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**DELAWARE COUNTY**  
**DEPARTMENT OF HUMAN SERVICES**  
**Child Care Information Services (CCIS)**  
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INDEPENDENT REGULATORY  
REVIEW COMMISSION

July 27, 2006

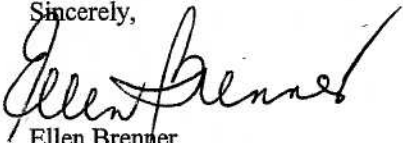
Robert Frein  
Director, Bureau of Subsidized Child Care Services  
Office of Child Development  
Room 521  
Health & Welfare Building  
P.O. Box 521  
Harrisburg, Pa. 17105

Dear Mr. Frein,

Attached please find my comments regarding proposed regulations for child care 55 Pa. Code Ch. 168.  
Please feel free to contact me if I can be of any further assistance.

I hope these comments will be helpful.

Sincerely,



Ellen Brenner  
Administrator  
CCIS of Delaware County

From: Ellen Brenner, Administrator, CCIS of Delaware County

Re: Response to Proposed Rulemaking, Department of Public Welfare (55 PA. Code Ch. 168) Child Care {36 Pa.B 3262} {Saturday, July 1, 2006}

The concept of the unification of the child care subsidy systems has been a goal of child care professionals for many years. Families and providers have dealt with at least two sets of guidelines and regulations. For many families and providers this has been a frustrating, costly and ineffective system of providing opportunities for all children to access quality child care while their parents are employed and/or are in work-related training. Many families and providers left the subsidy programs because of confusing, inconsistent systems. Unification of the two systems (CAO and CCIS) should simplify the process for participants and CCIS/CAO staff as well as be cost effective. The goal of providing consistent quality child care opportunities at minimal cost to clients who receive TANF, General Assistance, and Food Stamp benefits and are participating in work or work-related activities should strengthen these families as they move toward employment and future self-sufficiency. This is a vulnerable population who need assistance with managing systems, but with clear guidelines, these clients can succeed and use this benefit well.

Establishing consistent child care policies within the OIM and the OCD that meets the needs of this category of clients should be designed to allow access with minimal disruption.. However, the roles of all the professional partners need to be clearly defined to the partners and to the clients and providers. Sharing an active client base is a new concept to these agencies, and the responsibilities of each partner and the partnership itself must be clearly defined and supported in each agency or the entire system is jeopardized. Clarifications and definitions of terms must be clear and concise so that the agency partners and the parent and provider partners are clear as to whom to contact and when. The CCIS agency has a positive reputation in the community and strives to continue to uphold that reputation. For counties in which the agencies have large numbers of anticipated clients eligible for child care benefits, the establishment of this partnership of agencies becomes essential and must be as clearly defined as possible before clients are involved. Advance preparation and on-going outreach to all the partners involved is crucial to success. The policies and procedures must be well understood by all involved prior to the implementation of this program. These families and providers must have the most effective service model possible if they are to meet the goals of their AMR. For this CCIS, this new population increases our active caseloads by 38% and increases our provider caseloads by at least 50%. This is a tremendous undertaking for both the CCIS and CAO agencies and my response must be looked at in this context.

My concerns relate to three areas:

1. Definition of terms
2. Consistency of regulations
3. Payments to providers

### **168.1 Policy on payment of child care.**

This regulation refers to who is responsible to notify clients of prospective eligibility for child care benefits, how the provider will be paid, and how parents are informed of availability of benefits. The term "Department" is not defined clearly enough in the Definitions section. Does the term refer to the CAO, CCIS or both agencies? This impacts service delivery and case management responsibilities.

The payments noted in this regulation refer only to advance payment of child care expenses. These exceptions to the established payment policies of CCIS agencies were presented as rare experiences in discussions with CCIS representatives, however, the emphasis on this method of payment is placed at the beginning of the regulations and adds authority to this method of payment. CCIS of Delaware County has established payment practices within which payments can be made. These policies are standard for all payments to vendors made by the County. Although rare exceptions can be managed, the placement of these statements will create an even larger demand for advance payment. Payment to parents has been one of the weaknesses of the CAO subsidy program. Many providers never received their payments or only received partial payment from parents who received payment directly. (i) referring to a TANF budget group determined prospectively ineligible as a result of starting new employment is unclear since it does not relate to any CCIS language or policy. The regulations should comply with entitlement benefits, but should stress payment to providers who have Provider Agreements and comply with established OCD payment policies and procedures.

### **168.2 Definitions**

**Full time employment** – Employment which averages at least 30 hours per week in a calendar month. This does not match any regulation already in place as per Chapter 3041. Will there be two sets of guidelines for employment or employment related activities? If so, this creates a difficult work load issue since TANF transfer clients are still only required to prove 20 hours of work average in a month and the confusion creates more circumstances where extensive counseling is needed with clients from both the CAO and the CCIS staff.

