

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2002 MAY -9 A 10:01

WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Division of Human Services - DHHR TITLE NUMBER: 78

RULE TYPE: Legislative CITE AUTHORITY: §24-2C-4

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 15

TITLE OF RULE BEING AMENDED: Tel-Assistance Program

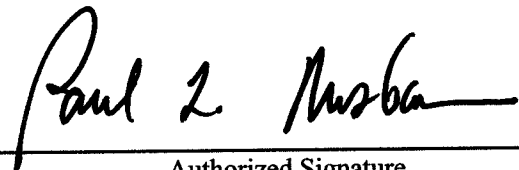
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 10, 2002 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

~~Sue Ellen Buster~~  
Office of Family Support  
Bureau of Children and Families  
350 Capitol Street, Room B-18  
Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED

\$5.60

## **BRIEF SUMMARY OF PROPOSED RULE**

Under West Virginia Code, Chapter 24, Article 2C, the Tel-Assistance program provides reduced monthly rates to certain low-income telephone customers. The Department of Health and Human Resources (DHHR) determines the eligibility of applicants for the Tel-Assistance program and communicates those determinations to the local telephone companies. The proposed rules modify DHHR's existing rules on determination and communication of eligibility to be more flexible and to be consistent with revised federal rules. These changes should allow West Virginia to receive additional federal universal service funding.

## **STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE PROPOSED RULE**

The proposed rule amends the current rules of the Department of Health and Human Resources (DHHR) concerning eligibility of low-income customers for reduced telephone rates under the Tel-Assistance program. Since these rules were adopted in 1986, many of the assistance programs listed in the existing rules have changed and federal rules have greatly expanded the eligibility criteria for reduced telephone rates. The federal government has also increased the funding available to pay for these discounts. The proposed new rule would make DHHR procedures consistent with federal rules and would provide the flexibility to adapt to future changes in eligibility criteria.

The proposed new rule would also greatly increase the potential amount of federal funding which would be available to West Virginia. Under the current rules, West Virginia only receives \$400,000 per year in federal funding to pay for reduced rate telephone service for low-income customers. As participation in the Tel-Assistance program increases as a result of the new rules, West Virginia could receive up to \$4 million in federal funding annually, a tenfold increase. This should allow more low-income West Virginians to afford telephone service which is essential in order for citizens to successfully move from welfare to work.

**FISCAL NOTE FOR PROPOSED RULES**

**Rule Title:** Tel-Assistance Program, 78 CSR 15

**Type of Rule:**  **Legislative**                       **Interpretive**                       **Procedural**

**Agency:** Department of Health and Human Resources

**Address:** Building 3 - Room 201, Capitol Complex  
Charleston, W. Va. 25305

1. Effect of the Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
<b>Estimated Total Cost</b>	\$	\$	\$	\$	\$
<b>Personal Services</b>					
<b>Current Expense</b>			\$	\$272	\$72
<b>Repairs &amp; Alterations</b>					
<b>Equipment</b>					
<b>Other</b>					
<b>Revenue</b>					

**2. Explanation of above estimates.** Monthly run is estimated to be \$6 per month times 12 months = \$72; there is a \$200 one time only cost to write and test the program. Depending on when the rule is implemented will determine whether the \$200. cost will be in the current fiscal year or the next. As shown here, the rule is expected to go into effect July 1, 2002.

**3. Objectives of this rule:**

This rule establishes the procedures under which DHHR shall operate the Tel-Assistance Program which allows qualified low-income persons to request and receive basic local telephone service at a rate lower than the standard telephone service rate. The Department is responsible for determining eligibility of applicants for the tel-assistance program and for communicating those determinations to the participating telephone companies and the Public Service Commission.

**4. Explanation of Overall Economic Impact of Proposed Rule.**

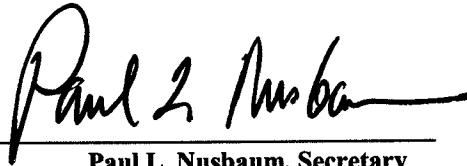
**A. Economic Impact on State Government.**                      None.

**B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens.** This program allows for the providing of telephone service to low income individuals who otherwise may not be able to afford telephone service.

**C. Economic Impact on Citizens/Public at Large.** Under this new Enhanced Tel-Assistance program, low-income West Virginians will have even more options for discounted, low-cost telephone services, the costs covered by federal universal service funds and Verizon. Also, this program is expected to assist low-incomes West Virginians to move from welfare to work, for low-income working West Virginians to keep working, and for older and disabled low-income West Virginians to be connected to emergency services and community supports.

