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Director

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Mr. Robert Frein, Director  
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Office of Child Development  
Room 521  
Health & Welfare Building  
P.O. Box 521  
Harrisburg, PA 17105

INDEPENDENT REGULATORY  
REVIEW COMMISSION

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RECEIVED

RE: Regulation No. 14-505

Dear Mr. Frein,

I am responding to the proposed rulemaking, Regulation No. 14-505, [55 PA. Code Ch. 168] Child Care, to establish consistent child care policies within the Office of Income Maintenance (OIM) and the Office of Child Development (OCD). The proposed regulatory changes offer much improvement to the accessing of affordable, quality child care by the children and families receiving TANF, GA, and Food Stamp benefits. The establishment of "user friendly" child care policies within the OIM and the OCD will support families moving to self-sufficiency. Simplification and consistency of both the eligibility and payment processes will provide for easier access to subsidized child care benefits, better assurance that families will continue to receive their child care subsidies without interruption as they move from OIM to OCD to self-sufficiency, and improved confidence among the child care provider community that payment for child care services rendered to subsidy eligible families will be made timely and accurately. The proposed regulatory changes go a long way towards establishing a seamless system for delivery of child care subsidies, greatly reducing the necessity for families and child care providers to negotiate two systems – OIM and OCD.

Comments contained in this response presuppose Section 168.4 being operational with the Child Care Information Services (CCIS) being the approved entity and are offered to support the purpose and identified benefits of the proposed regulations.

#### **Section 168.1 – Policy on payment of child care**

As a general comment for this section and others that will be noted at a later point, there needs to be clarification of who the "Department" is with regard to specific defined

activities. Specifically, there needs to be reference to whether the “Department” is the OIM or the OCD. This is critical to the successful implementation and operationalizing of these regulations.

For clarity, it is recommended that components of sub-section (b) be moved from this section, renamed and reorganized. This is recommended because several areas of (b) do not pertain to payment but rather to the provision of information regarding child care choice and the services of the CCIS.

It is suggested that what is currently section (b) – “The Department will promptly inform a recipient of food stamps or cash assistance who is in need of child care about the following:” be set into a separate section with the following sub-sections –

- (1) – [currently (b) (2)] – The services available from the CCIS for help in finding and selecting a child care provider.
- (2) - [currently (3) (g)] – The Department (*who – OIM, OCD?*) will provide help in finding and selecting a child care provider, including providing information about how to identify high quality providers.
- (3) - [currently (b) (1)] – The types and locations of child care providers and the services the provider offer.

The following areas do relate to payment and do belong in section 168.1.

However, (b) (3) (relating to advance payment) should NOT be included in the information of which the Department will promptly inform a recipient. If this practice is announced, it is likely to be utilized more frequently than is intended. Advance payment should be available on an “as needed” basis and only at the request of the child care provider.

(b)(3)(i) – It is suggested that language be added to clarify enrollment in the child care vendor payment system as meaning *current or previous enrollment*.

As suggested – “The Department will make an exception to the provisions which limit advance payment to instances in which the provider requires it, and which restricts advance payment, for providers *currently or previously enrolled* in the vendor payment system...”

(b)(3) (ii) – The use of the work “Department” is confusing here as to whether the verification of new employment is the responsibility of the “Department” making the advance payment (CCIS) or the responsibility of OIM.

(e) – This section needs to be specified as an OIM function.

The last word in this section should be changed to “payments” to be consistent with terminology used elsewhere in the document.

(f) – “Department” needs to be clarified.

## **168.2 - Definitions**

**In- Home Care** – It is suggested that the specified hours that are permitted under the definition of In-Home Care be included to provide clarity.

**Non-Traditional Hours** – This definition should reflect that households may have 2 parents by adding an (s) to the word parent.

Additionally non-traditional hours are only significant as they related to payment differential. This should be included in the definition.

