

PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 155]

Enumeration

The Department of Public Welfare (Department), under the authority of sections 201(2) and 403(b) of the Public Welfare Code (code) (62 P. S. §§ 201(2) and 403(b)) proposes to amend Chapter 155 (relating to enumeration) to read as set forth in Annex A.

Purpose

The Department proposes to delete §§ 155.1, 155.3, 155.4, 155.41, 155.44, 155.61, 155.64, 155.74 and 155.84 which delineate the enumeration requirements in detail. The Department is replacing it with § 155.2 (relating to general) which provides that applicants for and recipients of assistance benefits must comply with Federal enumeration requirements. Federal regulations require that applicants and recipients of Medical Assistance, Food Stamps and Aid to Families with Dependent Children (AFDC) must, as a condition of eligibility, disclose or apply for a Social Security Number (SSN). Federal statutes and regulations relating to enumeration are applicable to all programs in which Federal funding is received (for example, Medical Assistance, Food Stamps and AFDC). Further, section 432.2(b)(3) of the code (62 P. S. § 432.2(b)(3)), requires that applicants or recipients of State funded programs also provide SSNs. As a practical matter, the Department has adopted the same practice for State funded programs as for those in which Federal funding is received.

Background

42 U.S.C.A. § 1320b-7, added to the Social Security Act by section 2651 of the Deficit Reduction Act of 1984 (Pub. L. No. 98-369), provides the authority by which the Department requires all persons applying for or receiving AFDC, Medical Assistance Nonmoney Payment (NMP) and Medical Assistance Medically Needy Only (MNO) to disclose or apply for an SSN. Federal enumeration requirements for the Food Stamp Program are adopted by reference at § 501.1 and are not included in Chapter 155. Section 432.2(b)(3) of the code, as amended, further provides the authority by which the Department requires that persons applying for or receiving General Assistance (GA), State Blind Pension (SBP) or MNO in a related category must disclose or apply for SSNs. In addition, the Federal regulations require the Department to verify all SSNs with the Social Security Administration (SSA).

Need for the Amendment

Section 155.2 will enable the Department to use, by reference, the enumeration regulations in the *Code of Federal Regulations*. It will also facilitate the issuance of instructional material to county assistance offices (CAOs) for the operation of the program. This eliminates any need for the Department to promulgate its own regulations to implement a new change in Federal regulations.

Requirements

42 U.S.C.A. § 1320b-7, section 1137 of the Social Security Act, requires applicants and recipients to provide their SSN or apply for one if they do not have a number.

These proposed amendments make no substantive changes to enumeration requirements already in effect and accordingly will have no additional impact on applicants for or recipients of public assistance programs.

Section 155.2 sets forth the Department's intention to be governed by Federal regulations through reference.

Affected Persons and Organizations

The proposed changes to Chapter 155 will not change enumeration requirements which currently exist.

Accomplishments/Benefits

The proposed changes to Chapter 155 will ensure immediate compliance with Federal regulation changes and simplify administration of the program by eliminating the need to constantly revise 55 Pa. Code to reflect changes in Federal regulations.

Fiscal Impact

The proposed amendments will have no fiscal impact on State or local government or private entities.

Paperwork Requirements

The proposed changes to Chapter 155 will reduce paperwork requirements associated with administration of the program by eliminating the need to revise 55 Pa. Code to reflect any changes in Federal regulations.

Effective Date

The amendments will become effective upon publication in the *Pennsylvania Bulletin* as final rulemaking.

Sunset Date

A sunset date is not applicable. The Department continuously reviews the enumeration regulations through the Federally monitored quality control process. Also, the Department of Health and Human Services' staff conducts audits periodically on specific aspects of the enumeration program.

Public Comment Period

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Department of Public Welfare, Patricia H. O'Neal, Director, Bureau of Policy, Room 431, Health and Welfare Building, P. O. Box 2675, Harrisburg, PA 17105, (717) 787-4081, within 30 days of the date of publication of this notice in the *Pennsylvania Bulletin*. All comments received within 30-calendar days will be reviewed and considered in the preparation of the final regulations. Comments received after the 30-day comment period will be considered for any subsequent revisions of these regulations.

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 16, 1997, the Department submitted a copy of the proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Welfare and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, of objections raised by the Department, the General Assembly and the Governor.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-425. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart C. ELIGIBILITY REQUIREMENTS

CHAPTER 155. ENUMERATION

(Editor's Note: The Department is proposing to delete the current versions of §§ 155.1, 155.3, 155.4, 155.41, 155.44, 155.61, 155.64, 155.74 and 155.84 as they currently appear in the *Pennsylvania Code* at pages 155-1—155-6 (serial pages 175227, 175228 and 165931—165934) and replace them with § 155.2 (relating to general).)

§ 155.1. [Reserved].

§ 155.3. [Reserved].

§ 155.4. [Reserved].

§ 155.41. [Reserved].

§ 155.44. [Reserved].

§ 155.61. [Reserved].

§ 155.64. [Reserved].

§ 155.74. [Reserved].

§ 155.84. [Reserved].

§ 155.2. **General.**

Applicants for and recipients of cash or Medical Assistance benefits are required to disclose or apply for a Social Security Number (SSN) as required by Federal regulations found in 42 CFR 435.910, 435.920 and 45 CFR 205.52 (relating to use of social security number; verification of SSNs; and furnishing of social security numbers) and section 432.2(b)(3) of the Public Welfare Code (62 P. S. § 432.2(b)(3)). Enumeration (disclosure of or application for an SSN) is also required by persons applying for or receiving General Assistance or State Blind Pension in accordance with section 432.2(b)(3) of the Public Welfare Code. The Federal regulations and State statute cited in this section are incorporated by reference.

[Pa.B. Doc. No. 97-1181. Filed for public inspection July 25, 1997, 9:00 a.m.]