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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

November 25, 2016

COMMITTEES

HUMAN SERVICES,
MAJORITY CHAIRMAN

CONSUMER AFFAIRS

PA ATHLETIC OVERSIGHT COMMITTEE,
CHAIRMAN

Hon. Ted Dallas, Secretary
Department of Human Services
333 Health & Welfare Building
Harrisburg, PA 17120

Dear Secretary Dallas,

I am writing to you today on a matter of great importance – not just to me, but to the tens of thousands of consumers with intellectual disability or autism we, as a Commonwealth, support.

Earlier this month, the department issued proposed regulations to substantially overhaul the regulatory structure that covers intellectual disability and autism supports and services. This includes proposed rulemaking in 55 PA. Code Chapters 51, 2380, 2390, 6100, 6200, 6400, and 6500. This proposed rulemaking package is enormous – and one of the largest regulatory packages I can recall. While I appreciate the minimum requirements of Pennsylvania’s Independent Regulatory Review Act and the fact that the department exceeded the minimum requirement of a 30-day public comment period by allowing for a 45-day public comment period, I am writing today because I do not believe a 45-day public comment period is sufficient given the scope of the proposed changes and the enormous potential impact they could have on tens of thousands of Pennsylvanians.

I believe the 45-day public comment period that is being afforded is insufficient for all stakeholders that need to analyze and weigh in on these regulations to do so in a meaningful way. My belief is further bolstered by the fact that the public comment period falls right in the middle of the holiday season. Furthermore, the public comment period closes while the General Assembly is adjourned sine die. This fact automatically delays the next tangible step the department can take in reissuing these regulations as final due to the fact that that legislative committees will be unlikely to have their regulatory designations until the end of January or early February.

I know you wouldn’t want the promulgation of these regulations to be characterized as anything but open, transparent, and truly constructive. Anything less could very well undermine the long-term validity of these regulations amongst the regulated community. All stakeholders need to have an adequate amount of time to properly engage in this process. This includes legislative committees and individual legislators themselves. With all of this in mind, I am asking you to extend the public comment period until February 1, 2017. Doing so does not substantially slow down the rulemaking process and would actually enhance the process itself.

Sincerely,

Gene DiGirolamo, Chairman
House Human Services Committee
18th Legislative District

CC: Hon. Nancy Thaler, Deputy Secretary – ODP, Department of Human Services
David Sumner, Executive Director – Independent Regulatory Review Commission
Hon. Angel Cruz, Chairman – House Human Services Committee
Hon. Mike Turzai, Speaker of the House of Representatives
Hon. Dave Reed, House Majority Leader

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