

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

FINAL

ORDER

Food Stamp Program 9044.1 Newly-Certified Households

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend Food Stamp Program policies in the Division of Social Services Manual (DSSM) regarding newly-certified households. 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 July 2008 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by July 31, 2008 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSED CHANGES

The proposed change described below amends the Food Stamp Program policies in the Division of Social Services Manual (DSSM) regarding newly-certified households.

Statutory Authority

7 CFR §274.2, Providing Benefits to Participants

Summary of Proposed Changes

DSSM 9044.1, Newly-Certified Households: Remove language references to the old issuance method of mailing benefits and replacing with Electronic Benefit Transfer (EBT) processing language.

SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE

The State Council for Persons with Disabilities (SCPD) offered public comment summarized below. The Division of Social Services (DSS) has carefully considered all comments and responds as follows.

Consistent with federal law, the current standards contemplate applicants physically obtaining their "paper" benefits at a State Service Center or through mail. Since DSS has converted to a debit card system in which benefits are electronically posted to an account, DSS has changed the references to require posting no later than thirty (30) days after the filing of the application.

SCPD **endorses** the proposed regulation since it conforms to current practice.

Agency Response: DSS thanks the Council for their endorsement.

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the July 2008 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Services Manual (DSSM) as it relates to the Food Stamp Program regarding newly certified households is adopted and shall be final effective September 10, 2008.

Vincent P. Meconi, Secretary, DHSS, August 14, 2008

**DMMA PROPOSED REGULATION #08-22
REVISION:**

9044 Providing Benefits to Participants

[274.2]

DSS is responsible for the timely and accurate issuance of benefits to certified eligible households. Assist those households comprised of elderly or disabled members which have difficulty reaching issuance offices, and households which do not reside in a permanent dwelling or a fixed mailing address by finding authorized representatives to act on their behalf or by other appropriate means.

9044.1 Newly-Certified Households

All newly certified households, except those that are given expedited service, must be given an opportunity to participate no later than thirty (30) calendar days following the date the application was filed. An opportunity to participate consists of providing households with access to their benefits, or having issuance facilities open and available for the households to obtain their benefits. Benefits must be mailed in time to assure that they are received, but before the 30-day standard expires. A household has not been provided an opportunity to participate within the 30-day standard if the benefits are mailed on the 29th or 30th day. Neither has an opportunity to participate been provided if the benefits are issued on the 28th day, but no issuance facility is open on the 30th day not posted to their EBT account by the 30th day.

12 DE Reg. 22 (07/01/08)

12 DE Reg. 344 (09-01-08) (Final)