**Date:** May 8, 2002

**Signature of Agency Head or Authorized Representative:**

A handwritten signature in black ink, appearing to read "Paul L. Nusbaum", written over a horizontal line.

**Paul L. Nusbaum, Secretary  
Department of Health and Human Resources**

**QUESTIONNAIRE**

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period, Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: May 8, 2002

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency name, Address & Phone No.) Office of Family Support  
Bureau for Children and Families

350 Capitol Street - Room B-18; Charleston, WV 25301-3705

Contact: Sue Buster Telephone: (304) 558-8290

LEGISLATIVE RULE TITLE: Tel-Assistance Rule

1. Authorizing statute(s) citation: WV Code §24-2C-4

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
May 8, 2002

b. What other notice, including advertising, did you give of the hearing?  
Notice of the proposed rule was sent to the Public Service Commission,  
The Telecommunications Associatoin, the WV Welfare Reform Coalition and  
other low-income advocacy groups.

c. Date of Public Hearing(s) or Public Comment Period ended:  
June 10, 2002

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.  
Attached \_\_\_\_\_ No comments received \_\_\_\_\_

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing (be exact):

N/A

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- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule (please type):

Sue Ellen Buster

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Office of Family Support - Bureau of Children and Families

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350 Capitol Street - B-18 ; Charleston, WV 25301

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Tel: 558-8290

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- g. IF DIFFERENT FROM ITEM 'f', please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule (please type):
- 
- 

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place a hearing for the taking of evidence and a general description of the issues to be decided.
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- 
- 
- 

- b. Date of hearing or comment period:

N/A

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c. On what date did you file in the State Register the findings and determinations required together with the reasons therefore?

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d. Attach findings and determinations and reasons:

Attached 

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**TITLE 78**  
**LEGISLATIVE RULES**  
**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**  
**DIVISION OF HUMAN SERVICES**

**FILED**

MAY -9 A 10:01

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**SERIES 15**  
**TEL-ASSISTANCE PROGRAM**

**§78-15-1. General.**

1.1. Scope. -- This Legislative rule establishes the procedures under which the West Virginia Department of Health and Human Resources shall operate the Tel-Assistance Program pursuant to the provisions of W. Va. Code §24-2C-4 and 47 USC 254. Related information is found in Chapter 19.8 of the Department's West Virginia Income Maintenance Manual. The West Virginia Code is available in public libraries and on the Legislature's web page: <http://www.legis.state.wv.us/>. The United States Code is available in public libraries and on Congress' web page: <http://www.loc.thomas.gov>.

1.2. Authority. -- W. Va. Code §24-2C-4.

1.3. Filing Date. --

1.4. Effective Date. --

**§78-15-2. Purpose.**

2.1. The Tel-Assistance Program allows qualified low-income persons to request and receive basic local telephone service at a rate lower than the standard telephone service rate.<sup>1</sup>

**§78-15-3. Definitions.**

3.1. Department. -- The West Virginia Department of Health and Human Resources.

3.2. Disabled. -- The inability to do any substantial gainful activity by reason of any medically determined physical or mental impairment that can be expected to last for a continuous period of not less than thirty (30) days.

3.3. Public Service Commission. - The Public Service Commission of West Virginia.

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<sup>1</sup> Tel-Assistance rates for each local telephone company are set forth in the tariffs filed by those companies with the Public Service Commission.

**§78-15-4. Responsibilities of the Department.**

4.1. The Department is responsible for the following activities:

4.1.a. Determining eligibility of applicants for Tel-Assistance on an initial and a continuing basis; and

4.1.b. Communicating those determinations to the participating telephone companies and the Public Service Commission.

**§78-15-5. Eligibility Requirements.**

5.1. An individual is eligible for Tel-Assistance if he or she is:

5.1.a. Disabled or sixty (60) years of age or older and is a recipient of Temporary Aid to Needy Families (TANF) and Food Stamps; or

5.1.b. Disabled or sixty (60) years of age or older and has a monthly income no higher than Supplemental Security Income (SSI) eligibility levels; or

5.1.c. A participant in any of the programs listed in the Tel-Assistance tariffs of the participating telephone companies on file with the Public Service Commission.

**§78-15-6. Determination and Communication of Eligibility.**

6.1. In order to allow the Department to make a determination as to eligibility, the participating telephone companies shall provide the Department with the names and social security numbers of applicants for Tel-Assistance.

6.2. The Department shall routinely communicate eligibility determinations to telephone companies that request such eligibility determinations.

