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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

Majority Leader

E-MAIL: kbenning@pahousegopa.com
WEB: kerrybenninghoff.com

March 23, 2021

Department of Aging
Secretary Robert Torres
555 Walnut Street, 5th Floor
Harrisburg, PA 17101

Secretary Torres:

We can all agree that COVID-19 brought unprecedented challenges to Pennsylvania. One year ago, when we were still learning about this virus and the impact it would have on the health of Pennsylvanians, law-suspending measures were taken by the Administration. Done with the stated intention of protecting Pennsylvanians and “flattening the curve,” dozens of regulations and enforcement actions were unilaterally waived or put on hold at the onset of the pandemic with no opportunity for input by the General Assembly.

Now beyond the one-year anniversary of Governor Tom Wolf’s first emergency declaration related to COVID-19, many of those regulatory and statutory suspensions are still in place. With normalcy on the horizon, it is important to ask why. While we do not think it was lawful to unilaterally make these decisions to sidestep the legislature and ignore current law, we do think it is time we take a serious look at whether or not some of the unilateral measures taken, such as regulatory suspensions or virtual training opportunities, should be made permanent.

Below, we have outlined a series of questions related to the regulatory and statutory suspensions under the purview of the Department of Aging. We are requesting a written response to these questions.

Please include in your response all of the following:

- What, if any suspensions or waivers, your department recommends be made permanent for the benefit of Pennsylvanians beyond the current pandemic.
- If statutory changes are needed to create greater efficiencies and streamlined government.
- An update on the status of all your department’s COVID-related waivers and suspensions.
- When the department plans to reinstate those waived or suspended regulations.
- If these regulations are tied to the governor’s COVID-19 emergency declaration order or the former Secretary of Health’s authority under the Disease Control and Prevention Act.
- If there are any additional waivers or suspensions affecting your department resulting from the governor’s COVID-19 emergency declaration or the former Secretary of Health’s authority under the Disease Control and Prevention Act not listed on your master list of suspended or waived regulations.
- What legal authority your department had to waive these regulations.
- How your department notified stakeholders of these waved regulations.

Responses should be returned no later than April 7, 2021.

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Department of Aging** suspended the following regulations during the pandemic:

6 Pa Code §11.241, § 11.242 relates to the waiver of Older Adult Living Centers onsite inspections.

- How many total Older Adult Daily Living Centers are licensed in Pennsylvania? How many were closed, are still closed, and how many licensed facilities needed to be issued a provisional license?
- Was any enforcement guidance provided by the department to these facilities? Is there going to be additional guidance going forward?

6 Pa Code §11.61(d)(1) relates to investigations of unusual incidents in Older Adult Day Living Centers.

- What statutory reference dictates the three-day reporting requirement with respect to unusual incidents in Adult Day Living Centers?

6 Pa Code §15.42 requires face-to-face visit for protective services caseworkers.

- How many active protective services cases were on file prior to 03/18/2020?
- How many new cases were reported to protective services from 03/18/2020 to present?
- What type of communication (electronic or other) protocol is being used to investigate violations of the Older Adult Protective Services law while this regulation is suspended?
- Is that communication protocol consistent across all Area Agencies on Aging (AAA)?
- Statewide, how did Older Adult Protective Services report of needs, investigations and substantiated claims in Fiscal Year 2019-2020 compare to previous Fiscal Years?
- Have in-person visits been reinstated for Older Adult Protective Services caseworkers at all AAA locations? If not, what benchmarks are being used for reinstating in-person visits?

55 Pa. Code §2600.42 and §2800.42 were suspended to restrict in-person visitation, along with guidance issued by the Department of Health and the Department of Human Services to restrict visitation into their respective licensed long-term care facilities.

- How did Pennsylvania's Long-Term Care Ombudsman Program access consumers residing in these facilities under the issued guidance?
- Were adaptations necessary to resolve individual complaints involving long-term care service? Please explain.

We look forward to working with you to ensure Pennsylvanians have a government that works for them as we emerge from this pandemic.

Sincerely,



KERRY A. BENNINGHOFF
Majority Leader



GARY DAY
Aging and Adult Services Committee Chair

KERRY A. BENNINGHOFF
171ST LEGISLATIVE DISTRICT

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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

Majority Leader

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March 23, 2021

Department of Banking
Secretary Richard Vague
Market Square Plaza
17 North 2nd Street
Harrisburg, PA 17101

Secretary Vague:

We can all agree that COVID-19 brought unprecedented challenges to Pennsylvania. One year ago, when we were still learning about this virus and the impact it would have on the health of Pennsylvanians, law-suspending measures were taken by the Administration. Done with the stated intention of protecting Pennsylvanians and "flattening the curve," dozens of regulations and enforcement actions were unilaterally waived or put on hold at the onset of the pandemic with no opportunity for input by the General Assembly.

Now beyond the one-year anniversary of Governor Tom Wolf's first emergency declaration related to COVID-19, many of those regulatory and statutory suspensions are still in place. With normalcy on the horizon, it is important to ask why. While we do not think it was lawful to unilaterally make these decisions to sidestep the legislature and ignore current law, we do think it is time we take a serious look at whether or not some of the unilateral measures taken, such as regulatory suspensions or virtual training opportunities, should be made permanent.

Below, we have outlined a series of questions related to the regulatory and statutory suspensions under the purview of the Department of Banking. We are requesting a written response to these questions.

Please include in your response all of the following:

- What, if any suspensions or waivers, your department recommends be made permanent for the benefit of Pennsylvanians beyond the current pandemic.
- If statutory changes are needed to create greater efficiencies and streamlined government.
- An update on the status of all your department's COVID-related waivers and suspensions.
- When the department plans to reinstate those waived or suspended regulations.
- If these regulations are tied to the governor's COVID-19 emergency declaration order or the former Secretary of Health's authority under the Disease Control and Prevention Act.
- If there are any additional waivers or suspensions affecting your department resulting from the governor's COVID-19 emergency declaration or the former Secretary of Health's authority under the Disease Control and Prevention Act not listed on your master list of suspended or waived regulations.
- What legal authority your department had to waive these regulations.

- How your department notified stakeholders of these waved regulations.

Responses should be returned no later than April 7, 2021.

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Pennsylvania Department of Banking and Securities** suspended the following regulations during the pandemic:

63 P.s. §281-4, §2501 (313) (a), §2405 (2), §2301 (a)

7 Pa. C.S. §6131 (a.1) and (f)(2),

7 P.S. §6102, §6203

73 P.S. §2181 (8)

12 Pa. C. S. §6212(b)(2)

The above require each regulated business location to be licensed by the department.

- How many banks, credit unions, depositories, money transmitters or regulated business with physical locations licensed by the department utilized remote working for their employees?
- Was the department involved, or how did the department ensure that all regulated businesses under this waiver made appropriate accommodations for consumers, especially as it relates to customer service and security? Please explain in detail.

10 Pa Code (multiple sections)

These regulations provide for examination mandates and filing deadlines.

- Does the statute need to be changed to allow for online filing options in the future?
- Have online filing options been well received by the regulated entities?
- Has the department realized any cost savings through providing online options?

We look forward to working with you to ensure Pennsylvanians have a government that works for them as we emerge from this pandemic.

Sincerely,



KERRY A. BENNINGHOFF
Majority Leader



BRAD ROAE
Commerce Committee Chair

KERRY A. BENNINGHOFF
171ST LEGISLATIVE DISTRICT

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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

Majority Leader

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March 23, 2021

Department of Drug & Alcohol Programs
Secretary Jennifer Smith
625 Forster Street, Room 903
Harrisburg, PA 17120

Secretary Smith:

We can all agree that COVID-19 brought unprecedented challenges to Pennsylvania. One year ago, when we were still learning about this virus and the impact it would have on the health of Pennsylvanians, law-suspending measures were taken by the Administration. Done with the stated intention of protecting Pennsylvanians and "flattening the curve," dozens of regulations and enforcement actions were unilaterally waived or put on hold at the onset of the pandemic with no opportunity for input by the General Assembly.

