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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
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MEMORANDUM

TO: Members of the House of Representatives

FROM: Representative Michelle Brownlee

DATE: May 23, 2012

RE: Co-Sponsorship of Legislation Abrogating All DPW Regulations Promulgated Pursuant to Act 22 of 2011

Very soon, I plan to introduce legislation that will abrogate all DPW Regulations that have been promulgated or proposed to be promulgated pursuant to Act 22 of 2011.

Signed into law by the Governor on June 30, 2011, Act 22 gave the Secretary of Public Welfare the authority to make sweeping changes to provider payment rates, fee schedules, and other elements of all public assistance programs operated by the Department of Public Welfare for the purpose of assuring monetary savings in the DPW budget—all without the ordinary oversight and input of the General Assembly or IRRC.

Since that time, DPW has developed 114 pages of detailed programmatic and fiscal regulations covering the Medicaid home and community-based waiver services for people with intellectual disabilities. DPW officials have stated their intention of promulgating these regulations through the expedited process authorized under Act 22 of 2011. Act 22 was intended to provide DPW the opportunity to expeditiously promulgate regulatory provisions specifically designed to produce monetary savings, but these regulations reach far beyond this initial focus, resulting in wide ranging impacts on service provision and massive policy changes. The stakeholders who can most appropriately comment were permitted a total of 15 days to review the proposed changes, only 10 days of which were business days. Even with the limited time to respond, it was reported that DPW received over 1,000 comments. Other than this clearly inadequate comment period, there has been no process for dialogue or discussion to take place between stakeholders and DPW officials. With policy changes of the magnitude proposed, a thorough review and vetting by all stakeholders is necessary to avoid undue harm to Pennsylvanians with intellectual disabilities.

If you would like to join in my effort to abrogate these hastily conceived and poorly crafted regulations passed pursuant to Act 22 of 2011, please contact Daisy Latham-Williams @dlatham@pahouse.net or in house extension 6559.