

COMMENT DUE DATE: February 16, 2021

Date: January 15, 2021

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It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to *STO.LegalServices.Policy@okdhs.org. The proposed amendment is **permanent**.

SUBJECT: CHAPTER 15. STATE SUPPLEMENTAL PAYMENT AND THE SUPPLEMENTAL SECURITY INCOME-DISABLED CHILDREN'S PROGRAM
Subchapter 3. Supplemental Security Income-Disabled Children's Program
340:15-3-1 [AMENDED]
(WF 21-15)

SUMMARY:

The proposed amendments to Chapter 15, Subchapter 3 amend the rules to: (1) allow a Supplemental Security Income -Disabled Children's Program (SSI-DCP) interview to be conducted over the phone or in the office, in addition to, during a home visit; (2) updates formula procedures; and (3) update terminology.

PERMANENT APPROVAL: Permanent rulemaking is requested.

LEGAL AUTHORITY: Director of Human Services; and Sections 704 and 1382d of Title 42 of the United States Code.

Rule Impact Statement

To: Programs administrator
Legal Services - Policy

From: Patrick Klein, Director
Adult and Family Services

Date: December 18, 2020

**Re: CHAPTER 15. STATE SUPPLEMENTAL PAYMENT AND THE
SUPPLEMENTAL SECURITY INCOME-DISABLED CHILDREN'S
PROGRAM**

Subchapter 3. Supplemental Security Income-Disabled Children's Program
340:15-3-1 [AMENDED]
(WF 21-15)

Contact: Laura Brown, 405-521-4396

A. Brief description of the purpose of the proposed rule: The proposed amendments to Chapter 15, Subchapter 3 amend the rules to: (1) allow a Supplemental Security Income-Disabled Children's Program (SSI-DCP) interview to be conducted over the phone or in the office, in addition to, during a home visit; (2) updates formula procedures; and (3) update terminology.

Strategic Plan Impact. The proposed amendments achieve Oklahoma Human Services (OKDHS) goals by continuously improving systems and processes and improving communication with OKDHS clients and staff.

Substantive changes.

Subchapter 3. Supplemental Security Income-Disabled Children's Program
Oklahoma Administrative Code 340:65-3-1 is amended to: (1) allow a SSI-DCP interview to be conducted over the phone or in the office, in addition to, during a home visit; (2) updates formula procedures; and (3) update terminology.

Reasons. The proposed amendments are amended to allow other interview methods to be used to complete a SSI-DCP service plan for the safety and convenience of families and OKDHS staff and to update formula procedures as the OKDHS Supply Warehouse is closing.

Repercussions. If the proposed amendments are not implemented, rules will not be updated that may affect service delivery.

Legal authority. Director of Human Services; and Sections 704 and 1382d of Title 42 of the United States Code.

Permanent rulemaking approval is requested.

- B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:** The classes of persons most likely to be affected by the proposed amendments are clients applying for or receiving SSI-DCP services and Adult and Family Services (AFS) staff. The affected classes of persons will bear no costs associated with implementation of the rules.
- C. A description of the classes of persons who will benefit from the proposed rule:** The classes of persons who will benefit are clients applying for or receiving SSI-DCP services and AFS staff.
- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:** The proposed amendments do not have an economic impact on the affected entities. There are no fee changes associated with the revised rules.
- E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency:** The probable cost to OKDHS includes the cost of printing and distributing the rules, which is estimated to be less than \$20. The proposed amendments will result in enhanced delivery of services for clients.
- F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:** The proposed amendments do not have an economic impact on any political subdivision, nor will the cooperation of any political subdivisions be required in implementation or enforcement of the rules.
- G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** There are no anticipated adverse effects on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.
- H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** There are no less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed amendments.

- I. **A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** The proposed amendments to allow other interview methods for SSI-DCP services may reduce health and safety risks to these clients and OKDHS staff.
- J. **A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** If the proposed amendments are not implemented, clients may not be aware of the option to request another interview method to protect their health and safety.
- K. **The date the rule impact statement was prepared and, if modified, the date modified:** Prepared June 1, 2020; modified July 20, 2020; modified December 18, 2020.

