and Torrance – including the administrator of Norristown. In addition, CCAP was provided an opportunity to be interviewed by PRM, a firm engaged by DHS to prepare a strategy and report, which was published in January acknowledging the CCAP suggestions. Additional meetings with DHS have resulted in a promise to consider regional and local efforts whereby counties can identify options to have forensic services brought to their inmates with support from the commonwealth for both clinical and supervisory staff costs.

CCAP conducted a survey of counties in March 2018 to help with the process of identifying interest in county regional supportive model development. A number of counties have already approached DHS for support and funding and several have been approved. While this support will increase community based beds, there is still a very strong need to assure that remaining state hospital beds are utilized appropriately. Misdemeanants and low level offenders should not be the focus of beds designed to reduce the wait list.

In early August, DHS held three informational sessions for county-based partners including judges, district attorneys, public defenders, and jail and treatment staff. CCAP also continues to facilitate conversations for counties or regional groups that are seeking funding to create new community capacity. Many different formats have been considered, and with funding, counties have new opportunities to partner with each other, or with providers and other entities to solve local capacity problems.

CCAP, through its Comprehensive Behavioral Health Task Force, is sponsoring a conference in conjunction with OMHSAS that will take place on Dec. 3, 2018. The event asks counties to attend in teams including judiciary, commissioners, human services, jail administration and district attorneys to jointly learn about changes in accessing services for those who need forensic beds, and to understand the involuntary commitment process. The program will also include a presentation on nationwide efforts to better address the needs of those with mental illness and in particular, those involved with the criminal justice system, as well as a focused table top exercise where each county team will work through scenarios as a means of improving communications and establishing local effective practices. CCAP urges all counties to register a team for this important event.

Supporting Veterans Services

In January, the House and Senate Veterans Affairs and Emergency Preparedness Committees held a joint hearing with the Department of Military and Veterans Affairs (DMVA) and other veterans' stakeholders to discuss the status of veterans' services in the commonwealth. Participants discussed current and future efforts for outreach to veterans about the programs and services available to them, as well as the status of the state's veterans homes.

A second round of applications was accepted by the DMVA for \$800,000 in grants through the Veterans' Trust Fund (VTF) that was awarded in March 2018; as in the previous round, this included up to \$150,000 for new, innovative or expanded programs or services offered by county veterans' affairs directors, with an emphasis on veterans' outreach and court services. In October, the DMVA opened a third round of applications, due Nov. 30, again with up to \$800,000 available. Since its inception four years ago, the Trust Fund has awarded 98 grants collectively valued at nearly \$2.2 million.

In addition, the FY 2018-2019 state budget signed into law on June 22 included an additional \$500,000 for veterans' outreach services, as proposed by Gov. Wolf in February. The final budget agreement also included an almost six percent increase (\$5.7 million) for state veterans' homes, while amendments to the Fiscal Code that accompanied the budgets authorized the Department of Military and Veterans Affairs to use \$750,000 for programs providing treatment for posttraumatic stress disorder for veterans.

At the federal level, the VA Mission Act of 2018 was enacted on June 6 to consolidate the VA's community care programs into a single program to help support community health providers that offer services to VA-eligible veterans and their caregivers. That Act further shifts funding for non-VA care from mandatory to discretionary, meaning that non-VA care will be subject to the annual appropriations process. Although \$9 billion in funding is included for the coming year, the appropriations package does not fully address a long-term funding solution for programs required under the Act.

The President signed a minibus appropriations package in September including the funding for Military Construction and Veterans Affairs for FY2019. The \$147 billion package includes a \$5 billion increase over FY 2018, totaling \$86.5 billion in discretionary funding for the VA for FY

2019. Funding allocates \$72.3 billion to the VA to provide health care services, with \$8.6 billion allocated toward mental health services, including \$206 million for suicide prevention outreach, \$400 million for opioid abuse prevention, \$270 million for VA rural health initiatives and \$7.5 billion for treatment, housing and other services for homeless veterans.

The President also signed the Veterans Treatment Court Improvement Act into law this fall, which expands the Veterans Justice Outreach Program and incentivizes new veterans treatment courts. Specifically, the Secretary of the U.S Department of Veterans Affairs is required to hire at least 50 Veteran Justice Outreach Specialists, who would be placed at eligible VA medical facilities and serve as part of a justice team in a veterans court. In doing so, these specialists will allow communities to serve veterans in a way that accounts for their needs and experiences as veterans, such as issues with PTSD and other traumatic injuries, rehabilitation, and ultimately avoidance of recidivism.

Elsewhere, CCAP's Military and Veterans Affairs Committee has been working with Department of Military and Veterans Affairs Adjutant General Erick Weller in support of a number of his agency's issues, and has reached out to a new staffer at the Administrative Office of Pennsylvania Courts on plans to develop regional specialty courts for veterans. The Committee also meets with special counsel for the Attorney General on veterans' fraud issues. At the CCAP Annual Conference in August the committee held a discussion with the ambassador of Pennsylvania's Army Reserve and the support coordinator of Survivor Outreach Services for the National Guard, and sponsored a breakout session on veterans issues. CCAP, in cooperation with the Committee, also endorsed the Widener Law Commonwealth Veterans Court CLEs.

