

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2019-05]

Office of Advocacy and Reform

July 31, 2019

Whereas, all Pennsylvanians should be safe from harm, mistreatment, and abuse; and

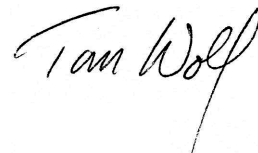
Whereas, the Commonwealth's responsibility for the health and safety of all Pennsylvanians is demonstrated by its commitment to strengthen laws, regulations, and programs that protect its citizens, and to seek out, respond to, and resolve concerns regarding the health, safety, and welfare of its citizens; and

Whereas, it is imperative that state and local institutions are properly equipped and individuals responsible for the care and protection of Pennsylvanians are trained and supported so that individuals requiring services or care from state programs and institutions do not fear abuse, neglect, or intimidation from those trusted to provide care; and

Whereas, Sections 501 and 502 of The Administrative Code of 1929 (71 P.S. §§ 181 and 182) require administrative departments and the several independent and departmental administrative boards and commissions to coordinate their work and activities with other departments, boards, and commissions; and

Whereas, all Pennsylvanians should be active partners in advocating for the safety and welfare of our family, friends, neighbors, and community members.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Office of Advocacy and Reform, the position of Child Advocate and the Council on Reform, and do order and direct as follows.



Governor

Fiscal Note: GOV-2019-05. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter KKK. OFFICE OF ADVOCACY AND REFORM

Sec.	
6.751.	Office of Advocacy and Reform.
6.752.	Child Advocate.
6.753.	Long-Term Care Ombudsman.
6.754.	Council on Reform.
6.755.	Responsibilities of Commonwealth agencies.
6.756.	Implementation.
6.757.	General provisions.
6.758.	Effective date.
6.759.	Termination date.

§ 6.751. Office of Advocacy and Reform.

The Office of Advocacy and Reform (Office) shall serve as the central coordinating body to promote the implementation of this subchapter.

(a) *Composition.*—The Office shall consist of, at a minimum, an Executive Director, the Child Advocate and the Long-Term Care Ombudsman.

(b) *Executive Director.*—The Governor shall appoint an Executive Director who shall serve at the pleasure of the Governor. The Executive Director shall:

- (1) Manage and provide organizational direction for the Office;
- (2) Work with the Governor's Office, Commonwealth agencies and the General Assembly to review laws, policies and procedures impacting the delivery of services to vulnerable populations;
- (3) Facilitate opportunities for training and collaboration between and among State and local agencies that serve vulnerable populations;
- (4) Work with State agencies to establish coordinated and consistent trauma-informed training and practices in State-operated and State-funded programs to make the Commonwealth a trauma-informed State;
- (5) Collaborate with Commonwealth agencies to identify best practices for the delivery of services to vulnerable populations.

§ 6.752. Child Advocate.

A Child Advocate shall be appointed by and shall serve at the pleasure of the Governor and shall report to both the Executive Director of the Office of Advocacy and Reform (Office) and the Secretary of Human Services. The Child Advocate shall:

- (a) Serve as a liaison and a resource to connect children and families with appropriate and available government services;
- (b) Recommend system-wide improvements, including changes in laws, regulations, policies and actions, to benefit the health, safety, welfare and rights of children;
- (c) Triage complaints regarding government services for children and families, including child protective services; foster care, adoption, mental health and substances use services; child development and early learning; and juvenile justice services that may adversely affect the health, safety, or welfare of a child or children;
- (d) Represent the health, safety and welfare interests of children before the General Assembly;
- (e) Carry out such other duties as the Office and the Secretary of Human Services determine to be appropriate.

§ 6.753. Long-Term Care Ombudsman.

The State Long-Term Care Ombudsman, established by section 712 of the Older Americans Act of 1965, (42 U.S.C.A. § 3058g), and placed under the authority of the Department of Aging through section 2203-A(a)(24.2) of the Administrative Code of 1929, (71 P.S. § 581-3(a)(24.2)), and presently existing within the Department of Aging, shall report to the Office of Advocacy and Reform and the Secretary of Aging.

