

CHAPTER 125. APPLICATION PROCESS**GENERAL PROVISIONS**

Sec.
125.1. Policy.

**TANF/GA PROVISIONS FOR THE
APPLICATION PROCESS**

125.21. Policy.
125.24. Procedures.

**MA PROVISIONS FOR THE APPLICATION PROCESS
FOR THE CATEGORICALLY NEEDY**

125.74. Procedures.

**MA PROVISIONS FOR THE APPLICATION PROCESS
FOR THE MEDICALLY NEEDY**

125.84. Procedures.

Cross References

This chapter cited in 55 Pa. Code § 123.22 (relating to definitions); 55 Pa. Code § 140.145 (relating to notice and appeal rights for MA applicants); 55 Pa. Code § 140.221 (relating to conditions of eligibility); 55 Pa. Code § 140.311 (relating to verification requirements); 55 Pa. Code § 140.603 (relating to conditions of MA eligibility); 55 Pa. Code § 140.721 (relating to conditions of eligibility); 55 Pa. Code § 141.21 (relating to policy); 55 Pa. Code § 141.41 (relating to policy); 55 Pa. Code § 141.61 (relating to policy); 55 Pa. Code § 141.71 (relating to policy); 55 Pa. Code § 165.43 (relating to requests for special allowances for supportive services and time frames for eligibility determinations); 55 Pa. Code § 183.91 (relating to LRR, parent or legal guardian of an AFDC minor parent and stepparent deductions); 55 Pa. Code § 183.103 (relating to additions to the budget group); and 55 Pa. Code § 183.104a (relating to additions to or deletions from a budget group—statement of policy).

GENERAL PROVISIONS**§ 125.1. Policy.**

(a) *General.* Application is made on an application form approved by the Department.

(b) *Identification.* At the application interview, an applicant shall present proof of identity using documents such as a Social Security Card, driver's license,

selective service card, voter registration card, a Departmental identification card or a work or school I.D. If documentary proof of identification is not readily available, the worker shall attempt to verify the applicant's identity through a collateral contact. Examples of acceptable collateral contacts include social service agencies, landlords, employers, neighbors and others who can be expected to provide accurate third-party verification.

(c) *Referral to the domestic relations section of the court.* To receive benefits for himself, an applicant applying on behalf of a child whose eligibility is based on deprivation due to absence of a parent from the home shall be referred to the domestic relations section or other applicable division of the court of common pleas unless the applicant is claiming good cause as specified in Chapter 187 (relating to support from relatives not living with the client). The caretaker relative may still apply for and receive benefits for eligible minor children without completing the referral process.

(d) *Signing of application form.* Requirements for signing of an application form are as follows:

(1) The applicant, regardless of age, shall sign prior to filing the form and again during the application interview.

(2) Persons applied for who are 18 years of age or older and emancipated minors 17 years of age or younger shall sign during the application interview or within 30-calendar days from the date of authorization.

(3) Failure to sign shall result in the ineligibility of the person required to sign the form.

(e) *Signing of authorization to release information form.* Under § 201.4 (relating to procedures), the applicant or the person who is the payment name, regardless of age, and individuals applied for or receiving cash assistance who are 18 years of age or older and emancipated minors 17 years of age or younger shall sign the form. Failure to sign shall result in ineligibility of the person required to sign the form.

(f) *Signing an agreement of mutual responsibility.* Each applicant for and recipient of cash assistance and other individuals who are required to sign an application for assistance shall sign an AMR, as defined in §§ 123.22 and 165.2 (relating to definitions; and definitions) that must be signed and approved by the CAO.

(g) *Failure to sign or complete AMR.* An individual who is required to sign an application for assistance who fails, without good cause, to sign or cooperate in the completion of an AMR is ineligible for cash assistance until the individual completes and signs an application and approved AMR.

(h) *Failure to comply with AMR.*

(1) Failure of the individual to cooperate with child support requirements, without good cause, will result in the penalties described in § 141.21(e) (relating to policy).

