

**INDEPENDENT REGULATORY REVIEW COMMISSION  
PUBLIC MEETING MINUTES**

10:00 A.M.

Thursday, September 21, 2023

14<sup>th</sup> Floor Conference Room

333 Market Street

**I. CALL OF THE MEETING**

The September 21, 2023 public meeting of the Independent Regulatory Review Commission (Commission) was called to order by Chairman Bedwick at 10:03 a.m. in the 14<sup>th</sup> Floor Conference Room, 333 Market Street, Harrisburg, PA.

Commissioners Present:       George D. Bedwick, Chairman  
  John F. Mizner, Esq., Vice Chairman  
  John J. Soroko, Esq.  
  Murray Ufberg, Esq.

Telephone:                       Dennis A. Watson, Esq.

**II. APPROVAL OF THE MAY 18, 2023 PUBLIC MEETING MINUTES**

Chairman Bedwick asked for a motion for approval of the July 13, 2023 public meeting minutes, as submitted. Vice Chairman Mizner made the motion and Commissioner Ufberg seconded, and the motion passed 5-0.

**III. NEW BUSINESS**

**A.     DEEMED APPROVED**

1. **No. 3348 Environmental Quality Board #7-572: Administration of the Land Recycling Program Vanadium MSC Rule**
2. **No. 3360 State Board of Chiropractic #16A-4322: Child Abuse Reporting Requirements**

**B.     ACTION ITEMS**

1. **No. 3275 Department of Human Services #14-545: Subsidized Child Care Eligibility (Previously Disapproved)**

Laura Campbell, Regulatory Analyst, explained the final-form regulation was previously disapproved by the Commission at its May meeting at the request of the Department of Human Services (DHS) Secretary Arkoosh. Ms. Campbell noted that Secretary Arkoosh requested the disapproval due to the impact of removing a provision, which allowed child care providers to charge parents and caregivers the difference between the private pay rate and the state subsidy reimbursement, known as balanced billing. Ms. Campbell added that the revised final-form regulation restored balanced billing and was supported by the Community Justice Project (CJP), Pennsylvania Association for the Education of Young Children (PennAEYC), and Start Strong PA.

Vice Chairman Mizner questioned whether the Commission received comments requesting disapproval of the revised regulation. Ms. Campbell replied that the comments received by the Commission all requested approval. Vice Chairman Mizner asked if most concerns over the previous regulation have been addressed by DHS. Ms. Campbell replied in the affirmative.

Michael Ordonez, Program Representative, Jessica Sands, Policy Division Chief, and Shante' Brown, Deputy Secretary, Office of Child Development and Early Learning, DHS, were present to answer any questions.

Ms. Brown outlined how DHS provided the Commission with the report and updated regulation, which restores a provision allowing child care providers to charge the difference between a provider's private pay rate and subsidy payments by DHS. She cited a survey that found out of 3,447 respondents, 31.8% stated that Child Care Works (CCW) families usually pay the full difference and 51% stated the families did not pay anything in addition to the subsidy.

Ms. Brown explained that further study of the problem is needed, and she highlighted the upcoming meetings in the fall between DHS and parents. She noted the changes in the regulation, asserting it closer reflects the Federal Child Care and Development Block Grant and strengthens protections for children across the state by ensuring funds are available.

Jen DeBell, Executive Director, PennAEYC, indicated she is representing Start Strong PA. She highlighted the CCW program as helping families access high-quality child care. She detailed her criticism of the previous regulation and she expressed gratitude that the Commission disapproved it. She expressed concerns about the average wage of child care workers, the closure of child care facilities, and program funding. Ms. DeBell concluded her remarks by encouraging the regulation's approval.

Peter Zurflieh, Esq., Staff Attorney, CJP, reiterated how child care programs are underfunded in Pennsylvania. He focused on how DHS estimated that \$16.5 million would be lost through the elimination of balanced billing, noting the money would be returned to low-income families and not the state. He praised DHS for collecting data and meeting with parents. He detailed criticisms and suggestions before recommending approval by the Commission.

