

PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 141, 147 AND 289]

General Eligibility; Residence; Emergency Assistance

The Department of Public Welfare (Department), under the authority of section 403(b) of the Public Welfare Code (62 P. S. § 403(b)) proposes to amend §§ 141.61, 141.81 and 147.61 (relating to policy; MA eligibility policy; and GA residence policy) and delete Chapter 289 (relating to emergency assistance) to read as set forth in Annex A. These amendments affect the Temporary Assistance for Needy Families (TANF) and General Assistance (GA) Programs and noncash assistance applicants who meet the nonfinancial and financial eligibility criteria for emergency assistance.

Purpose of the Proposed Amendments

This proposed rulemaking rescinds Chapter 289 including regulations and procedures related to the obsolete Emergency Medical Assistance (MA) component, and obsolete provisions related to this program in Chapters 141 and 147. The Emergency Assistance Program was an optional program operated under Title IV-A of the Social Security Act and has been administered by the Office of Income Maintenance (OIM). The regulations were modified by notice of rule change published at 21 Pa.B. 2953 (June 29, 1991) with an effective date of July 1, 1991, which eliminated the Emergency MA Program and limited the program to Emergency Shelter Assistance (ESA).

Emergency MA was deleted from the Pennsylvania Title IV-A State Plan effective April 1, 1994. Emergency medical services are provided only to legalized aliens under The Immigration Reform and Control Act of 1986 (8 U.S.C.A. §§ 1324a—1365) as provided in Chapter 150 (relating to emergency medical services).

Placing responsibility for the administration and delivery of emergency housing services under the control of one office, the Housing Assistance Program (HAP), will accomplish the following essential purposes:

- 1) It will enable persons seeking these services to have their needs addressed and expedited by only one administering office with experts whose primary function is directed toward the provision of housing services.
- 2) It will eliminate the confusing and sometimes conflicting requirements of the application/interface process between two separate offices which function under different rules.
- 3) It will both clarify and simplify the process for maximizing the claiming of Federal funds and it will lessen the prospect of disputed or disallowed claims.

The end result of a more efficient and effective system may enable the Department to improve benefits and service delivery for those in need of these services.

Effective March 3, 1997, the Department implemented the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Pub.L. No. 104-193, August 22, 1996, 110 Stat. 2105). Title I of PRWORA—TANF—replaces the Aid to Families with Dependent Children (AFDC) program. See 42 U.S.C.A. §§ 601—619.

Under TANF, there is no requirement for the operation of the Emergency Assistance Program. The Department would like to eliminate the dual systems and utilize the flexibility of the block grant to develop, through HAP, a single delivery system for ESA. In addition to services for things such as security deposits for rent of a new dwelling, payment for overdue or new utility hook-ups or payment for past-due rent, HAP services include training in budgeting and money management to prevent future housing crises.

Summary of Requirements

Effective with the final adoption of this rulemaking, the OIM will no longer administer the ESA Program. ESA will be administered under the Office of Social Programs' Homeless Assistance Program.

* *Section 141.81(c)(3)(v)*—This proposal will delete reference to "E" category coding relative to emergency MA services for migrant workers which is no longer applicable with the elimination of the Emergency Assistance Program.

* *Section 147.61(c)*—This proposal will delete reference to the Emergency Assistance Program.

* *Section 147.61(d)*—This proposal will delete reference to Chapter 289 and add a reference to Chapter 150 (relating to citizenship and alienage) as emergency medical services are limited to legalized aliens only.

* *Chapter 289, Emergency Assistance*—This proposal will delete the chapter as it is no longer applicable with the elimination of the Emergency Assistance Program.

Accomplishments/Benefits

Implementation of these proposed amendments will rescind the Emergency Assistance Program regulations in Chapter 289, thereby removing a duplicative, burdensome and confusing dual process for persons seeking ESA. All ESAs and benefit distributions will be administered and funded through the Office of Social Programs' Homeless Assistance Program.