Now beyond the one-year anniversary of Governor Tom Wolf's first emergency declaration related to COVID-19, many of those regulatory and statutory suspensions are still in place. With normalcy on the horizon, it is important to ask why. While we do not think it was lawful to unilaterally make these decisions to sidestep the legislature and ignore current law, we do think it is time we take a serious look at whether or not some of the unilateral measures taken, such as regulatory suspensions or virtual training opportunities, should be made permanent.

Below, we have outlined a series of questions related to the regulatory and statutory suspensions under the purview of the Department of Drug and Alcohol Programs. We are requesting a written response to these questions.

Please include in your response all of the following:

- What, if any suspensions or waivers, your department recommends be made permanent for the benefit of Pennsylvanians beyond the current pandemic.
- If statutory changes are needed to create greater efficiencies and streamlined government.
- An update on the status of all your department's COVID-related waivers and suspensions.
- When the department plans to reinstate those waived or suspended regulations.
- If these regulations are tied to the governor's COVID-19 emergency declaration order or the former Secretary of Health's authority under the Disease Control and Prevention Act.
- If there are any additional waivers or suspensions affecting your department resulting from the governor's COVID-19 emergency declaration or the former Secretary of Health's authority under

the Disease Control and Prevention Act not listed on your master list of suspended or waived regulations.

- What legal authority your department had to waive these regulations.
- How your department notified stakeholders of these waved regulations.

Responses should be returned no later than April 7, 2021.

28 Pa Code §715.9 (a)(4) & §715.6 (d)

These regulations were suspended/ waived to allow for telehealth options.

- How many patients sought telehealth treatment services under this regulatory suspension?
- Was there any effort made by the department to study the health outcomes of patients who sought telehealth treatment services during the emergency declaration or the efficacy of these services?
- Is the department recommending a statutory change to allow access to these telehealth treatment options beyond the COVID-19 pandemic?

We look forward to working with you to ensure Pennsylvanians have a government that works for them as we emerge from this pandemic.

Sincerely,



KERRY A. BENNINGHOFF
Majority Leader



FRANK FARRY
Human Services Committee Chair

KERRY A. BENNINGHOFF
171ST LEGISLATIVE DISTRICT

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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

March 23, 2021

Majority Leader

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Department of Education
Acting Secretary Noe Ortega
333 Market Street
Harrisburg, PA 17126

Acting Secretary Ortega:

We can all agree that COVID-19 brought unprecedented challenges to Pennsylvania. One year ago, when we were still learning about this virus and the impact it would have on the health of Pennsylvanians, law-suspending measures were taken by the Administration. Done with the stated intention of protecting Pennsylvanians and “flattening the curve,” dozens of regulations and enforcement actions were unilaterally waived or put on hold at the onset of the pandemic with no opportunity for input by the General Assembly.

Now beyond the one-year anniversary of Governor Tom Wolf’s first emergency declaration related to COVID-19, many of those regulatory and statutory suspensions are still in place. With normalcy on the horizon, it is important to ask why. While we do not think it was lawful to unilaterally make these decisions to sidestep the legislature and ignore current law, we do think it is time we take a serious look at whether or not some of the unilateral measures taken, such as regulatory suspensions or virtual training opportunities, should be made permanent.

Below, we have outlined a series of questions related to the regulatory and statutory suspensions under the purview of the Department of Education. We are requesting a written response to these questions.

Please include in your response all of the following:

- What, if any suspensions or waivers, your department recommends be made permanent for the benefit of Pennsylvanians beyond the current pandemic.
- If statutory changes are needed to create greater efficiencies and streamlined government.
- An update on the status of all your department’s COVID-related waivers and suspensions.
- When the department plans to reinstate those waived or suspended regulations.
- If these regulations are tied to the governor’s COVID-19 emergency declaration order or the former Secretary of Health’s authority under the Disease Control and Prevention Act.
- If there are any additional waivers or suspensions affecting your department resulting from the governor’s COVID-19 emergency declaration or the former Secretary of Health’s authority under the Disease Control and Prevention Act not listed on your master list of suspended or waived regulations.
- What legal authority your department had to waive these regulations.
- How your department notified stakeholders of these waved regulations.

Responses should be returned no later than April 7, 2021.

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Pennsylvania Department of Education (PDE)** suspended the following regulations during the pandemic:

22 Pa Code §31.22 (waived 05/4/2020)

This waiver allowed for postsecondary institutions to shorten the academic year from 28 weeks to 26 weeks.

- With schools now operating with greater virtual learning capacity, has the full academic year requirement been reinstated? If not, why?
- If not, what benchmark is the department using to determine when it is appropriate to reinstate this requirement?
- How many postsecondary institutions shortened their academic year to fewer than 28 weeks?

We look forward to working with you to ensure Pennsylvanians have a government that works for them as we emerge from this pandemic.

Sincerely,



KERRY A. BENNINGHOFF
Majority Leader



CURT SONNEY
Education Committee Chair

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Majority Leader

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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

March 23, 2021

Department of Health
Acting Secretary Alison Beam
625 Forster Street, Rm 806A
Health & Welfare Building
Harrisburg, PA 17108

Acting Secretary Beam:

We can all agree that COVID-19 brought unprecedented challenges to Pennsylvania. One year ago, when we were still learning about this virus and the impact it would have on the health of Pennsylvanians, law-suspending measures were taken by the Administration. Done with the stated intention of protecting Pennsylvanians and “flattening the curve,” dozens of regulations and enforcement actions were unilaterally waived or put on hold at the onset of the pandemic with no opportunity for input by the General Assembly.

Now beyond the one-year anniversary of Governor Tom Wolf’s first emergency declaration related to COVID-19, many of those regulatory and statutory suspensions are still in place. With normalcy on the horizon, it is important to ask why. While we do not think it was lawful to unilaterally make these decisions to sidestep the legislature and ignore current law, we do think it is time we take a serious look at whether or not some of the unilateral measures taken, such as regulatory suspensions or virtual training opportunities, should be made permanent.

Below, we have outlined a series of questions related to the regulatory and statutory suspensions under the purview of the Department of Health. We are requesting a written response to these questions.

Please include in your response all of the following:

- What, if any suspensions or waivers, your department recommends be made permanent for the benefit of Pennsylvanians beyond the current pandemic.
- If statutory changes are needed to create greater efficiencies and streamlined government.
- An update on the status of all your department’s COVID-related waivers and suspensions.
- When the department plans to reinstate those waived or suspended regulations.
- If these regulations are tied to the governor’s COVID-19 emergency declaration order or the former Secretary of Health’s authority under the Disease Control and Prevention Act.

- If there are any additional waivers or suspensions affecting your department resulting from the governor's COVID-19 emergency declaration or the former Secretary of Health's authority under the Disease Control and Prevention Act not listed on your master list of suspended or waived regulations.
- What legal authority your department had to waive these regulations.
- How your department notified stakeholders of these waved regulations.

Responses should be returned no later than April 7, 2021.

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Department of Health** suspended the following* regulations during the pandemic:

*Please see Attachment 1.

We look forward to working with you to ensure Pennsylvanians have a government that works for them as we emerge from this pandemic.

