

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective March 20, 1996.

The organization chart at 26 Pa.B. 1561 (April 6, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 96-534. Filed for public inspection April 5, 1996, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Insurance Department

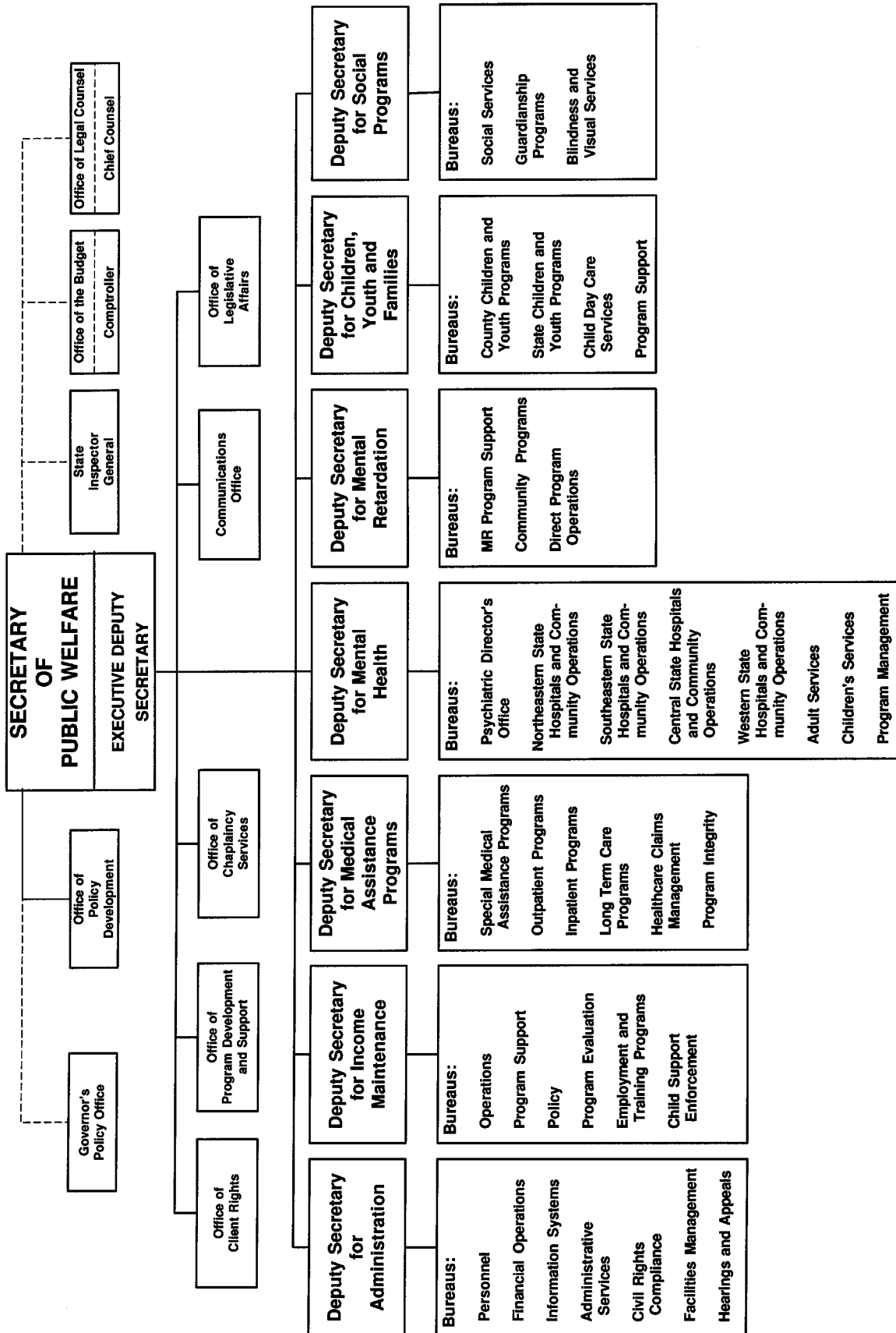
The Executive Board approved a reorganization of the Insurance Department effective March 26, 1996.