(2) Willful failure to comply with RESET participation requirements, without good cause, will result in the penalties described in § 165.61 (relating to sanctions).

(3) Failure to comply with other aspects of the AMR, without good cause, will result in ineligibility for cash assistance until the individual complies.

(i) *Contents of AMR.* An individual's obligations set forth in the AMR include:

(1) Remain free of alcohol and illegal drugs if substance abuse is determined to be a barrier to employment.

(2) Participate in, maintain compliance with, and satisfactorily complete a drug and alcohol treatment program approved by the Department of Health or administered by an agency of the Federal government, or both.

(3) Provide timely and accurate information.

(4) Cooperate in establishing paternity and obtaining support as specified in § 187.23 (relating to requirements).

(5) Seek and participate in an educational program leading to a high school diploma or its equivalent, job training or work-related activities.

(6) Seek, accept and maintain employment.

(7) Accept referral to, participate in and continue to participate in an available work-related activity, if applicable, including work-related activities specified on the AMR.

(8) Accept referral to, work in and retain employment in which the individual is able to engage and participate in work activities specified on the AMR.

(9) Not reduce earnings without good cause.

(10) Obtain prenatal care, if applicable.

(11) Maintain the health and well being of the individual's children, including the following, if applicable:

(i) Ensuring that children attend school and pursue a high school diploma or its equivalent.

(ii) Ensuring that children receive immunizations, appropriate health screenings and necessary medical treatment, consistent with Nationally recognized standards.

(iii) Performing other appropriate activities based on an assessment of the education level, parenting skills and history of parenting activities and involvement of each parent who is applying for assistance.

(j) *Approved work and work-related activities.* The specific work and work-related activities approved for the individual are included on the AMR.

(k) *Notice.* A notice approved by the Department is sent to the applicant whenever a decision is made on the eligibility of the applicant or person for whom he is applying.

Authority

The provisions of this § 125.1 amended under sections 201(2), 403(b), 405, 405.1, 405.3 and 432 of the Public Welfare Code (62 P. S. §§ 201(2), 403(b), 405, 405.1, 405.3 and 432); the Support Law (62 P. S. §§ 1971—1977); Titles I and III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) (PRWORA), creating the Temporary Assistance for Needy Families (TANF) Program, and amending 42 U.S.C.A. §§ 601—619, 651—669(b) and 1396u-1; section 5543 of the Balanced Budget Act of 1997 (Pub. L. No. 105-33) (42 U.S.C.A. § 653(p)); the Federal TANF regulations in 45 CFR 260.10—265.10; and the Domestic Relations Code, 23 Pa.C.S. §§ 4301—4381, 5103, 7101—7901 and 8101—8418.

Source

The provisions of this § 125.1 amended through July 16, 1982, effective July 17, 1982, 12 Pa.B. 2286; amended October 4, 1991, effective October 5, 1991, apply retroactively to November 1, 1989, 21 Pa.B. 4643; amended September 13, 2002, effective retroactively to March 3, 1997, 32 Pa.B. 4435. Immediately preceding text appears at serial pages (268481) and (268482).

Cross References

This section cited in 55 Pa. Code § 108.7 (relating to requirements subject to waiver); 55 Pa. Code § 108.12 (relating to notice of good cause waiver determinations based on domestic violence); and 55 Pa. Code § 133.23 (relating to requirements).

TANF/GA PROVISIONS FOR THE APPLICATION PROCESS**§ 125.21. Policy.**

(a) *Client as the primary source of information.* The client will be the primary source of information in establishing eligibility for cash assistance. In establishing his eligibility, the client shall be required to substantiate the information the applicant has provided by documentary evidence or other means as may serve to establish the truth of the applicant's statements.

(b) *Verification.* Conditions of eligibility, need, which includes need for special need allowances, and resource items will be verified at the application interview and prior to authorizing cash assistance and at the time of each redetermination, complete or partial, as specified in Chapter 133 (relating to redetermining eligibility).

