

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

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

FINAL

ORDER

11000 Child Care Subsidy Program

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to provide information of public interest with respect to the Child Care Subsidy Program regarding ~~[Authorizing Child Care Services Acceptable Service Authorizations]~~. The Department's proceedings 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 public comment pursuant to 29 Delaware Code Section 10115 in the May 2010 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by May 31, 2010 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSED CHANGE

The proposed change described below amends Child Care Subsidy Program policies in the Division of Social Services Manual (DSSM) regarding ~~[Authorizing Child Care Services Acceptable Service Authorizations]~~.

Statutory Authority

45 CFR §98.40, *Compliance with applicable State and local regulatory requirements*

Summary of Proposed Change

DSSM 11006.3, ~~Service Authorization~~ ~~[Authorizing Child Care Services Acceptable Service Authorizations]~~: This change is proposed: 1) to rename this section to better describe its content; and, 2) to add information and to reformat the text to further clarify the requirements for authorizing child care services. The intent of the proposed amendment is to simplify language and improve readability.

SUMMARY OF COMMENTS RECEIVED WITH AGENCY RESPONSE AND EXPLANATION OF CHANGES

The Governor's Advisory Council for Exceptional Citizens (GACEC) and the State Council for Persons with Disabilities (SCPD) offered the following observations and recommendations summarized below. DSS has considered each comment and responds as follows.

First, the revisions represent an improvement over the current version since they use specific subparts which provide greater clarity and guidance to providers. Second, the GACEC and the SCPD endorse the proposed regulation subject to 2 grammatical revisions. First, in Par. 4, we recommend substituting "initiating services" for "with your services". The regulation is written in the third person, not the second person. Second, in Par. 3, since there is a plural pronoun (their) with a singular antecedent (client), DSS could consider substituting "his/her" for "their" or substituting "DSS" for "their DSS worker".

Agency Response: DSS agrees. The revised policy at DSSM 11006.3 reflects the recommended changes. Your endorsement is appreciated, thank you.

Additionally, DSS initiated changes to the proposed amendment by changing the title of the policy from *Authorizing Child Care Services* to *Acceptable Service Authorizations*. There is already in place child care policy with the title, *Authorizing Child Care Services*, at DSSM 11004.9. Also, DSS further clarifies the identification of the client as parent/caretaker, where appropriate. These changes are indicated by ~~[bracketed bold strikethrough]~~ and

[bracketed bold type].

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the May 2010 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Child Care Subsidy Program policies regarding *Acceptable Service Authorizations* is adopted and shall be final effective July 10, 2010.

Rita M. Landgraf, Secretary, DHSS

DSS FINAL ORDER REGULATION #10-32 REVISION:

11006.3 ~~Service Authorization~~ ~~[Authorizing Child Care Services]~~ **Acceptable Service Authorizations**

Each eligible child's care must be authorized on the DSS Purchase of Child Day Care Authorization Form (Form 618d) which the provider will receive from the Division upon initial enrollment and each subsequent change and/or redetermination. The provider should request to see the DSS Client Payment Agreement Form (Form 601b) from the parent/caretaker on the first day of attendance if they have not received Form 618d by mail.

The provider should notify the child's caretaker in writing the month before the form expires to be redetermined eligible for services. Payment cannot be made after the expiration date unless a new form has been issued.

Need for service codes are listed on Form 618d.

This policy applies to all Licensed, Licensed Exempt, Relative/Non-Relative Providers.

1. Eligible Children Must Be DSS-Approved for Provider to Receive Payment

2. Child Care Providers Will Receive Authorization Notice

Providers will receive authorization notice for each child at first enrollment and for each change or redetermination. The providers will receive a computer-generated copy of the ~~[parent's~~ parent/caretaker] authorization letter for each child in their care. In the case of a computer problem or last-minute authorization, the provider may instead receive a handwritten authorization form (Subsidized Child Care Client Agreement- Form 626) from the DSS worker to validate the provider services. Providers will also receive a computer-generated authorization letter from DSS when data entry for the handwritten form has been completed.

Authorizations for service will show:

- The child's name and ID number.
- The service start and end date.
- The number of service days per week.
- The length of the service day (part day, full day, etc.)
- Any co-pay the parent must pay.

3. Providers Verify Authorization Information

The child care provider must verify information on the authorization form. DSS will only pay for those services stated on the form. If a provider feels the service information is not accurate, the ~~[client~~ parent/caretaker] must contact ~~[their]~~ DSS ~~[worker]~~ to have the information adjusted.

4. Provider must have the Authorization Letter or Form 626 at the start of Service

DSS cannot guarantee payments for services provided without a valid authorization in place. All providers must have Purchase of Care (POC) ~~[paperwork~~ or form 626] to support the start date of a child ~~[with your services]~~.

5. Only DSS Authorized Children Will Be Accepted for Continued Services

Payment cannot be made after the expiration date unless a new DSS authorization has been issued. Providers cannot assume that ~~[clients~~ parents/caretakers with expired ~~[whose]~~ authorizations ~~[have expired]~~ will continue to be eligible for services.

14 DE Reg. 39 (07/01/10) (Final)