The benefit of this policy change will be that all activities aimed at aiding persons who require ESA will be conducted under the control of one office, thereby expediting the service process and ensuring a more efficient and effective use and accountability of funds for emergency shelter.

Sunset Date

A sunset date is not applicable in this instance because the Department is ending the Emergency Assistance Program.

Public Comment Period

Interested persons are invited to submit written comments, suggestions or objections regarding these proposed amendments to the Department of Public Welfare, Patricia H. O'Neal, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, Pennsylvania 17120, within 30-calendar days of the date of publication of this notice in the *Pennsylvania Bulletin*. Comments received within 30-calendar days will be reviewed and considered in the preparation of the final-form regulations. Comments received after the 30-day comment period will be considered for any subsequent revisions of these regulations.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 564-5988 (Voice Users).

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 1, 1998, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services 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, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' 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 the final publication of the amendments, by the Department, the General Assembly and the Governor of objections raised.

FEATHER O. HOUSTOUN, Secretary

Fiscal Note: 14-440. No fiscal impact; (8) recommends adoption. Since the program costs of the ESA Program are being shifted to HAP without any decrease in services or changes to HAP eligibility requirements there is no increase in cost expected from this proposed rulemaking.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart C. ELIGIBILITY REQUIREMENTS

CHAPTER 141. GENERAL ELIGIBILITY PROVISIONS

ELIGIBILITY PROVISIONS FOR GA

§ 141.61. Policy.

(a) *Conditions of eligibility.* The following relates to eligibility for GA:

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(2) Before authorizing GA to a family with dependent children, a thorough determination shall be made as to whether the family meets the definitive conditions for [AFDC, AFDC-U or Emergency Assistance (EA—Family Cash Assistance)] Temporary Assistance for Needy Families (TANF). For GA cases with dependent children, the case narrative shall substantiate that the [AFDC, AFDC-U and EA categories were] TANF category was considered and include the reason the case was not eligible for [one of these three categories] TANF.

[(3) Otherwise eligible families with children under the age of 21 who do not qualify for AFDC or AFDC-CU shall be authorized EA—Family Cash Assistance because an emergency situation has caused the family's need for financial help. The family shall qualify for EA—Family Cash Assistance for up to 30-consecutive days within a 12-month period. To authorize EA—Family Cash Assistance, procedures in § 289.4(b) (relating to procedures) for

applicant/recipient families with children under 21 who do not qualify for AFDC or AFDC-U shall be applied. EA—Family Cash Assistance shall never be granted concurrently with GA.

(4)](3) ***

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ELIGIBILITY PROVISIONS FOR MA FOR MEDICALLY NEEDED

§ 141.81. MA eligibility policy.

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(c) *Other eligibility conditions and categories.* Other eligibility conditions and categories are as follows:

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(3) The categories of MA and the eligibility conditions for them are set forth as follows. A decision that the client does not meet the definitive conditions for old age, dependent children, blind or permanent and total disability [must] shall be supported in the case record.

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(ii) *Dependent Child Category (TC).* A parent will be considered incapacitated during the period institutional medical care, hospital-home care or nursing services in the home are received. [The suffix "E" will be added to the category symbols, such as TCE, to identify migrant worker applicant groups with children who are eligible for emergency MA services.] This category applies to the following:

* * * * *

(v) *General Category (TD).* Category TD [will be treated as follows:

(A) This category] is financed by Commonwealth funds only. It applies to persons who do not meet the conditions for the Federally-aided categories of MA (TA, TC, TB or TJ).

[(B) The suffix "E" will be added to the category symbols, that is, TDE, to identify migrant workers eligible for emergency MA services.]

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CHAPTER 147. RESIDENCE

GA RESIDENCE PROVISIONS

§ 147.61. GA residence policy.