SUBCHAPTER 3. SUPPLEMENTAL SECURITY INCOME-DISABLED CHILDREN'S PROGRAM

340:15-3-1. Eligibility and available services

Revised ~~9-16-199-15-21~~

(a) **Supplemental Security Income-Disabled Children's Program (SSI-DCP).** SSI-DCP is established, per Sections 504 and 1615 of the Social Security Act (Sections 504 and 1382d of Title 42 of the United States Code) and administered by ~~the Oklahoma Department of Human Services (DHS)~~ (OKDHS) Adult and Family Services (AFS). The Social Security Administration (SSA) refers children younger than 18 years of age, who are approved for Supplemental Security Income (SSI) to ~~DHS~~ OKDHS for SSI-DCP services and, to apply for the State Supplemental Payment (SSP).

(1) Due to limited funding, requested SSI-DCP services are pre-approved by AFS Health Related and Medical Services (HR&MS) staff.

(2) AFS HR&MS staff considers many factors in deciding which services or equipment to approve including, but not limited to:

- (A) the child's needs;
- (B) the availability of other resources;
- (C) whether the child is in a stable or temporary living situation;
- (D) the cost of the service or equipment; and
- (E) the availability of funding.

(b) **Eligibility.** Any child from birth to 18 years of age may be eligible for SSI-DCP services when the child receives a SSI payment. SSA establishes financial and medical eligibility for the SSI disability payment. When the child becomes 18 years of age, he or she is no longer eligible for SSI-DCP services. ■ 1

(c) **Child in ~~DHS~~ OKDHS custody.** When a child is in ~~DHS~~ OKDHS and the child's SSI is retained by ~~DHS~~ OKDHS, the child's SSI is used to pay for needed services and equipment prior to accessing SSI-DCP funds. ■ 2

(d) **Service plan.** The AFS worker completes a service plan prior to providing SSI-DCP services to the child, unless the child has a current service plan with another program within ~~DHS~~ OKDHS or another agency.

(1) The AFS worker ~~makes~~ interviews the parent, guardian, or caretaker by phone, in the office, or during a scheduled home visit, per Oklahoma Administrative Code (OAC) 340:65-3-4(1) to complete Form 08MA017E, SSI-DCP Service Plan, ~~with the child's parent, guardian, or caretaker.~~ The service plan is reviewed yearly. When the child receives SSP, the AFS worker completes Form 08MA017E in conjunction with the eligibility renewal. ■ 3

(2) When the child receives services from another agency that requires a current social service plan, such as early intervention services through SoonerStart or special education services through the local public school, the SSI-DCP service plan is not necessary. ■ 4

(3) Within ~~DHS~~ OKDHS, the child may receive services from Child Welfare Services (CWS), Developmental Disabilities Services (DDS), or Aging Services (AS) for State Plan Personal Care. When applicable, the AFS worker collaborates with CWS or DDS to:

- (A) address the child's current and future social service needs; and
- (B) avoid duplication in providing services. ■ 5

(e) **Services.** SSI-DCP provides funding for the services described in (1) and (2) of this subsection. The parent, guardian, or caretaker requests services through the AFS worker in the an OKDHS county office and provides a prescription or written recommendation from an education or healthcare professional. The prescription or written recommendation is provided yearly at the ~~time of the~~ annual renewal. ■ 6

(1) **Formula.** A health care professional provides a prescription naming the brand of formula ~~needed by the child~~ needs. When approved by AFS HR&MS staff, ~~authorized county staff orders available formula through the DHS Supply Warehouse~~ HR&MS staff contacts the parent, guardian, or caregiver to obtain more information and discuss how to obtain the formula. ~~Only formula available through the DHS Supply Warehouse is approved.~~ ■ 7

(2) **Interaction and integration services.** Non-medical services aimed at strengthening the child physically or mentally; providing opportunities for social interaction; or assisting with mobility may be approved when recommended by an education or health care professional and the recommendation clearly defines the goals and objectives for the child. Examples of such services include, but are not limited to, swimming or horseback riding lessons, sports activities, or a health club membership. Due to budget constraints, services are approved on a temporary basis. ■ 8

(f) **Equipment.** Equipment approved through SSI-DCP is used to aid the child in accessibility or mobility. Equipment available through SSI-DCP is pre-approved by AFS HR&MS Section staff. Available equipment that may be approved is described in (1) and (2) of this subsection. The parent, guardian, or caretaker provides a written recommendation from an education or health care professional with knowledge concerning the child's equipment needs. HR&MS staff does not approve requests for equipment the child can obtain through other sources, such as SoonerCare (Medicaid) or through the child's school. ■ 9

(1) **Developmental aid.** A developmental aid is any device or equipment adapted to meet the needs of a child with disabilities. An education or healthcare professional provides a written explanation concerning the goals and objectives this developmental aid meets before it is approved. Educational or classroom devices, equipment, or supplies not adapted for the child's needs are not in the scope of the program.