(1) If necessary verification is pending from a third party including certification of cooperation from the Domestic Relations Section of the Court of Common Pleas and the client has cooperated in the verification attempt, initial authorization of cash assistance will not be delayed more than 30-calendar days from the date of receipt of a completed, signed application.

(2) Verification subsequent to authorization shall be provided within 30-calendar days following the authorization date. If the client is cooperating in the verification attempt and the delay in securing the information is due to a third party, assistance will continue until documentation is secured. Cooperation and progress on securing the documentation shall be reassessed every 30-calendar days.

(c) *Disclosure.* It shall be a condition of eligibility for cash assistance that an applicant or recipient disclose information about the age, residence, citizenship, employment, income and resources of the applicant or recipient and consent to the disclosure of the information which is in the possession of third parties.

Authority

The provisions of this § 125.21 issued under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)).

Source

The provisions of this § 125.21 amended July 16, 1982, effective July 17, 1982, 12 Pa.B. 2286; amended October 4, 1991, effective October 5, 1991, apply retroactively to November 1, 1989, 21 Pa.B. 4643; amended July 28, 2000, effective retroactive to June 17, 1996, 30 Pa.B. 3779. Immediately preceding text appears at serial pages (266093) to (266094).

Notes of Decisions*Primary Source of Information*

If a recipient denies being married but in her request for a hearing and at the hearing she concedes her marriage but questions its validity, she has not given sufficient information to establish eligibility, especially in light of her obligation to substantiate her claim by documentary evidence or such other means as may serve to establish the truth of her statements. *Neal v. Department of Public Welfare*, 413 A.2d 1195 (Pa. Cmwlth. 1980).

The client was properly denied benefits since she failed to return the information forms concerning the income available to her legally responsible relatives. *Dempsey v. Department of Public Welfare*, 404 A.2d 1373 (Pa. Cmwlth. 1979).

Substantial Evidence

Testimony of the recipient, her son, and her daughter as to the fact that recipient's husband did not reside in the household, coupled with evidence of the husband's repeated denials of residence with recipient, constituted substantial evidence such that the Secretary's reversal of a determination of the Hearing Examiner that recipient's benefits should be reinstated was in turn reversed by the court. *Agelli v. Department of Public Welfare*, 468 A.2d 524 (Pa. Cmwlth. 1983).

Cross References

This section cited in 55 Pa. Code § 133.24 (relating to procedures); 55 Pa. Code § 140.103 (relating to verification of income); 55 Pa. Code § 183.5 (relating to income verification); 55 Pa. Code § 183.105 (relating to increases in income); and 55 Pa. Code § 275.5 (relating to settling appeals and paying retroactive benefits—statement of policy).

§ 125.24. Procedures.

(a) *Interviewing the client.* The client interview will conform with the following:

(1) *Planning of interviews.* The planning of interviews will conform with the following:

(i) The CAO shall conduct personal interviews with the applicant, recipient, or the caretaker relatives of needy children. The number of interviews will depend on the individual situation. Interviews are scheduled with the least possible delay on the basis of joint planning by the client and staff. Only the worker and the client are present at interviews unless the client wants other persons included.

(ii) The setting that is chosen for an interview will be that which best serves the purpose of the interview and is most satisfactory for the applicant and the agency. When a choice of settings is possible, the following factors are weighed: privacy; freedom from distraction; physical condition of the applicant; child care and similar responsibilities; distance from the applicant's home to the office; availability of transportation and, especially, cost of transportation; the type of information sought; and any other pertinent factors.

(iii) If the setting chosen for an interview is the home of the client, the worker will show the client his Departmental identification card.

(iv) The interview must be conducted in accordance with § 121.3 (relating to requirements).

(v) If the applicant formerly applied for or received assistance, the worker will familiarize himself with the content of the record before the interview, in order to plan for a helpful and appropriate interview.