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(c) A person temporarily residing in this Commonwealth who has a job that is real, such as migrant workers, and is not working because of reasons beyond his control, for example, maturity of crops delays harvesting, general weather conditions and the like, will be eligible for a one-time grant while the facts are being verified. If the facts substantiate that the person will definitely be employed when the reasons beyond his control no longer exist, additional one-time grants may be authorized until the person receives his first pay. [A migrant worker family with children under 21 will be eligible for Family Cash Assistance under the Emergency Assistance Program as described in § 289.4 (relating to procedures) for a period not to exceed 30 consecutive days or less as needed.]

(d) A migrant and his family receiving a money payment may also be eligible for burial payment, food stamps and social services. If otherwise eligible, a migrant worker and his family may receive MA services when there is an emergency medical need as the result of an emergency situation as provided for in Chapter [289] 150 (relating to [emergency assistance] citizenship and alienage).

(Editor's Note: As part of this proposal, the Department is proposing to delete the text of Chapter 289 (relating to emergency assistance) which consists of §§ 289.1—289.4 and currently appears at 55 Pa. Code pages 289-1—289-11, serial pages (109251)—(109260).)

CHAPTER 289. (Reserved)

289.1—289.4. (Reserved)

[Pa.B. Doc. No. 98-768. Filed for public inspection May 15, 1998, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Fees

The State Board of Veterinary Medicine (Board) proposes to amend § 31.41 (relating to schedule of fees) to read as set forth in Annex A. The proposed amendment will readjust fees for veterinarian and animal technical license applications, temporary permits and continuing education provider approvals to equal the actual cost of processing requests and issuing documents.

Effective Date

The new fees will be effective on publication in the *Pennsylvania Bulletin*.

Statutory Authority

Section 13(a) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.13(a)), requires the Board to establish fees by regulation. Section 13(b) of the act requires the Board to increase fees to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures.

Description of Proposed Amendment

The following chart describes the proposed changes:

<i>Fee</i>	<i>Proposed</i>	<i>Current</i>
Application for License: Veterinarian	\$35	\$20
Application for Certification: Animal Health Technician	\$35	\$15
Temporary Permit	\$35	\$55
Continuing Education Program Approval	\$35	\$25

Purpose and Need for the Proposed Amendment

The existing fees for applications, approvals and permit were established in the Board's first biennial reconcilia-

tion of revenue and expenses in 1988. Fees for processing applications and approvals were based upon actual costs. Fees for these services reflected an administrative overhead charge per application of \$7.62. In FY 1996-97, the administrative overhead charge per application was \$16.69. Much of the increase can be attributed to an increase in personnel costs, the fact that the Bureau now pays rent for office space (not applicable in 1988), and upgraded computer equipment.

Fiscal Impact

The proposed amendment will increase the application fee for veterinarians and animal health technicians, increase the continuing education program approval fee and decrease the temporary permit fee in this Commonwealth. A veterinarian will pay an additional \$15 for an initial or reactivated license. An animal health technician will pay an additional \$20 for initial certification and a continuing education provider will pay an additional \$10 for program approval. A temporary permit fee will be reduced \$20. The proposal should have no other fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The proposed amendment will require the Board to alter some of its forms to reflect the new fees; however, the proposed amendments should not create additional paperwork for the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 5, 1998, the Board submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendment, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days of the close of the Committees' review 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 amendment, by the Board, the General Assembly and the Governor of objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Robert Kline, Administrator, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

JEFFREY OTT, VMD
Chairperson

Fiscal Note: 16A-577. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

FEES

§ 31.41. Schedule of fees.

An applicant for a license, certificate or service shall submit a payment at the time of the request under the following fee schedule:

Veterinarians:

Application for original, reactivated, reissued or reciprocal license [\$20] \$35

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Application for continuing education program approval [\$25] \$35

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Temporary permit [\$55] \$35

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Animal health technicians:

Application for certification [\$15] \$35

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Application for continuing education program approval [\$25] \$35

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