Funding for Voting Systems

The Association was pleased with the Joint State Government Commission (JSGC) study regarding the state's voting technology, pursuant to [SR 394](#) of 2016, released in December 2017, which included findings and recommendations on current and future technologies and needed improvements, based on surveys of counties and the experiences in other states. Funding for voting systems was one of five recommendations made in the report, which also included changes to the Election Code to incentivize poll worker training, allow counties to consider actual voter participation levels when determining how many ballots to print, and improve election security and integrity. It also includes a recommendation for a special advisory commission to the legislature for election issues. The full report is available at jsq.legis.state.pa.us.

The year's highlight though was the April 12 announcement by Acting Secretary of State Robert Torres that the Commonwealth is setting a deadline of Dec. 31, 2019 for counties to make commitments for purchase of new paper-audit-trail election equipment, with the expectation of having that equipment in place by the April 2020 primary election. The equipment is to be compliant with the new paper audit requirement announced by the Department in February. In the interim, the Department is not decertifying counties' current election equipment, effectively affirming that current equipment remains secure. Instead, the express intent is to bring equipment up to latest standards for security and audit. The directive, a priority for Governor

Wolf, is based in large part on widespread perceptions that the elections equipment is vulnerable, and without audit capacity the public confidence in the results is jeopardized.

Counties' concern with the announced timeline is securing sufficient funding, estimated to be around \$125 million depending on the machines selected by counties, to make statewide replacements on that timeline. Sec. Torres' announcement affirmed intent to work with the General Assembly and counties to find funding for the replacement; that said, no funding was expected, nor were any appropriated, for voting systems in the FY 2018-2019 state budget. The secretary also indicated that Congress' HAVA appropriation – which for Pennsylvania amounts to around \$13.5 million, plus a required five percent state match to bring the total to \$14.1 million – would be allocated to counties for this purpose.

The CCAP membership adopted a resolution in August calling for a contingency plan to be put in place in case the deadlines established by the state cannot be met due to funding or logistical matters. Specifically, counties are concerned that funding will be insufficient or unavailable, that there will not be a sufficient marketplace of equipment for selection (whether by lack of certification or availability under production schedules), that there may not be adequate time for deployment in advance of an election as crucial as the Presidential primary, and that there may not be adequate time to train election staff, poll workers, and voters on the new equipment.

In addition, CCAP has been discussing these concerns with members of the House and Senate. Several county election directors and commissioners participated in a day-long series of roundtables hosted by Senate State Government Committee chair Sen. Mike Folmer (R-Lebanon) in early September, also attended by other Senators and Senate staff. Those roundtables were followed up by a committee hearing at the Dauphin County courthouse on Sept. 25, in which Dauphin County election director Gerry Feaser testified regarding voting systems and offered a demonstration of the county's voting machines. Feaser also had an opportunity to testify before the House State Government Committee in early October, and CCAP staff have met separately with their committee staff. For its part, the Department of State has held three legislative briefings on the directive, to give legislators an understanding of its basis and to discuss funding and logistics.

The Department began holding vendor demonstrations of voting systems in late April in Harrisburg, individual counties have hosted vendor demonstrations, and CCAP had a vendor showcase at the Annual Conference. The Department is also making individual county visits.

Equipment certification remains an issue. Only one systems has been certified for use in Pennsylvania, two others are expected to be certified in early November and others are expected to complete the certification process before the end of the year. The Department is also working to have all of the equipment placed on COSTARS contracts, to enable county purchase without having to go to competitive bid. The Department is also working with CCAP on determination of legal and other matters, including whether commissioners who are excluded from the Boards of Elections in 2019 based on their candidacy, can still participate in the equipment selection and deployment processes.

The Department has also sponsored two table-top exercises with the Department of Homeland Security, with county participation, on elections security scenarios. In addition, it has worked to explain the security measures in place that rendered ineffective the attempted hack of the SURE system during the 2016 election cycle, and its continuing work to improve cybersecurity protocols.

Finally, in the lead-up to the November election, as media reports continued to raise concerns about the security of voting machines, several counties across the state offered a letter to the editor assuring their residents about the procedures and protocols used to maintain the integrity of the vote.

Mandate Reform

Counties are seeking to develop and maintain a close working partnership with the state to re-examine current and proposed mandates for services counties provide on the state's behalf. The intent is to assure their scope, objectives, administration and funding are appropriate to meeting the needs of Pennsylvanians. As part of this priority, CCAP continues to actively reach out and engage its relationship with legislative alumni (former CCAP members who now serve in the General Assembly), who are in a unique position to understand the interaction between county government and state legislators and the impact of state decisions from a local perspective.

CCAP leadership met with legislative alumni in the both the House and Senate in mid-March, and have worked with several alumni on key pieces of legislation throughout the year, specifically SB 1089 that threatened the successful Behavioral HealthChoices program. Association staff also met with alumni in the fall, specifically related to dissemination of CCAP's recently completed historical budget analysis.

With this focus on building partnerships in mind, CCAP engaged the 2018 gubernatorial candidates to share an overview of the state-county partnership in service delivery throughout the months leading up to the November election. Work included development of a survey for all gubernatorial candidates on county priority issues, and responses were shared with members on the CCAP website, along with additional information about the candidates' platforms as they relate to county policy issues. Both gubernatorial candidates were on hand to speak with CCAP members at the Annual Conference in Gettysburg. CCAP also engaged in an effort to gather information about member relationships with the gubernatorial candidates to prepare for the coming four-year term, although responses from the membership were extremely limited.

Moving forward to the coming four-year term, CCAP will be seeking ways to maintain relationships with the Governor's office and agency secretaries, particularly around the county priorities.