

# DEPARTMENT OF HEALTH AND SOCIAL SERVICES

## DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Sections 103 and 512 (31 **Del.C.** §§103 & 512)  
16 **DE Admin. Code** 11006

**FINAL**

**ORDER**

### **Adjusting Child Care Payments And Authorizations**

BEFORE THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES

IN THE MATTER OF:

REVISION OF THE REGULATION  
OF DELAWARE'S  
DELAWARE SOCIAL SERVICES MANUAL (DSSM)  
DSSM 11006.4.8 and 11006.4.9

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services (DSS) initiated proceedings to amend Division of Social Services Manual (DSSM) regarding Child Care Subsidy Program. The Department's proceedings to amend its regulations were initiated pursuant to 29 *Del. C.* § 10114 and its authority as prescribed by 31 *Del. C.* § 512.

The Department published its notice of proposed regulation changes pursuant to 29 *Del. C.* § 10115 in the August 2021 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by August 31, 2021 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 November 11, 2021 Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend Division of Social Service Manual (DSSM) regarding the Child Care Subsidy Program.

#### **Statutory Authority**

45 CFR 98.45 (l)(6)

#### **Background**

DSSM 11006.4.8 Completing Correct Transactions explains the process that DSS staff must complete to correct a child care provider payment when a processing error occurs or there is a change in care or family circumstances reported or discovered during an authorized month.

DSSM 11006.4.9 Completing Manual Adjustments explains the process that DSS staff must complete to correct a child care authorization when a processing error occurs.

#### **Purpose**

The purpose of this proposed regulation is to provide instructions for DSS staff on completing adjustments to provider payments and child care authorizations.

#### **Public Notice**

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the Delaware Code, DHSS/DSS gives public notice and provides an open comment period for 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 August 31, 2021.

#### **Fiscal Impact Statement**

DSS is adding the regulations to provide clear and accurate directions on completing adjustments to provider payments and child care authorizations. These procedures are currently in place and there are no new financial responsibilities associated with the regulations.

## Summary of Comments Received with Agency Response and Explanation of Changes

No comments were received during the public comment period.

### FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the August 31, 2021 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program, is adopted and shall be final effective November 11, 2021.

10/14/2021

Date of Signature

Molly Magarik, Secretary, DHSS

## POLICY AMENDMENT

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

### **11006.4.8** **Completing Correct Transactions**

Statutory authority

45 CFR 98.45 (l)(6)

DSS staff will complete a correct transaction to adjust a child care provider payment.

1. A correct transaction is entered into the DSS eligibility system to correct provider payment errors that occurred because of:
  - A. A DSS processing error; or
  - B. A change in care or family circumstances reported or discovered during an authorized month, such as:
    - i. An increase in the level of care;
    - ii. An increase in the number of days needed for care;
    - iii. A change in paid absent days;
    - iv. A change in family size; or
    - v. A change in family income.
2. DSS staff will complete a correct transaction to adjust a provider payment when:
  - A. A child care provider reports an authorization or payment discrepancy within 60 days of the date of the applicable payment and DSS confirms the payment error; or
  - B. DSS determines that a payment discrepancy occurred due to a processing error or a change in care or family circumstances.
3. DSS staff may complete a correct transaction once the provider has been paid for the month in which the correct transaction is being requested.
4. The DSS eligibility system will automatically issue the difference in payment to the provider once the correct transaction has been entered.

# POLICY AMENDMENT

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

## **11006.4.9** **Completing Manual Adjustments**

Statutory Authority  
45 CFR 98.45 (l)(6)

DSS staff will complete a manual adjustment to request a change to a child care authorization.

1. DSS staff will complete Form 634 "Child Care Manual Adjustment Form" to correct authorization errors that occurred because of:
  - Overlapping eligibility;
  - Prior confirmation;
  - An incorrect start date; or
  - An incorrect payment rate.
  - A. DSS staff will complete Form 634 when:
    - i. A child care provider reports an authorization or payment discrepancy within 60 days of the date of the applicable payment and DSS confirms the authorization error; or
    - ii. DSS determines that an authorization discrepancy occurred due to a processing error.
  - B. DSS staff who prepare Form 634 must:
    - i. Have their supervisor sign and approve the form;
    - ii. Enter a case comment in the eligibility system detailing the reason for the manual adjustment; and
    - iii. Submit the completed form to a DSS child care monitor.
2. Upon receiving Form 634, the child care monitor will:
  - Notify the provider of the adjustment;
  - Request a summary attendance report from the provider; and
  - Submit the required manual adjustment documents to the Purchase of Care (POC) administrator.
  - A. The child care monitor must submit the following documents to the POC administrator for manual adjustments:
    - i. Form 634 "Child Care Manual Adjustment Form";
    - ii. The DSS manual adjustment worksheet;
    - iii. A copy of the case comment from the eligibility system that details the reason for the manual adjustment;
    - iv. A copy of the child care authorization from the eligibility system;
    - v. The provider's summary attendance report or a copy of the attendance report from the eligibility system; and
    - vi. The self-arranged payment report (for self-arranged care authorizations only).
3. A POC administrator will review the documents submitted by the child care monitor and enter approved manual adjustments into the DSS POC system.

4. The DSS eligibility system will automatically issue the difference in payment to the provider once the manual adjustment has been entered.

**25 DE Reg. 536 (11/01/21) (Final)**