(2) *Content of interview.* An interview is a joint undertaking of the client and worker. The exact content of the interview cannot be planned. The content will be determined by the needs of the client as well as the purpose of the interview. The content of an interview is directed to helping the client present

his situation, and discussing with the client in a meaningful way the services and requirements of the agency. The worker will take responsibility for the direction of an interview.

(b) *Screening interview.* The worker will screen an applicant prior to an application interview. The purpose of the screening interview is as follows:

(1) To review the application form for the completeness of information required to establish eligibility and the amount of the monthly assistance payment. This application form shall include the following:

- (i) Names of persons to receive aid.
- (ii) Birthdates of persons to receive aid.
- (iii) Social Security numbers of persons to receive aid, or proof of application for a Social Security number.
- (iv) Place of residence of persons to receive cash assistance.
- (v) The names of any legally responsible relatives living in the home.
- (vi) Income or resources.

(2) To make certain the application form is complete and that the information provided accurately represents what the applicant wants to say about his circumstances. The worker will discuss each application form with the applicant, explain its significance, give the applicant the opportunity to raise questions about the form if he wishes and insure that the applicant understands his rights and duties.

(3) If the application form is not complete or substantiating evidence is required, prompt action will be taken to obtain the needed information.

(4) To determine whether the information provided needs substantiation and what, if any, additional information or substantiating evidence is needed to establish eligibility.

(5) To explain that as a condition of eligibility for cash assistance, applicants and recipients of assistance shall cooperate with the Department in providing and verifying information necessary for the Department to determine initial or continued eligibility.

(6) To inform the applicant of the conditions of eligibility which must be met and of the factual information necessary to establish that each condition will be met. The worker will discuss with the individual and be clear and specific about the information that is needed as set forth in Subpart D (relating to determination of need and amount of assistance), the method by which the individual may try to get the information, and the kinds of substantiating information, documentary or otherwise, he is to get.

(7) To obtain the agreement of the applicant to apply for potential resources.

(8) To provide the applicant with copies of appropriate leaflets.

(9) To schedule the application interview within 13-calendar days of the date of receipt of an application.

Exception: If a determination can be made at this point that the client is clearly ineligible, the disposition of the application will be in accord with subsection (c)(7)(vii)(B) unless the client requests an application interview.

(c) *The application interview.* The application interview shall be held within 13-calendar days of the date the CAO receives the application. The interview will be conducted in accordance with the following principles:

(1) The facts necessary for a decision on eligibility are assembled at the application interview. The maximum lapse of time between the receipt of a completed, signed application and authorization of the first assistance payment or other disposition of the application will be 30-calendar days. In accordance with section 432.19 of the Public Welfare Code (62 P. S. § 432.19), an application will not be denied for lack of verification if the applicant has cooperated in seeking verification which is pending from a third party including certification of cooperation with the Domestic Relations Section.

(2) The client has a right and the responsibility to help establish whether he is eligible by providing verification of eligibility factors and he is responsible for providing the information needed.

(3) The client has a responsibility to give the agency true and complete information on everything that may have a bearing on eligibility, and report promptly to the agency changes in the information the client has given or circumstances that may affect eligibility or the amount of the monthly assistance payment. A change reported shall also be included on the Monthly Reporting Form for clients required to report monthly as set forth in § 142.23 (relating to requirements).

(4) The information obtained is safeguarded by the agency and used only for purposes directly related to the client's eligibility for assistance or other services the Department gives. The agency is required by statute to tell an adult resident of this Commonwealth who asks about a person receiving assistance, the address and amount of assistance the person is currently receiving; in accordance with Chapter 105 (relating to safeguarding information), this information may not be used in a commercial or political way, under penalty of fine or imprisonment.

(5) The acceptance of public assistance shall operate as an assignment to the Department of the client's rights to receive support on his own behalf and on behalf of a family member for whom he is applying.

