

**RULEMAKING NOTICE FORM**

Notice Number **2016-60** Rule Number **He-W 655.04 & He-W 655.06**

<p>1. Agency Name &amp; Address:</p> <p><b>Dept. of Health and Human Services Division of Family Assistance 129 Pleasant St., Brown Bldg. 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 _____</p> <p>Readoption w/amendment <u>  <b>X</b>  </u></p>
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5. Short Title: **Expiring Rules Related to Methods of Payment and Transportation Assistance for the New Hampshire Employment Program (NHEP)**

6. (a) Summary of what the rule says and of any proposed amendments:
- He-W 655.04 and He-W 655.06 are scheduled to expire on April 22, 2016, but are subject to extension pursuant to RSA 541-A:14-a. The Department of Health and Human Services (Department) is intending to:**
- **Readopt with amendment He-W 655.04 which describes the methods of payment for employment support services to New Hampshire Employment Program (NHEP) participants or NHEP service providers. Editorial changes made to improve clarity are proposed including replacing “department” with “DHHS.” In addition, substantive changes include requiring NHEP participants to provide ETS request and resource numbers on invoices to ensure proper reimbursement, requiring unemployed NHEP participants to provide telephone number contact information for the person verifying the mileage reimbursement, and replacing the “date of service” with “last day of tuition coverage period” to clarify when the Department needs to receive an itemized bill for tuition assistance.**
  - **Readopt with amendment He-W 655.06 which describes transportation assistance reimbursement for NHEP participants. The amendments to He-W 655.06 are not only editorial in nature but also substantive, in order to enhance clarity.**

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

**The proposed readoption of existing rules will affect NHEP participants and providers.**

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 655.04	RSA 167:86; RSA 167:88; RSA 167:91, IV
He-W 655.06	RSA 167:78, XVIII; RSA 167:86; RSA 167:88; RSA 167:91, IV; 45 CFR 261.2(f); 42 USC 607(d)

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

Name: **Catherine Bernhard**  
Address: **Dept. of Health and Human Services  
Administrative Rules Unit  
129 Pleasant St., Brown Bldg.  
Concord, NH 03301**

Title: **Rules Coordinator**  
Phone #: **271-9374**  
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E-mail: [Catherine.Bernhard@dhhs.state.nh.us](mailto:Catherine.Bernhard@dhhs.state.nh.us)

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, May 26, 2016**

Fax  E-mail  Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, May 19, 2016 2:00 p.m.**

Place: [\*\*DHHS, Brown Bldg., Room 232, 129 Pleasant St., Concord, NH 03303\*\*](#)

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

FIS # 16:065, dated 04/19/16

- 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, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.**

**Readopt with amendment He-W 655.04, effective 4-22-08 (Document #9137), to read as follows:**

He-W 655.04 Methods of Payment.

(a) Employment support services shall be paid either to the eligible NHEP participant or to the service provider, depending on the kind of services received.

(b) When payment is made to the NHEP participant for any employment support services, it shall be the responsibility of that participant to pay the provider of the service, and the department of health and human services (DHHS) shall incur no financial liability to the provider.

(c) Pursuant to He-W 655.05, ~~F~~ees and supplies assistance payments shall be made by ~~the department~~DHHS as listed below:

(1) There shall be no payment of fees and supplies assistance prior to a cost for the services being incurred or a service being purchased; and

(2) Fees and supplies assistance shall be paid directly to the service provider upon submission to ~~the department~~DHHS, within 90 days of the date of purchase, of an itemized bill and receipt for the service(s).