Sincerely,



KERRY A. BENNINGHOFF
Majority Leader



KATHY RAPP
Health Committee Chair



FRANK FARRY
Human Services Committee Chair



KAREN BOBACK
Veterans Affairs & Emergency Preparedness
Committee Chair

ATTACHMENT I

Department of Health

35 P.S. §8114(c), §8115(c), §8116(c), §8117(c), §8118(c), §8119(c), §8122(b) and §8126(c) and 28 Code §1023.22(b)(1), §1023.22 (d)(1) and (2), §1023.24 (c)(1), §1023.25 (c)(1), §1023.26 (c)(1), §1023.27 (c)(1), §1023.28(c)(1), §1023.29 (c)(1), §1023.30 (d)(1), §1023.31(b)(2), §1023.31(c)(2), §1023.31(d)(2), §1023.31(e)(2), §1023.31(f)(2), §1023.31(g)(2), §1023.31(h)(2)

These regulations provide for various provisions relating to Emergency Medical Services (EMS) certification requirements and operations.

- Is there an opportunity to create efficiencies with or online certification processes?
- Does the statute need to be changed to allow for virtual certification options?
- Does the department recommend making this type of certification flexibility available?

35 P.S. §10231.802(a)(1) & 28 Pa Code §1161.23 (a) was waived to allow a dispensary employee to deliver product directly to a patient's vehicle.

- Has this waiver caused any security or safety concerns?
- From a consumer-convenience perspective, is making permanent this practice something to continue for disabled, elderly or immuno-compromised patients?

35 P.S. §10231.303(b)(4) was waived to allow more than five patients to be assigned to one caregiver.

- Prior to the waived regulation, how many caregivers were assigned five patients?
- Does increasing the cap provide more flexibility/ efficiencies for homebound individuals?
- Are caregivers able to provide adequate patient care under this new ratio?

35 P.S. §10231.502 and 28 Pa Code §1191.27 relate to background checks.

- How is the department ensuring that pertinent criminal history background checks are verified for caregivers upon renewal?
- When does the department plan to reinstate background check requirements?
- Were any patients harmed during this period while background checks were not being required upon renewal?

28 Pa Code §1181.21 relates to patient consultation requirements.

- In the event of certain conditions, is a statutory change needed authorize for telehealth, specifically in terminal diagnoses? Does the department recommend making such a change?

35 P.S §10231.405 & 28 Pa Code §1161.24(b) were waived to remove limits on dispensing a medical marijuana supply of 30-day to 90-day supply with physician authorization.

- Is the department recommending any statutory changes related to limits on medical marijuana supply?
- Did the department become aware of any mishandling or misdirecting of medical marijuana since permitting 90-day supplies?
- Under this waiver, what criteria does a patient need to meet to be eligible for a 90-day supply of medical marijuana?

28 Pa Code §23.83, §23.85, §23.86 and §27.77(b) relates to certain school and childcare immunizations requirements for children.

- Now that access to physicians is no longer limited, when does the department intend to reinstate this regulation to ensure that all children, including school-age children are properly vaccinated from other forms of communicable diseases?

KERRY A. BENNINGHOFF
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Majority Leader

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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

March 23, 2021

Department of Human Services
Secretary Teresa Miller
322 Health & Welfare Building
Harrisburg, PA 17105

Secretary Miller:

We can all agree that COVID-19 brought unprecedented challenges to Pennsylvania. One year ago, when we were still learning about this virus and the impact it would have on the health of Pennsylvanians, law-suspending measures were taken by the Administration. Done with the stated intention of protecting Pennsylvanians and “flattening the curve,” dozens of regulations and enforcement actions were unilaterally waived or put on hold at the onset of the pandemic with no opportunity for input by the General Assembly.

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Below, we have outlined a series of questions related to the regulatory and statutory suspensions under the purview of the Department of Human Services. We are requesting a written response to these questions.

Please include in your response all of the following:

- What, if any suspensions or waivers, your department recommends be made permanent for the benefit of Pennsylvanians beyond the current pandemic.
- If statutory changes are needed to create greater efficiencies and streamlined government.
- An update on the status of all your department’s COVID-related waivers and suspensions.
- When the department plans to reinstate those waived or suspended regulations.
- If these regulations are tied to the governor’s COVID-19 emergency declaration order or the former Secretary of Health’s authority under the Disease Control and Prevention Act.
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the Disease Control and Prevention Act not listed on your master list of suspended or waived regulations.

- What legal authority your department had to waive these regulations.
- How your department notified stakeholders of these waved regulations.

Responses should be returned no later than April 7, 2021.

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Department of Human Services** suspended the following* regulations during the pandemic:

*Please see Attachment 1.

We look forward to working with you to ensure Pennsylvanians have a government that works for them as we emerge from this pandemic.

Sincerely,



KERRY A. BENNINGHOFF
Majority Leader



KATHY RAPP
Health Committee Chair



FRANK FARRY
Human Services Committee Chair



GARY DAY
Aging and Older Adult Services Committee Chair



SHERYL DELOZIER
Children and Youth Committee Chair

*ATTACHMENT 1**Department of Human Services*

55 Pa Code §3270.124(f); §3280.124(f); §3290.124(e); §3270.181 (c); §3270.181(e); §3280.181(e); §3280.181(e) pertain to the updating of emergency contact information in writing for certain facilities. The regulation waiver document (dated 02/05/2021) indicates that these waived regulations are “limited.”

- What standard or metric was used by the department to determine which facilities must comply with the regulation?
- Even if facilities were temporary closed, why was emergency contact information not able to be collected electronically?
- Does the statute need to be changed to allow for emergency contact information to be updated electronically?

55 Pa Code §3270.17(a) & §3280.171(a) require local traffic safety authorities to be notified of the location of certain facilities. The regulation waiver document (dated 02/05/2021) indicates that these waivers are “limited,” and that providers have 90 days from the conclusion of the Governor’s Emergency Declaration to comply with notice requirements once again.

- What standard or metric was used by the department to determine which facilities must continue to comply with the regulation?
- Even if facilities were temporarily closed, why could this information not continue to be communicated to traffic safety officials?
- How often must this information be transmitted, and is there an opportunity to streamline this process to create efficiencies? Does the statute need to be changed to provide for those efficiencies?

55 Pa Code §3700.67(h) pertains to annual drinking water testing in Foster Care Agencies. The regulation waiver document (dated 02/05/2021) indicates that this is a “limited” suspension and that it will remain active for the duration of the Governor’s Emergency Declaration unless there were previous concerns.

- Has the testing requirement been reinstated?
- Has any child in foster care been impacted by poor drinking water since this waiver was put in place? If not, is there an opportunity to reevaluate the frequency or need for annual testing?

55 Pa Code §3800.4(a) pertains to certain facility inspections. The regulation waiver document (dated 02/05/2021) indicates that these waived regulations are fully suspended while the Governor Proclamation of Disaster Emergency for COVID-19 is in effect. The regulation waiver document (dated 02/05/2021) indicates that alternate methods of inspection are being used.

- Does this mean that all inspections have been done virtually? How many inspections has the department conducted using this virtual format?
- How many non-compliant inspections have been noted vs. compliant inspections since the regulation was waived in March 2020?
- While this waiver remains in place, how does the department address corrective actions needed from non-compliant/ failed facility inspections?
- How can the department ensure the health and safety of individuals when utilizing alternative methods of inspection?
- Is the department recommending making permanent the use of alternative methods of inspection to allow for greater efficiencies or to allow for “pop up” unannounced inspections? Would the statute need to be changed to authorize the use of alternative inspection methods?

55 Pa Code §6400.45(a); §6400.45(b); §6400.45(d); §6500.44(d); §6500.44(e) waivers pertain to staffing ratios and were “limited” to situations when staffing levels were either insufficient or reduced due to risks associated with COVID-19.

- Was the department notified when facilities were unable to meet staffing ratios? If so, how many facilities experienced staffing shortages?
- Were efforts made to bring in third-party staff to cover shortfalls?
- Has the department taken steps with the PA Department of Health to ensure that staff at these facilities have access to a COVID-19 vaccination?