§ 6.754. Council on Reform.

(a) *Purpose.* The purpose of the Council on Reform (Council) is to study best practices related to the health, safety and welfare of vulnerable populations and to make recommendations to improve the support and protection of vulnerable residents of this Commonwealth.

(b) *Responsibilities.* The Council shall:

- (1) Confer with constituents, partners, committees, councils and subject matter experts that assist vulnerable populations to gain their insight on issues and best practices;

(2) Review recommendations made previously by existing oversight and advisory bodies that assist vulnerable populations, evaluate the effectiveness or progress of those recommendations that have been implemented, and determine whether any recommendations that have not been implemented should be considered further;

(3) Recommend additional reforms to further protect vulnerable populations.

(c) *Report.* The Council shall submit a report to the Governor that outlines its recommendations on or before November 1, 2019.

(d) *Composition.*

(1) The Council shall consist of up to 25 members who shall be appointed by and serve at the pleasure of the Governor. Members shall not appoint designees to act or serve on their behalf. The Governor will fill vacancies as they occur. Members will be selected from representatives who are themselves, or are family of, individuals who are currently receiving or have previously received services from the Commonwealth in an institutional setting; individuals or groups that are members of, serve, or work with vulnerable populations, including but not limited to local government and law enforcement officials, advocates—including a child advocate, senior advocate, disability advocate, a veteran living with a disability, academic and medical professionals, and care providers.

(2) The Council shall also include the following ex officio members:

(a) The Secretary of Human Services or designee;

(b) The Secretary of Health or designee;

(c) The Secretary of Aging or designee;

(d) The Secretary of Drug and Alcohol Programs or designee;

(e) The Secretary of Education or designee;

(f) The Secretary of Corrections or designee;

(g) The Chairperson of the Commission on Crime and Delinquency or designee;

(h) The Commissioner of the Pennsylvania State Police or designee;

(i) The Adjutant General of Pennsylvania or designee;

(j) The Victim Advocate or designee;

(k) The Executive Director of the Juvenile Court Judges Commission.

(e) *Council Operations.*

(1) The Governor may appoint other members of the Council to serve in leadership positions as needed. Any leadership appointees shall serve in the appointed positions at the pleasure of the Governor.

(2) The Council may establish committees, rules and procedures necessary to effectively fulfill its obligations.

(3) A majority of the members of the Council shall constitute a quorum.

(4) Members of the Council may attend Council meetings in person or virtually by telephone, Skype or other electronic communications method approved by the Council. Virtual attendance shall be considered attendance for purposes of constituting a quorum.

(f) *Compensation.* Members of the Council shall not receive compensation for their service on the Council, except that members may be entitled to receive reimbursement for reasonable travel costs and expenditures incurred while performing Council business in accordance with the Commonwealth's travel and subsistence policies. The Department of Aging, Department of Health, Department of Drug and Alcohol Programs, Commission on Crime and Delinquency, and Department of Human Services shall each pay one-fifth of the approved travel and subsistence expenses of the Council members. See Chapter 40 (relating to travel and subsistence).

(g) *Support.*

(1) The Department of Human Services Director of Intergovernmental Affairs shall serve as the Executive Director for the Council.

(2) The Commonwealth agencies represented by ex officio membership on the Council shall provide administrative and other support to assist the Council in carrying out the Council's responsibilities and duties.

§ 6.755. Responsibilities of Commonwealth agencies.

Commonwealth agencies and other entities referenced herein shall undertake the following:

(a) Agencies shall review and update plan of correction processes for licensed providers. The processes shall be revised to provide standardized time periods, as appropriate, in establishing a plan of correction following the identification of a violation. The processes shall include verification of timely compliance with and implementation of a plan of correction and commencement of a licensure action against a provider who does not timely comply with a plan of correction.