The organization chart at 26 Pa.B. 1562 (April 6, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

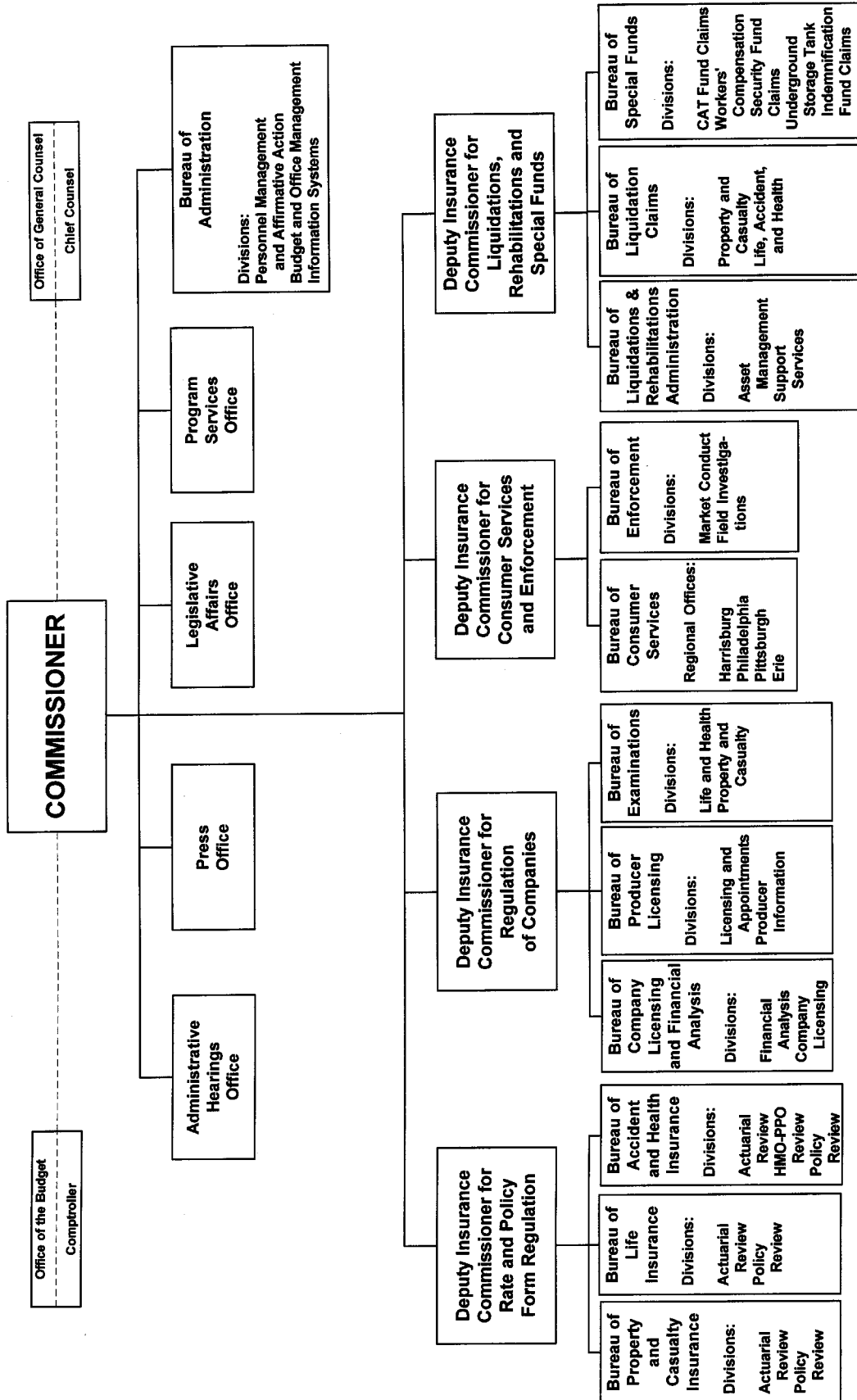
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 96-535. Filed for public inspection April 5, 1996, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE



INSURANCE DEPARTMENT



Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 6000]

Criteria for Approval of New Intermediate Care Facilities for People with Mental Retardation

Purpose

The purpose of this statement of policy is to specify the Department of Public Welfare's (Department) criteria for the review of proposals for establishing non-State operated intermediate care facilities for people with mental retardation (ICFs/MR).

