



14-543-8
5/22/23



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May 22, 2023

Brian MacDaid,
Department of Human Services
Office of Administration
Health & Human Services Building
625 Forster Street, Room 631
Harrisburg, PA 17120

By Email to: RA-PWOLTLRegsPubCom@pa.gov
Subject: Regulation No. 14-543

Dear Mr. MacDaid,

Thank you for the opportunity to provide comments on proposed regulations pertaining to PA Act 70 as published in the Pennsylvania Bulletin on April 22, 2023. Most notably the comments included in this letter highlight TASKFORCE RECOMMENDATIONS FOR AN ABUSE/NEGLECT REGISTRY IN PENNSYLVANIA developed during the period March 1 through October 31 2022, and submitted to Governor Wolf on November 30, 2022. The stated purpose of an abuse/neglect registry within these recommendations is “to protect vulnerable Pennsylvanians by preventing exposure to caregivers who have a history of substantiated abandonment, abuse, exploitation, or neglect.”

As acknowledged in the recommendations of the Taskforce, the development of a registry would require amendment and revision to existing statutes and regulations, which would now include the proposed rulemaking referenced here. Primary considerations noted within the Taskforce recommendations include the following:

1. The identification of a perpetrator only following an independent review by a qualified investigator applying a clear and convincing evidentiary standard.
2. Due process, appeal opportunities, and notification requirements to identified perpetrators, and relevant employers.
3. Access to a public database for all employers and families seeking employees to provide care and support, and an employer requirement to consult the registry before hire and at regular intervals thereafter during employment tenure.

4. Efficiencies that would promote and facilitate a “no wrong door” approach to simply reporting and investigation without unnecessary duplication; and that would also ensure internal reporting and information-sharing by law enforcement and the judicial system.
5. Indemnification for those who apply and use the registry in good faith.
6. Updating of terminology to ensure that all vulnerable citizens qualify for protection and that common language is used and applied.
7. Mechanisms to ensure compliance would not impose undue financial burdens on users and that additional costs be incorporated into rate-setting and reimbursement methodologies for those providing services.

To the extent that any recommendations of the Taskforce that are within the scope of existing law can be incorporated into proposed regulations within their final publication and adoption, we request consideration to do so. We believe the recommendations of the Taskforce provide a fair and equitable framework to develop a Pennsylvania registry and would welcome the opportunity to continue working with partners and stakeholders to implement such a system to enhance protection. We further request a review of all recommendations contained within the November 30 Taskforce submission for possible areas of incorporation or inclusion within the proposed regulations.

Thank you for your consideration and the opportunity to provide these comments and recommendations and the ongoing efforts to protect all people with disabilities across the Commonwealth.

Sincerely,

Patrick DeMico

Patrick DeMico
Executive Director