

CHAPTER 9. REGULATORY DOCUMENT INFORMATION SYSTEM

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Authority

The provisions of this Chapter 9 issued under Articles II, IV, VII, VIII, IX, X and XIV of the Public Welfare Code (62 P.S. §§ 201—211, 401—493, 701—774, 801—804, 901—922, 1001—1080 and 1401—1411), unless otherwise noted.

Source

The provisions of this Chapter 9 adopted December 4, 1987, effective December 5, 1987, 17 Pa.B. 5048, unless otherwise noted.

Cross References

This chapter cited in 55 Pa. Code § 1181.505 (relating to discussion).

GENERAL

§ 9.1. General provisions.

(a) The Department of Human Services maintains a public information system which consists of documents issued as regulations, statements of policy and notices.

(b) Regulations and statements of policies are published in the *Pennsylvania Bulletin* and codified in this title under sections 102, 201—208 and 602 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1102, 1201—1208 and 1602); 45 Pa.C.S. §§ 501—907 (relating to publication and effectiveness of Commonwealth documents); and sections 3 and 4 of the act of July 9, 1976 (P.L. 877, No. 160) (45 Pa. Sp. Pamph. 84 p. 35), known as the Commonwealth Documents Law, and 1 Pa. Code Part I (relating to Joint Committee on Documents).

- (c) Notices are published in the *Pennsylvania Bulletin*.

COMPONENTS OF PUBLIC INFORMATION SYSTEM

§ 9.11. Regulations.

The Department promulgates regulations under its statutory authority. Eligibility and participation requirements for beneficiaries and providers are prescribed in regulations found in this title. This title also applies to programs and services administered, licensed, supervised or funded by the Department. The regulations implement and interpret law and prescribe policy as well as practice and procedure before the Department.

§ 9.12. Statements of policy.

(a) The Department issues certain statements of policy as Secretary's Directives under a standard masthead. This document series is issued by the Secretary or a designee and used to communicate Departmental policy which will guide future rulemakings, adjudications or otherwise guide the agency in the exercise of administrative discretion. The term includes, but is not limited to:

- (1) Plans for agency operation and administration which establish important policies to be utilized in the future exercise of administrative discretion.
- (2) General policies and plans for the award and administration of discretionary grants for public monies.
- (3) Announcements of principles and standards to be applied in future adjudications.

(b) The Department issues statements of policy as program bulletins under a standard program-specific masthead. This document series is issued by a Deputy Secretary or a designee and used to communicate policy which is specific to a particular Departmental program. Program bulletins are divided into three categories, two of which are classified as statements of policy.

- (1) *Class II.* These bulletins contain interpretations of regulations.
- (2) *Class III.* These bulletins provide guidelines issued in response to Federal statute or regulation, State statute, judicial decision, court order or similar circumstance pending the promulgation of regulations, or which otherwise guide the exercise of administrative discretion.

Cross References

This section cited in 55 Pa. Code § 1181.505 (relating to discussion); and 55 Pa. Code § 1187.113 (relating to capital component payment limitation).

§ 9.13. Notices.

The Department issues notices under statutory and regulatory authority.

Cross References

This section cited in 55 Pa. Code § 1181.505 (relating to discussion).

ADMINISTRATION OF PUBLIC INFORMATION SYSTEM

§ 9.21. Directive and bulletin format.

A standard format consisting of subject, scope and purpose of the bulletin is displayed on each bulletin. A section at the bottom of each bulletin identifies a contact where questions and comments may be directed.

§ 9.22. Annual review of bulletins and Secretary's Directives.

(a) Each program deputy shall conduct an annual review of bulletins previously issued to determine which bulletins to rescind or retain. A listing of bulletins which remain in effect will be published annually in the *Pennsylvania Bulletin*.

(b) The Secretary will conduct an annual review of Secretary's Directives previously issued to determine which Secretary's Directives to rescind or retain.

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