Background

Non-state ICFs/MR provide 24-hour residential care in settings operated by county or private entities which meet Federal and State requirements for licensing and certification. They serve from four to approximately 300 people, who receive developmental and habilitative services to address a wide range of disabilities and conditions. State and Federal funding for ICFs/MR is provided through Title XIX of the Federal Medicaid Program.

Pennsylvania's system of providing supports and services to people with mental retardation was developed through a process involving the system's stakeholders, including people with mental retardation, their families and advocates, providers and State and local government officials. As a result, the Department's position on services, including those provided in ICFs/MR, is that they shall be provided in a manner which affords people receiving services maximum opportunity for personal choice, control, privacy, community participation and other freedoms typically enjoyed by people without disabilities.

Effective Date

This statement of policy shall take effect upon publication in the *Pennsylvania Bulletin*.

(*Editor's Note:* The regulations of the Department of Public Welfare, 55 Pa. Code Chapter 6000, are amended by adding a statement of policy at § 6000.821 (relating to criteria for approval of new intermediate care facilities for people with mental retardation) to read as set forth in Annex A.)

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-BUL-041. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART VIII. MENTAL RETARDATION MANUAL

Subpart A. STATEMENTS OF POLICY

CHAPTER 6000. STATEMENTS OF POLICY

Subchapter O. CRITERIA FOR APPROVAL OF NEW INTERMEDIATE CARE FACILITIES FOR PEOPLE WITH MENTAL RETARDATION

§ 6000.821. Criteria for approval of new intermediate care facilities for people with mental retardation.

(a) The Office of Mental Retardation will review proposals for intermediate care facilities for people with mental retardation (ICFs/MR), as part of the certificate of

need process, through an interdepartmental cooperative agreement with the Department of Health. The Department of Public Welfare (Department) will only support and approve Medicaid funding for ICFs/MR which meet the following criteria:

(1) Projects to convert community homes to ICFs/MR shall be budget neutral and approved in writing by the county mental health/mental retardation program and the Office of Mental Retardation.

(2) In-State referrals of individuals to ICFs/MR shall be approved by the county MH/MR program in the individual's county of residence in accordance with its responsibilities under Chapter 6201 (relating to county mental retardation services).

(3) The ICF/MR shall coordinate case management services with the appropriate county MH/MR program. Case management shall include cooperative planning to prevent prolonged institutional placement and to prepare the person for return to life at home in the community.

(4) Community-integrated day services shall be provided off the grounds of the ICF/MR, unless medically contraindicated by a physician.

(5) Non-state ICFs/MR shall be reimbursed in accordance with Chapter 6211 (relating to allowable cost reimbursement for non-State operated intermediate care facilities for people with mental retardation) and Medicare principals HIM-15.

(b) The Office of Mental Retardation does not currently support the development of new ICF/MR proposals. The Office will consider the following factors in determining whether to grant an exception to this policy:

(1) New residential settings shall be designed so that the building fits into the residential neighborhood and is limited to four people. Sites shall be dispersed within the community to foster social integration and participation with neighbors in the general population.

(2) Services in an ICF/MR shall be demonstrated to be the most programmatic and cost effective alternative for people with mental retardation who require an ICF/MR level of care.

[Pa.B. Doc. No. 96-536. Filed for public inspection April 5, 1996, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 202]

Application and Review Process for Pedalcycles on State-Designated Freeways

The Department of Transportation (Department), Bureau of Highway Safety and Traffic Engineering, under the authority contained in 75 Pa.C.S. § 3511 (relating to pedalcycles prohibited on freeways) establishes its policy and application review process for exception from the general prohibition against operation of pedalcycles on State-designated freeways.

This policy shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

Questions, comments or requests for applications may be directed to David C. Bachman, Bicycle/Pedestrian

Coordinator, Bureau of Highway Safety and Traffic Engineering, P. O. Box 2047, Harrisburg, PA 17105-2047, (717) 783-8444.

BRADLEY L. MALLORY,
Secretary of Transportation

(Editor's Note: The regulations of the Department of Transportation, 67 Pa. Code, are amended by adding a statement of policy at §§ 202.1—202.4 to read as set forth in Annex A.)

Fiscal Note: 18-338. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 202. APPLICATION AND REVIEW PROCESS FOR PEDALCYCLES ON STATE-DESIGNATED FREEWAYS

Sec.	
202.1.	Exception to prohibition.
202.2.	Permit application review process.
202.3.	Assistance by Department.
202.4.	Appeal of denial of application.