55 Pa Code §6400.51(b)(1); §6400.52(a); §6400.52(c)(1); §6500.47(b)(1); 6500.48(a); §6500.47(b)(1); §6500.48(a); §6500.48(b)(1); §6100.143(a); §6100.143(b); and §6100.143(c)(1) pertain to various training requirements. The regulation waiver document (dated 02/05/2021) indicates that many of these regulatory requirements have been reinstated.

- Is there the opportunity to create efficiencies with training by offering online options to ensure that certifications are up to date?
- Does the statute need to be amended to provide for online trainings, orientations, etc.?

55 Pa Code §6400.169(a) pertains to medication administration by a department approved course. The regulation waiver document (dated 02/05/2021) indicates that these waived regulations are “limited” and provided for an alternative plan.

- Please outline the alternative plan.
- How effective was the alternative plan? Is there value in continuing this alternative method?
- Does the statute need to be amended to provide for this or a more appropriate alternative?

55 Pa Code §6400.186; §6400.188(b); §6400.788(c); §6500.158(c) pertain to the execution of individual plans. The regulation waiver document (dated 02/05/2021) indicates that these waived regulations are “limited” and that providers will not be held responsible if they cannot provide a service requirement because of risks associated with COVID-19.

- How is the department ensuring that individual service plans are being met and addressing the needs of individuals, while still mitigating risks associated with COVID-19?

55 Pa Code §6400.189(b) relates to day services. The regulation waiver document (dated 02/05/2021) indicates that Community Support Participation facilities are closed.

- Are these facilities still closed? If so, what are the benchmarks for reopening?

55 Pa Code §6100.441(a) relates to program capacity and approval from the department. The regulation waiver document (dated 02/05/2021) indicates that these waived regulations are “limited,” that a provider may not use the department’s form and the department may provide verbal approval at its discretion.

- How often did providers request an increase to capacity? Was this directly related to facility impacts resulting from COVID-19?
- Is there an opportunity to streamline the process by allowing for online approval process or maintaining the ability for the department to authorize approval verbally?
- Does the statute need to be changed to provide for these procedures geared toward greater efficiency and flexibility?

55 Pa Code §123.22 and 133.23(c) relate to the application and personal interview process. The regulation waiver document (dated 02/05/2021) indicates that these waived regulations are “limited,” and that the application interview will be conducted by phone.

- Does the department intend to reopen County Assistance offices for face-to-face application interviews?
- If face-to-face interviews are too high risk, is there an opportunity to continue to conduct virtual interviews?
- How does the department verify that the individual on the phone is the applicant?
- Is the department utilizing electronic application processes?
- Has there been cost savings to the department through process modernization?

55 Pa Code §123.22 and §225.24(c)(1)(i) relate to the authorization of cash assistance and the date on which a decision of eligibility is made. The regulation waiver document (dated 02/05/2021) indicates that these waived regulations are “limited” and that “...cash will still be authorized but it will now be authorized the date all verification for eligibility is established, except for the receipt of a signed AMR.”

- How does this process compare to the process followed before the regulatory waiver?
- How many new individuals became eligible for cash assistance under these waived regulations?

55 Pa Code §133.1(b) relates to the reapplication of benefits. The regulation waiver document (dated 02/05/2021) indicates that these waived regulations are a “full” suspension and then indicates several dates of revision.

- Full suspension of this regulation indicates that individuals do not need to reapply for cash assistance until the emergency has ended. Is this accurate?
- Is this regulatory waiver tied to the Governor’s Emergency Declaration order? What is the status of this regulation?
- What is the total distribution of cash assistance by the department from 03/18/2020 to the present? How does that differ from the same timeframe one year prior?
- Have individuals been denied benefits for not reapplying?

55 Pa Code §181.3(a) and §178.3 relate to the reporting of earned and unearned income or the verification of ownership, the value of resources for eligibility purposes. The regulation waiver document (dated 02/05/2021) indicates that this waived regulation is a “full” suspension and then indicates a revision date of 01/15/2021. Full suspension of this regulation allowed for self-attestation if the client was unable to provide verification due to COVID-19.

- What is the status of this regulation?
- What is the current process for individuals to report earned or unearned income to the department?
- Is there a means for an individual to electronically provide/ confirm this information?

55 Pa Code §275.3(b) relates to Medical Assistance appeals. The regulation waiver document (dated 02/05/2021) indicates that this waived regulation is a “full” suspension and indicates several revision dates.

- What is the status of this regulation?
- Why was there a need to extend the appeal process to 90 days?

55 Pa Code §275.4(a)(3)(v)(C)(I) relates to the request for a hearing and the continuation of benefits. The regulation waiver document (dated 02/05/2021) indicates that this waived regulation is a “full” suspension and then indicates several revision dates. Full suspension of this regulation indicates that “the continuation of benefits will be granted in every case if the individual requests it.”

- What is the status of this regulation?
- How many individuals were granted a continuation of benefits upon request from 03/18/2020 through the present?

55 Pa Code §133.84(c)(1) relates to redetermination. The regulation waiver document (dated 02/05/2021) indicates that this waived regulation is a “full” suspension and indicates that redetermination may take more than 12 months.

- What is the status of this regulation?
- What is the status of eligibility determinations?
- Is there a backlog? If so, what is the backlog and how long will it take to get through the backlog? Is this backlog attributable to remote working limitations?

55 Pa Code §133.84(d) and §143.23(g) relate to the partial redeterminations. The regulation waiver document (dated 02/05/2021) indicates that this waived regulation is a “full” suspension and then indicates several revision dates.

- What is the status of this regulation?

55 Pa Code §2600.64(c); §2600.65(e); §2600.65(f); §2600.65(g); §2600.190(a); §2600.190(b); §2600.221(a); §2600.236; §2800.64(c); §2800.65(h); 2800.65(i); §2800.65(j); §2800.190(a); §2800.190(b); §2800.236(a) and §2800.236(b) pertain to training various requirements. The regulation waiver document (dated 02/05/2021) indicates some of these regulations have been waived in “full” while others have been reinstated.

- Is there an opportunity to streamline the process, and maintain certification and training requirements in the future by utilizing online options? Would online certification and training options require a statutory change?

55 Pa Code §2600.132(b) and §2800.132(b) relate to fire safety inspections. The regulation waiver document (dated 02/05/2021) indicates that these waived regulations are “full” suspension until the Emergency Declaration order is lifted by the Governor.

- How is the department ensuring these facilities are meeting the appropriate fire safety protocols for their clients?
- Understanding the need to maintain mitigation efforts, is there an alternative solution to ensure that fire safety in these facilities is paramount for our most vulnerable population?

55 Pa Code §1155.33(a)(5); §1155.34(a)(5); §1155.35(a)(5); §5200.31(b); §5210.25; §5210.35; §5221.33; §5230.23; §5230.61; §5230.62; §5230.62(d); §5230.63; §5310.51(b)(4)(ii)(iv); §5240.22(h); §5240.86(i); §5240.96(h); 5240.96(h) and §5240.101(b) deal with signature requirements.

- Is there an opportunity to streamline processes in these areas to allow for electronic signatures?
Does the statute need to be amended to allow for electronic signatures?

55 Pa Code §5210.7 and 5210.37 relate to providing educational programs for certain adolescent. The regulation waiver document (dated 02/05/2021) indicates that these waived regulations are “full” suspension as of 03/06/2020.

- What is the department doing to ensure these individuals continue to receive this education?
- What remote/ cyber education opportunities were made available during the Emergency Declaration order to ensure individuals continued to receive this education?

55 Pa Code §5210.21(b); §5210.31(b); §5230.52; §5230.56; §5320.43(c); §5320.45(4) pertain to staffing requirements, staffing mandates, qualifications, certifications, trainings and orientations.