Satisfactory Arrangements (also referred to in 168.21 (a))

“ The plan made by the parent to pay an overdue copayment which is acceptable to the child care provider”. This provision, in essence, reduces the parents responsibility to pay their established co-payment per regulatory requirements. The regulatory procedures for addressing delinquent co-payments are ineffective if satisfactory arrangements can be made. And who enforces the satisfactory arrangements? The Department cannot since action can only be taken to enforce co-payment immediately after the delinquency occurs.

If we are promoting self-sufficiency through personal responsibility, it is imperative that parents recognize the importance of timely payments of their co-payment. The regulatory procedures for addressing delinquent co-payments already have a reasonable period established for parents to become current with their financial obligations to their child care provider. The concept of a satisfactory arrangement provides no assurance to the child care provider that payment will be made. It must be recognized that child care providers who participate in the subsidized child care program need support to insure stability of payment for services.

(See Section 168.49 for further comment)

#### **168.11 – General Requirements**

(5)© - Please clarify “worker” – CCIS or OIM? How is this documented? Is there a time limit in which the parent must submit this documentation?

#### **168.1- Eligible Children**

(2) What sections are removed? It appears that (B) has a misplaced bracket before “ Is considered...”.

#### **168.18 – Need for Child Care**

© “...up to 30 days” – clarity is needed here. Does this mean up to 30 days before entry into an approved work activity? First 30 days of the approved work activity?

(f) A parent is ineligible for subsidized child care if he does not attend a face- to- face interview no later than 30 calendar days following the request for care. This presumes the request for care translates into a smooth transition from OIM to CCIS. If there is insufficient information in the child care request to establish eligibility for subsidy the parent may appear for a face-to-face interview and be found ineligible. To prevent the frustration of this happening and to support the “user friendly” intent of these proposed regulations, it is suggested that the parent be required to attend a face- to - face interview when the case has been “processed without failure” by the CCIS.

#### **168.20 Child Care Co-Payment**

(d) The term “redetermination” should be defined as it relates to the OIM definition. Does redetermination occur every 6 months? If not, do more frequent redeterminations occur? (See comments 168.41 (2))

### **168.21 – Ineligibility for Failure to Pay Co-Payment**

(a) See comments – Definition “Satisfactory Arrangements”

### **168.41 – Verification Requirements**

(2) – Does this preclude co-payment stabilization?

Again clarity is needed to whom the parent is to provide verification – OIM or CCIS?

(3) Child care costs should ONLY be verified by the provider monthly on a form specified by the Department. Collateral contact is NOT an acceptable form of verification of child care costs. As such **168.41 (4)** should read, “ Failure to provide verification within the specified time period will result in non-authorization of the child care payment.

### **168.43 Verification of a child’s disability**

Clarification is needed as to whom the disability verification is to be provided.

### **168.49 Verification of payment of co-payment for the employed budget group.**

As relates to earlier comments regarding satisfactory arrangement for payments, what is the purpose of a provider informing the Department “when satisfactory arrangements for payment of a delinquent co-payment have been made”? What is the consequence of not doing so? Is there benefit to reporting this information?

### **168.71 – Monthly payment determination**

(1)(ii) (A) and (B) – This section is confusing and will need very specific operational procedures to insure accurate payments to child care providers.

### **168.72 – Determining monthly child care costs**

This section does not describe determining monthly child care costs but rather the amount of care for which payment will be made. It is suggested the language be revised to reflect that payment will be made based upon the following:

- (1) A charge for child care during the hours of the work activity as defined in 165.31 and 501.6... including travel time and sleep time and
- (2) Payment for up to 10 consecutive days on which the child was absent. (absences could be due to reasons other than illness).

### **168.82 Timeframes for authorization of payment**

These timeframes as defined in (a) and (b) are inconsistent with current OCD policy and are NOT manageable. Timeframes should be consistent with OCD current policy for low income working family subsidized child care. This will promote the proposed regulatory changes intent to establish consistent child care policies within OIM and OCD.

(f) – Unclear as to what this section means.

**168.91 – Restitution**

Unclear what “except that the provision for recoupment of an overpayment does not apply means. Is there no expectation of recoupment of an overpayment?”

I hope these comments have been helpful.

Sincerely,



Norma Finkelstein

Director

Child Care Information Services- NE