(6) A client will receive an applicant notice which informs him of his eligibility or ineligibility for cash assistance and of his right to appeal to, and have a fair hearing before, the Department, if he is dissatisfied with agency action or failure to act in respect to assistance. The notice shall include the reason for the decision, including all the facts and citations on which the decision is based, and a statement of the information or verification needed to establish eligibility if assistance was denied for this reason.

(7) The application interview shall conform with the following:

(i) The worker shall provide assistance as needed to complete the application process and shall insure that applicants or recipients have or promptly obtain a Social Security number.

(ii) The worker will explain the requirements necessary to complete the application process. The client may have a copy of any form he wishes.

(iii) If verification of the client's past management of his finances is necessary, the applicant shall give the name and most recently known address of the resource. The client will be asked to provide documentary or other evidence as to the extent of the present availability of the resource, including a letter from the resource. If, however, the applicant is fearful of physical danger, emotional distress or otherwise unwilling to contact the former resource, then verification of past management will be satisfied by the client providing the name and most recently known address of the resource. The worker may then proceed to contact the resource to determine if it is an actually available current resource. Past management, like the other factors, shall be discussed only to the extent necessary to increase understanding of the present situation of the person, and not to get a detailed and exhaustive accounting. If it appears that the person had a sizeable resource, it shall be necessary to find out how much, if any, of the resource still exists.

(iv) If the client does not understand or accept the requirements or methods of the agency, the worker carefully reviews with the client his reasons, in order to prevent him from deciding unnecessarily or unwisely to withdraw from the program when he is or may be eligible. If the applicant wants time to make up his mind, the worker discusses with him the length of time he wants and a time limit is set because an application may not be kept pending indefinitely. In the meantime, the worker takes no further steps to establish eligibility.

(v) A decision concerning the applicant's eligibility shall be made without delay based on the verification factors and information provided by the applicant. A decision on eligibility shall be made within 30-calendar days of the receipt of an application. In accordance with section 432.19 of the Public Welfare Code (62 P. S. § 432.19), assistance may not be denied for lack of verification if the applicant has cooperated in seeking verification which is pending from a third party including certification of cooperation from the Domestic Relations Section.

(vi) The worker will explain to the applicant his rights and responsibilities and discuss public assistance services and requirements. If the applicant is eligible for a monthly assistance payment, the worker will explain the following practically and simply:

(A) The living needs for which the assistance programs provide money and for which the applicant may be eligible. He will be informed that assistance is paid to the client in money so that he can buy for himself and his dependent the things they need for living and that the client shall have

the right and freedom to use the monthly assistance payments he receives in a way that, in his judgment, will best serve his interests.

(B) The medical, dental, nursing, pharmaceutical, nursing home care, hospital and burial services.

(C) The Food Stamp Program.

(D) The other social services available.

(vii) Disposition of applications will conform with the following:

(A) The common application system (CAS) is designed to capture data essential to an immediate decision on eligibility. When the application process is complete and substantiating evidence is secured, in accord with subparagraph (v), there will be an immediate decision on eligibility based on the information provided and authorization of the cash assistance for which the budget group is eligible.

(B) The application process ends when one of the following has taken place:

(I) The applicant does not go on with his application.

(II) The applicant is found to be ineligible.

(III) The applicant is found eligible and cash assistance is authorized.

(d) *Responsibility for reporting changes.* The responsibility of the applicant for reporting changes shall be as follows:

(1) An applicant for or recipient of assistance shall be responsible for reporting accurately, within 1 week, any changes affecting his situation.

(2) The worker will discuss with each applicant found eligible his responsibility for reporting changes and plan with him the way he is to report changes. The worker will read to the client the following statement which is included on all cash assistance checks:

READ BEFORE CASHING

Caution—Know your endorser. Ink or indelible pencil should be used for endorsement. If endorsement is by mark (X), two witnesses and their addresses are required. By endorsing this check I certify that I have notified my county board of assistance of all changes in the facts as stated in my application for assistance and that neither I nor any member of my family has any earnings from employment or other resources which would affect the eligibility of myself or my family which I have not reported to said board. I know that I can be penalized by fine or imprisonment, or both, for any false statement. (Note: It is understood that eligibility for Blind Pension is not affected by the financial ability of relatives.)