- Is there an opportunity to streamline these processes through online options? Would online options require a statutory change?

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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

March 23, 2021

Majority Leader

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Department of Labor and Industry
Acting Secretary Jennifer Berrier
1713 Labor & Industry Building
651 Boas Street
Harrisburg, PA 17120

Acting Secretary Berrier:

We can all agree that COVID-19 brought unprecedented challenges to Pennsylvania. One year ago, when we were still learning about this virus and the impact it would have on the health of Pennsylvanians, law-suspending measures were taken by the Administration. Done with the stated intention of protecting Pennsylvanians and “flattening the curve,” dozens of regulations and enforcement actions were unilaterally waived or put on hold at the onset of the pandemic with no opportunity for input by the General Assembly.

Now beyond the one-year anniversary of Governor Tom Wolf’s first emergency declaration related to COVID-19, many of those regulatory and statutory suspensions are still in place. With normalcy on the horizon, it is important to ask why. While we do not think it was lawful to unilaterally make these decisions to sidestep the legislature and ignore current law, we do think it is time we take a serious look at whether or not some of the unilateral measures taken, such as regulatory suspensions or virtual training opportunities, should be made permanent.

Below, we have outlined a series of questions related to the regulatory and statutory suspensions under the purview of the Department of Labor and Industry. We are requesting a written response to these questions.

Please include in your response all of the following:

- What, if any suspensions or waivers, your department recommends be made permanent for the benefit of Pennsylvanians beyond the current pandemic.
- If statutory changes are needed to create greater efficiencies and streamlined government.
- An update on the status of all your department’s COVID-related waivers and suspensions.
- When the department plans to reinstate those waived or suspended regulations.
- If these regulations are tied to the governor’s COVID-19 emergency declaration order or the former Secretary of Health’s authority under the Disease Control and Prevention Act.
- If there are any additional waivers or suspensions affecting your department resulting from the governor’s COVID-19 emergency declaration or the former Secretary of Health’s authority under the Disease Control and Prevention Act not listed on your master list of suspended or waived regulations.
- What legal authority your department had to waive these regulations.
- How your department notified stakeholders of these waved regulations.

Responses should be returned no later than April 7, 2021.

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Department of Labor and Industry (L&I)** suspended the following* regulations during the pandemic:

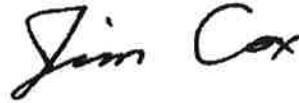
*Please see Attachment 1.

We look forward to working with you to ensure Pennsylvanians have a government that works for them as we emerge from this pandemic.

Sincerely,



KERRY A. BENNINGHOFF
Majority Leader



JIM COX
Labor & Industry Committee Chair

ATTACHMENT 1

Department of Labor and Industry

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Pennsylvania Department of Labor and Industry (L&I)** suspended the following regulations during the pandemic:

Unemployment Compensation (UC)

34 Pa Code §65.11, § 101.28, §101.110, §101.83, §101.130

43 P.S. § 801 (e)(1), §505.1

These waivers deal with the various provisions in the Unemployment Compensation (UC) program.

The waiver of regulation **34 Pa Code §65.11** suspends the requirement that individuals applying for UC benefits register with PA CareerLink and conduct work searches. Act 9 of 2020 suspended these requirements through the end of 2020, but the department has continued the suspension administratively since that time. When questioned about the reinstatement of these requirements before the House Appropriations Committee on 03/02/2021, and the House Labor and Industry Committee on 03/10/2021, Acting Secretary Berrier indicated that a phased-in approach to restoring work search/registration requirements was “very reasonable” and that the department is “having those discussions.”

Assuming it will take a few months to reinstate these requirements, and that the pandemic is coming to an end, the time for discussions is now. Additionally, understanding that claimants deserve to be forewarned of the reinstatement of these requirements, the Unemployment Compensation system needs a plan to communicate this change. With this in mind, we have the following questions:

- What is the department’s plan and timeframe for reinstating these requirements?
- When and how will claimants be notified that work search requirements will be reinstated?
- When will claimants be required to register for CareerLink services?
- When will claimants be required to actively search for work and apply for jobs?

The Acting Secretary has publicly confirmed consulting with the Department of Health and spoken generally about vaccination rates when considering whether to reinstate work search/registration requirements.

- What are the specific benchmarks the department will use to begin its phase-in of these requirements?

43 P.S. § 801 (e)(1) requires an individual be unemployed for a “waiting period” of one week before benefits are compensable. This requirement was waived by Act 9 of 2020 through the end of 2020, and the department has continued the waiver administratively. The Federal CARES Act provided states with reimbursement for the cost of waiving the waiting week, and that reimbursement has been extended by

subsequent federal legislation. The department has also proposed legislation which would permanently remove the waiting week. With this in mind, we have the following questions:

- Under current Federal law, when will benefit payments for the first compensable week again be the responsibility of the state UC Trust Fund?
- Acting Secretary Berrier testified to the House Labor and Industry Committee on 03/10/2021, that the cost to the UC Trust Fund to repeal the waiting week is about \$145 million per year (which equals about \$2.8 million per week). When the federal government stops reimbursing states for the cost of the waiting week, will this additional cost be considered when deciding when to reinstate the waiting week?
- What specific benchmarks will the department use when deciding when to reinstate the waiting week?
- Given the \$145 million annual cost of permanently removing the waiting week, how the department propose to offset that additional benefit cost to the UC Trust Fund?

43 P.S. §505.1 and Regulations 34 Pa Code §101.128 & §101.110 & §101.83 & §101.130 are various provisions relating to the UC hearing process. Act 6 of 2011 provided that “Rules established by the board shall permit either party to a hearing to testify via telephone, without regard to distance of hearing location from either party.” However, the board never promulgated a new rule on telephone hearings.

During the pandemic, telephone hearings have been the default, and they have been well received, as they are more efficient and more convenient for claimants and employers alike. With this in mind, we have the following questions:

- Given the experience with telephone hearings during the pandemic, how much more efficient (staff time and financially) are telephone hearings on an annual basis than in-person hearings?
- The department has promoted other changes to the UC law (removing the waiting week, credit weeks, and the offset for large amounts of severance pay) on the basis of efficiency, but these changes would have a large financial impact on the UC Trust Fund. Expanding the use of phone hearings would seem to have no impact on the UCTF. Why has the department not publicly supported legislation to make telephone hearings the default method of holding appeal hearings?

Worker’s Compensation

34 Pa Code §125.3(b), §125.7(b), §111.13, §111.17, §111.24

Regulations **34 Pa Code §125.3(b) & §125.7(b)** pertain to self-insurance. The 3-month filing deadline was waived to ensure that employers continued and maintained self-insurance coverage during the pandemic. This this in mind, we have the following questions:

- Will a virtual option continue to be available to employers for verification of self-insurance?
- Has the department conducted an audit or review of self- insurers to ensure that employers are following self-insurance requirements and maintaining the ability to pay compensable claims?
- How many employers were granted automatic extensions due to the department’s inability to render a decision to a timely filed application?

Occupational and Industrial Safety

35 P.S. §5906 (b) & (c)

These regulations, which pertain to various administrative rules, processes, and certifications, were waived on 03/24/2020, on the grounds that it was not feasible to meet the deadline. Since these deadlines were initially suspended in March of 2020, a lot has changed. There are far fewer restrictions on the operation of industries, and it should be feasible to begin reinstating deadlines for BOIS-regulated entities. With this in mind, we have the following questions:

- When does the department plan to reinstate these regulations?
- Has the department made any process changes (virtual training, electronic filing of forms, etc.) to make these deadlines “feasible” for the remainder of the pandemic-related disaster emergency?