(2) **Van lifts.** Van lifts are devices used for vehicular transportation of wheelchairs. Van lifts may be approved when needed to transport a child in a wheelchair. A van lift is not approved for a child in ~~DHS~~ OKDHS or tribal custody or in the ~~Developmental Disabilities~~ DDS Home and Community-Based Waiver Program. Modifications to the van are not approved.

(A) The parent, guardian, or caretaker must own the van as verified by title registration and license verification and the van must be in operating condition.

(B) The family provides estimates from two van lift dealers who employ certified van lift installation technicians. ■ 10

(C) When the request is approved, HR&MS staff contacts the family and approved vendor to arrange van lift installation ~~of the van lift~~.

(D) Only a certified van lift specialist is approved to install the van lift and the van lift must have factory and dealership warranties equal to the private purchase warranty.

(E) HR&MS staff does not approve replacement of a van lift within 10 years of the purchase date.

(F) SSI-DCP staff does not pay for ~~repairs of vans~~ van or van lifts lift repairs not purchased with SSI-DCP funds.

(g) **Exclusions.** Items or supplies not in the scope of SSI-DCP are not approved. Examples of excluded items or supplies include, but are not limited to:

- (1) learning programs;
- (2) psychological programs;
- (3) books;
- (4) video or audio tapes;
- (5) paper, pencils, or art supplies;
- (6) computers, tablet computers, or computer software;
- (7) televisions; and
- (8) video games.

(h) **Purchasing procedures.** SSI-DCP orders are processed through AFS HR&MS. Purchased equipment is shipped to the local county office. ■ 11

(i) **SSI-DCP notices.** When a SSI-DCP request is denied, AFS HR&MS staff sends Form 08MP038E, Client Notice of Action Taken, to inform the child's parent, guardian, or caretaker the item is not approved for purchase through SSI-DCP funding. ■ 12 The family may request a fair hearing by completing Form 13MP001E, Request for a Fair Hearing, within 30-calendar days from the issuance date of Form 08MP038E. ■ 13

(j) **Respite Voucher Program.** The Respite Voucher Program provides financial assistance in the form of vouchers to families to pay for respite care. When the family appears eligible for the Respite Voucher Program, the worker gives the client Form 08RV001E, Respite Voucher Application for Children With Special Health Care Needs, to complete. ■ 14 When funding is not available through HR&MS, the worker advises the family to call a designated number to request a respite voucher application from Sooner SUCCESS for the Lifespan Respite Grant Voucher Program. ■ 15 SSI-SSI-DCP, other ~~DHS~~ OKDHS programs, and certain public and private agencies provide funding to the Respite Voucher Program.

(1) The caregiver is the person who provides ongoing care for the child. He or she may be a parent, grandparent, other relative, or non-relative.

(2) When respite care is approved the respite provider must be at least 18 years of age. Respite care is not: ■ 15

(A) designed to pay for ongoing care, such as child care, therapy, in-home assistance, housekeeping, or home health services; and

(B) provided by a member of the child's household.

INSTRUCTIONS TO STAFF 340:15-3-1

Revised 11-1-20

1. (a) **A child receiving disability benefits from the Social Security Administration (SSA) or the Veterans Administration (VA), must receive at least one dollar of**

Supplemental Security Income (SSI) to be eligible for the Supplemental Security Income-Disabled Children's Program (SSI-DCP).

(b) To determine if the child receives SSI, the Adult and Family Services (AFS) worker uses the Information Management System (IMS) transaction PY space Social Security number (SSN).

2. The AFS worker does not enter SSI-DCP authorizations for Child Welfare Services (CWS) staff.

- (1) When CWS staff requests SSI-DCP services for the child from AFS, the AFS worker images the CWS service plan and emails AFS Health Related & Medical Services (HR&MS) staff for instructions.

- (2) When the child receives CWS services and Oklahoma Human Services (OKDHS) retains the child's SSI payment, OKDHS is listed as the payee on the SDX screen. When OKDHS retains the child's SSI, the child's equipment and service needs are normally met using the child's SSI payment or CWS funding.

- (3) When OKDHS does not retain the child's SSI payment, HR&MS staff may approve SSI-DCP funds be used for the child in certain circumstances. When approved, CWS staff completes the SSI-DCP authorization.

3. (a) When no other social service program is involved, the AFS worker offers social services to the child's parent, guardian, or caretaker.