§ 202.1. Exception to prohibition.

Under 75 Pa.C.S. § 3511(a) (relating to pedacycles prohibited on freeways), a person may not operate or ride a pedalcycle on a freeway within this Commonwealth. A pedalcycle is a vehicle that is propelled solely by human-powered pedals. However, 75 Pa.C.S. § 3511(b) does permit pedalcycle operation for processions or events of National, State or regional interest and for operation by a pedalcycler who is 16 years of age or older or is accompanied by a pedalcycler 18 years of age or older on routes for which the Department of Transportation determines there is no safe, reasonable alternate route.

§ 202.2. Permit application review process.

(a) A permit for pedalcycle operation on a freeway under State jurisdiction shall comply with the following application review process:

(1) The applicant shall provide, on a form provided by the Department of Transportation (Department), the following information:

(i) A description of the proposed route, referenced by interchange names or numbers, or both. State route and section numbers, obtainable from a district office, may also be used.

(ii) A justification of the route request and a statement as to why an alternate route is not practical or possible. Plans, contour maps, photographs and other documentation may be included.

(2) The applicant's form shall be submitted for initial processing to the Central Office Bicycle/Pedestrian Coordinator, Bureau of Highway Safety and Traffic Engineering, P. O. Box 2047, Harrisburg, Pennsylvania 17105-2047, telephone (717) 783-8444. The application will be forwarded to the appropriate district office for review and recommendation before being returned to the Central Office Bicycle/Pedestrian Coordinator for final determination. The review by the district office may entail the consideration of information in addition to that submitted by the applicant.

(b) The district office, within 45 days of receipt of the original application, will make one of the following recommendations to the Central Office Bicycle/Pedestrian Coordinator:

(1) Approve because the following apply:

(i) No other reasonable route is available based on the length or safety of the route.

(ii) Safe access is available. The shoulder can be used as a designated bikeway. The Department may consider the following when determining safe access availability:

(A) There is a paved shoulder of sufficient width and acceptable riding surface to accommodate a designated bike route.

(B) Milled rumble strips are present.

(2) Approve in part because a section of the requested route may meet criteria and alternate routes satisfy the remainder.

(3) Disapprove because one or more of the following apply:

(i) The requested route cannot safely accommodate bicycles, (the shoulder may be too narrow or its condition may be of such poor quality that it cannot accommodate bicycles).

(ii) A reasonable, safer alternate route is available.

(iii) The applicant has failed to provide additional information after a request to provide the information was made.

(c) The Department may consider, among other factors, the following in evaluating an alternate route:

(1) The length of the detour.

(2) The average daily traffic (ADT). An ADT of less than 500 is favorable.

(3) The speed limit. A speed limit lower than 35 mph is favorable.

(4) The presence or absence of potentially hazardous conditions, including the following:

(i) Pavement condition.

(ii) Driveways.

(iii) Narrow shoulders, paved or unpaved.

(iv) No paved shoulders.

(v) Narrow motor vehicle lanes.

(vi) Pedestrian traffic.

(vii) Railroad tracks, especially skewed crossings.

(viii) Narrow bridges.

(ix) Poor sight distance.

(x) Rough road surface.

(xi) Parked vehicles.

(xii) Turning trucks.

(xiii) Percent of truck, bus and recreational vehicle traffic.

§ 202.3. Assistance by Department.

The Department of Transportation (Department) will make every reasonable effort to assist and work with an applicant to solicit pertinent information so that the Department can make a well informed decision. Each application will be judged on the merits on a case by case basis. When an application has been approved and before the scheduled event, the Department will erect signs at

both the ramp entrance and exit points indicating that permission has been granted for pedalcycles to use the route and notifying motorists of the presence of pedalcyclists.

§ 202.4. Appeal of denial of application.

If an application is denied, the applicant may appeal the decision of the Department of Transportation (Department) by submitting, within 20 days of the Department's

decision, a written request for an administrative hearing to the Administrative Docket Clerk, Room 521, Transportation & Safety Building, Harrisburg, Pennsylvania 17120. The applicant's written request shall be accompanied by a \$100 filing fee.

[Pa.B. Doc. No. 96-537. Filed for public inspection April 5, 1996, 9:00 a.m.]
