

CHAPTER II—CHILDREN'S BUREAU, SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

CODIFICATION: The headnote for Chapter II was changed to read as set forth above, 18 F. R. 2176, Apr. 17, 1953.

Part

- 200 Maternal and child health and crippled children's programs. [Revised]
- 201 Maternal and child health services. [Revoked]
- 201 Child welfare services. [Redesignated]
- 202 Services for crippled children. [Revoked]
- 202 Emergency maternity and infant care services. [Redesignated]
- 203 Child welfare services. [Redesignated]
- 204 Emergency maternity and infant care services. [Redesignated]

Part 200—Maternal and Child Health and Crippled Children's Programs [Revised]

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AUTHORITY: §§ 200.1 to 200.27 issued under sec. 1102, 49 Stat. 647, as amended; 42 U. S. C. 1302. Interpret or apply secs. 501-515, 49 Stat. 629-633, as amended, sec. 201, 66 Stat. 368; 42 U. S. C. 701-715.

SOURCE: §§ 200.1 to 200.27 appear at 14 F. R. 3495, June 28, 1949, except as otherwise noted.

§ 200.1 *Terms.* Unless the context otherwise requires, the following terms, as used in this part and in Part 202 of this chapter have the following meanings:

(a) "State" means the several States, Alaska, Hawaii, the District of Columbia, Puerto Rico and the Virgin Islands;

(b) "State Agency" means the official agency of a State administering or supervising the administration of a State Plan for Maternal and Child Health or Crippled Children's Services;

(c) "Act" means the Social Security Act (49 Stat. 620, 42 U. S. C. 301) as amended (53 Stat. 1381, 42 U. S. C. 721);

(d) "Administrator" means the Federal Security Administrator;

(e) "Commissioner" means the Commissioner for Social Security in the Federal Security Agency;

(f) "Bureau" means the Children's Bureau in the Federal Security Agency;

(g) "Chief" means the Chief of the Children's Bureau in the Federal Security Agency;

(h) "Obligation" means a debt properly incurred by a State agency in carrying out the provisions of an approved State plan;

(i) "Official forms" means forms supplied by the Bureau to State agencies for requesting funds and for submitting State budgets or reports under Parts 1 and 2 of Title V of the act;

(j) "Crippled children" means those children, below the age of 21, who are handicapped or suffering from conditions which may lead to being handicapped, under the definition adopted by the State Agency;

(k) "Facilitating services" means transportation, subsistence away from home, drugs, biologicals, communications, supplies and equipment as may be necessary for the provision of maternal and child health or crippled children's services;

(l) "Health" means a state of physical and mental well-being, not merely the absence of disease or infirmity;

(m) "Medical care" means services, including services in hospitals and convalescent homes, by physicians and the allied services of dentists, nurses, medical-social workers, nutritionists, dietitians, physical therapists, technicians and other personnel whose services are needed

(1) With respect to the maternal and child health services program, for the improvement of the health of mothers and children, or,

(2) With respect to the crippled children's services program, to restore a crippled child to maximum health, or to cure

or prevent the advance of an illness that may lead to crippling;

(n) "Maternal and child health services" means (1) the provision of educational, preventive, diagnostic and treatment services, including medical care, hospitalization and other institutional care and after care, appliances and facilitating services directed toward improving the health of mothers and children; (2) the development, strengthening and improvement of standards and techniques relating to such services and care; (3) the training of personnel engaged in the provision, development, strengthening or improvement of such services and care; and, (4) necessary administrative services in connection with the foregoing;

(o) "Crippled children's services" means (1) the location of crippled children; (2) the provision for such children of diagnostic and treatment services, including medical care, hospitalization and other institutional care and after care, appliances and facilitating services directed toward the diagnosis of the condition of such children or toward the restoration of such children to maximum physical and mental health; (3) the development, strengthening and improvement of standards and techniques relating to the provision of such care and services; (4) the training of personnel engaged in the provision, development, strengthening or improvement of such care and services; and (5) necessary administrative services in connection with the foregoing;

(p) "Demonstration services" means either (1) the provision in a county, district, or community of more and better maternal and child health services than are available in any comparable area in the State, utilizing facilities meeting acceptable standards and personnel who are especially well qualified, for the purpose of establishing standards of care and service that can be shown to be practical, effective and adequate to improve the health of mothers and children, or (2) the provision of a special type of maternal and child health service for the purpose of proving its value in improving the health of mothers and children and in providing information on cost, methods of development, techniques of provision and the administration of a given type of health service not generally available to mothers and children;

(q) "Specialized expenditures for Maternal and Child Health Services," "Specialized expenditures for Crippled Children's Services," "Supporting expenditures for Maternal and Child Health Services," and "Supporting expenditures for Crippled Children's Services," shall have such meaning as may be ascribed to them in policies issued by the Chief for the purpose of achieving the most effective utilization of the Federal funds granted.