6.3. The Department shall annually provide the participating telephone companies with the birth date and basis for eligibility for individuals receiving Tel-Assistance. Unless the participating telephone companies obtain this information lawfully through other means and without an obligation to maintain its confidentiality, the participating telephone companies shall not use or disclose this information for any purpose other than the administration of Tel-Assistance. The administration of the program may include reporting by the participating telephone companies of eligibility information on an aggregate, non-individual basis to the Public Service Commission or its staff.

**§78-15-7. Notification of Eligibility.**

7.1. Participating telephone companies shall notify applicants of Tel-Assistance eligibility and benefits.

**§78-15-8. Questions of Eligibility.**

8.1. Participating telephone companies shall answer all questions of eligibility regarding receiving Tel-Assistance benefits.

8.2. All other responsibilities related to the implementation of the Tel-Assistance Program shall be handled by the participating telephone companies and by the Public Service Commission as prescribed in W. Va. Code §24-2C.

## WordPerfect Document Compare Summary

Original document: S:\regdev\RULES\Rules Proposed & Filed SS or LRMRC\78csr - Health filed for 2003 session\Tel-Assistance 78csr15\SS 78-15.wpd

Revised document: S:\regdev\RULES\Rules Proposed & Filed SS or LRMRC\78csr - Health filed for 2003 session\Tel-Assistance 78csr15\Rule to be submitted for PUBLIC COMMENT.wpd

Deletions are shown with the following attributes and color:

~~Strikeout~~, Blue RGB(0,0,255).

Deleted text is shown as full text.

Insertions are shown with the following attributes and color:

Double Underline, Redline, Red RGB(255,0,0).

The document was marked with 30 Deletions, 31 Insertions, 0 Moves.

FILED

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\_\_\_\_\_  
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TITLE 78  
LEGISLATIVE RULES  
DEPARTMENT OF ~~HEALTH AND~~ <sup>2002 WV</sup> ~~RESOURCES~~ 9 A 10: 01

HUMAN SERVICES

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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\_\_\_\_\_ ~~SERIES 15~~  
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\_\_\_\_\_ ~~OPERATING RULES AND REGULATIONS FOR THE WEST VIRGINIA~~  
\_\_\_\_\_  
\_\_\_\_\_ ~~DEPARTMENT RESOURCES~~  
\_\_\_\_\_ ~~DIVISION OF HUMAN SERVICES~~

SERIES 15  
TEL-ASSISTANCE PROGRAM

~~ED. NOTE: The rule became effective upon filing as required by WV Code §24-2C-4(c) while the proposed rule goes through the regular legislative rule-making process. This is not an emergency rule filing.~~

§78-15-1. General.

1.1. Scope. -- ~~The~~ This Legislative rule establishes the ~~operating~~ procedures under which the West Virginia Department of Health and Human Services ~~with Resources~~ shall operate the Tel-Assistance Program. ~~All materials contained here are pursuant to the provisions of W. Va. Code §24-2C-4 and 47 USC 254. Related information is found in Chapter 66,000 of the Economic Service Manual. 19.8 of the Department's West Virginia Income Maintenance Manual. The West Virginia Code is available in public libraries and on the Legislature's web page: http://www.legis.state.wv.us/. The United States Code is available in public libraries and on Congress' web page: http://www.loc.thomas.gov.~~

1.2. Authority. -- W. Va. ~~§24-2C-4~~  
Code §24-2C-4.

1.3. Filing Date. -- ~~July 28, 1986~~

1.4. Effective Date. -- ~~July 28, 1986~~

§78-15-2. Introduction Purpose.

2.1. The Tel-Assistance Program ~~will allow reduced rate telephone service to~~ allows qualified low-income household/customers. ~~Tel-Assistance costs up to seven dollars and fifty cents (\$7.50) each month. This price includes two dollars (\$2.00) worth of calling charges from local telephone companies. If more than two dollars (\$2.00) worth of calling charges are made in a month, you pay the regular charges for the additional calls. This monthly cost for Tel-~~

~~Assistance is lower than any other persons to request and receive basic local telephone service offered and must be accepted by the client to receive benefits.~~

~~2.2. The Department of Human Services is responsible for establishing the following activities:~~

- ~~\_\_\_\_\_ (a) To inform persons of their eligibility for Tel-Assistance;~~
- ~~\_\_\_\_\_ (b) To assist applicants for Tel-Assistance in proving their eligibility;~~
- ~~\_\_\_\_\_ (c) To determine eligibility on a continuing basis; and~~
- ~~\_\_\_\_\_ (d) To communicate those determinations to the various telephone companies.~~

