

**DEPARTMENT OF HEALTH
AND
HUMAN SERVICES**

**DIVISION OF WELFARE
AND
SUPPORTIVE SERVICES**

ADMINISTRATIVE MANUAL

CHAPTER 200

REGULATIONS AND LAWS

200 REGULATIONS AND LAWS

201 GENERAL

The Division of Welfare and Supportive Services (DWSS) is governed and regulated by state and federal laws and agencies. This chapter attempts to provide pertinent information relative what mandates the agency complies with and what bodies produce these mandates.

202 DEFINITIONS

A. PUBLIC LAWS (P.L.)

Congress passes laws, commonly referred to as Public Laws (P.L.). An example is P.L. 100B360, the Medicare Catastrophic Coverage Act of 1988. The "100" indicates the 100th Congress, the "360" represents the bill number.

It is from the laws Congress passes the various federal agencies governing Division of Welfare and Supportive Services programs write the Code of Federal Regulations.

B. CODE OF FEDERAL REGULATIONS (CFR)

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. The Code is divided into 50 titles which represent broad areas subject to federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency (i.e., Title 7 - Agriculture ... Chapter 11 - Food and Consumer Services, Department of Agriculture). Each chapter is further divided into parts covering specific regulatory areas (i.e., Part 210 - National School Lunch Program, Part 215 - Special Milk Program for Children, etc.).

The CFR is kept up to date by compiling the individual issues of the Federal Register.

TO CITE THE CFR REGULATIONS, USE TITLE, PART AND SECTION NUMBER. Thus, 7 CFR 210.1 refers to title 7, part 210, section 1.

C. FEDERAL REGISTER

The Federal Register is published daily (except weekends and holidays) and makes available to the public regulations (proposed and finalized) issued by the federal agencies. The public (states and government agencies included) is afforded the opportunity to comment on proposed regulations and given time to do so. When promulgated in final form, the final rule is published in the Federal Register.

D. STATE PLAN

A state plan is a comprehensive written statement submitted by an agency describing the nature and scope of each program administered by the DWSS where Federal Financial Participation (FFP) is involved. State plans and amendments to it must be approved by the federal agency governing the program. State plans may be preprinted documents furnished by the federal agency where the state "Xs" a box identifying one of many options provided by the federal agency.

In sum, state plans govern what kind of programs the DWSS administers and the extent and limitation of those programs.

All agency program rules and regulations must be in accordance with the state plan.

E. NEVADA REVISED STATUTES (NRS)

The Nevada Revised Statutes constitutes all of the laws of Nevada enacted by the legislature. The statutes are divided into four main parts (Remedial, Civil, Penal and Political). The parts, in turn, are divided into titles (there are 59 titles) and the titles into chapters (there are 720 chapters).

F. STATUTES OF NEVADA

The Statutes of Nevada are a bound compilation of all the laws and resolutions enacted in a specific legislative year, including an index. The Statutes of Nevada are published subsequent to the Advance Sheets which contain generally the same information in the bound version.

G. NEVADA ADMINISTRATIVE CODE (NAC)

The Nevada Administrative Code is comprised of state agency rules and regulations requiring specific public notice periods, and approved by the Legislative Counsel Bureau (LCB). They are an extension of the NRS in that the NAC's coding system correlates to the NRS.

Each state agency adopts regulations to aid it in carrying out its functions as assigned by the law. These regulations are adopted via a process called the Administrative Procedures Act (APA). The APA is primarily concerned with providing greater public awareness of and participation in an agency's rule making. Once the regulation has successfully gone through the APA process, it is included in the NAC. The DWSS is one of the state government agencies exempt from the APA.

H. PERSONNEL RULES

The Department of Personnel publishes and amends a document (manual) entitled the Rules for State Personnel Administration. This manual is an excerpt from the Nevada Administrative Code (Chapter 284).

The document illustrates the correlation described under the definition of NAC whereby one can view the NRS in the "box" and read the accompanying rules and regulations immediately following.

I. STATE ADMINISTRATIVE MANUAL (SAM)

The State Administrative Manual is a compilation of policy statements concerning the internal operations of state government. The policies are based on statute (law) or other approved regulations. This manual is published for use as a guide in conducting the state's business and is authored by the Department of Administration.

J. POLICY

"Policy" means a definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions. It is a high-level, overall plan embracing the general goals and acceptable procedures especially of a governmental body.