KERRY A. BENNINGHOFF
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Majority Leader

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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

March 23, 2021

Department of Military and Veterans Affairs
Adjutant General, Major General Mark Shindler
Fort Indiantown Gap
Building 7-36
Annville, PA 17003

Adjutant General Shindler:

We can all agree that COVID-19 brought unprecedented challenges to Pennsylvania. One year ago, when we were still learning about this virus and the impact it would have on the health of Pennsylvanians, law-suspending measures were taken by the Administration. Done with the stated intention of protecting Pennsylvanians and "flattening the curve," dozens of regulations and enforcement actions were unilaterally waived or put on hold at the onset of the pandemic with no opportunity for input by the General Assembly.

Now beyond the one-year anniversary of Governor Tom Wolf's first emergency declaration related to COVID-19, many of those regulatory and statutory suspensions are still in place. With normalcy on the horizon, it is important to ask why. While we do not think it was lawful to unilaterally make these decisions to sidestep the legislature and ignore current law, we do think it is time we take a serious look at whether or not some of the unilateral measures taken, such as regulatory suspensions or virtual training opportunities, should be made permanent.

Below, we have outlined a series of questions related to the regulatory and statutory suspensions under the purview of the Department of Military and Veterans Affairs. We are requesting a written response to these questions.

Please include in your response all of the following:

- What, if any suspensions or waivers, your department recommends be made permanent for the benefit of Pennsylvanians beyond the current pandemic.
- If statutory changes are needed to create greater efficiencies and streamlined government.
- An update on the status of all your department's COVID-related waivers and suspensions.
- When the department plans to reinstate those waived or suspended regulations.
- If these regulations are tied to the governor's COVID-19 emergency declaration order or the former Secretary of Health's authority under the Disease Control and Prevention Act.
- If there are any additional waivers or suspensions affecting your department resulting from the governor's COVID-19 emergency declaration or the former Secretary of Health's authority under

the Disease Control and Prevention Act not listed on your master list of suspended or waived regulations.

- What legal authority your department had to waive these regulations.
- How your department notified stakeholders of these waved regulations.

Responses should be returned no later than April 7, 2021.

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Pennsylvania Department of Military and Veterans Affairs** suspended the following regulations during the pandemic:

51 Pa. C.S. §709 & Section 2407 of Administrative Code of 1929 & 4 Pa Code § 39.93, §39.94 & §39.95

This waiver is specific to the operation of Commonwealth vehicles by the Pennsylvania National Guard.

- Why are Pennsylvania National Guard members prohibited from driving Commonwealth vehicles?
- As it relates to Commonwealth vehicle use, why are Pennsylvania National Guard members treated differently than civil service employees or other Commonwealth employees?
- Is a statutory change required to allow Pennsylvania National Guard members to drive Commonwealth vehicles?

We look forward to working with you to ensure Pennsylvanians have a government that works for them as we emerge from this pandemic.

Sincerely,



KERRY A. BENNINGHOFF
Majority Leader



KAREN BOBACK
Veterans Affairs & Emergency Preparedness
Committee Chair

KERRY A. BENNINGHOFF
171ST LEGISLATIVE DISTRICT

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House of Representatives
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Majority Leader

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March 23, 2021

Department of Revenue
Secretary C. Daniel Hassell
1131 Strawberry Square
Harrisburg, PA 17128

Secretary Hassell:

We can all agree that COVID-19 brought unprecedented challenges to Pennsylvania. One year ago, when we were still learning about this virus and the impact it would have on the health of Pennsylvanians, law-suspending measures were taken by the Administration. Done with the stated intention of protecting Pennsylvanians and “flattening the curve,” dozens of regulations and enforcement actions were unilaterally waived or put on hold at the onset of the pandemic with no opportunity for input by the General Assembly.

Now beyond the one-year anniversary of Governor Tom Wolf’s first emergency declaration related to COVID-19, many of those regulatory and statutory suspensions are still in place. With normalcy on the horizon, it is important to ask why. While we do not think it was lawful to unilaterally make these decisions to sidestep the legislature and ignore current law, we do think it is time we take a serious look at whether or not some of the unilateral measures taken, such as regulatory suspensions or virtual training opportunities, should be made permanent.

Below, we have outlined a series of questions related to the regulatory and statutory suspensions under the purview of the Department of Revenue. We are requesting a written response to these questions.

Please include in your response all of the following:

- What, if any suspensions or waivers, your department recommends be made permanent for the benefit of Pennsylvanians beyond the current pandemic.
- If statutory changes are needed to create greater efficiencies and streamlined government.
- An update on the status of all your department’s COVID-related waivers and suspensions.
- When the department plans to reinstate those waived or suspended regulations.
- If these regulations are tied to the governor’s COVID-19 emergency declaration order or the former Secretary of Health’s authority under the Disease Control and Prevention Act.
- If there are any additional waivers or suspensions affecting your department resulting from the governor’s COVID-19 emergency declaration or the former Secretary of Health’s authority under

the Disease Control and Prevention Act not listed on your master list of suspended or waived regulations.

- What legal authority your department had to waive these regulations.
- How your department notified stakeholders of these waved regulations.

Responses should be returned no later than April 7, 2021.

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Department of Revenue** suspended the following regulations during the pandemic:

72 P.S. § 7903 & 8502 requires Insurance Premium and Mutual Thrift Institutions to file a return with a “wet” signature.

- As part of the department’s ongoing multi-stage, multi-year modernization project, will Pennsylvania taxpayers subject to the Insurance Premium and Mutual Theft Institutions Tax be permitted to file online reports online or otherwise submit electronic signatures and if so, when is this projected to occur? If not, why must these reports be filed with hard copies?
- For comparison, what other types of tax returns are required to have “wet” signatures?
- To enable allow for electronic signatures or online filing options, would a statutory change be necessary?

72 P.S. §7217, §7222 and §7217(a) are regulations that provide for Accelerated Sales Tax (AST) prepayment.

- For calendar year 2019, what was the total number of taxpayers required to make AST prepayments and what was the total sales tax revenue collected, by level?
- For calendar year 2020, what was the total number of taxpayers required to make AST prepayments and what was the total sales tax revenue collected, by level?
- To date, for calendar year 2021, what was the total number of taxpayers required to make AST prepayments and what was the total sales tax revenue collected, by level?
- The waiver/suspension of **72 P.S. §7217(a)** allowed for AST Level 2 taxpayers to calculate and remit payments similarly to AST Level 1 taxpayers. How many Pennsylvania taxpayers utilized this ability and why was this provision suspended/ waived on 07/24/2020 before the end of the third quarter of 2020?

We look forward to working with you to ensure Pennsylvanians have a government that works for them as we emerge from this pandemic.

Sincerely,



KERRY A. BENNINGHOFF
Majority Leader



MICHAEL PEIFER
Finance Committee Chair

KERRY A. BENNINGHOFF
171ST LEGISLATIVE DISTRICT

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House of Representatives
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March 23, 2021

Majority Leader

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Department of Transportation
Secretary Yassmin Gramian
8th Floor, 400 North Street
Harrisburg, PA 17120

Secretary Gramian:

We can all agree that COVID-19 brought unprecedented challenges to Pennsylvania. One year ago, when we were still learning about this virus and the impact it would have on the health of Pennsylvanians, law-suspending measures were taken by the Administration. Done with the stated intention of protecting Pennsylvanians and “flattening the curve,” dozens of regulations and enforcement actions were unilaterally waived or put on hold at the onset of the pandemic with no opportunity for input by the General Assembly.

Now beyond the one-year anniversary of Governor Tom Wolf’s first emergency declaration related to COVID-19, many of those regulatory and statutory suspensions are still in place. With normalcy on the horizon, it is important to ask why. While we do not think it was lawful to unilaterally make these decisions to sidestep the legislature and ignore current law, we do think it is time we take a serious look at whether or not some of the unilateral measures taken, such as regulatory suspensions or virtual training opportunities, should be made permanent.