~~2.3. All other responsibilities of the Tel-Assistance are those of the Public Service Commission and the participating telephone companies.~~

~~2.4. State administration. -- The program will be administered at the state level by the at a rate lower than the standard telephone service rate.<sup>1</sup>~~

### ~~§78-15-3. Definitions.~~

~~3.1. Department. -- The West Virginia Department of Human Services. The state office will have the final responsibility of program planning, implementation, operation and management.~~

~~2.5. Area administration. -- On the local level, the Tel-Assistance Program will be administered through the area and satellite offices of the Department of Human Services. Area administration will consist of assisting certain applicants in completing the application for Tel-Assistance and the certification of those applications only. An application is deemed certified when the agency case number has been assigned to an approved case.~~

### ~~§78-15-3. General Eligibility Requirements.~~

~~3.1. The individual must be either disabled or sixty (60) years of age or older, and must be a recipient of AFDC, AFDCU, Food stamps or~~

~~3.2. Be either disabled or sixty (60) years of age or older and have a monthly gross income of not more than three hundred forty dollars (\$340.00) for a one (1) person household or~~

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<sup>1</sup> Tel-Assistance rates for each local telephone company are set forth in the tariffs filed by those companies with the Public Service Commission.



**§78-15-4. Responsibilities of the Department.**

4.1. The Department is responsible for the following activities:

4.1.a. Determining eligibility of applicants for Tel-Assistance on ES-TA-2.

These three factors are:

\_\_\_\_\_ (a) Age

\_\_\_\_\_ (b) Income

\_\_\_\_\_ (c) Disability

\_\_\_\_\_ 6.2. Age and income are accepted as declared by the client.

\_\_\_\_\_ 6.3. Disability is to be verified by use of form.

**§78-15-7. Redetermination Process.**

\_\_\_\_\_ 7.1. Redetermination of an initial and a continuing basis; and

4.1.b. Communicating those determinations to the participating telephone companies and the Public Service Commission.

**§78-15-5. Eligibility Requirements.**

5.1. An individual is eligible for Tel-Assistance if he or she is:

5.1.a. Disabled or sixty (60) years of age or older and is a recipient of Temporary Aid to Needy Families (TANF) and Food Stamps; or

5.1.b. Disabled or sixty (60) years of age or older and has a monthly income no higher than Supplemental Security Income (SSI) eligibility levels; or

5.1.c. A participant in any of the programs listed in the Tel-Assistance tariffs of the participating telephone companies on file with the Public Service Commission.

**§78-15-6. Determination and Communication of Eligibility.**

6.1. In order to allow the Department to make a determination as to eligibility, the participating telephone companies shall provide the Department with the names and social security numbers of applicants for Tel-Assistance.

6.2. The Department shall routinely communicate eligibility determinations to telephone companies that request such eligibility determinations.

6.3. The Department shall annually provide the participating telephone companies with the birth date and basis for eligibility for categorically eligible households will be established within existing program policy for the category.

~~7.2. Redetermination of all other individuals receiving Tel-Assistance. Unless the participating telephone companies obtain this information lawfully through other means and without an obligation to maintain its confidentiality, the participating telephone companies shall not use or disclose this information for any purpose other than the administration of Tel-Assistance. The administration of the program may include reporting by the participating telephone companies of eligibility information on an aggregate, non-individual basis to the Public Service Commission or its staff.~~

**§78-15-7. Notification of Eligibility.**

7.1. Participating telephone companies shall notify applicants of Tel-Assistance cases will be done annually, and by use of redetermination form, ES-TA-6 from the state office, Division of Economic Services.

~~**§78-15-8. Notification eligibility and benefits.**~~

**§78-15-8. Questions of Eligibility.**

~~8.1. Participating telephone companies will be responsible to notify applications of Tel-Assistance eligibility and benefits.~~

~~**§78-15-9. Questions of Eligibility.**~~

~~The telephone companies are responsible to shall answer all questions of eligibility in regards to receipt of regarding receiving Tel-Assistance benefits.~~

~~**§78-15-10. Hearing Process.**~~

~~Refer to Economic Services Manual Common chapter 700.~~

~~**§78-15-11. Forms.**~~

~~All forms relating to~~

8.2. All other responsibilities related to the implementation of the Tel-Assistance Program are available for review in the Department of Human Services Offices statewide.

shall be handled by the participating telephone companies and by the Public Service Commission  
as prescribed in W. Va. Code §24-2C.