(b) The Department of Human Services shall issue a procurement for a state-of-the-art licensing information technology system to be shared by the Department of Human Services, Department of Health, Department of Aging and Department of Drug and Alcohol Programs with the goals of managing licensing applications, renewals and activities related to licensing inspections and surveys; increasing collaboration and communication between and within Commonwealth agencies; streamlining business processes; and improving communication and services between Commonwealth agencies and licensed providers.

(c) Commonwealth agencies responsible for licensed residential facilities serving vulnerable populations shall develop methodologies and processes to assist in the identification of a facility that is at high risk of incurring an adverse event. Agencies that jointly license identified facilities shall collaborate to avoid adverse events and improve services.

(d) Commonwealth agencies shall set targets to transition to home-based and community-based services in conjunction with targets to reduce placements in child residential treatment facilities, nursing homes or child congregate care settings.

(e) The Department of Human Services shall issue a procurement for a Statewide electronic child welfare case management information system.

(f) The Department of Aging shall update and disseminate Older Adult Protective Services Mandatory Reporting training to mandatory reporters.

(g) In coordination with the Governor's Office of Performance through Excellence, the Office of Advocacy and Reform (Office) shall offer assistance in Lean process improvement to county child welfare agencies to identify opportunities for administrative efficiencies at the county level and inform statutory or regulatory reforms, or both, to support increased efficiency.

(h) The Office shall conduct a study on the financial impact to the Commonwealth because of financial exploitation of older adults.

(i) The Office shall facilitate an examination of sustainable housing and long-term services and supports for individuals exiting the corrections system with nursing facility level of care needs who have physical, intellectual and behavioral dual diagnoses.

§ 6.756. Implementation.

All Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this subchapter. Independent agencies are also strongly encouraged to implement this subchapter.

§ 6.757. General provisions.

This subchapter shall be implemented consistent with applicable law. This subchapter is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party

against the Commonwealth, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

§ 6.758. Effective date.

This subchapter shall take effect immediately.

§ 6.759. Termination date.

This subchapter shall remain in effect unless rescinded or amended by the Governor.

[Pa.B. Doc. No. 19-1306. Filed for public inspection August 30, 2019, 9:00 a.m.]

Title 4—ADMINISTRATION
PART I. GOVERNOR’S OFFICE
[4 PA. CODE CH. 7a]
[EXECUTIVE ORDER NO. 2016-07 AS AMENDED]
Open Data, Data Management and Data Governance

July 24, 2019

Whereas, Commonwealth agencies under the Governor’s jurisdiction (the “Enterprise”) obtain, create, and store significant amounts of data; and

Whereas, these public stores of data have many potential public and private uses, including use as “open data” (i.e. publicly available data structured in a way that enables the data to be fully available and usable by end users); and

Whereas, data planning, development, investment, access and sharing efforts should be prioritized and coordinated across the Enterprise to maximize efficiency and cost effectiveness, and enhance existing information sharing and technology compatibility through standardization by means of Information Technology Policies and reduce expenditures for research and development; and

Whereas, private enterprises obtaining, creating and storing data have similar needs for efficiency and standardization, and can both benefit from and assist in these efforts; and

Whereas, it is essential that the Commonwealth utilize a central organization to govern, evaluate, coordinate, implement, and improve Enterprise data development, open data planning and cooperation, research, project prioritization, investment, and effectiveness; and

Whereas, The Administrative Code of 1929 (Act 1929-175, P.L. 177, as amended), at Sections 501 and 502 (71 P.S. §§ 181, 182), requires administrative departments and several independent and departmental administrative boards to coordinate their work and activities with other departments, boards, and commissions; and

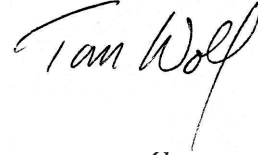
Whereas, the confidentiality, security and privacy requirements associated with Commonwealth data and facilities must remain a priority in all open data, data governance and data development efforts; and

Whereas, the Commonwealth, in order to foster innovation, cooperation and transparency, should seek to share and/or provide access to all data, both internally and externally, whenever possible unless restricted by federal, state, or other statutes or regulations, or policies, standards or best practices that prohibit the sharing of specific data; and