(d) Pursuant to He-W 655.06, ~~T~~ransportation assistance payments shall be made by ~~the department~~DHHS as listed below:

(1) ~~The department~~DHHS shall pay transportation assistance directly to providers of transportation services that are enrolled with ~~the department~~DHHS pursuant to He-W 655.06(e)(4);

(2) Before ~~the department~~DHHS issues a mileage reimbursement payment to an NHEP participant, the following conditions shall be met:

a. The NHEP participant shall have requested and been determined eligible for transportation assistance services according to He-W 655.04;

b. The service shall have been provided;

c. The NHEP participant shall have completed a weekly service reimbursement invoice which shall include the following:

1. The NHEP participant's name and address, ~~and department of health and human services~~DHHS recipient identification number, employment and training support (ETS) request number, and ETS resource number;

2. The dates, destination(s), and number of miles traveled per day;

3. The actual daily cost of transportation;

4. The NHEP participant's dated signature; and

5. If the NHEP participant is not employed, the dated signature and telephone number of one of the following individuals:

- (i) A school official;
- (ii) An NHEP representative as defined in He-W 637.01(g);
- (iii) An activity provider; or
- (iv) A training site coordinator;

d. The NHEP participant shall submit the invoice to ~~the department~~DHHS, ~~bureau of data management~~ unit, no later than 90 days following the last date of service on the invoice; and

e. The NHEP participant shall correct and resubmit any incorrect, incomplete, or illegible invoices;

(3) Payments for mileage reimbursement already provided shall be made directly to the NHEP participant listed on the service reimbursement invoice; and

(4) Payments for auto repairs shall be made either to a provider or the participant as described in He-W 655.06(e)(2)b.

(e) Pursuant to He-W 655.07, Tuition assistance payments shall be made by ~~the department~~ DHHS as listed below:

(1) ~~The department~~DHHS shall not pay tuition assistance directly to the NHEP participant; and

(2) Tuition assistance shall be paid directly to the service provider upon submission to ~~the department~~DHHS, within 90 days of the ~~date of service~~last day of the tuition coverage period, of an itemized bill and receipt for the service(s).

**Readopt with amendments He-W 655.06, effective 4-22-08 (Document #9137), to read as follows:**

He-W 655.06 Transportation Assistance.

(a) Transportation assistance shall be provided to NHEP participants for the purpose of purchasing transportation which enables them to prepare for, secure, or maintain employment, and includes:-

(1) Mileage reimbursement and automobile repair, pursuant to (e)(1)-(3) below; and

(2) Public for hire transportation, pursuant to (e)(4) below.

(b) Transportation assistance shall be authorized for NHEP participants who meet the conditions of He-W 655.02(c).

(c) Transportation 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 (FANF) due to increased earnings.

(d) To verify participation in NHEP activities during the time transportation assistance was requested, the NHEP participant shall provide the NHEP representative with verification pursuant to He-W 637.03(g)-(h).

(e) Payment for transportation assistance shall be made by ~~the department~~ DHHS as listed below:

(1) Transportation assistance shall be allowed for round trip travel starting at the NHEP participant's home, proceeding to the location of the child care provider, and ending at the location of the participant's approved NHEP activity;

(2) ~~The department~~ DHHS shall pay for the following items:

a. The actual cost of travel, or an amount equal to \$0.30 multiplied by the number of miles traveled, which shall not exceed 520 miles per month or \$160 per month as authorized by an NHEP representative; and

b. The actual cost of approved automobile repairs up to \$500 per state fiscal year per NHEP participant and subject to the following:

1. An automobile for which an NHEP participant is requesting automobile repairs reimbursement shall be:

(i) Determined by an NHEP representative as necessary for the NHEP participant to participate in his/her an approved NHEP activity or employment, according to He-W 655.06(c); and

(ii) Registered to:

i. The an NHEP participant; ~~or,~~

ii. if a 2-parent family as described in He-W 637.27, to either parent in a 2-parent family, as long as the parent indicates in writing that the parent will consistently transport the NHEP participant to the participant's NHEP activity; or,

iii. The NHEP participant's if a dependent child, registered to the child, or his/her parent who resides in the same household, as long as the NHEP participant is the dependent child's parent and the dependent child indicates in writing that a parent or the dependent child will consistently transport the NHEP participant to his/her the participant's NHEP activity;

2. ~~An~~ The NHEP participant requesting the automobile repair reimbursement shall:

(i) Have a valid operator and/or commercial license in effect at the time the request for automobile repair reimbursement is made; ~~or,~~ if the NHEP participant lacks a valid license, ~~or in a 2-parent family,~~ the other parent in the 2-parent family, or the dependent child who resides in the same household, has a valid license and the other parent in the 2-parent family or the dependent child indicates in writing that the other parent in the 2-parent family or the dependent child will consistently transport the NHEP participant to his/her the participant's NHEP activity; and

(ii) Obtain one written estimate of the cost of automobile repairs from a provider who operates an automobile repair business, which contains:

- i. The nName, address, and telephone number of the provider;
- ii. A description of the types of repairs in the form of an itemized list of parts, labor, and associated costs which are auto-body and/or mechanical repairs necessary to make the automobile functional;
- iii. A statement from the provider indicating that in the provider's professional judgment the automobile repair is reasonable based on the roadworthiness and reliability of the car; and
- iv. The signature of the provider and date of the provider's signature;

3. The written estimate as described in 2.(ii) above shall be submitted to an NHEP representative ~~in order to obtain for~~ prior approval for the automobile repair reimbursement from ~~the department~~DHHS;

4. The NHEP representative shall review the written estimate for completeness and ensure that it meets the requirements of 2.(i) and (ii) above, ~~in order prior~~ to approvinge the repair;

5. Automobile repair reimbursement shall be approved by an NHEP representative in advance of the actual service(s) to be provided, except in an emergency in which the vehicle required towing and repairs needed to make it functional;

6. Repairs shall be performed by any individual of the participant's choice or by the participant;

7. An NHEP participant or provider shall complete a reimbursement invoice, subsequent to approved repairs being completed, which includes the following:

- (i) The participant's name, address, and recipient identification number;
- (ii) The provider's name, address, and telephone number;
- (iii) An itemized receipt or bill indicating the total amount charged for automobile repairs, or if the repairs are performed by the participant, the unreimbursed total cost of the parts and supplies necessary to make the repairs, excluding any labor costs;
- (iv) The date the service was provided;
- (v) The provider's or participant's social security number or federal identification number used for IRS purposes;
- (vi) The signature of the provider or participant who performed the repairs and signature date; and

- (vii) To whom payment shall be made payable by ~~the department~~DHHS;
  - 8. A legible, complete and correct reimbursement invoice, as described in 7. above, shall be submitted to ~~the department~~DHHS, ~~bureau of~~ data management unit, no later than 90 days ~~for~~om the date services were provided;
  - 9. ~~The department~~DHHS shall not pay for any balance due on automobile repairs after payment is made to or on behalf of an NHEP participant;
- (3) Transportation assistance shall not be paid for travel expenses that are reimbursed from another source; and
- (4) ~~The department~~-DHHS shall pay public for hire transportation agencies under contract with the NH department of transportation, the United States department of transportation, or registered common carriers under RSA 376 directly for transportation services for NHEP participants who are participating in approved activities, under the following circumstances:
- a. Public for hire transportation agencies under contract with the NH department of transportation, the United States department of transportation, or registered common carriers under RSA 376 shall be approved, enrolled providers of these services with ~~the department~~DHHS;
  - b. The transportation services do not exceed the transportation assistance limits and adhere to the requirements identified in He-W 655.06;
  - c. Transportation service is payable for a monthly or a multiple ride transportation ticket cost only, up to the limit in He-W 655.06(e)(2); and
  - d. The services are authorized by ~~the department~~DHHS or a ~~department~~-DHHS designee.

**APPENDIX**

<b><u>Rule</u></b>	<b><u>RSA/ Federal Citation</u></b>
He-W 655.04	RSA 167:86; RSA 167:88; RSA 167:91, IV
He-W 655.06	RSA 167:78, XVIII; RSA 167:86; RSA 167:88; RSA 167:91, IV; 45 CFR 261.2(f); 42 USC 607(d)