



October 24, 2011

Neva Terry
Director, State Systems Office
Food and Nutrition Service
3101 Park Center Drive, Room 820
Alexandria, VA 22302-1500

Dear Ms. Terry:

Following are comments from the American Public Human Services Association in response to the August 23, 2011, Notice of Proposed Rulemaking, “Automated Data Processing and Information Retrieval System Requirements.” The regulation proposes to implement Section 4121 of the Food, Conservation, and Energy Act of 2008 (the Farm Bill). These comments also incorporate input from two of APHSA’s affiliate organizations, the American Association of SNAP Directors (AASD) and IT Solutions Management for Human Services (ISM).

We recognize and appreciate that certain of the proposed changes will conform some of the Food and Nutrition Service submittal deadlines and financial thresholds to align with recent Department of Health and Human Services changes. This streamlining of requirements will reduce the effort that otherwise must be devoted to satisfy the unique requirements of a single program or that represent duplicate work.

Many more such steps to align and simplify requirements across agencies are urgently needed, particularly as planning goes forward for information systems that will support health exchanges and other new systems that can allow interoperability among multiple programs. Much more progress is also necessary to rationalize and simplify cost-allocation requirements for systems that support more than one program – which is to say, nearly all systems being implemented or planned today. APHSA has long called for a government-wide single process for planning, approving, and funding information systems for health and human service assistance programs. The need for this unified process is now more urgent than ever given the tight deadlines for health care system changes; reduced state and federal funding; the increasing obsolescence of so many state legacy systems; and the increasing need for alignment and interoperability of all health and human service programs at the state and local implementation levels.

Turning to the specifics of this proposed rule, we are concerned that the additional federal approvals required in the rule will create a significant burden during the testing and pilot phases of future Advance Planning Document (APD) projects and will slow new system implementation.

The reasoning behind the FNS requirement concerning review of testing activity is understandable. FNS has actively sought to reduce the risk of a state failing to successfully implement new automated systems, since project failures can be quite costly and detrimental. On the other hand, the need to seek additional approval during testing and piloting adds to the potential for delays in implementing systems. FNS has recently improved its response and service to states submitting APD documents, but we fear that the need to review additional APD activities will adversely affect timely responses to state submittals. The proposed rulemaking will add the following documents to the list of items that require FNS review prior to proceeding to subsequent phases of an APD project:

- Complete testing plan prior to the start of the testing phase, including very detailed minimum documentation requirements.
- Documentation of results of performance and user acceptance testing before proceeding to the pilot phase, including detailed contingency documentation.
- Documentation of the pilot evaluation.

While annual updates to FNS would normally include information concerning testing and piloting activities, the requirement to provide documentation to FNS throughout the year and seek repeated federal approval for activities outside of the annual federal financial participation approval process has the potential to significantly delay project timeframes. Any failures to meet FNS approval during the testing and pilot phases will entail additional schedule adjustments. Since a state would be unable to use FFP funding for the pilot and implementation states prior to receiving FNS signoff on the previous project phase, buffers of at least 60 days will need to be built in at the end of the both testing and pilot phases to provide time for FNS approval to proceed to the next project phase.

In Q&A #9 of the preamble, FNS declares that upon successful completion of the pilot project, the state agency would have to receive written approval from FNS before expanding beyond the pilot. The rule at 277.18(g)(2)(ii) states that pilots must operate until a state of routine operation is reached with the full caseload in the pilot area (usually a minimum duration of three months). The rule states that this waiting period would permit a thorough evaluation of the system. However, in reality that evaluation must have occurred, and any problems identified and corrected, before a pilot can be considered to have been successfully completed. The additional three months waiting period will result in unnecessary delays and potential down time awaiting approval.

In addition, the rule lacks detail regarding the documentation that must be submitted to obtain written approval from FNS to expand beyond the pilot, leading us to be concerned

that approval requirements could expand at the discretion of the regional or central offices.

Overall, we are concerned with the effects of many of these proposals on the ability of states to put system enhancements in place on schedule. It is already difficult to gain consensus within an agency; timelines for systems development can be very short once internal decisions are made to proceed; and delays can bring both direct financial costs and delays in service improvements for clients. We are therefore very sensitive to the additional delays that could occur while state staff wait for FNS clearance, or worse, must negotiate a way forward should FNS not approve a state's plans.

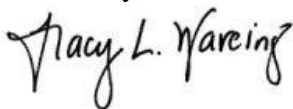
We urge FNS to carefully consider the issues we have noted in these comments before issuing final regulations, and to meet the requirements of the statute in a way that imposes the least amount of additional complexity on already demanding state processes. The final rule must recognize the need for states to successfully reengineer their administrative processes, to rapidly meet the demands for program modernization within the challenging current environment, and to do so without unnecessary additional costs and delays.

We are pleased to note that FNS seeks additional input for guidance material on the general subject of APDs, including several sections of the FNS-901 handbook. As we have frequently proposed for other aspects of SNAP policy, an ongoing work group of federal and state staff would bring much-needed direction, expertise, and improved communication to this entire policymaking process. The principles of the President's February 2011 memorandum on state and local government flexibility are directly applicable to the APD issue as well as all the other issues in which we engage each other. We urge you to consider the many advantages of a focused and structured effort to identify alignment and flexibility, modeled along the lines of the work group on cost allocation that the Office of Management and Budget conducted this past summer.

We look forward to working further with you to develop a more balanced and flexible approach to the important system approval, testing, and implementation tasks raised here.

Thank you for the opportunity to comment. If you have any questions, please contact Larry Goolsby, lgoolsby@aphsa.org, (202) 682-0100 ext. 239.

Sincerely,



Tracy L. Wareing
Executive Director