INTRODUCTION TO THE PROGRAM MANUAL

CHAPTER 1-000 GENERAL INFORMATION
1-001 Purpose Statement
   1-001.01 Availability of Program Manuals
      1-001.01A Federal Requirements
      1-001.01B State Requirements
   1-001.02 Fees for Manuals
1-002 User's Guide
   1-002.01 Composition of Manuals
      1-002.01A The NAC
      1-002.01B The Appendix
   1-002.02 Numbering System
      1-002.02A The NAC System
         1-002.02A1 Citations
      1-002.02B Appendices System
1-003 Legal Basis
   1-003.01 State
      1-003.01A State Administration
   1-003.02 Federal Authorities
      1-003.02A Federal Laws
      1-003.02B Federal Regulations
      1-003.02C State Plans
1-004 Forms

CHAPTER 2-000 PROGRAM UNIVERSALS
2-001 Client Rights
   2-001.01 Right to Apply
   2-001.02 Right to Appeal
      2-001.02A Appeal Time Limits
      2-001.02B Filing an Appeal
      2-001.02C Notice to the Petitioner
2-002 Client Responsibilities
2-003 Department Responsibilities
   2-003.01 Prudent Person Principle
2-004 Other Responsibilities
2-005 Confidentiality
   2-005.01 General Information
      2-005.01A Authority
      2-005.01B Limitations
      2-005.01C Penalties
      2-005.01D Specific Program Requirements
2-005.02 Disclosure
   2-005.02A By Staff
   2-005.02B Situation Allowing Disclosure
   2-005.02C Other Agencies
   2-005.02D Client's Case Record
   2-005.02E Law Enforcement Officials
   2-005.02F Persons Having Legal Access to Records
   2-005.02G Utility Companies
2-005.03 Staff Investigations
2-005.04 Storage Requirements for Confidential Material
2-006 Fair Hearings
2-007 Fraud and Abuse and Intentional Program Violations
   2-007.01 Definitions
   2-007.02 Policies
   2-007.03 Procedure for Reporting Suspected Fraud and Abuse or Intentional Program Violations
   2-007.04 Penalties
   2-007.05 Records and Reports
   2-007.06 Disqualification Hearings for Intentional Program Violations (IPV) for ADC and Child Care Subsidy
      2-007.06A Initiating the Disqualification Hearing
      2-007.06B Disqualification Hearing Procedures
      2-007.06C Advance Notice of Hearing
      2-007.06D Waived Hearing
      2-007.06E Participation While Awaiting a Hearing
      2-007.06F The Hearing Official
      2-007.06G Conduct of the Hearing
      2-007.06H Recessing the Hearing
      2-007.06J Admission of Evidence After Hearing is Closed
2-007.07 Hearing Decision
   2-007.07A Criteria for Determining Intentional Program Violation
   2-007.07B Decision Format
   2-007.07C IPV Sanctions
2-007.08 Appeal Rights of the Household
2-008 Protective Payee, Guardian, Conservator, and Power of Attorney
   2-008.01 Definitions
   2-008.02 Appointment and Discharge of Guardians and Conservators
      2-008.02A Duties of Guardians and Conservators
      2-008.02B Department Responsibility
   2-008.03 Assignment of Power of Attorney
   2-008.04 Assignment of Protective Payee, Guardian, or Conservator Status
      2-008.04A Employee's Role
      2-008.04B Staff as Protective Payee
      2-008.04C Service Provider's Role
   2-008.05 Payments to Guardians or Conservators
      2-008.05A Beatrice State Developmental Center and Regional Centers
   2-008.06 Court Costs and Attorneys' Fees
   2-008.07 Billing
      2-008.04C Service Provider's Role
   2-008.05 Payments to Guardians or Conservators
      2-008.05A Beatrice State Developmental Center and Regional Centers
2-008.06 Court Costs and Attorneys’ Fees
2-008.07 Billing
2-008.08 Use of Department Staff as Court Visitors
2-009 Provider Payment
2-010 Client Payment

CHAPTER 3-000 PROCEDURES FOR NEGOTIATED RULEMAKING
3-001 Negotiated Rulemaking Generally
3-002 Definitions
3-003 Establishment of a Negotiated Rulemaking Committee; Criteria
3-004 Conveners; Selection; Duties
3-005 Petitions for the Use of a Negotiated Rulemaking Committee
   3-005.01 Request
   3-005.02 Petition
   3-005.03 Requirements for Content and Substance of a Petition
   3-005.04 Filing of a Petition
   3-005.05 Recommendation to the Director
   3-005.06 Department Action on a Petition
   3-005.07 Department Decision on Petition
3-006 Notice of a Negotiated Rulemaking Committee; Comment; Applications for Membership.
   3-006.01 Notice
   3-006.02 Comments on Rulemaking Committee
   3-006.03 Committee Membership
3-007 Establishment of a Negotiated Rulemaking Committee; Procedure
3-008 Negotiated Rulemaking Committee; membership
   3-008.01 Members
   3-008.02 Petition or Nomination for Membership
3-009 Negotiated Rulemaking Committee; Operation
3-010 Facilitators; Selection; Duties
   3-010.01 Nomination of Facilitator
   3-010.02 Employment or Contracting of Facilitator
   3-010.03 Duties of Facilitator
3-011 Negotiated Rulemaking Committee; Expenses
3-012 Grants or Gifts
3-013 Negotiated Rulemaking Committee; Termination
3-014 Negotiated Rulemaking Procedure; Judicial Review

