

**RULEMAKING NOTICE FORM**

Notice Number 2016-17

Rule Number He-W 655.01 & 655.05

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|--|---|
| <p>1. Agency Name &amp; Address:</p> <p><b>Dept. of Health and Human Services<br/>Division of Family Assistance<br/>129 Pleasant St, Brown Bldg.<br/>Concord, NH 03301</b></p> | <p>2. RSA Authority: <b>RSA 167:3-c, I &amp; RSA 167:83, II(o)</b></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption <u>  X  </u></p> <p>Readoption w/amendment _____</p> |
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5. Short Title: **Expiring Rules Related to Definitions and Fees and Supplies Reimbursement for the New Hampshire Employment Program (NHEP)**

6. (a) Summary of what the rule says and of any proposed amendments:

**The Department of Health and Human Services (Department) is proposing to readopt He-W 655.01 and 655.05. These rules are scheduled to expire April 22, 2016, but are subject to extension pursuant to RSA 541-A:14-a. He-W 655.01 describes definitions used for He-W 655. He-W 655.05 describes New Hampshire Employment Program (NHEP) participant eligibility for reimbursement of fees and supplies while participating in NHEP. Current Department policy remains unchanged.**

6. (b) Brief description of the groups affected:

**The proposed readoption of existing rules should have no effect on any particular group.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

| <u>Rule</u> | <u>RSA/ Federal Citation</u>                         |
|-------------|--|
| He-W 655.01 | RSA 167:83, II(o); RSA 167:86                        |
| He-W 655.05 | RSA 167:78; RSA 167:86; RSA 167:91, IV; 45 CFR 261.2 |

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

|          |  |         |  |
|----------|--|---------|--|
| Name:    | <b>Catherine Bernhard</b>  | Title:  | <b>Rules Coordinator</b>                   |
| Address: | <b>Dept. of Health and Human Services<br/>Administrative Rules Unit<br/>129 Pleasant St., Brown Bldg.,<br/>Concord, NH 03301</b> | Phone:  | <b>271-9374</b>                            |
|          |  | Fax#:   | <b>271-5590</b>                            |
|          |  | E-mail: | <b>catherine.bernhard@dhhs.state.nh.us</b> |
|          | <b>TTY/TDD Access:<br/>(in NH) Relay NH 1-800-735-2964 or dial<br/>711</b>   |         |  |

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, March 10, 2016**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, March 3, 2016 at 11:00 a.m.**

Place: **DHHS, Brown Bldg, Room 232, 129 Pleasant St., Concord, NH 03303**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **16:017** , dated **02/01/16**

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in cost when comparing the proposed rules to the existing rules.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Costs and benefits of the proposed rule(s):**

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**The proposed rules do not create a new program or responsibility, expand or modify an existing program or responsibility, or mandate any fees, duties, or expenditures on the political subdivisions of the state. The proposed rules do not violate Part I, Article 28-a of the N.H. Constitution.**

**Readopt He-W 655.01, effective 4-22-08 (Document #9137), to read as follows:**

He-W 655.01 Definitions.

(a) "Employment support services" means services, such as transportation assistance, child care, tuition assistance, and fees and supplies, which enable an NHEP participant to seek or maintain employment.

(b) "Fees and supplies" means books, mandatory fees, supplies, tools of the trade, and required uniforms or specialized clothing when necessary for an NHEP participant's employment or education/training preparatory to employment.

(c) "Provider" means any individual or public or private organization supplying employment support services to the NHEP participant.

**Readopt He-W 655.05, effective 4-22-08 (Document #9137), to read as follows:**

He-W 655.05 Fees and Supplies.

(a) Fees and supplies assistance shall be authorized for NHEP participants who meet the conditions of He-W 655.02(c).

(b) Fees and supplies assistance that has been authorized for an NHEP participant in on-the-job training shall continue for the duration of the training contract, even if the participant becomes ineligible for financial assistance to needy families due to increased earnings.

(c) Fees and supplies assistance shall be authorized only after all available NHEP participant resources have been applied against educational expenses, such as the participant's own financial resources, veterans' educational benefits, insurance, scholarships, grants, and/or work study income.

(d) To verify participation in education or training preparatory to employment, the NHEP participant shall provide the NHEP representative with documentation pursuant to He-W 637.03(g).

(e) The cost of items shall be reimbursed as follows:

(1) Books shall be paid for when the expense is documented by itemized receipts by the vendor;

(2) Supplies including but not limited to paper, notebooks, and writing instruments shall be paid for when the supplies are necessary to accomplish the required course objectives of the participant, and when the expense is documented by itemized receipts by the vendor;

(3) Tools of the trade shall be paid for only when the tools are necessary to perform the tasks of the job or training in which the NHEP participant is engaged, as identified and approved in the employability plan, and when the expense is documented by itemized receipts by the vendor;

(4) Uniforms or specialized clothing including but not limited to steel-toed shoes, hard hats, coats for laboratory assistants, and medical technician uniforms shall be authorized when

required for participation in employment, training, or a course of study, and when the expense is documented by itemized receipts by the vendor; and

(5) Mandatory fees shall be paid for only when associated with applying for or attending school, or participating in training or education programs, and when the expense is documented by itemized receipts by the vendor.

(f) The NHEP representative shall deny fees and supplies assistance:

(1) If the NHEP participant's participation in training is detrimental to the family's stability and the emotional or physical well-being of any of its members;

(2) When the participant fails to provide the verification of participation; or

(3) If the participant is not making satisfactory progress as defined in He-W 637.01(j).

(g) Fees and supplies assistance shall be denied if the participant's vocational goal does not have a realistic chance of successful employment based on current employment security and community resources survey data on local labor market conditions.

(h) Parents participating in approved NHEP activities and who are approved to receive child care assistance while participating in that activity, shall be eligible for a one-time payment, per family, per provider, per state fiscal year, for child care registration fees assessed by the provider.

(i) The combined total expense for all fees and supplies assistance shall be limited to \$500 per NHEP participant in any 12-month period ending June 30 of each year.

(j) Provisions under this section shall be subject to the restrictions described at He-W 655.02.

#### APPENDIX

| <b><u>Rule</u></b> | <b><u>RSA/ Federal Citation</u></b>                  |
|--------------------|--|
| He-W 655.01        | RSA 167:83, II(o); RSA 167:86                        |
| He-W 655.05        | RSA 167:78; RSA 167:86; RSA 167:91, IV; 45 CFR 261.2 |