(3) The client will be told that this endorsement appears on the back of cash assistance checks and that every time the client endorses his cash assistance check he will sign this certification.

Authority

The provisions of this § 125.24 issued under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)).

Source

The provisions of this § 125.24 amended July 16, 1982, effective July 17, 1982, 12 Pa.B. 2286; amended April 8, 1983, effective April 9, 1983, 13 Pa.B. 1259; amended October 4, 1991, effective October 5, 1991, apply retroactively to November 1, 1982, 21 Pa.B. 4643; amended July 28, 2000, effective retroactive to June 17, 1996, 30 Pa.B. 3779. Immediately preceding text appears at serial pages (266094), (252515) to (252518) and (267367).

Notes of Decisions*Responsibility for Reporting Changes*

Overpayments paid to an illiterate recipient who was receiving Social Security payments in addition to AFDC benefits were not due solely to administrative error, since the recipient admitted that she knew that when she received the Social Security payments she would be ineligible for AFDC payments. *Sease v. Department of Public Welfare*, 399 A.2d 1175 (Pa. Cmwlth. 1979).

Screening Interview

Although public assistance applicant obtained required verifications and delivered them to County Assistance Office same day as prescreen interview, applicant was not entitled to assistance for period between pre-screen interview and application interview since authorization as of date of application interview complied with 15 day limit of 55 Pa. Code § 125.24(c)(7)(v) and the relevant Federal law and regulation. *Vazquez v. Department of Public Welfare*, 504 A.2d 405 (Pa. Cmwlth. 1986).

Since the caseworker was aware of the recipient's eligibility for the allowance for medical transportation expenses, the caseworker was required under 55 Pa. Code § 125.24(b)(2) to inform the recipient of the availability of such allowance, even though such information was available in the county office newsletter. *Scott v. Department of Public Welfare*, 400 A.2d 1350 (Pa. Cmwlth. 1979).

Cross References

This section cited in 55 Pa. Code § 121.3 (relating to requirements); 55 Pa. Code § 133.24 (relating to procedures); 55 Pa. Code § 142.23 (relating to requirements); 55 Pa. Code § 168.71 (relating to monthly payment determination); and 55 Pa. Code § 255.4 (relating to procedures).

**MA PROVISIONS FOR THE APPLICATION PROCESS
FOR THE CATEGORICALLY NEEDY****§ 125.74. Procedures.**

(a) *Responsibility for reporting changes.* With the exceptions of the conditions stated in paragraphs (1) and (2), general intake procedures relate to categorically needy, NMP clients. An applicant and recipient must report all of his resources and, to the best of his knowledge, the resources of the following persons:

- (1) Those living with him, that is, his spouse as defined in § 183.64 (relating to income averaging) and children under 21 years of age.
- (2) Those not living with him, that is, his spouse.

(b) *Additional reports.* An individual applying for NMP on behalf of another person shall report the resources of the other person. An adult applying for NMP on behalf of a child under 21 years of age shall report the resources of the child.

Source

The provisions of this § 125.74 amended April 27, 1979, effective August 30, 1978, 9 Pa.B. 1401. Immediately preceding text appears at serial pages (38948).

**MA PROVISIONS FOR THE APPLICATION PROCESS
FOR THE MEDICALLY NEEDY****§ 125.84. Procedures.**

(a) *Origin of an application.* The following shall apply to the initiation of an application:

(1) The application process will begin when a person indicates to the County Office by any action that he wants his MA eligibility determined.

(2) An application may be made prior to the need for service or at the time the need for service arises.

(3) An application will not be accepted on behalf of a person who has died, in accordance with § 123.82 (relating to definitions).

(4) An application for MA may be made in person, by letter or by telephone.