Whereas, privacy and protection efforts must be prioritized and coordinated across the Enterprise and across Agencies under the Governor’s jurisdiction to maximize the data privacy, privacy standardization, and to reduce the risk of unauthorized public exposure; and

Whereas, the privacy requirements associated with Commonwealth data and facilities must remain a priority in all data efforts.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order and direct the Governor's Office of Administration as follows:



Governor

Fiscal Note: GOV-2016-07 (Amended). No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7a. ADDITIONAL MISCELLANEOUS PROVISIONS

Subchapter N. OPEN DATA, DATA MANAGEMENT AND DATA GOVERNANCE

§ 7a.151. Powers and duties.

(a) The Governor's Office of Administration (OA) shall develop data priorities, strategic plans, direct data investments, procurements and policy for Commonwealth agencies under the Governor's jurisdiction (Enterprise). The Enterprise shall comply with direction from OA regarding the matters which are the subject of this subchapter. OA shall make decisions on behalf of the Enterprise regarding operational matters regarding open data, data governance, data protection, data development, data analytics, data sharing and other responsibilities within the scope of this subchapter.

(b) OA shall develop and facilitate the approach of the Enterprise to engagement with private and other public stakeholders on the matters which are the subject of this subchapter.

§ 7a.152. Responsibilities.

The Governor's Office of Administration (OA) shall be responsible for the following:

(a) Creating the position of a Chief Data Officer tasked with establishing and maintaining a master data management plan that will be made available to the public, updated annually and incorporates the following:

(b) Creating an advisory group (which should include, among others, agency Chief Information Officers, Information Security Officers, Data Stewards, architects, privacy officers, risk managers and legal representation) to advise OA, Office for Information Technology regarding overall data governance.

(c) Creating frameworks that include policies, processes and standards that adhere to commonly accepted principles and legal requirements for data governance, data development, and the quality, sourcing, use, access, content, ownership, licensing of relevant data and Enterprise data sharing.

(d) Creating a maintenance plan for the Enterprise Open Data Portal for the Enterprise and public access.

(e) Providing guidance to the Enterprise regarding the procurement and standardization of technologies and services related to the subject matter of this subchapter through the use of Information Technology Policies.

(f) Communicating with the public both by publishing Enterprise open data plans and policies and by soliciting or allowing for public input, or both, on the subject matter of this subchapter.

(g) Examining internally the Commonwealth data sets for business, confidentiality, privacy and security issues, and the reasonable mitigation of those issues, prior to the data's release for open data purposes.

(h) Developing and facilitating the approach of the Enterprise to engagement with private and other public stakeholders, including, but not limited to, arranging for and expediting data-sharing and data access agreements, such as Memoranda of Understanding, and encouraging and facilitating cooperation and substantive and administrative efficiencies.

(i) Prioritizing and coordinating data privacy and protection efforts across the Enterprise to maximize the privacy and protection of all data and to reduce the risk of public exposure of private or protected data.

(j) Identifying other potential areas of risk related to data storage, processing, access and sharing, and creating ways to manage that risk.

(k) Creating a framework for internal and external entities of the Enterprise to enable data access between citizen profiles and systems of record, data sharing, improve data portability and access, inventories, and analytics, and address barriers to implementing the framework.

§ 7a.153. Executive agencies.

Agencies under the Governor's jurisdiction shall provide assistance to and cooperate with Governor's Office of Administration (OA) as requested by OA in the pursuit of the matters which are the subject of this subchapter.

§ 7a.154. Independent agencies, State-affiliated entities and State-related entities.

Independent agencies, State-affiliated entities and State-related agencies are strongly encouraged to implement this subchapter.

§ 7a.155. Effective date.

This subchapter takes effect immediately.

§ 7a.156. Termination date.

This subchapter remains in effect unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 19-1307. Filed for public inspection August 30, 2019, 9:00 a.m.]