K. REGULATION

"Regulation" means any agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of an agency. The term includes a proposed regulation and the amendment or repeal of a prior regulation, but does NOT include:

- a. A statement concerning only the internal management of an agency and not affecting private rights or procedures available to the public;
- b. A declaratory ruling;
- c. An intraagency memo; or
- d. An agency decision or finding in a contested case.

In sum, a regulation is a rule or order having the force and effect of law once properly adopted.

L. MANUAL

A manual is a document containing regulations for programs administered by the DWSS which is available for public review.

M. HANDBOOK

A handbook is a document containing information on the internal workings (computer systems) of a program and not available for public review.

N. INFORMATION MEMORANDUM

An Information Memorandum (IM) is a tool used by the Administration for Children and Families to impart information on any subject to the states. Examples of this information are QC error rates for the states, new forms to use in reporting, address changes, etc. Information Memorandums do not have the force and effect of law. IMs are consecutively numbered by program (TANF, Child Care and CSEP) for each federal fiscal year.

O. ACTION TRANSMITTALS

An Action Transmittal (AT) is a tool used by the Administration for Children and Families to impart information of a higher level than the IM. ATs generally contain new law or interpretations of law and have the force and effect of law. ATs are frequently used in federal reviews of state activity to measure state compliance issues. Like IMs they are also consecutively numbered by program (TANF, Child Care and CSEP) for each federal fiscal year. Oftentimes an Action Transmittal serves as a vehicle to transmit Federal Register information to the states until that new law or regulation appears in the Code of Federal Regulations (CFRs). Also, an AT can be used to provide an interpretation of a CFR. Also, an AT can be used to provide an interpretation of a CFR that has not been interpreted correctly by the states.

P. ADMINISTRATIVE NOTICE

An Administrative Notice is a tool used by the Food and Nutrition Service (FNS) agency to transmit general information to the states in lieu of sending letters. They can contain regulations, policies, rules, reference information or impart clarifications. Administrative Notices could, but do not always have, the force and effect of law; it depends on the material contained in the notice.

Q. STATE MEDICAID MANUAL

The State Medicaid Manual (SMM) makes available to all state Medicaid agencies, in a form suitable for ready reference, informational and procedural material needed by the states to administer the Medicaid program. It is an official medium by which the Health Care Financing Administration (HCFA) issues mandatory, advisory and optional Medicaid policies and procedures to the Medicaid state agencies.

The manual provides instructions, regulatory citations and information for implementing provisions of Title XIX of the Social Security Act (the Act). Instructions are official interpretations of the law and regulations, and, as such, are binding on Medicaid state agencies. This authority is recognized in the introductory paragraph of state plans. Interpretations and instructions relating to common policy under Titles I, IV-A, X, XIV, XVI and XIX of the Act are also included.

R. MEDICAID REGIONAL MEMORANDUM

The Medicaid Regional Memorandum (MRM) is a policy instruction and/or clarification memorandum issued by the Health Care Financing Administration (HCFA) regional offices. The memorandums are a result of information transmitted from the HCFA central office in Baltimore, Maryland, to the regional offices containing information which needs to be relayed to the state Medicaid agencies.

203 REFERENCES

203.1 SOCIAL SECURITY ACT

As a point of interest, the original Social Security Act is P.L. 74-271 and it was approved August 14, 1935. The following are Titles of the Social Security Act which impact the Division of Welfare and Supportive Services. Over the nearly 60 years of the Act's existence, it has been amended numerous times.

Title

II	Federal Old Age, Survivors, and Disability Insurance Benefits (OASDI)
III	Grants to States for Unemployment Compensation Administration
IV	Grants to States for Aid and Services to Needy Families with Children and for Child Welfare Services
	Part A Block Grants to States for Temporary Assistance for Needy Families (TANF)
	Part B Child Welfare Services (CWS)
	Part D Child Support and Establishment of Paternity (IV-D)
	Part E Federal Payments for Foster Care and Adoption Assistance (IV-E, FC, AA)
V	Maternal and Child Health Services Block Grant
VI	Grants to States for Services to Aged, Blind or Disabled
X	Grants to States for Aid to the Blind
XI	General Provisions and Peer Review
XII	Advances to State Unemployment Funds
XIV	Grants to States for Aid to Permanently and Totally Disabled
XVI	Supplemental Security Income for the Aged, Blind, and Disabled (SSI)
XVII	Grants for Planning Comprehensive Action to Combat Mental Retardation
XVIII	Health Insurance for the Aged and Disabled (Medicare)
XIX	Grants to States for Medical Assistance Programs (Medicaid)
XX	Social Services Block Grant
XXI	Children's Health Insurance Program

