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## Testimony regarding HB 5910 Before the Human Services Committee March 11, 2008

Prepared by: Shirley Bergert

### Recommended Action: SUPPORT

HB 5910 includes several important revisions to improve review and adoption of regulations of the Department of Social Services. These comments are limited to those provisions (Sections 1-4 of the bill).

**Section 1 requires quarterly reporting by the Department of Social Services (DSS) regarding new or expanded initiatives.** DSS has implemented many initiatives over the last decade. The legislature has not had a mechanism by which to track the progress of these initiatives. Such tracking is critical to ensuring the legislature is aware of problems or impacts that may not have been intended or which it may wish to address in legislation.

### Section 2 has two important legislative revisions:

- **Conn. Gen. Stat. § 17b-10 (a) is modified to require DSS to adopt regulations in accordance with the Connecticut Administrative Procedure Act (APA - Conn. Gen. Stat. §4-166, et seq.) beginning January 1, 2009.** The APA guides all state agencies in adoption of regulations and ensures public input regarding proposed regulations, review by the Attorney General for legal sufficiency, and legislative scrutiny. During the period of regular major modification of welfare programs, DSS was provided with special dispensation to operate under proposed regulations, so long as it began the APA regulation adoption process by providing notice in the CT Law Journal (CLJ). There were often significant delays in finalizing regulations, in some cases for years during which DSS could modify its proposed regulations without any public input or AG or legislative scrutiny. This led to a legislative requirement that final regulations be submitted to the legislative Regulation Review Committee within six months of the CLJ publication, with provision for delay under limited circumstances. Welfare programs are fairly stable at this point and there is no longer any justification for exempting DSS from APA processes and the important reviews in those processes, and good public policy reasons for ensuring adequate scrutiny in the regulation adoption process.
- **Conn. Gen. Stat. § 17b-10 (f) is modified to require DSS to submit proposed regulations to the Human Services committee at the same time they are submitted to Regulation Review.** The Human Services committee would then make a recommendation to Regulation Review



regarding whether the regulation should be approved. Since Human Services is the key committee developing legislation authorizing DSS programs, such a recommendation could prove invaluable for ensuring agency regulations reflect legislative intent. **This subsection also requires submission of proposed regulations to appropriate advisory committees established by the legislature, to ensure such committees have timely opportunity to make recommendations to the Regulation Review committee.** DSS is required to submit proposed Medicaid and HUSKY regulations to the council on Medicaid managed care, and DSS and the Department of Children and Families must submit proposed regulations affecting the Behavioral Health Partnership to the Behavioral Health Partnership Oversight Council.

**We suggest the following modification to the proposed language in the bill, which we believe effects the intent of the proposal to ensure proposed regulations are submitted to advisory committees concurrent with submission to Regulation Review. [Brackets] indicate deletions and CAPS indicate additions:**

(f) On and after January 1, 2009, concurrent with the submission of a proposed regulation to the standing legislative regulation review committee[,] in accordance with subsection (b) of section 4-170, the department shall submit such proposed regulation to the joint standing committee of the General Assembly having cognizance of matters relating to human services. The joint standing committee of the General Assembly having cognizance of matters relating to human services shall review such proposed regulation and make a recommendation to the legislative regulation review committee on whether such regulation should be approved. In addition, [the department shall submit,] CONCURRENT WITH THE SUBMISSION OF A PROPOSED REGULATION TO THE STANDING LEGISLATIVE REGULATION REVIEW COMMITTEE in accordance with subsection (b) of section 4-170, THE DEPARTMENT SHALL SUBMIT any proposed regulation affecting the Medicaid program and the HUSKY Plan to the advisory council on Medicaid managed care, established pursuant to section 17b-28, as amended by this act. Said council shall review the proposed regulation and make a recommendation to the legislative regulation review committee on whether such regulation should be approved. CONCURRENT WITH THE SUBMISSION OF A PROPOSED REGULATION TO THE STANDING LEGISLATIVE REGULATION REVIEW COMMITTEE [The Departments of Social Services and Children and Families shall submit,] in accordance with subsection (b) of section 4-170, THE DEPARTMENTS OF SOCIAL SERVICES AND CHILDREN AND FAMILIES SHALL SUBMIT any proposed regulation affecting the Behavioral Health Partnership to the Behavioral Health Partnership Oversight Council, established pursuant to section 17a-22j. Said council shall review the proposed regulation and make a recommendation to the legislative regulation review committee on whether such regulation should be approved.

**Section 3 adds review of proposed regulations affecting the Medicaid program and the HUSKY Plan to the list of matters for the advisory council on Medicaid Managed care, effecting Section 2.**

**Section 4 review of proposed regulations affecting the Behavioral Health Partnership to the Behavioral Health Partnership Oversight Council, effecting Section 2.**