**Non-traditional hours** – The statement is incomplete. The following statement should be added: "and meets the standards as set by CCIS regulations".

**Preexpenditure approval** – "Approval by...an individual specified by the Department prior the ...recipient of food stamps or cash assistance incurring an expense for care." child Please refer to previous comments regarding advance payments. Which agency (CAO or CCIS) is responsible for this approval, and what are the circumstances under which it is to be used?

**168.11 © Preexpenditure approval is required unless the child care is for a job interview and the ...parent documents that he was unable to contact the work prior to the scheduled interview.**" This regulation is ambiguous on several issues. Who is the

client's worker in this situation? How is the client to document his attempts to contact the worker? Who tells the client about this benefit and how to manage it? What does CCIS pay for and what is the client eligible for?

#### **168.17 Eligible children.**

This regulation repeats itself. Does the regulation end **(B)...licensed psychologist ?**

Does it start at (i)

#### **168.18 Need for child care**

(a) RESET refers to the CAO child care subsidy program. Is it part of Unification?

(b) **(1)** Based on Chapter 3041, this statement does not indicate any reference to "ability to provide care for the child" or a second parent in the home. It does indicate that parents who are not working or in work-related activities because of a disability will be eligible for child care benefits. Should the statement include the provisions of 3041.70 Verification of inability to work due to a disability? Will Unification pay child care for a single adult who is disabled at application and for how long?

**(b)(2) "The ...custodial parent is participating in...an education program for pregnant or parenting youth that is approved by the Department."** This seems to relate to teen parents who are part of a TANF budget group in which the teen parent's custodial parent needs to be working. Is eligibility for teen parents in this category limited to those whose parent is working? Is eligibility based on the teen's need to attend school? Is care based on the hours and days of the custodial parent's employment? Whose eligibility covers the teen parent? Will these teens be unable to access quality child care if the teen's parent is not working?

**(f) A parent is ineligible for subsidized child care...30 calendar days following the request for care.** Does this refer to the request made to the CAO or the CCIS? Which takes precedence? Currently many referrals are incomplete. In Release 4, these will be "processed with failure" Is it the responsibility of the CCIS to gather this information that should have come with the transfer of information from the CAO? This is a major workload issue that needs to be addressed and resolved before go-live. Are these parents still able to access subsidy for child care even if the pertinent information is not available to CCIS i.e. employment, work hours?

**(g)** The same issue exists in this regulation except that it pertains to enrollment.

#### **168.21 Ineligibility for failure to pay co-payment**

(a) This regulation does not correspond to any existing co-payment regulation in 3041.106C. There is no provision to manage "**satisfactory arrangements to pay delinquent co-payments are made with the provider**" for low income or TANF transfer CCIS clients. Regulations need to be consistent to protect the client, the provider, and the workers. Clients should not be treated differently because of their income source. Providers should not have to be concerned about how to collect co-payments.

### **168.41(2) Verification requirements**

The CAO is responsible for eligibility, but to keep pace with the client's changing need for child care, CCIS must have access quickly to that information. To whom is the parent providing verification of a change in eligibility? The issue of which agency represents the "Department" is again in question. This is confusing to workers, but even more confusing to parents and providers.

**(3) Child care costs shall be verified...by a collateral contact by the Department with the child care provider.** This is an unacceptable form of verification for Delaware County. This will compromise the integrity of the provider payments and procedures established in accordance with acceptable accounting and auditing processes. The provider should be responsible to submit the monthly attendance form specified by the Department.

**(4) A collateral contact will be used whenever necessary to ensure that payment is made in advance of the date that payment is required by the child care provider consistent with 168.1(b)(3)...** Collateral contacts should not be used as verification for payment. Advance payment should be made only under extenuating circumstances and with appropriate documentation.

Failure to provide verification within the specified time period **could...** should be changed to **will** result in nonauthorization of the child care payment.

**168.43 Verification of a child's disability.** This statement meets CCIS Chapter 3041 regulations but to whom should this statement be given, the CAO or CCIS?

**168.44 Verification of a parent's disability.** This statement meets CCIS Chapter 3041 regulations but to whom should this statement be given, the CAO or CCIS?

**168.49 Verification of payment of co-payment for the employed budget group.** **The provider is not required to report to the Department if a co-payment is paid timely...when a delinquent co-payment has thereafter been paid and when satisfactory arrangements for payment of a delinquent co-payment has been made.** This "satisfactory arrangement" does not correspond to any regulations in Chapter 3041 regarding delinquent co-payments. Therefore, only Unification clients will be able to make satisfactory arrangements with a provider. This creates an increased workload for providers and CCIS as well as jeopardizing the confidentiality of these current TANF/GA/FS clients.

### **168.82 Time frames for authorization of payment**

**(a),(b),(c)** are inconsistent with established payment processes to providers. These time frames are unrealistic based on local payment processes and the volume of payment requests that need to be processed.

### **168.91 Restitution**

This regulation is so ambiguous that it is not understandable.