- (1) The worker interviews the parent, guardian, or caretaker by phone, in the office, or during a home visit to assess the child, evaluate the child's medical, developmental, social, educational, and rehabilitation needs; and documents social service needs by completing Form 08MA017E, SSI-DCP Service Plan. The worker images and files completed Form 08MA017E in the case record. Form 08MA017E:

- (A) is completed at least once per year when SSI-DCP services are requested or received; and

- (B) does not need to be completed yearly when SSI-DCP services are not requested or received.

- (2) To approve the child for SSI-DCP, the worker certifies the Social Services tab in the FACS Eligibility Notebook and adds the child to "social services" in the "benefit" field of the Household tab in the FACS Interview Notebook. The worker may close the Social Services tab once all service requests are completed.

- (3) The worker also documents case actions in FACS Case Notes.

- (b) At the annual renewal, the AFS worker interviews the parent, guardian, or caretaker by phone, in the office, or during a home visit, and updates the social service plan on Form 08MA017E to reflect changes or new requests.

4. (a) SoonerStart is an early intervention program within the Oklahoma State Department of Health that provides services for children with disabilities or developmental delays, from birth to 3 years of age. SoonerStart staff and the parent, guardian, or caretaker completes an Individualized Family Service Plan (IFSP) to address the child's needs.

- (b) Local public school staff and the parent, guardian, or caretaker complete an Individualized Education Program (IEP) social service plan for children

requiring special education and related services, who are 3 years of age and older.

(c) The AFS worker images the alternate plan and makes a notation in FACS case notes. When the alternate plan is not available, the AFS worker and the parent, guardian, or caretaker complete Form 08MA017E.

5. When the child receives CWS or Developmental Disabilities Services (DDS) services, the child's equipment and service needs are normally met using CWS or DDS funding. When CWS or DDS staff requests SSI-DCP services for the child, the AFS worker images the CWS or DDS service plan in the case record and emails AFS HR&MS staff for instructions.
6. (a) The worker images and files the written recommendation in the case record and documents the content of the recommendation in FACS case notes.
(b) Effective July 1, 2015, the Oklahoma Health Care Authority (OHCA) provides diapers and other medically necessary incontinence supplies under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program through a contract with People First Industries (PFI). Incontinence supplies include diapers, pull-on briefs, liners, underpads, and wipes.
 - (1) When a child, who is at least 4 years of age, requires medically necessary incontinence supplies, the child's parent, guardian, or caretaker may obtain the supplies through PFI.
 - (2) The worker advises the child's parent, guardian, or caretaker to take OHCA Form HCA-52, Physician's Order for Incontinent Supplies, to the child's doctor to complete. Once the doctor completes the form, he or she emails or faxes the form to PFI at the email address or fax number located on the form. In case of questions, PFI's phone number is 580-924-8509 or toll-free at 866-895-9956.
 - (3) After receiving Form HCA-52, PFI staff contacts the parent, guardian, or caretaker to obtain sizing information and to confirm the family's address for shipping.
 - (4) PFI sends the information to OHCA for approval. Once approved, PFI ships the supplies to the family's address.

(c) Persons younger than 21 years of age, who are diagnosed with the genetic disorder phenylketonuria (PKU), may receive assistance for specialized formula supplements through SSI-DCP funds when they do not qualify for SoonerCare (Medicaid). SoonerCare (Medicaid) recipients are automatically entitled to access the supplements through their SoonerCare (Medicaid) coverage. Refer to the Quest article "How Do I Code Phenylketonuria (PKU) Eligibility in FACS?" for PKU eligibility factors and coding instructions.
7. The prescription must include the reason for the formula request and the brand of formula and the number of cans recommended per day for the child. The AFS worker converts the cans per day to cases per month using the conversion calculation found in the Quest article, "How Do I Submit a Request for Formula?".
 - (1) The AFS worker completes an authorization request on the AUSN-F screen by listing the brand of formula, the number of cans recommended per day, and the number of cases needed per month.

