

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number **2022-162**

Rule Number

**He-W 709.02 and
He-W 709.03**

<p>1. Agency Name & Address: Dept. of Health and Human Services Bureau of Family Assistance 129 Pleasant St., Brown Bldg. Concord, NH 03301</p>	<p>2. RSA Authority: RSA 161:4-a, IV and RSA 167:3-c, I</p> <p>3. Federal Authority: _____</p> <p>4. Type of Action: Adoption _____ Repeal _____ Readoption <u> X </u> Readoption w/amendment <u> X </u></p>
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5. Short Title: **Waived Hearings and Timeframe for Signing Waivers**

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 709.02 by removing gender pronouns.

He-W 709.02 specifies that an individual accused of intentional program violation may waive the right to an administrative disqualification hearing.

The Department of Health and Human Services is proposing to readopt He-W 709.03.

He-W 709.03 specifies the timeframe in which an individual waiving a hearing must sign and return the waiver.

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

Individuals who are recipients in the Supplemental Nutrition Assistance Program and are accused of intentional program violation.

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

Rule	Specific State or Federal Statutes or Regulations the Rule Implements
He-W 709.02	RSA 161:4-a, IV; RSA 167:3-c, I; 7 CFR 273.16(f)
He-W 709.03	RSA 161:4-a, IV; RSA 167:3-c, I; 7 CFR 273.16(f)

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

Name: **Nicole Valanzola** (*formerly Burke*)

Title: **Rules Coordinator –
Administrative Rules Unit**

Address: **Dept. of Health and Human Services
Administrative Rules Unit
129 Pleasant Street, 2nd Floor
Concord, NH 03301**

Phone #: **(603) 271-9640**

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E-mail: nicole.valanzola@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: **Tuesday, October 18, 2022**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, October 11, 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 # 22:173, dated 8/31/2022

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

There is no difference in cost between the proposed rules and the existing rules.

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

None.

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 709.02, effective 7-8-13 (Document #10368), to read as follows:

He-W 709.02 Waived Hearings. An individual accused of an intentional program violation may waive ~~his or her~~ the individual's rights to an administrative disqualification hearing in accordance with 7 CFR 273.16(f).

Readopt He-W 709.03, effective 7-8-13 (Document #10368), to read as follows:

He-W 709.03 Timeframe for Signing Waivers. In accordance with 7 CFR 273.16(f)(1)(ii)(A), the household shall have 10 days from the postmark date of the waiver to sign and return the waiver to avoid an administrative disqualification hearing being scheduled.

APPENDIX

Rule	Specific State or Federal Statutes or Regulations the Rule Implements
He-W 709.02	RSA 161:4-a, IV; RSA 167:3-c, I; 7 CFR 273.16(f)
He-W 709.03	RSA 161:4-a, IV; RSA 167:3-c, I; 7 CFR 273.16(f)