

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

FINAL

ORDER

DSS Application Process

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 DSS Application Process, specifically, to update formatting and clarify the application process for DSS benefit programs. 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 February 2019 Delaware *Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by March 4, 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 July 11, 2019 Delaware Health and Social Services/Division of Social Services proposes to amend sections 2000, 2000.1, 2000.2, 2000.3, and 2000.4 of the Division of Social Service Manual specifically, to update formatting and clarify the application process for DSS benefit programs.

Statutory Authority

- 7 CFR 273.2
- 45 CFR 206.10

Background

The policies have been amended to explain the application process for DSS benefit programs in a text that is more concise and understandable. Also, language that referred to the prior DSS eligibility system was removed and references to "food stamps" were updated to "food benefits".

Purpose

The current policies have been amended to update formatting and to clarify the application process for DSS benefit programs.

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 March 4, 2019.

Fiscal Impact Statement

These policies are currently in place and there are no new financial responsibilities.

Summary of Comments Received with Agency Response and Explanation of Changes

The following summarized comments were received:

Comment: Several comments suggested that the proposed Subsection 2000.1(1)(E), "Submitting Applications," does not adequately address situations in which DSS should help an applicant with the application process. One of the statements received indicated that, "The proposed language, however, only states that applicants "[w]ill be assisted by DSS in completing the application process if hospitalized or ill." This policy is too narrow and should be expanded to require DSS to also assist persons who may be elderly, have a disability, be homeless, speak limited English, or otherwise have good cause for assistance."

Agency Response: DSS concurs with the request and amended policy subsection 2000.1 (1)(E) to state the following regarding applicants applying for benefits:

“Will be assisted by DSS in completing the application process if the applicant requires a reasonable accommodation.”

In current practice, DSS makes several accommodations to help all clients who require assistance, including, but not limited to, accepting mail for clients who experience homelessness and using interpretation and translation services for clients who so request. DSS has also created the Community Partner Support Unit to help increase access to services by placing social workers in community hubs and providing ongoing, personalized support to organizations that serve those in need. The current policy of assisting clients who are hospitalized or ill has not dissuaded DSS from providing other supportive assistance to clients.

Comment: Comments were received suggesting that the proposed language regarding DSS-provided interpreters is inadequate.

Agency Response: DSS concurs and has amended policy subsection 2000.2 (1)(B) to state the following:

“DSS will offer interpretation services to applicants with limited English proficiency and will provide an interpreter through the Division’s contracted language service upon request or when deemed necessary. The person who serves as the interpreter:

- i. Must be age 18 or older,
- ii. Must sign the signature page of the application, and
- iii. Is preferably an interpreter available through the Division’s contracted language service.”

DSS’ practice is neither to discourage self-identification as LEP, nor to discourage clients from using whatever language aids with which they feel most comfortable.

Comment: Comments were received which stated that the, “updated version of Subsection 2000(C)(ii) states that DSS will inform applicants of their (1) potential eligibility for assistance; (2) right to an eligibility decision within a reasonable time; and (3) right to appeal any DSS eligibility decision. SCPD recommends that DSS remove the policy of notifying applicants about ‘potential eligibility for assistance.’

Agency Response: DSS does not ever wish to dissuade anyone from applying for benefits. DSS staff inform clients of potential eligibility for services during the application process so that clients will be encouraged to apply for additional benefits. DSS sees this as an agency training matter.

Comment: Comments were received suggesting that policy related to applicants with limited English proficiency could be improved.

Agency Response: DSS’ practice is to provide certified, trained interpreters for applicants with limited English proficiency. DSS uses certified, trained interpreters who operate under the terms of a statewide procurement contract for those services. DSS takes measures to ensure that interpreter services are readily accessible to all clients who request language interpretation. DSS’ practice is neither to discourage self-identification as LEP, nor to discourage clients from using whatever language aids with which they feel most comfortable. DSS never requires applicants to provide their own interpreters or to use family or friends who accompanying them during the application process to interpret.

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;
- Community Legal Aid Society, Inc.; and
- State Council for Persons with Disabilities.

FINDINGS OF FACT:

The Department finds the proposed changes as set forth in the February 2019 *Register of Regulations* should be adopted with additions. The Department finds that the proposed does not require further public notice or comment under the APA because the amendments are non-substantive pursuant to 29 **Del.C.** §10118(c).

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Services Manual (DSSM) regarding DSS Application Process, specifically, to update formatting and clarify the application process for DSS benefit programs is adopted and shall be final effective July 11, 2019.

6/10/19

Date of Signature

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

POLICY – AMENDMENT

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

2000 Applications Applying for Assistance

~~An application is a request for 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 and processing timelines are found in DSSM policy section 14100.~~

7 CFR 273.2, 45 CFR 206.10, 45 CFR 98.1 (b)(1)

An application for assistance allows DSS to determine an applicant's eligibility for benefits.

- 1. Any individual interested in applying for benefits may receive, complete, and submit a DSS application for assistance.**
 - A. Applications are available at all DSS locations and online.
 - B. The applicant or an agency, institution, guardian, or other person acting for the applicant (with the applicant's knowledge and consent) may submit an application in writing or electronically.
 - C. DSS will:
 - i. Maintain a daily log at each location to record the names of individuals who request an application.
 - ii. Inform applicants of their:
 - Potential eligibility for assistance.
 - Right to an eligibility decision within a reasonable period of time, and
 - Right to appeal any DSS eligibility decision.
- 2. The applicant has primary responsibility for providing verification of eligibility; however, DSS will assist the applicant when necessary.**
- 3. DSS will compare the applicant's income and need for the calendar month in which assistance is requested. DSS will use the applicant's available resources at the time of application in determining eligibility.**
- 4. DSS will process applications in accordance with Division standards when a completed and signed application is submitted to DSS and the applicant completes an interview with a DSS case worker.**

Note: Policies specific to Medical Assistance applications and processing timelines are found in DSSM 14100.

