

Original: 2244
GEORGE KENNEY, MEMBER

DISTRICT OFFICES:
LEO MALL SHOPPING CENTER
11749-C BUSTLETON AVENUE
PHILADELPHIA, PENNSYLVANIA 19116
PHONE: (215) 934-5144
FAX: (215) 560-3286

1317-19 COTTMAN AVENUE
PHILADELPHIA, PA 19111
PHONE: (215) 342-1700
FAX: (215) 214-4073

HARRISBURG OFFICE:
HOUSE POST OFFICE BOX 202020
ROOM 108 RYAN OFFICE BUILDING
HARRISBURG, PENNSYLVANIA 17120-2020
PHONE: (717) 787-8523
FAX: (717) 787-4810
e-mail: gkenney@pahousegop.com

RESIDENCE:
14020 TREVOSE ROAD
PHILADELPHIA, PENNSYLVANIA 19116



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES
HEALTH & HUMAN SERVICES, CHAIRMAN
CONSUMER AFFAIRS
URBAN AFFAIRS
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COMMITTEE ON COMMITTEES
BEN FRANKLIN/IRC PARTNERSHIP,
MEMBER

August 26, 2002

John R. McGinley, Jr., Esq., Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Re: Regulation #14-474
Department of Public Welfare
Extended Temporary Assistance for Needy Families (TANF) assistance

Dear Chairman McGinley:

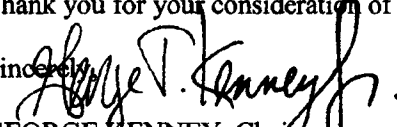
I submit the following comments in my capacity as Majority Chairman of the House Health and Human Services Committee in support of the Department of Public Welfare's final-form regulation 14-474, relating to eligibility requirements for receipt of extended Temporary Assistance for Needy Families (TANF) assistance.

The Department's proposed regulation relating to the same was not an accurate reflection of DPW's current policies; however, several revisions and a reorganization of the regulations have been made that address concerns raised with the proposed regulations and provide adequate clarification of current policies. Specifically, the final-form regulation adequately addresses and defines the eligibility requirements for extended TANF assistance and the Maximum Participation Project (MPP). The regulations also include several new sections that clarify the Department's policy regarding domestic violence, partial redetermination of eligibility and appeal rights for extended TANF and also provides for supportive services, such as transportation and child care.

These regulations are consistent with the legislative goal of helping needy families become self-sufficient. For the above reasons, the House Health and Human Services Committee supports this regulation.

Thank you for your consideration of my comments.

Sincerely,


GEORGE KENNEY, Chairman
Health & Human Services Committee

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INDEPENDENT REGULATORY
REVIEW COMMISSION

September 3, 2002

Honorable John R. McGinley, Jr., Esq., Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Re: Final Form Regulation #14-474 (IRRC #2244)
Department of Public Welfare
Extended TANF

Dear Chairman McGinley, Jr.:

As minority Chair of the House Health and Human Services Committee, I am in agreement with the Majority Chairman, Rep. Kenney, and approve of the many corrective revisions the Department of Public Welfare has included in the final-form Extended TANF regulation, IRRC # 14-474. I do not seek to delay the regulation but I must stress that there remain a number of important issues to be corrected before the regulation is finalized. These include the following:

- I recognize that the Department understands the seriousness of language barriers and the difficulties faced by individuals with limited English skills. Although the Department is working to improve services to people who are Limited English Proficient (LEP), there are now a number of LEP people hitting the time limit who have not had an opportunity to participate in educational and vocational training programs, much less work opportunities, offered to English speakers. The regulation should specifically include individuals with severe language barriers that temporarily preclude employment as eligible beyond the maximum 60 months of cash assistance, Extended TANF.
- I often receive calls from and/or see constituents in my District Office who are eligible for public assistance but have been unable to obtain verification of their eligibility on their own. Even though the preamble to the regulation mentions that the Department, if necessary, will assist the individual in obtaining documentation, I still hear from applicants who are denied assistance because they are unable obtain verification and have received no assistance in their efforts to do so. The Extended TANF regulation may increase that difficulty with the new requirement that medical records be obtained. In the best of circumstances, educated individuals who do not suffer physical or mental impairments have difficulty obtaining medical records. Those who need medical records for the

Work Capacity Assessment (WCA) a very likely to have disabilities that will hamper their ability to obtain the required medical records without help. The regulation should not make getting medical records the sole responsibility of the applicant/recipient. And, the Department's responsibility to assist in obtaining those records should not be provisional.

- In order for the regulation to be fully consistent with the legislative goal of helping families become self-sufficient, the regulation should include the requirement that participants in the Work Plus Program will have a service or activities plan based on the individual's vocational assessment. Although the preamble says that the assessment is intended to result in activities based on individual need, the Department now says the design of "employment development plans" will be a contractual matter, with contractors having responsibility for development of the plans. We would not have oversight over such contractual matters, recipients, if denied services, will not have access to the fair hearing process and program goals, such as GED classes, job search and other appropriate work-related activities, may be ignored. Given the importance of a vocational plan to the goals of the TANF program, the regulation should state that MPP participants are to be provided a plan based on the assessment.

In conclusion, while I support the many positive changes to this regulation from the proposed stage to the final-form, but I ask that the Commission permit tolling of the regulation to make the needed changes including those in Community Legal Services' (CLS) letter to Secretary Houstoun, dated August 23, 2002, which I incorporate by reference. I agree with CLS's contention that the regulations must be clear and unambiguous, stating the program provisions as DPW intends to run it, rather leaving important program components to the non-public contractual process or, even worse, to chance.

I thank the Commission for their time and consideration of this request.

Sincerely,

Representative Frank L. Oliver, Democratic Chairman
House Health and Human Services Committee