

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 660 Department or Agency Human Resources

Rule No. 660-5-3-.05

Rule Title: Service Availability

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? Yes

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of § 41-22-23, ALA.CODE 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, ALA.CODE 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service:

Signature of certifying officer:

Date: February 9, 2012 Aimee A. Gupton

DATE FILED
(STAMP)

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 660 Department or Agency Human Resources

Rule No: 660-5-3-.05

Rule Title: Service Availability

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

DHR provides services to children with mental and/or physical disabilities, i.e. handicapped. This rule sets standards for the delivery of services to handicapped children where the funds for these services are donated, allocated or appropriated specifically for services to that population.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

Some funds have already been allocated to serve handicapped children. Alabama Act 89-755 specifically establishes a handicapped children's fund for Marion County. Other funds may be forthcoming. Alabama Attorney General Opinion 2004-122 states that DHR must establish by APA rule the procedure for expenditure of such funds.

3. EFFECT OF THIS RULE ON COMPETITION:

None.

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

No additional DHR staff requirements are anticipated.

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Alabama Act 89-755 funds and other funds later specifically donated, allocated or appropriated for services to handicapped children.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

Some children in Marion County will benefit immediately from expenditure of available funds.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

In order to expand services, funding will have to be located and donated, allocated or appropriated specifically for handicapped children.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

None.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

None.

Alabama Department of Human Resource
General Administrative Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 660-5-3-.05 Service Availability

INTENDED ACTION: To amend Rule 660-5-3-.05.

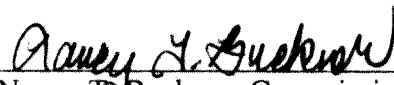
SUBSTANCE OF PROPOSED ACTION: The purpose of this rule amendment is to amend the rules regarding the provisions of child welfare services to authorize the provision of services to handicapped children, i.e. individuals with disabilities, where specific funding sources to serve that population exists. Attorney General Opinion 2004-122 states that DHR must establish APA rules authorizing this service.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views, or arguments respecting the proposed amendment by mail or in person through the close of business on April 4, 2012. Persons wishing to submit data, views, or arguments orally should contact the Department's Administrative Procedure Secretary between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding State holidays, at (334) 242-9330, or set up an appointment for such oral/in person presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: April 4, 2012

CONTACT PERSON AT AGENCY:

Ms. Gail M. Grobe, APA Secretary
State Department of Human Resources
Gordon Persons Building
50 Ripley Street, Room 2122
Montgomery, Alabama 36130-4000



Nancy T. Buckner, Commissioner,
Department of Human Resources

**ALABAMA DEPARTMENT OF HUMAN RESOURCES
SOCIAL SERVICES DIVISION
ADMINISTRATIVE CODE**

**CHAPTER 660-5-3
SOCIAL SERVICES - GENERAL**

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660-5-3.05 Service Availability.

(1) The availability of all adult services with the exception of adult protective service investigations is subject to funding limitations and provider participation.

(2) When an eligible client requests a service for which there is no slot immediately available, his application will be approved and his name placed on a waiting list unless the requested service is an adult service not available in his or her geographic area. (Exception: The waiting list may be disregarded and the county's slot allocation exceeded when authorizing day care for JOBS and transitional clients and former transitional clients who remain eligible for day care.) Service will be authorized when a slot becomes available, the client is redetermined eligible, and need for the service is reestablished. Eligible applicants for adult services will be placed on the waiting list according to priorities. Individuals at risk of abuse, neglect, and/or exploitation will be given the first priority and individuals at risk of institutionalization will have second priority. The date of request will determine standing on the waiting list when two or more eligible applicants have the same priority.

(3) Handicapped Children Fund Services are subject to funding limitations and restrictions. First priority for

services shall be given to individuals who are determined to be abused, neglected and/or exploited or who are suspected to be at risk of abuse, neglect and/or exploitation or who are residential/institutional placement or at risk of residential/institutional placement and who otherwise meet service specific criteria for services. Individuals not falling within one of the categories for priority status shall be put on a waiting list and provided services out of available non-priority funding.

Author: Kay Pilgreen

Statutory Authority: 42 U.S.C. §§620 through 628, §§670 through 676, §§1381 through 1383c, §§1397 through 1397f; 45 C.F.R. Part 96; P.L. 100485, Titles II and III; 42 U.S.C. §§602, 681687; 45 C.F.R. Parts 250 and 255; 54 Fed. Reg. 4214542267; Title XX Social Services State Plan; Code of Ala. 1975, §3826, §§3871 through 17, §§3891 through 11; Jobs State Plan and State Supportive Services Plan.

History: Effective December 10, 1984. Emergency amendment effective October 1, 1990. Succeedent permanent amendment effective January 1, 1991. Succeedent emergency amendment effective April 1, 1991. Succeedent permanent amendment effective July 10, 1991. **Amended:** Filed February 18, 1999; effective March 25, 1999. **Emergency Amendment:** Filed February 8, 2012. **Succeedent permanent amendment:** effective May 9, 2012.