Below, we have outlined a series of questions related to the regulatory and statutory suspensions under the purview of the Department of Transportation. We are requesting a written response to these questions.

Please include in your response all of the following:

- What, if any suspensions or waivers, your department recommends be made permanent for the benefit of Pennsylvanians beyond the current pandemic.
- If statutory changes are needed to create greater efficiencies and streamlined government.
- An update on the status of all your department’s COVID-related waivers and suspensions.
- When the department plans to reinstate those waived or suspended regulations.
- If these regulations are tied to the governor’s COVID-19 emergency declaration order or the former Secretary of Health’s authority under the Disease Control and Prevention Act.
- If there are any additional waivers or suspensions affecting your department resulting from the governor’s COVID-19 emergency declaration or the former Secretary of Health’s authority under the Disease Control and Prevention Act not listed on your master list of suspended or waived regulations.
- What legal authority your department had to waive these regulations.
- How your department notified stakeholders of these waved regulations.

Responses should be returned no later than April 7, 2021.

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Department of Transportation (PennDOT)** suspended the following* regulations during the pandemic:

*Please see Attachment 1.

We look forward to working with you to ensure Pennsylvanians have a government that works for them as we emerge from this pandemic.

Sincerely,



KERRY A. BENNINGHOFF
Majority Leader



TIM HENNESSEY
Transportation Committee Chair

ATTACHMENT 1

Department of Transportation

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Pennsylvania Department of Transportation (PennDOT)** suspended the following regulations during the pandemic:

67 Pa Code Chapters 179, 189, 191, 193

This waived regulation allowed PennDOT and local authorities to orally authorize the movement of commercial oversized vehicles providing direct assistance in support of emergency relief efforts related to COVID-19 outbreaks to proceed if they applied for a permit within 72 hours of the movement.”

- While we do not disagree that oral authorizations were needed during the pandemic, why was this regulation included on the master list of waived regulations when the authority to provide oral authorizations in an emergency is provided for in both statute and in PennDOT regulations?

75 PA.C.S. § 4964 provides the following:

§ 4964. Oral authorization following emergency or accident.

In the event of an emergency or accident affecting the public safety or convenience, the department and local authorities may orally authorize the operation or movement of a vehicle or combination which exceeds the maximum size or weight specified in this chapter provided a permit is applied for within 72 hours of the operation or movement.

75 PA.C.S. § 4964 is codified in PennDOT’s regulations under **67 Pa. Code §179.12.**

§ 179.12. Emergency movements.

- (a) In the event of an emergency or accident affecting the public safety or convenience, such as a train derailment, under § 4964 of the act (relating to oral authorization following emergency or accident), authorization for an overweight or oversize movement may be granted prior to obtaining a permit, in accordance with the following criteria:

(1) If the necessity for an emergency movement arises between the hours of 8 a.m. and 4 p.m., other than on legal holidays, Saturdays and Sundays, the owner of the transporting equipment or the owner’s agent shall, in advance of making a movement, contact the district permit office nearest to the point of entry or point of origin in this Commonwealth, for a preassigned emergency movement authorization number. In the case of a super load, the applicant shall contact the central permit office to obtain authorization prior to movement.

(2) For emergency movements at hours when the permit offices are closed, the owner of the transporting equipment shall, prior to making any movement, telephone the State

Police at (717) 783-1864, and provide satisfactory information on the nature of the emergency, the vehicle to be permitted and the route of travel.

(3) Within 72 hours of the movement, the owner of the transporting equipment shall apply for a permit at the district permit office nearest to the point of entry or point of origin in this Commonwealth, to cover the movement in the manner prescribed in § 179.9 (relating to issuance of permits).

(4) The AASHTO policy pertaining to emergency movement of the Federal Emergency Management Agency mobile homes shall govern the movement of these units to a declared disaster area.

(5) Road marches of military tracked vehicles may be authorized upon specified highways, in accordance with AASHTO policy.

(6) Return movement from an emergency or accident site during daylight hours is authorized, except during the holiday periods specified in § 179.10(7) (relating to general conditions).

(b) Consistent with **Chapter 403** (relating to hazardous materials transportation), a permit may authorize an overweight combination to haul radioactive material. A permit may also authorize cask safety cushions to exceed the maximum width limits prescribed in section 4921 of the act (relating to width of vehicles), however the cask itself may not exceed the maximum length, width, or height limits.

It is worth noting, the oral authorization waiver referenced on the administration's master list (dated 02/05/2021) does not appear to be included in PennDOT's public list of waivers found on their website: <https://www.penndot.gov/Pages/Coronavirus.aspx>.

Additionally, PennDOT's online waiver list contains four exemptions addressing weight restrictions (exemptions 2020-13a, 2020-13b, 2020-13c, 2020-13d). None of these exemptions specifically mention oral authorizations or the need to obtain a permit within 72 hours. With this in mind, we have the following questions:

- Was a waiver or exemption issued by PennDOT to provide for oral authorizations contingent upon permit applications being submitted within 72 hours?
- If so, why is it not included on PennDOT's list of waivers on the department's website?
- If not, why is this exemption listed on the administration's master waiver list if both statute and regulation provide this specific authority?
- Is the oral authorization a component of the weight restriction exemptions under exemptions 2020-13a, 2020-13b, 2020-13c, 2020-13d? If so, why was this not specifically detailed in the exemption documents?
- Why were exemptions 2020-13a, 2020-13b, 2020-13c, 2020-13d not listed on the administration's master list?

Additionally, the weight exemptions issued by PennDOT, 2020-13d (link below) are not clear, especially when read in conjunction with the oral authorization waiver described on the administration's master list. Page two of the exemption document states:

“The vehicle weight and permitting requirements of **67 Pa. Code, Chapter 179** (relating to Oversize and Overweight Loads and Vehicles) are hereby waived for motor carriers utilizing combination vehicles with divisible load limits equal to or less than 90,000 pounds that are providing direct assistance in transporting goods and materials necessary to respond to the COVID-19 virus disaster emergency.”

[https://www.penndot.gov/Documents/COVID-Waivers/PennDOT%20COVID%2019%20Exemption%202020-13D%20-%20Weight%20Restriction%20\(Statewide%20Amended%20Extended\)%20FINAL.pdf](https://www.penndot.gov/Documents/COVID-Waivers/PennDOT%20COVID%2019%20Exemption%202020-13D%20-%20Weight%20Restriction%20(Statewide%20Amended%20Extended)%20FINAL.pdf)

The exemption language makes no mention of oral authorizations or subsequent permitting being required as part of the exemption. With this in mind, we have the following questions:

- How was exemption 2020-13d implemented?
- Did PennDOT require oral authorizations as a component of the exemption? A simple reading of the exemption document would lead one to assume that no oral authorization or subsequent permitting is required provided that the commercial vehicle is hauling goods related to the pandemic and is under 90,000 pounds.

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Majority Leader

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March 23, 2021

Office of Administration
Secretary Michael Newsome
20 Finance Building
Harrisburg, PA 17120

Secretary Newsome:

We can all agree that COVID-19 brought unprecedented challenges to Pennsylvania. One year ago, when we were still learning about this virus and the impact it would have on the health of Pennsylvanians, law-suspending measures were taken by the Administration. Done with the stated intention of protecting Pennsylvanians and “flattening the curve,” dozens of regulations and enforcement actions were unilaterally waived or put on hold at the onset of the pandemic with no opportunity for input by the General Assembly.

Now beyond the one-year anniversary of Governor Tom Wolf’s first emergency declaration related to COVID-19, many of those regulatory and statutory suspensions are still in place. With normalcy on the horizon, it is important to ask why. While we do not think it was lawful to unilaterally make these decisions to sidestep the legislature and ignore current law, we do think it is time we take a serious look at whether or not some of the unilateral measures taken, such as regulatory suspensions or virtual training opportunities, should be made permanent.

