

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

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WEST VIRGINIA
SECRETARY OF STATE

Form #3

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

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

CITE AUTHORITY: §24-2C-4

AMENDMENT TO AN EXISTING RULE: YES NO

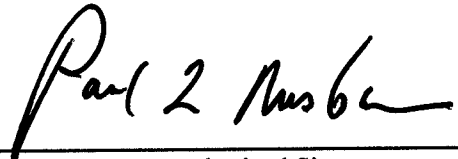
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 15

TITLE OF RULE BEING AMENDED: Tel-Assistance Program

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

SCANNED

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.

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
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expense			\$	\$272	\$72
Repairs & Alterations					
Equipment					
Other					
Revenue					

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.

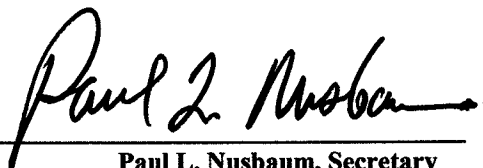
A. Economic Impact on State Government. None.

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 those working to keep working, and for older and disabled low-income West Virginians to be connected to emergency services and community supports.

Date: 6/25/02

Signature of Agency Head or Authorized Representative:



**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: June 25, 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 X

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

June 25, 2002

- 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

Office of Family Support - Bureau of Children and Families

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

Tel: 558-8290

- 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.
-
-

- b. Date of hearing or comment period:

N/A

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

d. Attach findings and determinations and reasons:

Attached _____

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

FILED

2002 JUN 25 P 4: 01

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. --

1.5. Repeal and Replacement of Former Rule. - This legislative rule repeals and replaces "Operating Rules and Regulations for the West Virginia Department of Human Services Tel-Assistance Program," 78CSR15, effective July 28, 1986.

§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.¹

§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

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

period of not less than thirty (30) days.

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

§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.