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**Testimony Supporting:
H.B. 5896 AAC The Publication of State Agency Regulations**

Sharon D. Langer, M.Ed., J.D.
Committee on Government Administration and Elections
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Dear Senator Slossberg, Representative Caruso, 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. Currently, 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** HB 5896 which would:

- require the Department of Technology, in consultation with the Commission on Official Legal Publications, to develop a computer program that would allow each state agency to post any published regulation on its website.
- require each state agency to post its published regulations on its web site starting October 1, 2009 and to publish effective regulations by January 1, 2010.

The Connecticut Department of Social Services is responsible for hundreds of programs, and oversees a budget of almost \$5 billion. The HUSKY and Medicaid programs alone serve over 400,000 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 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. Recently, DSS did publish proposed HUSKY B regulations – and is now operating the program under these proposed – but not finalized – regulations. It is 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 of the agency, 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.

In sum, Connecticut Voices for Children strongly urges this committee to support publication of state agency regulations on the web, and to encourage the legislature to provide the funds necessary to accomplish this worthy goal.

Thank you for this opportunity to testify in support of HB 5910. 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.*