
Testimony Supporting S.B. 880: An Act Concerning the Publication of State Agency
Regulations on the Internet

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Committee on Government Administration and Elections

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Dear Senator Slossberg, Representative Morin, and Members of the Committee on Government Administration and Elections:

I am a Senior Policy Fellow with Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth and families. The focus of my research and advocacy is on the implementation of the publicly financed HUSKY health insurance program that is administered by the state Department of Social Services.

CT Voices for Children wholeheartedly **supports SB 880** which would require each state agency to post its published regulations on its web site starting October 1, 2011 and to publish effective regulations by January 1, 2012.

The last time I submitted testimony before this Committee in support of a similar proposal was March 2008 – almost three years ago. It is well past time that all agencies were required to publish their regulations on the Web. The below paragraphs are taken virtually verbatim from my testimony in 2008. Nothing has changed.

The Connecticut Department of Social Services is responsible for hundreds of programs, and oversees a budget of \$5 billion. The HUSKY and Medicaid programs alone serve over 500,000 children, parents, pregnant women, seniors, and persons with disabilities. The complicated eligibility rules that govern these programs are not easily available to the public. Program eligibility rules are published in the Department of Social Services' *Uniform Policy Manual (UPM)*. By statute, the *UPM* is distributed to DSS offices, town halls, and legal aid programs – in hard copy and via CD rom.¹ The Department does not publish these eligibility regulations or virtually any of its other governing regulations on its web site. DSS works with myriad stakeholders that should have easy access to its regulations. It is time for DSS to publish its rules regarding Medicaid, HUSKY and its other programs on the web in an easily searchable format.

We would urge the Committee to amend the legislation to require that any regulation under which an agency operates – whether in draft, proposed or final form – be published on an agency's web site. Often DSS operates under proposed regulations that have been published in the Connecticut Law Journal but have not yet been formally adopted under the state Uniform Administrative Procedures Act (UAPA).² This has allowed DSS to operate programs without final regulations for months or even years.

This is problematic for a couple of reasons. First, this means that the regulations are implemented before the public has had the opportunity to weigh in during the formal comment period

contemplated by the UAPA. Second, some proposed regulations take years – or never – to become final regulations. In the case of the HUSKY B program³, its regulations never saw the light of day for 10 years. They remained in “draft” form for internal use only. DSS did publish proposed HUSKY B regulations in 2007 – and continues to operate this program under the proposed – but not finalized – regulations. It is (still) not known when the HUSKY B regulations may be finalized, given all of the other competing priorities within the Department. At a minimum if the Department were required to publish any regulation under which it is operating on its web site, the public – including clients and contractors of the agency, community providers, and others would have ready access to the policies that govern DSS’s many important health and social services programs.

Now more than ever when the state is struggling with an unprecedented budget deficit and agencies are required to reduce their use of paper, postage and other such expenses, it is time to make regulations accessible on the internet.

In sum, Connecticut Voices for Children strongly urges this committee to support publication of state agency regulations on the web.

Thank you for this opportunity to testify in **support of SB 880**. Please feel free to contact me if you have questions about my testimony or need further information.

¹ See, Conn. Gen. Stat., Sec. 17b-10(a).

² Conn. Gen. Stat. Secs. 4-166, *et seq.*

³ HUSKY B is Connecticut’s State Children’s Health Insurance Program (SCHIP) which serves children under 19 whose family has too much income to qualify for HUSKY A (Medicaid). Conn.Gen. Stats., Secs. 17b-289, *et seq.*