(5) If because of illness, infirmity or a physical or mental handicap a person is unable to apply for himself, a relative, a friend or official of the institution or agency providing the service may apply on behalf of the applicant.

(6) If the applicant has a guardian or other legal representative, that person shall be expected to apply on behalf of the applicant if he is available to do so.

(7) Regardless of the way an application for MA is made, the county office will follow it up promptly with appropriate action to decide whether or not the applicant is eligible.

(b) *Place of application.* The place of application shall conform with the following:

(1) Normally, application is made to the county office in the county of residence. However, if the care is being furnished in another county, application may be made in that county.

(2) If the person is not a resident of the county in which application is being made, the completed application forms will be sent to the county of residence, which will complete the determination of eligibility. A person who is institutionalized for other than inpatient hospital care will be considered a resident of the county in which the institution is located.

(3) If a resident is out of this Commonwealth and a request is received, the necessary forms will be sent for completion to the institution providing the care and, upon their return, eligibility will be determined and disposition made.

(c) *Personal interview required.* A personal interview with an applicant is required. The required interview will be held within 60 days from the date the application, Form PA 743 is received in the County Assistance Office. Pending the interview, MA may be authorized for no more than 60 days on the basis of

the information in the application, as set forth in § 127.84 (Reserved). At the time of the personal interview, a Form PA-743R will be completed by the County Assistance Office worker and signed by the applicant. If information gained at the personal interview for Page 1, Form PA-743R, differs from the information on Page 1, Form PA 743 taken at application, the clerical unit must submit the new information to the Bureau of Data Processing via Form PA-743RE.

(d) *Purposes of the interview.* The purposes of the interview are as follows:

- (1) Review and evaluate the application form for accuracy and completeness.
- (2) Inform the applicant of additional information or substantiating information needed to determine eligibility or category.
- (3) Explain to the applicant his rights and responsibilities and obtain the signature of the applicant on the Form PA-743S (Rights and Responsibilities).
- (4) Inform the applicant of the medical services available to him.
- (5) Discuss with the applicant any other information or regulations that are pertinent to his situation.
- (6) Witness the signature of the client.
- (7) Complete a Form PA-743R and obtain the signature of the client on it.

(e) *Disposing of an application.* Applications will be disposed of as follows:

- (1) Applications will be promptly acted upon and eligibility will be determined as quickly as possible, preferably within at least 30 days from the date of application appearing on the Form PA 743. If circumstances are such that the County Office is unable to make a decision within the 30 day period, it may extend this period on condition that the applicant is advised, by letter, of the reasons for the delay, the date he may expect a decision, and his right to a fair hearing if he believes the delay is unjustified.
- (2) The application process will end, and the application be disposed of, when one of the following has taken place:
 - (i) The applicant is found to be eligible.
 - (ii) The applicant is found to be ineligible.
 - (iii) The applicant withdraws or fails to complete the application.
- (3) However, after the applicant has sworn to and signed the affidavit, and service under the program has been received, the application may not be withdrawn. The worker will record the decision and the supporting evidence in the case record.

Notes of Decisions

Denial of Application

It was appropriate for the County Assistance Office to turn down applicant's Medical Assistance application when her husband refused to substantiate information about his income. *Stanley v. Department of Public Welfare*, 535 A.2d 674 (Pa. Cmwlth. 1987).

Disposition of an Application

A nursing home's argument that if the application for Medical Assistance eligibility had been acted upon within 30 days rather than 9 months, it easily could have submitted its invoice for payment of services within the 180-day period allowed, was without merit, where subsection (e)(1)'s "preference" for quick determinations does not rise to the level of a legal obligation, and there was no evidence presented that the Department of Public Welfare contributed "unnecessarily" to the delay, apart from the bare observation that the eligibility determination took a long time. *Ashton Hall, Inc. v. Department of Public Welfare*, 743 A.2d 529 (Pa. Cmwlth. 1999).

[Next page is 127-1.]

125-12