



LESSEN OVER-REGULATION

in the child serving system in order to increase the volume, quality and access to services for West Virginia's children and families.

Currently the regulatory burden is vast and often duplicative, and, as a result, too costly to the state and its partners in the child serving system. Over the past several years, the necessary focus on how to provide the most access to the most essential services for children and families has been lost. The emphasis shifted into how West Virginia Department of Health and Human Resources (WVDHHR) could constrict the growth of the provider community, thus reducing access to and the volume of essential services for WV's children and families.

By increasing regulatory burdens, the WVDHHR's focus increased growth of its upper bureaucratic staffing positions. The thrust by WVDHHR to eliminate or mitigate certain essential services came at a time when they dramatically increased the number of employees in Charleston and not in the field of service and operations.

Thus, the WVCCA proposes that government assist providers in delivering a higher standard of care versus taking the role of a punitive disciplinarian.

Who Benefits

By removing unnecessary regulatory barriers, providers of services for children and families would have increased human and fiscal resources to devote directly to serving, treating and impacting those who are reliant upon those services. WVDHHR would be able to streamline its regulatory mission and processes, thus increasing budgetary savings and accountability throughout the whole system.

Additionally, public officials in the state legislature, the executive branch as well as the state's taxpaying citizenry would benefit.

Who Opposes

It is clearly difficult to identify those would oppose lessening the regulatory burden in the child serving system of our state. However, it must be noted that despite the state's decreasing population, the upper level of WVDDHR bureaucracy has increased dramatically during the past 20 years. Much of this personnel growth has been within WVDHHR areas that do not provide direct client services but rather to meet the duplicative regulatory and licensing burdens established by the WVDHHR.

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The West Virginia Child Care Association supports the following recommendations:



The Issues

Outlined here are issues that require direct intervention in the matter of an over-regulated environment which impacts workforce related matters. Established, unfortunately, in the current environment are duplicative and burdensome processes that hinder access and the rendering of essential services.

1. Eliminate the presence of burdensome regulations that strain providers' ability to hire staff so as to meet the treatment needs of children and families. For example, providers were previously able to train and certify their staff to provide certain services. Several years ago, the WVDHHR mandated that only specified staff can provide certain supportive services as prescribed by the WVDHHR thereby creating a negative impact in an industry and a state with a severe labor shortage. These changes were not driven by federal agencies but rather by an over interpretation. This overreach by the WVDHHR hinders innovation and service provision across West Virginia. It is exacerbated by the lack of knowledge, awareness and understanding by the WVDHHR on what is actually required to provide the essential services to children and families.
2. Promote and allow the use of existing technology to improve access to treatment services in order to circumvent socio-economic and academic challenges for children and families as well as transcend West Virginia's geographic barriers.
3. Write rules and regulations clearly and objectively that will eliminate the use of interpretive guidelines. Thus, a rule is strictly a rule not subject to bias or agenda.
4. Develop an inter-rater reliability process to ensure an accountable, easily understood and unambiguous regulatory review. The enforcement of rules and regulations should vary as little as possible from one regulatory staff to another, therefore eliminating misinterpretation and enforcement of a regulation and/or rule and abolishing contradictory messages from the WVDHHR.
5. Examine the feasibility of Council on Accreditation, Joint Commission, and CARF accreditation being used in lieu of state licensing reviews to minimize the cost and resources associated with duplicative reviews. New legislation would be required to allow Office of Health Facilities Licensure and Certification (OHFLAC) and the Bureau of Children and Families (BCF) to deem a license based upon accreditation by these national organizations.
6. Establish accountability by eliminating the silo approach to regulatory oversight, thus confirming that regulatory bodies work seamlessly and connectively to ensure the safety and wellbeing, as well as the provision of treatment services, for West Virginia's children and families. The streamlining and/or reorganizing of these silos and processes would eliminate contradictory messages, interpretations, guidance and directives often emanating from the WVDHHR. This requires the leadership and vision of those currently in charge of these silos.
7. Establish, where it does not exist, a formal appeal process to ensure the integrity of the inter-reliability process remains intact and to serve as an efficacious stop gap device for the process.

