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COMMITTEES

AGING AND YOUTH
MAJORITY CHAIRMAN
GAME AND FISHERIES

APR -9 AM 10:45

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

April 8, 1998

Feather O. Houstoun, Secretary
Department of Public Welfare
333 Health and Welfare Building
Harrisburg, PA 17105

Dear Secretary Houstoun:

As Majority Chairman of the House Aging and Youth Committee, I am forwarding to you a series of questions for a response, in reference to the proposed protective services regulations, as published in the Pennsylvania Bulletin on February 21, 1998. These questions represent identification by committee staff of some areas in need of clarification and/or rationale for justification by the department.

For your information, I have forwarded a copy of this request to the Independent Regulatory Review Commission for their records. In submitting these questions, it is my intent to gain information and better insight for all the members of the committee.

Sincerely,

A handwritten signature in black ink, appearing to be 'L. Gruppo'.

Representative Leonard Q. Gruppo
Majority Chairman
Aging and Youth Committee

ORIGINAL: 1928
ORG. LETTERS TO:
McGinley
Bush
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cc: Commissioner Alvin Bush
Commissioner Arthur Cocodrilli
Commissioner Robert J. Harbison, III
Commissioner John F. Mizner
Robert E. Nyce, Executive Director, IRRC
Richard M. Sandusky, Director of Regulatory Analysis, IRRC
Mary Lou Harris, Regulatory Analyst, IRRC
All Members, House Aging and Youth Committee

Enclosure (1)



PRINTED ON RECYCLED PAPER

In accordance with the Regulatory Review Act, the House Aging and Youth Committee has completed its review of the Department of Public Welfare proposed regulations which would amend the current regulations for protective services. The proposed regulation #14-441 was published in the PA Bulletin on February 21, 1998. The committee comment period began following completion of the public comment period and ends Monday, April 13, 1998.

A number of comments on the proposed regulations have been received by the committee. After thorough review of those comments/concerns, committee staff has identified some areas in need of clarification and/or rationale for justification by the department. As such, we would like the department to provide the committee with a written response to address each of the following areas.

(1) Section 3490.43 (issuance of bulletins)

Section 3490.43 adds language permitting the department's issuance of bulletins on practice standards as identified in performance audits and reviews or other activities of the department in implementing chapter 3490.

(a) Please provide examples of when the department might feel it necessary to issue a bulletin outlining practice standards.

(b) Will there be a formal review process associated with the proposal, and final adoption, of those practice standards? Or will the publication of any bulletins create mandatory standards that all county agencies must follow?

(c) Does the department anticipate that there will be costs associated with the establishment of any new practice standards? How will those costs be addressed?

(2) Sections 3490.61 (supervisory review and child contacts) and Section 3490.235 (services available through the county agency for neglected children)

Section 3490.61(c)(1) and Section 3490.235(g)(1) propose new requirements for county agencies to assure weekly face-to-face contact with certain children and parents until such time as these cases are no longer determined to be high risk ones.

(a) As currently written, it is unclear who would be responsible for making those contacts. Please provide clarification on whether county agencies, other service providers, or a combination of the two, would be responsible for face-to-face contacts.

(b) Please provide the committee with more information on the specific, minimal visitation requirements that the department will expect county agencies to fulfill.

(c) Also, several county agencies indicated that the current needs-based budgeting process does not contain information about the number of high risk cases (either child protective services or general protective services cases) accepted for services by county

agencies. Please provide the committee with a breakdown of the following: (i) high risk cases accepted for services in FY 1997-98; (ii) estimates of high risk cases accepted for services in FY 1998-99; and (iii) the anticipated fiscal impact of the proposed weekly face-to-face contacts required under Sections 3490.61(c)(1) and 3490.235(g)(1).

(3) Section 3490.91 (persons to whom child abuse information shall be made available)

Section 3490.91 adds language clarifying who can receive information contained in child abuse reports as a result of Act 151 of 1994's changes to the Child Protective Services Law.

Recently, Representative Sheila Miller introduced legislation, House Bill 1992, to address the problem of district justices not being able to receive confidential information. In the past, district justices have been required to stay proceedings involving abused children until a court order is secured from the Court of Common Pleas that allows the district justice to receive reports of abuse. This legislation would end this unnecessary practice and would streamline judicial procedure while maintaining the secrecy and security of abuse reports. This bill was considered and unanimously adopted by the House of Representatives on March 17, 1998, and now awaits consideration by the Senate Judiciary Committee.

(4) Proposed changes related to student abuse by school employees

Section 3490.121 through Section 3490.137 have been added to implement Act 151 of 1994's addition of Subchapter C.1 (related to students in public and private schools) and Subchapter C.2 (background checks for employment in schools) to the Child Protective Services Law. The committee recognizes that there are concerns related to the definitions of "administrator", the definition of "school", and the exact meaning of "direct contact with students". Many of those concerns were raised during the process prior to the enactment of Act 151, and changes to address those concerns would require statutory revisions.