

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES
Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 2000

PROPOSED

PUBLIC NOTICE

Case Processing Procedures - Applications

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding Administrative Procedures, specifically, *Case Processing Procedures - Applications*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by June 30, 2014.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The proposal described below amends policies in the Division of Social Services Manual (DSSM) regarding Administrative Procedures, specifically, *Case Processing Procedures - Applications*.

Statutory Authority

42 CFR §435.907, *Application*

45 CFR §206.10, *Application, determination of eligibility and furnishing of assistance*

Background

The Department of Health and Social Services is the agency designated by the State as responsible for Delaware's public assistance programs. Within the Department, the Division of Social Services (DSS) and the Division of Medicaid and Medical Assistance are responsible for administering the various benefit programs listed here:

<http://dhss.delaware.gov/dss/>

<http://dhss.delaware.gov/dhss/dmma/>

The Division of Social Services Manual (DSSM) is an integrated eligibility manual that relates to the activities of each Division's staff engaged in the direct administration of the State's public assistance programs. The Manual contains eligibility and administrative policies based on State and Federal laws and regulations that govern the programs.

Summary of Proposed Changes

Case processing guidelines are provided to ensure maximum client service. To ensure basic efficiency and timeliness in case processing agency staff must adhere to standard times frames within which required case activities must be accomplished. Adherence to these standards allows for the provision of program services on a timely basis and assures that the agencies meet federally imposed audit criteria.

DSSM 2000, Applications, is amended to address case processing ambiguities. DSSM policy section 2000 defines an application as including a request for medical assistance. By referencing medical assistance in this section of policy, it could be assumed that all medical assistance applications are subject to the conditions established in the 2000 section of the DSSM policy. The requirements for Medical Assistance applications are addressed in DSSM policy section 14100. This policy change removes what could be interpreted as inconsistent policy for medical assistance applications.

Medicaid policy section at DSSM 14100.5.1 provides "90 day" and "45 day" time periods for processing Medicaid applications. However, Section 2000 references applications for "medical assistance" and Section 2000.5 establishes a "30 day" timeframe for processing the application. These sections are inconsistent.

DSS PROPOSED REGULATION #14-17
REVISION:

2000 Applications

An application is a request for ~~financial or medical~~ assistance made by an individual, agency, institution, guardian, or other individual acting for the applicant with his knowledge and consent. An application must be formalized in writing and applicants must be interviewed by an application worker before an eligibility decision can be made.

Any person interested in applying for benefits will receive a DSS application form. These forms are available at all DSS locations. A daily log to record the names of individuals who request application forms will be maintained at each DSS location. Applications for benefits cannot be processed until applicants submit a completed application and complete the filing procedures as specified in DSSM 2001.1.

The primary responsibility for establishing eligibility resides with the client, however, the Division will take necessary action to assist the applicant to establish his eligibility for assistance.

Each applicant will be informed of the programs for which he may be eligible, of his right to a decision on eligibility within a reasonable period of time, and will be informed of his right to appeal any Division decision on eligibility.

Each applicant will have his need for assistance determined in accordance with Division standards. The income of an applicant will be considered in relation to his needs during the calendar month in which the individual applies for assistance. Only such resources as an applicant has currently available will be used in determining eligibility

Policies specific to Medical Assistance applications are found in DSSM policy section 14100.

17 DE Reg. 1138 (06/01/14) (Prop.)