203.2 OTHER APPLICABLE ACTS

Family and Medical Leave Act (FMLA) of 1993
Age Discrimination Act, As Amended
Civil Rights Act, As Amended - Title VI
Education of the Handicapped Act, As Amended
Food and Nutrition Act of 2008
Job Training Partnership Act
Manpower Development and Training Act
Older Americans Act, As Amended
Public Health Services Act, As Amended
Railroad Retirement Act, As Amended
Rehabilitation Act, As Amended B Section 504
Balanced Budget Act of 1977
Agricultural Research Extension and Education Reform Act of 1998 (AREERA)

203.3 CODE OF FEDERAL REGULATIONS

Title 7--Agriculture
Subtitle B - Regulations of Department of Agriculture
Chapter II - Food and Nutrition Service (FNS)
Parts 270 - 285

Title 8—Aliens and Nationality
Chapter I - Immigration and Naturalization Service (INS)
Parts 1 - 499

Title 20--Employees' Benefits
Chapter II - Railroad Retirement Board
Parts 200 - 399
Chapter III - Social Security Administration (SSA)
Parts 400 - 499

Title 21--Food and Drugs
Chapter I - Food and Drug Administration (FDA)
Parts 1 - 1299

Title 29--Labor
Subtitle A - Office of the Secretary of Labor
Parts 0 - 99

Subtitle B - Regulations Relating to Labor
Chapter 25 - Pension and Welfare Benefits Administration
Parts 2500 - 2599

Title 42--Public Health

Chapter I - Public Health Service (PHS)

Parts 1 - 199

Chapter IV - Health Care Financing Administration (HCFA)

Subchapter A - General Provisions

Parts 400 - 403

Subchapter B - Medicare Programs

Parts 405 - 421

Subchapter C - Medical Assistance Programs

Parts 430 - 456

Subchapter D - Peer Review Organizations

Parts 460 - 478

Subchapter E - Standards and Certification

Parts 482 - 498

Chapter V - Office of Inspector General -Health Care

Parts 1000 - 1999

Title 45--Public Welfare

Subtitle A - Department of Health and Human Services (DHHS)

Parts 1 - 199

Subtitle B - Regulations Relating to Public Welfare

Chapter II - Office of Family Assistance (OFA)

Parts 200 - 299

Chapter III - Office of Child Support Enforcement (OCSE)

Parts 300 - 399

Chapter IV - Office of Refugee Resettlement, SSA

Parts 400 - 499

Chapter X - Office of Community Services

Parts 1000 - 1099

Chapter XIII - Office of Human Development Services

Parts 1300 - 1399

203.4

NEVADA REVISED STATUTE CHAPTERS

The following chapters are commonly used:

- 3 District Courts (IV-D)
- 31 Attachment, Garnishment and Other Extraordinary Remedies (IV-D)
- 31A Recovery of Payments for Support of Children (IV-D)
- 56 Tests of Blood or Saliva (IV-D)
- 123 Rights of Husband and Wife (XIX Community Property)
- 125 Dissolution of Marriage
- 125A Custody and Visitation (IV-D)
- 125B Obligation of Support (IV-D)
- 126 Parentage (IV-D)
- 200 Crimes Against the Person (Abuse/Neglect)
- 241 Meetings of State and Local Agencies (Open Meeting Law)
- 281 Public Officers & Employees General Provisions (Ethics in Government)
- 331 Administration and Control of State Buildings, Grounds and Properties

- 333 Purchasing: State
- 334 Purchasing: Generally
- 336 State Motor Pool
- 353 State Financial Administration
- 353A Internal Accounting and Administrative Control
- 422A State Welfare Administration
- 425 Support of Dependent Children
- 428 Indigent Persons
- 432 Public Services for Children
- 432A Services and Facilities for Care of Children (Child Care)
- 432B Protection of Children from Abuse and Neglect
- 439A Planning for the Provision of Health Care
- 439B Restraining Costs of Health Care
- 441A Communicable Diseases
- 442 Maternal and Child Health
- 449 Medical and Other Related Facilities (XIX)

204 HOW REGULATIONS AT THE STATE AND FEDERAL LEVEL CONVERGE IMPACTING THE DIVISION OF WELFARE AND SUPPORTIVE SERVICES

"A picture is worth a thousand words," and that's what it takes to describe how all the regulatory language comes together to produce a Division of Welfare and Supportive Services manual and result in client services.

The following chart attempts to illustrate the process.