CODIFICATION: In § 200.1 paragraph (q) was amended to read as set forth above and paragraph (r) was revoked, 17 F. R. 5952, July 2, 1952.

Prior Amendments

1950: 15 F. R. 1033, Feb. 25.

§ 200.2 *State plans; general requirement; form, contents, and amendment.*

(a) The basic condition to the certification of Federal funds is a State Plan for Maternal and Child Health Services or a State Plan for Crippled Children's Services, approved as meeting requirements of Title V, Parts 1 and 2, of the act and regulations established thereunder.

(b) State Plans shall follow the instructions as to form and content indicated in the Plan Instructions to be released by the Bureau pursuant to the regulations in this part and shall contain descriptions of all material phases of the Maternal and Child Health or Crippled Children's Programs, including (1) their legal bases, (2) the manner in which their purposes, as contemplated by section 501 and 511 of the act, will be carried out, (3) their scope and content, and (4) the policies, standards, methods and procedures relative to (i) their administration, (ii) the supervision of their administration, (iii) their operation, and (iv) their compliance with the requirements of the act.

(c) State plans and budgets shall be revised, in accordance with instructions from the Bureau, whenever there are significant changes.

§ 200.3 *Administration locally of State Plans.* State Plans shall:

(a) Provide for their administration in local communities.

(1) Directly by the State Agency; or

(2) By local public agencies which are, with respect to their administration locally of such plans, supervised by the State Agency; or

(3) By a combination of the foregoing methods of administration; and

(b) Set forth the manner in which the State Agency will exercise and make effective its supervision over the operations of the local public agencies with respect to their administration locally of such plans.

§ 200.4 *Program units.* (a) State Plans shall provide:

(1) With respect to the maternal and child health services program, for the establishment in the State Agency, under the direction of a program director, of a separate organizational unit charged primarily with responsibilities in the field of maternal and child health and including, at least, the planning, promoting, and coordinating of maternal and child health services and the administration of the unit and its staff as provided under the State Plan;

(2) With respect to the crippled children's services program for the establishment, in the State Agency, of a separate organizational unit charged primarily with responsibilities in the field of health services for crippled children and including, at least, the planning, promoting and coordinating of crippled children's services and the administration of the unit and its staff as provided under the State Plan: *Provided*, That, where the major functions of the State Agency relate to the provision of health services to children, as in the case of a Crippled Children's Commission, such commission shall itself be considered as the separate organizational unit required.

(b) State Plans may provide for combining the Crippled Children's Program Unit and the Maternal and Child Health Program Unit into one organizational unit under the direction of a single program director.

§ 200.5 *Program directors.* State Plans shall provide that the Maternal and Child Health and Crippled Children's Program Unit or Units, will both or each be under the direction of a program director who will be (a) a Doctor of Medicine; (b) a full-time employee of the State Agency; (c) devoting his full time, during the hours of his employment by the State Agency, to the work of the Program Unit of which he is the director: *Provided*, That the Chief may approve a plan provision providing for the part-time employment of such Doctor of

Medicine where satisfactory evidence is submitted justifying such a provision.

§ 200.6 *Information on services available.* State Plans shall describe how the public throughout the State will be fully informed, insofar as feasible, as to the maternal and child health and crippled children's services available under such State Plans.

§ 200.7 *Limitations on provision of services.* State Plans for maternal and child health and crippled children's services shall provide that hospital, convalescent or foster home care, or appliances provided to individuals under the plans will be made available only to individuals who are receiving medical services provided or arranged for by the State Agency in accordance with the standards and policies of the plan.

§ 200.8 *Crippled Children's Program; required content.* State Plans for Crippled Children's Services shall make provision for:

- (a) Services for locating crippled children;
- (b) The diagnosis and evaluation of the condition of such children;
- (c) Treatment services including at least appropriate services by physicians, appliances, hospital care and after care as needed; and,
- (d) The development, strengthening and improvement of standards and services for crippled children.