Sheila Forrester, Founder, Success Against All Odds, commented that in her talks with providers, it became apparent a regulatory package could be implemented that benefits families,

though she cautioned against the lack of available child care workers. She emphasized focusing on families and the providers as the regulation moves forward.

Ms. Brown affirmed DHS's commitment to exploring the issue. She repeated that parents and advocates would take part in the upcoming meetings in the fall, where more data would be collected.

Vice Chairman Mizner made a motion for approval. Chairman Bedwick seconded, and the motion passed 5-0.

## **2. No. 3307 Pennsylvania Turnpike Commission #60-3: Traffic Regulations**

Corinne Brandt, Regulatory Analyst, stated the regulation amends existing regulations to reflect the Pennsylvania Turnpike Commission's (PTC) conversion to a cashless tolling system.

Craig Shuey, COO, and John Dwyer, Assistant Counsel, PTC, were present to answer any questions.

Chairman Bedwick inquired how the new tolling system on the Pennsylvania Turnpike, which uses a camera system to take pictures of license plates, would enforce tolls on travelers from outside the state who do not pay. Mr. Shuey responded the entire toll industry has been working on reciprocity agreements between agencies to enforce tolls across jurisdictions. He added PTC is working alongside the Pennsylvania State Police to get the most use out of existing statutes.

Chairman Bedwick made a motion for approval. Vice Chairman Mizner seconded, and the motion passed 5-0.

## **3. No. 3358 State Board of Occupational Therapy Education and Licensure #16A-679: Child Abuse Reporting Requirements**

Ms. Brandt explained the regulation updates the State Board of Occupational Therapy Education and Licensure's existing child abuse reporting regulations to be consistent with amendments to the Child Protective Services Law.

Cynthia Montgomery, Deputy Chief Counsel, Department of State, was present to answer any questions.

Ms. Montgomery commented that she believes this meeting to be the eighth time she has come before the Commission with a similar regulation, and was available to respond to any questions. There were none.

Commissioner Ufberg made a motion for approval. Chairman Bedwick seconded, and the motion passed 5-0.

**4. No. 3379 State Board of Education #6-341: Intellectual Disability Terminology Update**

**5. No. 3380 Department of Education #6-342: Intellectual Disability Terminology Update**

Chairman Bedwick indicated that as the regulations were nearly identical, that they would be considered together, but the votes would be taken separately.

Scott Schalles, Regulatory Analyst, explained both regulations replace the terms "mentally retarded" and "mental retardation" with the term "intellectual disability" or "an individual with an intellectual disability."

Rick Levis, Policy Director, Department of Education, and Karen Molchanow, Executive Director, State Board of Education, were present to answer any questions.

Commissioner Watson made a motion for approval of Regulation No. 3379. Commissioner Ufberg seconded, and the motion passed 5-0.

Commissioner Watson made a motion for approval of Regulation No. 3380. Vice Chairman Mizner seconded, and the motion passed 5-0.

**IV. EXECUTIVE SESSION ANNOUNCEMENTS**

Chairman Bedwick announced that an executive session would be held to discuss personnel matters immediately after the approval of vouchers.

**V. OTHER BUSINESS**

**1. Approval of Vouchers**

Vice Chairman Mizner made a motion to approve vouchers and expenses for the period July 14, 2023 through September 21, 2023. Chairman Bedwick seconded, and the motion passed 5-0.

(The executive session began at 10:43 am and ended at 11:48 am.)

**2. Fiscal Year 2023-2024 Budget**

Commissioner Soroko made a motion to approve the Commission's 2023-2024 Fiscal Budget. Commissioner Watson seconded, and the motion passed 5-0.

## **VI. DATE AND PLACE OF SUBSEQUENT MEETING**

Chairman Bedwick announced the next public meeting is scheduled for Thursday, November 16, 2023, at 10:00 a.m. in the 14<sup>th</sup> Floor Conference Room, 333 Market Street, Harrisburg.

## **VII. ADJOURNMENT**

Chairman Bedwick adjourned the meeting at 11:51 am.