Below, we have outlined a series of questions related to the regulatory and statutory suspensions under the purview of the Office of Administration. We are requesting a written response to these questions.

Please include in your response all of the following:

- What, if any suspensions or waivers, your department recommends be made permanent for the benefit of Pennsylvanians beyond the current pandemic.
- If statutory changes are needed to create greater efficiencies and streamlined government.
- An update on the status of all your department’s COVID-related waivers and suspensions.
- When the department plans to reinstate those waived or suspended regulations.
- If these regulations are tied to the governor’s COVID-19 emergency declaration order or the former Secretary of Health’s authority under the Disease Control and Prevention Act.
- If there are any additional waivers or suspensions affecting your department resulting from the governor’s COVID-19 emergency declaration or the former Secretary of Health’s authority under the Disease Control and Prevention Act not listed on your master list of suspended or waived regulations.

- What legal authority your department had to waive these regulations.
- How your department notified stakeholders of these waved regulations.

Responses should be returned no later than April 7, 2021.

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Office of Administration** suspended the following regulations during the pandemic:

71 Pa. C.S. § 2407, §2103, §2602 (Civil Service Reform Act) & 4 Pa Code §604.5, §604.9 and §605.1 were waived to allow for the transfer and reassignment of civil service employees during the emergency declaration.

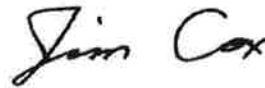
- Is there need for a statutory change to allow for civil service employees to fill, transfer or be reassigned to mission-critical Commonwealth positions during emergency declarations?
- Is there a need to update the Civil Service Act so that the Office of Administration has the flexibility to change or adjust processes during times of emergency?

We look forward to working with you to ensure Pennsylvanians have a government that works for them as we emerge from this pandemic.

Sincerely,



KERRY A. BENNINGHOFF
Majority Leader



JIM COX
Labor and Industry Committee Chair

KERRY A. BENNINGHOFF
171ST LEGISLATIVE DISTRICT

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March 23, 2021

Department of State
Acting Secretary Veronica Degraffenreid
302 North Office Building
401 North Street
Harrisburg, PA 17120

Acting Secretary Degraffenreid:

First, we wanted to thank your department for the participation in the COVID-19 Oversight Hearing on March 22, 2021, and all the participation in the Election Oversight Hearings. Legislative oversight hearings are invaluable to understand agency operations and how laws are administered.

We can all agree that COVID-19 brought unprecedented challenges to Pennsylvania. One year ago, when we were still learning about this virus and the impact it would have on the health of Pennsylvanians, law-suspending measures were taken by the Administration. Done with the stated intention of protecting Pennsylvanians and "flattening the curve," dozens of regulations and enforcement actions were unilaterally waived or put on hold at the onset of the pandemic with no opportunity for input by the General Assembly.

Now beyond the one-year anniversary of Governor Tom Wolf's first emergency declaration related to COVID-19, many of those regulatory and statutory suspensions are still in place. With normalcy on the horizon, it is important to ask why. While we do not think it was lawful to unilaterally make these decisions to sidestep the legislature and ignore current law, we do think it is time we take a serious look at whether or not some of the unilateral measures taken, such as regulatory suspensions or virtual training opportunities, should be made permanent.

Below, we have outlined a series of questions related to the regulatory and statutory suspensions under the purview of the Department of State. We are requesting a written response to these questions.

Please include in your response all of the following:

- What, if any suspensions or waivers, your department recommends be made permanent for the benefit of Pennsylvanians beyond the current pandemic.
- If statutory changes are needed to create greater efficiencies and streamlined government.
- An update on the status of all your department's COVID-related waivers and suspensions.
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- What legal authority your department had to waive these regulations.
- How your department notified stakeholders of these waved regulations.

Responses should be returned no later than April 7, 2021.

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Pennsylvania Department of State** suspended the following regulations during the pandemic:

Bureau of Corporations and Charitable Organizations (BCCO)

10 P.S. Section 162.5(a), (k) waives the renewal registration requirement for three months for charitable organizations that solicit contributions from Pennsylvania residents.

- When does this waiver provision expire and what happens should a charitable organization miss the deadline?

Notaries

57 Pa. C.S. §306, §321 (d.1), §321 (d.2), §321 (d.2) (1), §321(f)(1), §326(c) and 25 P.S. §3246 (a) are various regulations pertaining to notaries.

- What impact will Act 97 of 2020, which made remote notarization permanent, have once these waiver provisions expire?

Lobbying

65 Pa. C.S. §13A03 and §13A05 (a) provide for the filing of quarterly expense reports for lobbying reporting.

- When does the department intend to reinstate this waived lobbying disclosure reporting requirement?
- And, if reporting was already being done electronically, why was a waiver necessary?

In addition,

- Executive Deputy Secretary Stevens mentioned at today's informational meeting that the Department allowed up to two hours of continuing education credit for select professional licensees who served as poll workers for the 2020 General Election. How did that process work and how many licensed individuals took advantage of this opportunity?
- Once waivers expire, how will their "phase-out" work? How will the Department bring individuals back into compliance with regulatory requirements?

We look forward to working with you to ensure Pennsylvanians have a government that works for them as we emerge from this pandemic.

Sincerely,



KERRY A. BENNINGHOFF
Majority Leader



SETH GROVE
State Government Committee Chair

KERRY A. BENNINGHOFF
171ST LEGISLATIVE DISTRICT

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March 23, 2021

Office of Inspector General
Secretary Lucas Miller
555 Walnut Street, 8th Floor
Harrisburg, PA 17101

Secretary Miller:

We can all agree that COVID-19 brought unprecedented challenges to Pennsylvania. One year ago, when we were still learning about this virus and the impact it would have on the health of Pennsylvanians, law-suspending measures were taken by the Administration. Done with the stated intention of protecting Pennsylvanians and “flattening the curve,” dozens of regulations and enforcement actions were unilaterally waived or put on hold at the onset of the pandemic with no opportunity for input by the General Assembly.

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Below, we have outlined a series of questions related to the regulatory and statutory suspensions under the purview of the Office of Inspector General. We are requesting a written response to these questions.

Please include in your response all of the following:

- What, if any suspensions or waivers, your department recommends be made permanent for the benefit of Pennsylvanians beyond the current pandemic.
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the Disease Control and Prevention Act not listed on your master list of suspended or waived regulations.

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Responses should be returned no later than April 7, 2021.

According to the master list of waived regulations maintained by the Wolf Administration (dated 02/05/2021), the **Office of Inspector General** suspended the following regulations during the pandemic:

PA Code 55 Section 255.4 & 255.84

For the period of 3/16/2020 to 11/1/2020, the Pennsylvania Office of the Inspector General (PA OIG) allowed Cash Assistance and Medicaid recipients who received more benefits than they were entitled to stop making payments to the Commonwealth, and would not allow those individuals to go into delinquency for nonpayment.

- How many recipients/individuals are currently under a Cash Assistance/ Medicaid repayment plan with the Commonwealth through the PA OIG?
- How many recipients/individuals qualified under the provisions of this waived regulation, and what is the total repayment amount that was not collected due to the waiver?
- How many recipients/individuals continued to make payments through a PA OIG payment plan to the Commonwealth, regardless of the waived regulation?
- Are all recipients/individuals back on a payment plan with PA OIG? If not, what are the department's plans for reinstating payment plans?
- What has been the fiscal impact, by program, of waiving these regulations?

We look forward to working with you to ensure Pennsylvanians have a government that works for them as we emerge from this pandemic.

Sincerely,



KERRY A. BENNINGHOFF
Majority Leader



STAN SAYLOR
Appropriations Committee Chair