§ 200.9 *Crippled Children's Program; diagnostic services.* State Plans for Crippled Children's Services shall provide that the diagnostic services under the plan will be made available within the area served by each diagnostic center to any child (a) without charge, (b) without restriction or requirement as to the economic status of such child's family or relatives or their legal residence, and (c) without any requirement for the referral of such child by any individual or agency.

§ 200.10 *Standards relating to the provision of services.* State Plans for maternal and child health and crippled children's services shall describe the standards required for personnel, and facilities utilized in the provision of such services as (a) are found, upon investigation by the State Agency, to be best adapted for the attainment of the specific purpose, (b) will assure a reasonably high standard of care, and (c) are

in substantial accordance with national standards as accepted by the Bureau or standards prescribed by the Bureau.

§ 200.11 *Authorizations of service.* State Plans shall provide that, all services purchased for individuals under the plan will be authorized by employees of the State Agency, or by employees of the local public agency administering a part of the plan locally under the supervision of the State Agency, and that record of such authorizations will be retained by the State or local public agency as a part of the individual's case record.

§ 200.12 *Confidential information.* State Plans shall:

(a) Provide that all information as to personal facts and circumstances obtained by the State or local staff administering the program shall constitute privileged communications, shall be held confidential and shall not be divulged without the individual's consent, except as may be necessary to provide services to individual mothers and children: *Provided*, That, information may be disclosed in summary, statistical or other form which does not identify particular individuals; and

(b) Set forth suitable regulations and safeguards to carry out the provisions of paragraph (a) of this section.

§ 200.13 *Rates of payment for medical care; appliances and convalescent and foster home care.* State Plans shall:

(a) Set forth the methods utilized by the State Agency in establishing and substantiating that rates of payment for medical care, appliances, and convalescent and after care provided under such plans are reasonable and necessary to maintain the standards relating to the provision of services established pursuant to § 200.10, and

(b) Provide that schedules of the rates thus established will be maintained by the State Agency at its offices.

§ 200.14 *Rates of remuneration for hospital care.* State Plans shall provide that payments for hospital care will not be in excess of the inclusive per diem costs computed in accordance with methods established by the Bureau.

§ 200.15 *Additional remuneration for services.* State Plans shall provide that professional personnel, hospitals, and other individuals, agencies or groups providing any services authorized by the State Agency, under a State Plan, shall

agree not to make any charge to or accept any payment from the patient or his family for such services unless the amount of such payment is determined and authorized for each patient by the State Agency.

§ 200.16 *Maintenance of State records.* State Plans shall provide that, for reporting purposes, there will be maintained at the State level such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the respective Federal authorizations.

§ 200.17 *Maternal and Child Health Program; demonstration services.* State Plans for Maternal and Child Health Services shall provide for the development of demonstration services in needy areas and among groups in special need and shall set forth the policies, standards and criteria applicable to the development and provision of such services, and to the selection of such areas and groups.

§ 200.18 *Proportionate use of Federal funds.* (a) Effective for the fiscal year 1953, and for each subsequent fiscal year, the State Agency shall, with respect to its total annual expenditures of Federal and required matching funds for its Crippled Children's program, identify as "specialized" expenditures for such program an amount equal to 80 percent or more of the total annual expenditures of Federal and required matching funds for that program, provided the remaining 20 percent or less of such total expenditures were for purposes within the scope of the approved crippled children's services plan.

(b) Effective for the fiscal year 1954, and for each subsequent fiscal year, the State Agency shall, with respect to its total annual expenditures of Federal and required matching funds for its Maternal and Child Health program, provide in its State plan for the allocation of such expenditures to such program in accordance with either of the following procedures:

(1) On the basis of objective criteria set forth in the State plan, allocate to such program a portion of "supporting expenditures" which, together with any "specialized expenditures" identified for

such program will at least equal the total annual expenditures of Federal and required matching funds;

(2) Identify as "specialized" expenditures for such program an amount equal to 80 percent or more of the total annual expenditures of Federal and required matching funds for that program, provided the remaining 20 percent or less of such total expenditures were for purposes within the scope of approved maternal and child health services plan. [17 F. R. 5952, July 2, 1952]

Prior Amendments

1950: 15 F. R. 1033, Feb. 25.

§ 200.19 *Preparation of schedules of expected allotments.* Prior to the beginning of each fiscal year the Chief will prepare and make available to the several State agencies an estimated schedule of the amounts which it is expected will be allotted to each State during the fiscal year for each program.

