

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 9055

FINAL

ORDER

Food Supplement Program

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend Division of Social Services Manual (DSSM) regarding the Food Supplement Program, specifically, to define household income. The Department's proceedings to amend its regulations were initiated pursuant to 29 Delaware Code Section 10114 and its authority as prescribed by 31 Delaware Code Section 512.

The Department published its notice of proposed regulation changes pursuant to 29 Delaware Code Section 10115 in the March 2019 Delaware *Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by April 1, 2019 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

Effective for services provided on and after June 11, 2019 Delaware Health and Social Services/Division of Social Services proposes to amend section 9055 of the Division of Social Service Manual.

Statutory Authority

7 CFR 273.9 (b)

Background

The policy has been amended to more clearly define household income and income reporting requirements for the Food Supplement Program.

Purpose

This policy defines household income for the Food Supplement Program.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 447.205 and the *state* public notice requirements of Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) gives public notice and provides an open comment period for thirty (30) days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on April 1, 2019.

Fiscal Impact Statement

This is an existing policy that defines a program component. There is no fiscal impact associated with this policy.

Summary of Comments Received with Agency Response and Explanation of Changes

The following summarized comment was received:

Comment: One commenter endorsed the proposed changes to the Division of Social Services Manual regarding the Food Supplement Program, specifically, to define household income.

Agency Response: DSS appreciates the endorsement.

DSS is pleased to provide the opportunity to receive public comments and greatly appreciates the thoughtful input given by:

- Governor's Advisory Council for Exceptional Citizens

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the March 2019 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Services Manual (DSSM) regarding the Food Supplement Program, specifically, to define household income, is adopted and shall be final effective

June 11, 2019.

5/22/19
Date of Signature

Kara Odom Walker, MD, MPH, MSHS, Secretary,
DHSS

FINAL

POLICY – AMENDMENT

Delaware Department of Health and Social Services
Division of Social Services
Policy and Program Development Unit

9055 ~~Definition of~~ Defining Household Income

~~[273.9(b)]~~

~~Household income means all income from whatever source, excluding only the exceptions listed at DSSM 9058 and DSSM 9059.~~

7 CFR 273.9 (b)

DSS must consider household income when determining food benefit eligibility.

- 1. Household income means the combined income of all members of a food benefit household from all sources, excluding only the exceptions listed in DSSM 9058 and DSSM 9059.**
- 2. DSS requires applicants and participants of the Food Supplement Program to report household income from all sources, including both earned and unearned income.**

22 DE Reg. 1013 (06/01/19) (Final)