

# RULES AND REGULATIONS

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

[ 55 PA. CODE CH. 501 ]

#### Food Stamp Discretionary Provisions

##### *Statutory Authority*

The Department of Public Welfare (Department), by this order, adopts the amendments set forth at 39 Pa.B. 1114 (February 28, 2009) under the authority of sections 201(2) and 403(b) of the Public Welfare Code (62 P.S. §§ 201(2) and 403(b)) and the Federal Food Stamp regulation in 7 CFR 273.16(h)(1)(ii)(C) (relating to disqualification for intentional Program violation).

##### *Purpose of Regulation*

The purpose of this final-form rulemaking is to amend § 501.13(b)(2)(i)(C) (relating to intentional Program violation disqualification) to conform to Federal requirements in 7 CFR 273.16(h)(1)(ii)(C). The Department also is amending § 501.13(a)(1) by deleting the term "Office" and inserting "Bureau" when referencing the bureau that handles administrative disqualification hearings.

This final-form rulemaking is needed to codify Federal requirements to provide written notification to food stamp households of the consequences of consenting to disqualification as part of a deferred adjudication process. Rulemaking is needed to ensure that these requirements are codified as a State regulation completely and accurately.

##### *Summary*

A complete description of the amendment was published at 39 Pa.B. 1114.

##### *Affected Individuals and Organizations*

This final-form rulemaking affects food stamp households in which a household member is accused of committing an intentional Program violation and consents to disqualification under a deferred adjudication process. The individual who is subject to disqualification must receive appropriate advance written notice of the consequences of consenting to disqualification. Approximately 925 individuals were disqualified from participation in the Food Stamp Program for Fiscal Year (FY) 2004-2005 because they or the head of household signed a disqualification consent agreement; 671 for FY 2005-2006 and 645 for FY 2006-2007.

##### *Accomplishments and Benefits*

This rulemaking codifies notice requirements that comply with the Federal regulation. Individuals who are not accurately or completely informed of the consequences of consenting to disqualification could challenge the disqualification on the grounds that the written notice was defective.

##### *Fiscal Impact*

No cost to the Commonwealth, local government, service providers or food stamp households is anticipated as a result of this rulemaking.

##### *Paperwork Requirements*

There are no additional reports, paperwork or new forms needed to comply with the final-form rulemaking.

##### *Public Comment*

Written comments, suggestions and objections regarding the proposed rulemaking were requested within a

30-day period following publication of the proposed rulemaking. No public comments were received within the 30-day time frame. The Independent Regulatory Review Commission (IRRC) did not comment on the proposed amendments.

##### *Regulatory Review Act*

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on October 19, 2009, the Department submitted a copy of this final-form rulemaking to IRRC and to the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare (Committees). No comments were received on the proposed amendments.

In accordance with section 5.1(j.1) and (j.2) of the Regulatory Review Act, this final-form regulation was deemed approved by the Committees on November 9, 2009. IRRC met and the amendment was deemed approved under section 5(g) of the Regulatory Review Act, effective, on November 19, 2009.

In addition to submitting the final-form rulemaking, the Department provided IRRC and the Committees with a copy of a Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

##### *Findings*

The Department finds that:

(1) Public notice of intention to amend the administrative regulation by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The adoption of this final-form rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the Public Welfare Code.

##### *Order*

The Department acting under sections 201(2) and 403(b) of the Public Welfare Code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapter 501, are amended by amending § 501.13 to read as set forth at 39 Pa.B. 1114.

(b) The Secretary of the Department shall submit this order and 39 Pa.B. 1114 to the Offices of General Counsel and Attorney General for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify and deposit this order and 39 Pa.B. 1114 with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon final publication in the *Pennsylvania Bulletin*.

ESTELLE B. RICHMAN,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 6915 (December 5, 2009).)*

**Fiscal Note:** 14-515. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-13. Filed for public inspection December 31, 2009, 9:00 a.m.]