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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95−160

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. SECTIONS of a rule should be placed in order according to the numerical order of the decimal-numbered provisions of the text of the rule. [See s. 1.04 (1), Manual.] For example, the creation of s. VA 2.01 (2) (b) 15. should precede the amendment of s. VA 2.03 (2) (f). Accordingly, SECTIONS 6 to 9 of the rule are out of order; they should follow SECTION 3.

b. The full rule citation should immediately precede the title of each provision. For example, after the treatment clause in SECTION 1 of the rule, the rule should read: "VA 2.01 (1) (d) "Health care" means...." In addition, subdivision titles should be enclosed in single quote marks; for example, "VA 2.01 (2) (b) 13. 'Time limits.'" Finally, paragraph titles should be underscored; for example, "VA 2.03 (2) (f) Qualifying prior employment." The title to s. VA 2.03 (3) should not be shown in this latter example. [See s. 1.05 (2), Manual.] The entire rule should be reviewed for correct use of titles.

c. To retain the alphabetical order of the definitions in s. VA 2.03, the definition of "underemployed" provided in s. VA 2.03 (1) (gk), should precede the definition of "unearned income" in s. VA 2.03 (1) (g). Accordingly, s. VA 2.03 (1) (gk) should be numbered s. VA 2.03 (1) (f).

d. Section VA 2.01 (2) (b) 15. contains at least three distinct substantive concepts: income eligibility criteria; a cost-share provision; and an income limit adjustment provision. When all three are combined in one subdivision, the clarity of the subdivision is impaired. One way to make the provision more clear is to create additional subdivisions for each of the distinct

concepts. At a minimum, however, the concepts ought to be divided into separate sentences. For example, the subdivision could be rewritten substantially as follows:

> VA 2.01 (2) (b) 15. 'Low income applicants.' Health care aid may be granted to single applicants whose income is less than $900 per month or to married applicants whose income, when added to the income of the applicant's spouse, is less than $1,300 per month. These monthly amounts shall be increased by $125 per month for each dependent of the applicant [residing in the applicant's household]. No applicant may be required to contribute to the cost of the health care as a condition of receiving health care aid. The monthly limits shall be adjusted....

Finally, is the subdivision intended to preclude individuals with higher incomes from receiving health care aid? If so, it seems that the beginning of the first sentence of the subdivision should be rewritten to provide that health care aid may be granted *only* to those applicants who meet the income limitations.

e. Section VA 2.01 (2) (b) 15. provides that the monthly income limits will be adjusted each year in relation to the Consumer Price Index. Will the rule be revised to reflect those adjustments? Will the adjustments be published somewhere such as in the Administrative Register? Adding an explanatory note to the rule would enable the reader to locate the adjustments more quickly in the future. It would also be helpful to clarify how long the limits contained in the rule will be in effect. Will those limits change on July 1, 1996?

4. Adequacy of References to Related Statutes, Rules and Forms

An appropriate cross-reference to the department's economic assistance loan program should be included in s. VA 2.01 (2) (b) 16. and 17.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. VA 2.01 (2) (b) 13., the meaning of the phrase "other applicant's representative" is not clear. Does this phrase mean another representative of the applicant? Can this phrase be clarified? In addition, the first use of the word "the" in the last sentence should be deleted. Finally, it is not at all clear from the rule what the "contact" is to be about. Is the "contact" related to the provision of the itemized bills and other acceptable documentation in s. VA 2.01 (2) (b) 14.? It would be helpful to clarify the type of "contact" to which the rule is referring.

b. What is meant by "full time student" in s. VA 2.01 (2) (b) 17.? Does full-time status depend on the student's course load? Number of credits? It would be helpful to clarify the rule in this respect. Also, "full time" should be hyphenated.

c. Section VA 2.03 (1) (gk) is confusing. What is adjusted on July 1 of each year? It appears that the poverty guidelines will be adjusted on July 1 of each year, but it is not clear from the context of the rule that this is the case. In addition, it appears that the federal poverty guidelines are usually adjusted in February or March of each year and not July. If this is the

case, will the rule employ outdated poverty guidelines for a portion of the year? Finally, it would help clarify the rule if an appropriate cross-reference to the provisions of the U.S. Code or Code of Federal Regulations were included in the rule identifying the specific poverty guidelines being referred to.