§ 200.20 *Submission of budgets by State Agencies.* Prior to the beginning of each fiscal year, the State Agency shall submit, upon official forms and in accordance with procedures established by the Bureau, an annual budget appropriately documented and supported and indicating the availability and sources of all funds and indicating the purposes for which the funds are to be expended.

§ 200.21 *Payments to States; effect of certification.* Neither the approval of the State Plan nor any certification of funds or payment to the State pursuant thereto shall be deemed to waive the failure of the State to observe before or after such administrative action any Federal requirements or the right or duty of the Commissioner to withhold funds by reason thereof.

§ 200.22 *Private funds.* Funds obtained from private sources and made fully available for expenditure by the State Agency under the approved State Plan may be included in the computation of the amounts of public funds expended: *Provided,* That, funds provided by private agencies or institutions whose facilities are to be used in carrying out the State Plan under arrangements involving compensation for such use shall not be included in such computation. Private funds shall be placed on deposit in accordance with the State law, but if there is no State law setting forth applicable procedures, the funds shall be

deposited with the State Treasurer, the Treasurer of a political subdivision, or in a private depository, in a special account to the credit of the State Agency. If the funds are deposited with the State Treasurer or the Treasurer of a political subdivision, the certificate of the Treasurer shall be furnished showing the deposit of such funds in a special account to the credit of the State Agency. If the funds are placed in a private depository, the certificate of an officer of the private depository shall be furnished showing the deposit of such funds in a special account to the credit of the State Agency.

§ 200.23 *Equipment and supplies.* All items of equipment or supply purchased wholly or partly with Federal funds are to be used only for the purposes for which such Federal funds may be allowed and the State Agency shall maintain a complete equipment inventory and adequate property controls.

§ 200.24 *Application of Federal funds; effect of State rules.* Except as specifically stated in the act and in this part, State laws, rules, regulations and standards governing the custody and disbursement of State funds shall govern the custody and disbursement of Federal funds paid to the State.

§ 200.25 *Custody of Federal funds.* The State Treasurer or official exercising similar functions for the State shall receive and provide for the custody of all funds paid to the State under the act, subject to requisition or disbursement thereof by the State Agency for plan purposes.

§ 200.26 *Earned interest.* Interest on grants made under the act shall be duly credited to the principal of the grant, and duly reported to the Bureau by the State Agency on the ensuing budgetary estimate.

§ 200.27 *Collections.* Any amounts refunded or paid to the State for services or supplies provided under the Maternal and Child Health or Crippled Children's plan shall be credited to the Federal account in proportion to the Federal participation in the expenditures by reason of which such refunds or payments were made.

Part 201—Maternal and Child Health Services [Revoked, 14 F. R. 3495, June 28, 1949]

Part 201—Child Welfare Services [Redesignated]

CODIFICATION: Former Part 203 was redesignated Part 201, 14 F. R. 3497, June 28, 1949.

Sec.

- 201.1 Allotments and submission of plans. [Amended]
- 201.5 Certification for payment to States. [Amended]
- 201.6 Expenditures. [Revised]
- 201.10 Definitions. [Added]

§ 201.1 *Allotments and submission of plans.*

CODIFICATION: In § 201.1 the word "Commissioner" was substituted for "Federal Security Administrator", 16 F. R. 4200, May 8, 1951; 17 F. R. 1650, Feb. 22, 1952.

§ 201.5 *Certification for payment to States.*

CODIFICATION: In § 201.5 the word "Commissioner" was substituted for "Federal Security Administrator", 16 F. R. 4200, May 8, 1951, 17 F. R. 1650, Feb. 22, 1952.

§ 201.6 *Expenditures.* (a) Funds paid to a State under Part 3 of Title V of the act shall be expended, in accordance with the State's approved plan and with the act and the regulations in this part only where such expenditures are:

(1) For one or more of the following purposes:

(i) For payment of part of the cost of district, county or other local child welfare services in areas predominantly rural; or,

(ii) For developing State services for the encouragement and assistance of adequate methods of community child welfare organization in areas predominantly rural and other areas of special need; or,

(iii) For paying the cost of returning any runaway child who has not attained the age of sixteen to his own community in another State in cases in which such return is in the interest of the child and the cost cannot otherwise be met; and,

(2) In accordance with policies issued from time to time by the Bureau with the approval of the Commissioner designed to utilize most effectively the funds granted in establishing, extending or strengthening child welfare services, under the conditions specified in subparagraph (1) of this paragraph: *Provided*, That policies heretofore issued