

# The LBFC PERFORMANCE REPORT

THE OFFICIAL NEWSLETTER OF THE  
PENNSYLVANIA LEGISLATIVE BUDGET & FINANCE COMMITTEE

## PROJECT RELEASES...

On November 10, 2021, the LBFC released the following two reports at an in-person public meeting in Harrisburg:

### A Report in Response to HR 1087 of 2020 COVID-19 Death Reporting

The COVID-19 pandemic has heightened awareness about death reporting, and more specifically, dying from COVID-19 or dying with COVID-19. Death reporting is a complex and often misunderstood process. In this report, LBFC explores the death reporting process in Pennsylvania, including, the procedures and guidance issued by the Department of Health, and how deaths attributed to COVID-19 are tabulated and reported publicly. LBFC also explores the distinctions of cause of death reporting with respect to COVID-19. The LBFC found death reporting timeliness improved using the Electronic Death Registration System (EDRS) after its use was mandated in March 2020, DOH public data although plentiful, needs better clarifications to explain its source and conflicts with other data, and for the data reviewed, DOH is following CDC guidelines for counting deaths attributed to COVID-19. The report includes three recommendations to improve processes, and to clarify access to records maintained by the DOH under the state's Vital Statistics Law.

### Pennsylvania Indigent Criminal Defense Services Funding and Caseloads

House Resolution 2019-619 (HR 2019-619) directed the LBFC to conduct a study and issue a report analyzing the funding and

caseloads related to indigent criminal defense services in Pennsylvania during CYs 2018, 2019, and 2020. Indigent criminal defense services are primarily a county-based responsibility; consequently, the report focused on information and data collection from county offices and where applicable, state judicial management authorities along with relevant state commissions and associations. Pennsylvania is one of two states that generally provide no state funding for the county level administration of indigent criminal defense services. Per capita and per case disposed expenditures varied among the counties with per capita expenditures averaging \$7.63 and per case disposed expenditures averaging \$1,216.54. On average, 54 percent of all adult criminal cases statewide had representation provided by a public defender in calendar years 2018 to 2020. LBFC found that data collection in relation to Pennsylvania indigent criminal defense services continues to reflect a lack of systematic and complete data. Data collection remains a county responsibility and substantive policies differ from county to county throughout the Commonwealth.

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## HELPFUL FOLLOW-UP...

As a follow-up to the release of the HR 1087 study addressing the Department of Health's COVID-19 death reporting, co-sponsorship memoranda have been drafted in both the House of Representatives and the Senate, proposing to amend the Vital Statistics Law to clarify granting the LBFC access to death records. As reported in the HR 1087 study, the Department of Health denied LBFC requests to review death records necessary to conduct its work as required by HR 1087. While the Vital Statistics Law permits the DOH to provide death records to "agencies of government" and for research purposes, the DOH chose to interpret the VSL in such a way to deny access to the LBFC, reaching the conclusion that the LBFC—a statutorily-created legislative service agency that conducts research-based studies—is not an agency of government and does not do research. Needless to say, we disagree.

# LBFC PRESENTATION...

Patricia Berger, LBFC Executive Director, met with the Senate Republican Caucus on Tuesday, November 9, 2021 to present information about the LBFC and discuss its role in the legislative process. Her presentation addressed the statutory basis under which the LBFC undertakes its work and the scope of the LBFC's authority to take on projects. She highlighted the use of the GAO's Yellow Book standards to guide the work of the staff ensuring that the work remains independent and non-partisan. (The Yellow Book, of course, is used by auditors of government entities, entities that receive government awards, and other audit organizations performing Yellow Book audits. It also outlines the requirements for audit reports, professional qualifications for auditors, and audit organization quality control.) She explained that the LBFC officers represent the four caucuses further emphasizing the bi-partisan, bi-cameral nature of the committee. Several senators, including both current and former LBFC members, commented on the value and usefulness of the LBFC reports.



# THIS IS A FOOTBALL: LBFC FUNDAMENTALS...

As 2021 winds down, a review of the basics at the LBFC seems in order. The LBFC is a statutorily-created agency of the General Assembly, created by Act 195 of 1959. It is a bipartisan, bicameral legislative service agency that provides the General Assembly with a mechanism to exercise legislative oversight of Executive Branch agencies and programs. Act 195 broadly gives the LBFC the "power and duty to perform . . . all duties and functions related to the study of the revenues, expenditures and fiscal problems of the Commonwealth, its officers, boards, committees, commissions, institutions, and other State agencies."

To this end, the LBFC conducts a wide range of research activities pertaining to the operation and performance of state-funded programs and agencies. The LBFC utilizes its statutory authority to undertake studies and make recommendations aimed at eliminating unnecessary expenditures, promoting economy in the government of the Commonwealth, and assuring that state funds are being expended in accordance with legislative intent and the law. It is clear that 'fiscal problems' involve more than simply reviewing budget numbers and cover broader efficiency and effectiveness issues—or put another way—how well an agency or program is performing. Through such reviews of agency performance, the LBFC identifies efficiencies and recommends administrative and statutory changes to improve how the agency or program is performing and, thereby, improve the fiscal condition of the Commonwealth. This helps ensure proper accountability and stewardship of public funds and resources, finds ways to improve government, identifies critical issues to protect public resources, and tightens government control systems. It is these types of performance review projects that are most closely aligned with the LBFC's core statutory authority and purpose and provide the chief benefit to the General Assembly and the citizens of Pennsylvania.

# WELCOME REP. BURGOS...

On October 8, 2021, Rep. Danilo Burgos was appointed to serve as a member of the LBFC. Rep. Burgos was elected to serve his first term in the Pennsylvania House of Representatives in November 2018, representing neighborhoods in north Philadelphia including Kensington, Hunting Park, Glenwood and Feltonville. He is the first Dominican elected to serve in the Pennsylvania General Assembly.

