

2784

From: Jewett, John H.
Sent: Thursday, September 24, 2009 4:24 PM
To: Cooper, Kathy; IRRC; Gelnett, Wanda B.; Wilmarth, Fiona E.; Johnson, Leslie A. Lewis
Subject: FW: PPC Comments on Special Allowance Regulations
Attachments: PPC 092409Special Allowance Comments to IRRC.pdf

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Please file this email and attachment as "final comments" for #2784.

From: Callahan, Dave [mailto:dcallahan@papartnerships.org]
Sent: Thursday, September 24, 2009 4:02 PM
To: Jewett, John H.
Subject: PPC Comments on Special Allowance Regulations

Mr. Jewett -

Please find attached PPC's comments on the PA Department of Public Welfare's revisions to the Special Allowance for Supportive Services Requirements.

Thank you

Pennsylvania Partnerships for Children



**Pennsylvania
Partnerships for Children**

Joan L. Benso, *President and CEO*

116 Pine Street, Suite 430 -- Harrisburg, PA 17101-1244

David W. Sweet, *Esq., Chair of the Board*

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INDEPENDENT REGULATORY
REVIEW COMMISSION

September 24, 2009

Mr. John H. Jewett
Regulatory Analyst
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Mr. Jewett:

I am submitting comments on behalf of Pennsylvania Partnerships for Children (PPC) regarding Department of Public Welfare final-omitted regulations #14-517 (IRRC # 2784) that provide revisions to the Special Allowance for Supportive Services Requirements.

PPC is a statewide, independent, non-partisan, data-driven child advocacy organization. We seek to improve the health, well-being and education of the Commonwealth's children. Our vision is that by 2014, PPC will have helped Pennsylvania move into position as one of the top 10 states in the nation to be a child and to raise a child. We are interested in the final-omitted regulations because of the impact revisions to the program could have on children in low-income families.

PPC is concerned with two primary areas of the final-omitted regulations.

First, revisions to 55 §165.41(c) provide "Based on a participant's additional available resources, the Department may request the participant contribute toward the cost of the item or service." This provision can be interpreted several different ways. One could read this provision as giving discretion to the Department to request contributions based on available resources as they determine or it could be read as requiring families to exhaust all available resources before receiving a special allowance. The provision needs further clarification before implementation. We certainly hope that the intent of the Department is not to require all resources to be exhausted before a participant receives a special allowance. Participants should be allowed to have some resources for emergencies and for upcoming needs.

Second, Appendix A of the final-omitted regulations update and further provide for the frequency and maximum amounts of special allowances. We understand the need, for purposes of accountability, to establish limits on special allowances in this manner. However, the provisions are in need of further refinement. In order to work properly, the limits established in the regulations must be updated and adjusted yearly by the Department to reflect inflation and current cost of living. Furthermore, some provision must be made for participants who under

extraordinary circumstances must exceed the frequency and maximum limits on special allowances. The regulation must provide a procedure for participants to request to exceed the limits as well as guidelines for the Department to grant or deny the request.

I urge you to consider our comments when ruling on the final-omitted regulations. Were the regulations in proposed form, the Department would have had an opportunity to consider these and other comments and fine-tune the regulations as final. Unfortunately, because the regulations are in final-omitted form, this leaves us with no other choice but to recommend they be rejected. Thank you for your consideration of PPC's request.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'B' intertwined, with a long horizontal stroke extending to the right.

Joan L. Benso
President and CEO