POLICY – AMENDMENT

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

2000.1 Filing Submitting Applications

~~To receive assistance benefits, applicants must file an application by submitting a completed application form (Form 100) to DSS. Application forms are available and can be filed at all DSS locations each business day from 8:00 a.m. to 4:30 p.m. Applicants have the right to file an application the same day they contact DSS to request assistance and will be referred to the correct DSS location to apply. If an applicant is hospitalized or is ill, provisions for completing the application process at the hospital or in the client's home will be made by the local intake office.~~

~~Upon request for assistance, applicants will:~~

- ~~• Complete a Request for Assistance,~~
- ~~• Complete a DSS application form (Form 100). The completed form is date stamped and must be processed as specified in DSSM 2000.5. An applicant, who will not be interviewed on the same day he/she applies, may file an application by completing page one of the Form 100. These applicants will be instructed to complete the remainder of the form and bring it to the application interview. (online or hard copy Form 100)~~

~~Applicants are screened through DCIS for prior case activity and MCI numbers will be assigned as needed.~~

Applicants must submit a completed and signed application or Request for Assistance to DSS to begin the process for determining eligibility for benefits.

1. Applicants applying for benefits:

- A. May obtain and submit an application at a DSS location or online.
- B. May submit an application on the same day as they make initial contact with DSS.
- C. May submit a Request for Assistance by completing and signing page one of the application.
- D. May be assisted by an individual (age 18 or older) of the applicant's choice in the application process.
- E. Will be assisted by DSS in completing the application process if **[hospitalized or ill the applicant requires a reasonable accommodation]**.
- F. Will be offered a copy of the DHSS Program Information and Rights and Responsibilities.

2. DSS date stamps, screens, and processes submitted applications according to Division standards.

- A. The screening process includes a search for prior DSS case activity, assignment of a Master Client Index (MCI) number, and an eligibility check for expedited food benefit services.
- B. DSS will interview the applicant (in person or via telephone) the same day the completed application is submitted. If the interview cannot be conducted on the same day, DSS will schedule an interview with the applicant for a later date.
- C. DSS will instruct applicants who submit a Request for Assistance to complete the remainder of the application and bring it to their scheduled intake interviews.

Related policies:

DSSM 2000.5

POLICY – AMENDMENT

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

2000.2 Conducting Interviews

All applicants for assistance benefits must be interviewed by an application worker before eligibility for benefits can be determined. If a person cannot speak English, state on the signature page of the application whether translation services were offered or a family member or other person was present to translate. Interviews will be arranged as promptly as possible to ensure that applications are processed as specified in DSSM 2000.5.

The unit supervisor in each DSS location is responsible for determining the number of applicants that can be interviewed each day. If an applicant will not be interviewed on the same day that he/she files an application, the supervisor or his designee will screen the application for expedited service eligibility. All applicants who appear to qualify for expedited Food Stamp service must be scheduled for an application interview early enough to assure that benefits can be issued within expedited processing deadlines. (See DSSM 9041).

DSS must interview individuals applying for assistance before eligibility for benefits can be determined.

1. DSS will conduct applicant interviews promptly to ensure that applications are processed according to Division standards.

- A. DSS will conduct applicant interviews either in person or by telephone (as indicated by the program).
- B. DSS will offer [translation interpretation] services to applicants [who cannot speak English with limited English proficiency and will provide an interpreter through the Division's contracted language service upon request or when deemed necessary]. The person who serves as the [translator interpreter]:
 - i. Must be age 18 or older.
 - ii. Must sign the signature page of the application, and
 - iii. Is preferably [a translator an interpreter] available through the Division's contracted language service.
- C. DSS will schedule an interview and will give Form 105 "Appointment and Request for Verification" to all applicants who are unable to be interviewed on the same day that they submit an application.
- D. DSS must schedule timely interviews with applicants who qualify for expedited food benefits to ensure that benefits can be issued within the expedited processing deadlines.
- E. DSS offices will maintain a daily log of all applications received, interviews scheduled, and cases processed.

Related policies:

DSSM 2000.5, 9041, 14100.3

POLICY – AMENDMENT

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

2000.3 ~~Record of~~ Recording Applications

~~Local offices are required to record the date that each application for benefits is filed. The application is recorded by data entering application information into the DCIS system. Applications are pending in the DCIS system.~~

Each DSS office must maintain a daily log to record when applications are received.

1. DSS offices will:

- Date stamp each application.
- Record the date and location that each application for assistance is received, and
- Process each application in the DSS eligibility system.

FINAL

POLICY – AMENDMENT

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

2000.4 ~~Disposition of Applications and Notice Requirements~~ Determining Application Status

~~All applications for benefits filed with DSS must be disposed of, and notice of the disposition must be sent promptly to the applicant.~~

~~Applications are disposed of as follows:~~

- ~~1. Accepted – benefits can begin because the applicant is found eligible for assistance; or~~
- ~~2. Withdrawn – the applicant chooses to terminate the application process; or~~
- ~~3. Denied – benefits will not begin because the applicant does not meet eligibility requirements.~~

~~Note: For cash assistance, benefits begin from the date all required verification is received. For Food Stamps, benefits begin from the application filing date, after all required verification is received.~~

DSS will process all filed applications for benefits and will promptly send a notice of the determination to the applicant.

1. DSS determines applications as follows:

- Approved – The applicant is found eligible for assistance and benefits can begin.
- Withdrawn – The applicant chose to terminate the application process, or
- Denied – The applicant does not meet eligibility requirements and benefits will not begin.

23 DE Reg. 53 (07/01/19) (Final)