- (2) After HR&MS staff approves the formula request, he or she contacts the parent, guardian, or caretaker to explain the voucher process and obtain contact information for the vendor he or she wants to use and a 90-calendar day cost estimate for the formula.
 - (A) HR&MS staff enters vendor and formula information into the Finance Applications Automated Authorization Menu to generate a voucher that he or she electronically signs and emails to the parent, guardian, or caretaker.
 - (B) When the parent, guardian, or caretaker does not have an email address or a printer to print the voucher, HR&MS staff enters vendor and formula information on the AS400 Flexible Funding/Support Services authorization screen to obtain a voucher. HR&MS staff prints and signs the voucher and mails it to the parent, guardian, or caretaker.
 - (3) When, after 90-calendar days, the parent, guardian, or caregiver contacts HR&MS staff to request additional formula, HR&MS staff issues a new 90-day supply voucher. HR&MS staff does not issue additional vouchers beyond the ending date on the open authorization. When the parent, guardian, or caretaker requests additional formula beyond the authorization end date, HR&MS staff refers him or her back to the county office to make a new formula request and provide a new prescription for the request.
8. Authorized county staff requests services on the AUSN-P screen.
9. (a) The imaged recommendation lists the:
 - (1) item name and number;
 - (2) vendor name, address, and phone number;
 - (3) item cost; and
 - (4) objectives and goals to be achieved through use of the equipment.
- (b) The AFS worker inputs the request on the AUSN-E screen.
 - (1) The AFS worker contacts HR&MS staff prior to entering requests over \$1,000 on the AUSN-E screen.
 - (2) To determine if the request is approved, the worker checks the AUSN screen under the HRS-APR column and looks for an 'A' for approval.
 - (3) Returned requests have an 'R' under the HRS-APR column along with the reason documented in the description area. HR&MS staff also emails the worker.
10. The AFS worker images and files the two estimates in the case record and inputs the van lift request on the AUSN-E screen to request approval. AFS HR&MS staff inputs the approval or denial on the AUSN-E screen.
11. (a) Orders are shipped to the OKDHS county office unless otherwise specified. Heavier equipment items may be shipped directly to the child's home.
 - (1) The AFS worker ensures items shipped to the home were received intact without damage by phoning or making a home visit to confirm the receipt and condition of the items. When the family reports damage, the AFS worker contacts HR&MS Section staff for instructions. The worker documents the contact in FACS case notes.

- (2) When the equipment is shipped to the OKDHS county office, the worker is responsible for checking the shipment for accuracy and condition.
- (3) Within 10-calendar days of delivery, the worker updates the AUSN-E screen under the CO DATE field to input the date the equipment was received.
- (b) HR&MS staff pays for SSI-DCP equipment within 45-calendar days of equipment receipt to avoid interest charges being assessed by the vendor for a late payment. Delayed payment creates a problem for current or future orders because vendors hold orders until all late payments are received.
- (c) AFS county staff notifies the family within 10-calendar days to make arrangements for pick-up or delivery to ensure delivery of all SSI-DCP items to the child. When there are problems with delivery, county staff contacts HR&MS for instructions within 20-calendar days.
12. AFS HR&MS staff notes SSI-DCP request denials on the AUSN screen by entering an 'N' for 'not approved' under the HRS-APR column:
- (1) and the reason for not approving the request in the description area for equipment or interaction and integration services; or
- (2) for formula.
13. When AFS HR&MS staff denies a request for services or equipment and the family requests an appeal, the AFS worker ensures the family receives Form 12MP001E, Request for a Fair Hearing.
- 14.(a) After the caregiver returns Form 08RV001E, Respite Voucher Application for Children With Special Health Care Needs, and HR&MS staff approves the application, OKDHS Financial Services staff sends the voucher to the caregiver to purchase respite care. HR&MS staff sends the client Form 08MP038E, Client Notice of Action Taken, to deny the application and refer the client to Sooner SUCCESS.
- (b) The child's caregiver and the respite provider complete the respite voucher and send it to OKDHS Financial Services for payment.
- (c) Respite vouchers expire when not used within 90-calendar days of the issue date. When a voucher expires because respite care was not provided within 90-calendar days, the caregiver must call 405-521-3679 to reapply.
- 15.(a) Caregivers may request a Lifespan Respite Grant Voucher Program application by phoning toll-free 1-877-441-0434 or, in the Oklahoma City metro area, 405-271-5700, extension 47801.
- (1) Refer to the Sooner Success website at <http://soonersuccess.ouhsc.edu/> and click on Respite under the Services and Programs tab to locate information and eligibility guidelines.
- (2) When the family meets Lifespan Respite Grant Voucher Program qualifications, an application is mailed to them.
- (b) Additional information about Oklahoma respite voucher programs, including the SSI-DCP Respite Voucher Program and Lifespan Respite Grant Voucher Program, are found on the OKCares website at <https://okcares.org>. A Respite Locator button is located on the website Home Page.