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Regulatory Reform

Definition

Regulatory reform is often a term used to refer to changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal aspects of regulations and related government actions.

In PA Health and Human Services, it is also used to refer to the efficiency and relative speed of enactment from initial discussion to regulatory implementation. That is, if the regulatory change takes an inordinate amount of time to implement, there is the risk that the changes are no longer relevant, and time, money, and needed services have been lost in the interim.

Problem

In PA there have been significant examples of delayed regulatory change implementation. One of the best examples of this is in the proposed “MH outpatient regs” which have been going from office to office and desk to desk for review and comment for years. While the advances proposed in these regulations are critical (e.g., use of technology) some providers fear that once promulgated some of regulations will immediately be outdated and in need of further review, thus beginning a new several year process.

In the absence of necessary changes, legislation has been put forward in recent years to at least address some of the most critical pieces (e.g., HB 478/ Act 25 of 2018). This should not have been needed if the existing regulatory review process worked effectively.

In contrast, the recent ODP regulatory change from Chapter 51 to the new 6100 regs was an open process of stakeholder involvement, clear review deadlines and timeframes, and a specific leader chosen to usher the process. The new regs were approved by the IRRC in 2018. This successful process of regulatory reform must be statewide.

Why is regulatory reform critical to human service agencies to thrive in the next decades?

At the surface the generic concept of “regulatory reform” would appear to be of great value to all stakeholders, but it is also critical to ensure that invested parties- providers, administration, legislature- are on the same page.

From the perspective of the RCPA membership, regulatory reform specifically refers to:

- Creating a strong human service system to serve Pennsylvania residents using best practice methods by the most qualified person to do so;
- Developing regulatory change processes and timelines to ensure that delayed regulations are not negatively impacting the effort to move forward with innovation (e.g., technology advances, movement to value based purchasing);
- Including stakeholders in the streamlined, transparent process of reviewing or creating regulations to avoid confusion, misguided regulations and unfunded mandates.;
- Ensuring that the new regulations result in value/improved outcomes for the person receiving services;
- The potential of accepting national credentialing standards and adjusting auditing procedures through regulation, accordingly, known as Deemed Status;
- A better understanding of when new regulations are not needed, and rather new department processes and guidance would serve as a more direct resolution;
- Supporting human service providers in serving Pennsylvanians while ensuring taxpayer dollars are spent on monitoring quality, safety and outcomes, not administrative details (e.g., the organization of a medical record).

Proposed Outcome

The current system of regulatory review and revision is not working. Much of this is due to the lack of clear review processes and timeframes which should be adhered to. This results in the absence of necessary changes which could significantly impact the service delivery system and provide evidenced-based services and cost-effectiveness of the system.

The PA legislature could begin to take on this important task of true Regulatory Reform.