4-000 PETITIONING FOR RULE MAKING
4-001 Rule Making Petition
   4-001.01 Petition
   4-001.02 Form
4-002 Petition Consideration and Disposition

5-000 REQUEST FOR A DECLARATORY ORDER
5-001 General Information
   5-001.01 Scope of this Chapter
   5-001.02 Related Regulations
5-002 Definitions
5-003 Petition for Declaratory Order
   5-003.01 General Requirement
   5-003.02 Who May File
   5-003.03 When Orders Appropriate
   5-003.04 Form of Petition
   5-003.05 Contents of Petition
   5-003.06 Subscription and Verification of Petition
   5-003.07 Sample Petition
   5-003.08 Written Consents
5-004  Submission and Service of Declaratory Order Petition
5-005  Disposition of the Petition
   5-005.01  General Requirements
   5-005.02  Requirements Within 30 Days
   5-005.03  Decision Not to Issue a Declaratory Order
5-006  Intervention in Declaratory Order Proceeding
   5-006.01  Requirements for Intervention
   5-006.02  Contents of Petition
   5-006.03  Invitation for Intervention
   5-006.04  Granting of Petition
   5-006.05  Notice of Granting or Denial of Petition
   5-006.06
5-007  Declaratory Order Proceedings
   5-007.01  Oral Argument, When
   5-007.02  Oral Argument, Procedure
   5-007.03  Department Oral Argument
   5-007.04  Time Limits
   5-007.05  Filing of Briefs
   5-007.06  Form of Oral Argument
5-008  Issuance of Declaratory Order
   5-008.01  Time Limit for Issuance of Declaratory Order
   5-008.02  Contents of Declaratory Order
   5-008.03  Serving Copy of Declaratory Order
   5-008.04  Effect of Declaratory Order
   5-008.05  No Response within 60 Days
5-009  Circumstances Under Which the Department Will Not Issue Declaratory Orders
   5-009.01  When the Department Shall Refuse
   5-009.02  When the Department May Refuse
5-010  Appeal

6-000  PRACTICE AND PROCEDURE FOR HEARINGS IN CONTESTED CASES BEFORE THE DEPARTMENT
6-001  General Provisions
   6-001.01  Definitions
6-002  Prohibitions Against Ex Parte Communications
   6-002.01  Prohibitions; When Applicable
   6-002.02  Prohibitions; To Whom Applicable
      6-002.02A  Parties and Public
      6-002.02B  Persons in Decision Making Roles
      6-002.02C  Investigators
   6-002.03  Disclosure of Contacts
6-003  Intervention in a Contested Case
   6-003.01  Intervention Allowed
   6-003.02  Petition for Intervention
   6-003.03  Conditions on Intervenor's Participation
   6-003.04  Order on Petition for Intervention
6-004 Commencement of a Contested Case
   6-004.01 Filing of Petition and Request for Hearing
   6-004.02 Parties to a Contested Case
   6-004.03 Pleadings in a Contested Case
   6-004.04 Filing of Pleadings
   6-004.05 Pleadings Subsequent to Initial Petition
   6-004.06 Hearing Date
   6-004.07 Conducting Hearings
   6-004.08 Computation of Time

6-005 Hearing Officer; Criteria

6-006 Prehearing Procedures
   6-006.01 Prehearing Conferences and Orders
      6-006.01A Notice
      6-006.01B Subjects for Prehearing Conference
      6-006.01C Conference by Electronic Means
   6-006.02 Discovery in Contested Cases
   6-006.03 Continuances
      6-006.03A Good Cause
   6-006.04 Amendments
   6-006.05 Informal Disposition

6-007 Conducting a Contested Case Hearing
   6-007.01 The Hearing Officer
      6-007.01A General Duties of the Hearing Officer
      6-007.01B Authority of the Hearing Officer
      6-007.01C Recess, Continuance, Closing and Reopening of Hearing
   6-007.02 Persons at the Hearing
      6-007.02A Department Staff and Witnesses
      6-007.02B Petitioner and Witnesses
      6-007.02C Spectators
      6-007.02D Petitioner's Representative or Attorney
   6-007.03 Group Hearings
   6-007.04 Order
   6-007.05 Evidence
      6-007.05A Hearing Record Exhibits
      6-007.05B Request for Rules of Evidence
      6-007.05C Documentary Evidence
      6-007.05D Evidence in Department's Possession
      6-007.05E Oaths and Subpoenas
      6-007.05F Rules of Privilege
      6-007.05G Official Notice
      6-007.05H Evaluation of Evidence
      6-007.05J Medical Evidence
6-007.06 Conducting the Hearing by Electronic Means
6-007.07 Official Record
6-007.08 Costs

6-008 Decision and Order in a Contested Case
  6-008.01 Summary Disposition
  6-008.02 Time Frames
  6-008.03 Adverse Decision
  6-008.04 Contents of Decision and Order
  6-008.05 Notification of Decision
  6-008.06 Mandatory Effect
  6-008.07 Administrative Finality (Res Judicata)

6-009 Appeals