He is first-generation Hispanic American and was born in New York City. His family moved to Philadelphia in 1990 when he was 10 years old. They attended St. Veronica's Church and owned and operated a grocery store in the Hunting Park neighborhood in the early 1990s. Rep. Burgos attended Roberto Clemente Middle School and graduated from Olney High School in 1997. In 1998, he opened up his first grocery store in north Philadelphia and that same year, along with several grocery store owners, he co-founded the Dominican Grocers Association of Philadelphia (D.G.A.P.) in partnership with the Eastern Pennsylvania Organizing Project (EPOP). Since 1999, the organization has grown to more than 385 members.





## ANALYST TRAINING...

LBFC analyst staff participated in the NLPES Professional Development Seminar, presented remotely. The PDS provided 12 hours of continuing professional education on September 28, 29, and 30. The training covered such topics as equity and privilege, data visualization, public speaking, randomized evaluations of government programs, evidence-based policymaking, sustainable innovation, simple writing, and impact and relevance.

## NEW PROJECT...

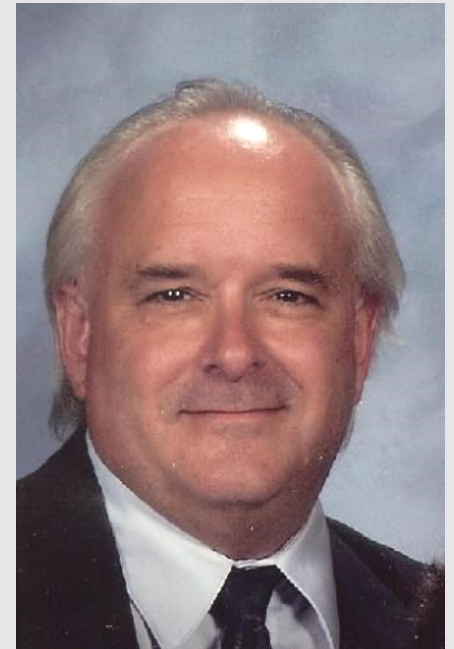
Senate Resolution 2021-146 recently tasked the LBFC with undertaking a study of current limitations on liability under 42 Pa. C.S. Sections 8528 and 8553 (Sovereign Immunity waived in certain instances). The resolution states "[t]he Senate believes that it is important, having agreed to waive the Commonwealth's liability in certain limited circumstances, to revisit and reexamine whether it is in the interests of this Commonwealth's residents for the limitations on liability originally enacted, and as amended, to remain in place or be again altered, taking into account the interests of litigants, the public and the impact that any change may have upon the Commonwealth's budget and the services, benefits and programs the Commonwealth offers and provides to its residents." The LBFC report on this study is due by April 30, 2022.

## FINANCE BUILDING AND COVID...

The Finance Building—physical home to LBFC's global headquarters—at long last reopened to the general public and all LBFC staff could be in the office at the same time as of July 6, 2021. Prior to this, the LBFC was limited to no more than half the staff being present at the same time. Due to the Delta and Omicron variants and the increase in positivity rates for COVID-19, LBFC continues to work primarily remotely. In addition, other agencies in the Finance Building have resumed working remotely in response to the increasing infection rates.

## 'WELL DONE' PETER...

With sadness we report that long-time LBFC analyst, Peter Lynn Halvorsen, passed away on November 21, 2021, at the age of 63. Peter was born June 10, 1958, in Bensheim, Germany. He was the son of the late David Halvorsen and Norma Wall Halvorsen. Peter lived in Harrisburg since 1986, after moving here from Chattanooga, Tennessee. He spent his early years in Gary, Indiana and then moved to Tennessee where he graduated from Covenant College in Lookout Mountain. He received his Master's in Human Organization Science at Villanova University and spent over 28 years as an analyst for the LBFC. After leaving the LBFC, he worked for United Concordia, Highmark Health. He loved being a part of his children's activities, coaching soccer and baseball teams, and being there for his children's games and events. Peter attended Life Center Church in Harrisburg. He was a Philadelphia Phillies and Eagles fan. Peter is survived by his wife of 39 years, Barbara, son Nathan Earl, and daughter Mariana of Harrisburg. The staff of the LBFC, especially those few still here who had the privilege of working with Peter, toast him and simply say "well done, Peter."



*The purpose of life is to be useful, to be honorable, to be compassionate, to have it make some difference that you have lived and lived well."*

*Ralph Waldo Emerson.*



The mission of the Pennsylvania Legislative Budget & Finance Committee is to provide members of the Pennsylvania General Assembly timely, accurate, and unbiased information, analysis, and performance evaluation to inform their policy decisions.



<http://lbfc.legis.state.pa.us/>



## ONGOING PROJECTS...

**Act 2016-20:** Requires LBFC to conduct a study of certain patient outcomes when using lay caregivers.

**Act 2020-120:** Directs the LBFC to conduct a study of Pharmaceutical Benefits Managers.

**Act 2020-93:** Directs the LBFC to conduct a review of the last 5 years of court records to ensure that Emergency Medical Services Operating Fund monies are being collected and deposited properly.

**Senate Resolution 2021-96:** Requires the LBFC to do a performance audit of the 911 Communications System.

**Senate Resolution 2021-146:** Requires LBFC to conduct a study of the current limitations on liability under 42 Pa C.S. §§ 8528 and 8553.

**Act 2004-159:** Requires the LBFC to conduct a performance audit of the PFBC by July 1, 2007, and every three years after that.

## LBFC TRIVIA...

Contrary to a mildly absurd rumor spread throughout the capitol region, the LBFC is, in fact, an agency of the government.

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