

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

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OFFICE WEST VIRGINIA
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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

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

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: _____

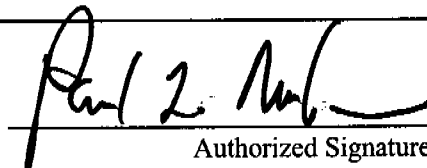
TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) H.B. 2625

SECTION § 64-5-4(b), PASSED ON March 5, 2003

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: July 1, 2003


Authorized Signature

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

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**SERIES 15
TEL-ASSISTANCE PROGRAM**

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§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.thomas.loc.gov>.

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

1.3. Filing Date. -- April 4, 2003.

1.4. Effective Date. -- July 1, 2003.

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.

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

4.1. The Department is responsible for determining eligibility of applicants for Tel-Assistance on an initial and continuing basis and communicating the determinations of eligibility 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 meets the criteria set forth in W. Va. Code §24-2C-1 et seq.

§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 the 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 their Tel-Assistance eligibility and benefits.

§78-15-8. Questions of Eligibility.

8.1. Participating telephone companies shall answer all questions of eligibility regarding the receipt of 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-1 et seq.