

APPENDIX II-C

**RULEMAKING NOTICE FORM**

Notice Number **2022-52**

Rule Number

**He-W 636.01 & He-W 636.08**

<p>1. Agency Name &amp; Address: <b>Dept. of Health and Human Services</b> <b>Bureau of Family Assistance</b> <b>129 Pleasant St., Brown Bldg.</b> <b>Concord, NH 03301</b></p>	<p>2. RSA Authority: <b>RSA 167:3-c &amp; RSA 167:83</b></p> <p>3. Federal Authority: <b>45 CFR 206.10(a)</b></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <b>X</b> _____</p>
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5. Short Title: **Technical Requirements for New Hampshire Employment Program and Family Assistance Program Financial Assistance**

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

**The Department of Health and Human Services is proposing to readopt with amendment He-W 636.01 by:**

- **Removing “medical” from the section heading;**
- **Replacing the term “food stamps” with “Supplemental Nutrition Assistance Program (SNAP)”;** and
- **Updating language for clarification and making minor editorial changes.**

**He-W 636.01 describes when a personal interview is required and who shall be involved during redetermination or termination for the New Hampshire Employment Program (NHEP) and Family Assistance Program (FAP). Additionally, the client or the client’s authorized representative’s requirements regarding personal interviews are also outlined.**

**The Department of Health and Human Services is proposing to readopt with amendment He-W 636.08 by:**

- Replacing the term “division” in (b)(1) with “bureau” and the related acronyms; and
- Removing the citation to RSA 167:82, III in (b)(3).

**He-W 636.08 describes the disclosure of paternity information for FANF applicants and recipients and when applicants and recipients shall be referred to the Division of Child Support Services (DCSS). Additionally, the details of when individuals will be denied financial assistance regarding interviews is also clarified.**

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

**Individuals eligible for NHEP and the Family Assistance Program (FAP) Financial Assistance and NHEP representatives.**

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

<b>Rule</b>	<b>Specific State and Federal Statutes the Rule Implements</b>
He-W 636.01	Section 2102(b)(4) of the SSA [42 USC 1397bb(b)(4)]; 45 CFR 206.10(a); RSA 167:79, III(j); RSA 167:83, II(d)
He-W 636.01(a) intro.	RSA 161:4-a, IX; Section 2102(c) of the Title XXI Act
He-W 636.01(a) & (b)(2)	RSA 167:83, II(d); 161:4-a, IX; 45 CFR 206.10(a)(9)
He-W 636.01(b)-(d)	RSA 161:4-a, IX; RSA 167:79, III(j); RSA 167:83, II(d); 45 CFR 206.10(a)
He-W 636.01(e)	RSA 167:8
He-W 636.08	RSA 167:79,III (c), RSA 167:82, III (b)

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

Name: **Nicole Burke** Title: **Rules Coordinator –  
Administrative Rules Unit**

Address: **Dept. of Health and Human Services  
Administrative Rules Unit  
129 Pleasant Street, 2<sup>nd</sup> Floor  
Concord, NH 03301** Phone #: **(603) 271-9640**  
Fax#: **(603) 271-5590**  
E-mail: [Nicole.V.Burke@dhhs.nh.gov](mailto:Nicole.V.Burke@dhhs.nh.gov)

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

**The proposed rules may be viewed and downloaded at:**  
<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, May 19, 2022**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, May 12, 2022 at 1:00 pm**

Place: **DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH**

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

FIS # 22:047, dated 3/31/2022

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

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

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

No federal mandate, no impact on state funds.

**3. Cost 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 modify an existing program or responsibility, but do not mandate any fees, duties, or expenditures on the political subdivisions of the state, and therefore do not violate Part I, Article 28-a of the N.H. Constitution.**

**Readopt with amendment He-W 636.01, effective 7-26-12 (Document #10163), cited and to read as follows:**

PART He-W 636 -TECHNICAL REQUIREMENTS FOR NEW HAMPSHIRE EMPLOYMENT PROGRAM (NHEP) AND/ FAMILY ASSISTANCE PROGRAM (FAP) FINANCIAL AND MEDICAL ASSISTANCE

He-W 636.01 Personal Interview.

(a) A personal interview at each regularly scheduled redetermination of eligibility shall not be required when members of the Financial Assistance for Needy Families (FANF) financial ~~or medical~~ assistance group do not receive ~~food stamps~~Supplemental Nutrition Assistance Program (SNAP) and:

- (1) A caretaker relative is a member of the assistance group; or
- (2) The parent is not included as a member of the assistance group.

(b) ~~Except for individuals who meet the requirements of He-W 641.06, He-W 641.07, or He-W 910.02(f), a~~ personal interview between the FANF client or the client's his/her authorized representative, as defined in He-W 601.01(w), and a department of health and human services staff member or contracted employee shall be required:

- (1) At initial determinations of eligibility;
- (2) At least once in a 12-month period for a regularly scheduled redetermination; and
- (3) As a result of reported changes or discovery of conflicting information regarding eligibility.

(c) If the client or the client's his/her authorized representative fails to appear for the personal interview due to circumstances beyond their control, assistance shall not be denied or terminated.

(d) If the client or the client's his/her authorized representative fails to appear for the personal interview, except as described in (b) and (c) above, assistance shall be terminated.

(e) The ~~individual-client~~ or the ~~individual's-client's~~ authorized representative shall review the summary of the information provided during the interview with the department's representative who conducted the interview, and:

- (1) Make any corrections to the information; and
- (2) Sign the summary attesting to the truthfulness and accuracy of the information provided.

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Rule	Specific State and Federal Statues the Rule Implements
He-W 636.01	Section 2102(b)(4) of the SSA [42 USC 1397bb(b)(4)]; 45 CFR 206.10(a); RSA 167:79, III(j); RSA 167:83, II(d)
He-W 636.01(a) intro.	RSA 161:4-a, IX; Section 2102(c) of the Title XXI Act
He-W 636.01(a) & (b)(2)	RSA 167:83, II(d); 161:4-a, IX; 45 CFR 206.10(a)(9)
He-W 636.01(b)-(d)	RSA 161:4-a, IX; RSA 167:79, III(j); RSA 167:83, II(d); 45 CFR 206.10(a)
He-W 636.01(f)	RSA 167:8

**Readopt with amendment He-W 636.08, effective 7-26-12 (Document #10163), to read as follows:**

He-W 636.08 ~~Disclosure of Paternity Information.~~

(a) All FANF applicants and recipients shall identify the father of a child for whom assistance is being sought as specified in RSA 167:79, ~~III (c)~~, unless good cause pursuant to RSA 167:82, ~~III (b)~~ exists.

(b) Individuals who do not identify the father at the personal interview shall:

(1) Be referred to the ~~D~~ivision ~~B~~bureau of child ~~S~~upport ~~s~~ervices (~~DCSS~~~~BCSS~~);

(2) Be contacted and interviewed by ~~a~~ ~~DCSS~~~~BCSS~~ child support worker for the purpose of understanding the importance of child support and establishing paternity; and

(3) Participate in an interview ~~as specified in RSA 167:82, III (b)(2) above~~ with the ~~BCSS~~ child support worker within 10 days from the contact.

(c) Individuals who do not participate in the interview with child support within 10 days from the date of the ~~DCSS~~~~BCSS~~ contact shall be denied financial assistance.

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Rule	State or Federal Statute the Rule Implements
He-W 636.08	RSA 167:79,III (c), RSA 167:82, <del>III (b)</del>