

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

DATE: APRIL 30, 2009

NOTICE OF

PROPOSED ADOPTION OF RULES, REGULATIONS,
POLICIES, PROCEDURES, AND OTHER MATERIALS
RELATING TO THE ADMINISTRATION OF THE FOLLOWING PROGRAM(S):

In accordance with Title 42, Chapter 35, of the General Laws of the State of Rhode Island, notice is hereby given that the Department of Human Services (DHS) proposes to adopt rules, regulations, policies, procedures, and other materials relating to the following programs(s):

FAMILY INDEPENDENCE PROGRAM (FIP) REPEAL

The Family Independence Act (RIGL 40-5.1) was repealed effective July 1, 2008, and was replaced by The Rhode Island Works (RIW) Program (RIGL 40-5.2). Effective July 1, 2009, The Family Independence Program policies in Section 0800, et al, are repealed and replaced by the Rhode Island Works Program policies in Sections 1400, et al.

For all assistance units that were receiving cash assistance on October 1, 2008, without any break in eligibility through June 30, 2009, the RI Works time limits will take effect on July 1, 2009.

A Fiscal Note is available upon request. In the development of the rules and regulations, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information. (Complies with 42-35-3(3).) The health, safety, and welfare of the public preclude any economic impact that may be incurred as a result of these regulations.

Interested persons may inspect said proposed rules, regulations, policies, procedures, summary of policies, and other related materials on the R.I. Secretary of State's website at www.sec.state.ri.us/ProposedRules/ or on the Department of Human Services website at www.dhs.ri.gov, or in the Office of Policy Development, Department of Human Services, Louis Pasteur Building, Bldg. 57, Howard Avenue, Cranston, Rhode Island 02920, between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.

Interested persons may submit data, views, or written arguments to the Office of Legal Counsel, Department of Human Services, Louis Pasteur Building, Bldg. 57, 600 New London Avenue, Cranston, Rhode Island 02920, within thirty (30) days of the date of this notice.

In accordance with the Rhode Island General Laws 42-35-3, an oral hearing will be granted on these rules if requested by twenty-five (25) persons, or an agency, or by an

association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

SCOPE OF CHANGE

The Family Independence Act (RIGL 40-5.1) was repealed effective July 1, 2008, and was replaced by The Rhode Island Works (RIW) Program (RIGL 40-5.2). Effective July 1, 2009, The Family Independence Program policies in Section 0800, et al, are repealed and replaced by the Rhode Island Works Program policies in Sections 1400, et al.

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SUMMARY OF CHANGE

The Family Independence Act (RIGL 40-5.1) was repealed effective July 1, 2008, and was replaced by The Rhode Island Works (RIW) Program (RIGL 40-5.2). Effective July 1, 2009, The Family Independence Program policies in Section 0800, et al, are repealed and replaced by the Rhode Island Works Program policies in Sections 1400, et al.

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~~0832~~ ~~REDETERMINATIONS AND CHANGES~~

~~0832.05~~ ~~PURPOSE OF REDETERMINATION~~

~~REV:12/2004~~

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~~In addition to the change reporting requirements outlined in Section 0808.30 for all recipients, a redetermination of eligibility is completed whenever a significant change is expected to occur that may affect a family's eligibility and at least once every six (6) months to ensure that eligibility for assistance continues and that the payment is correct.~~

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~~For families that are recipients of FIP cash assistance but NOT of Food Stamps, a redetermination of eligibility is completed whenever a significant change is expected to occur that may affect the family's eligibility and at least once every twelve (12) months.~~

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~~0832.10~~ ~~PROCESS OF REDETERMINATION~~

~~REV:05/1997~~

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~~INRHODES stores the next redetermination date for each active case. One month before the month in which the case is due to be reviewed, a redetermination report is distributed to the field.~~

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~~The agency representative sends out the Redetermination (REDT) packet which consists of the following:~~

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~~_____ Redetermination Appointment Letter _____ C-4,~~

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~~_____ Statement of Need _____ DHS-2, and~~

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~~_____ Other informational material, as appropriate.~~

0832.15 _____ REDETERMINATION APPOINTMENT

REV:05/1998

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~~The agency representative responds to any request from the recipient for assistance in completing the DHS-2 for the redetermination of eligibility. This help may be given by telephone or may be completed during the scheduled office or home visit, whichever is most appropriate. The DHS-2 should be completed by the recipient except for the signature which must be witnessed by the eligibility technician at the redetermination interview. The Redetermination Appointment Letter indicates the time and location of the appointment along with the name of the agency representative. The letter refers the recipient to page 3 of the DHS-2 for a list of documents that should be brought to the appointment.~~

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~~A face to face interview is required with each client filing the application in order to review it with him/her and to determine continuing eligibility for assistance. The same process for reviewing the DHS-2 and determining initial eligibility (see Section 802) is followed when reviewing the subsequent DHS-2(s).~~

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~~The Information on the Family Violence Option sheet (Form WVR-1a) should be reviewed with the recipient so that s/he is re informed that s/he may be excused from certain FIP requirements under the Family Violence Option if meeting these requirements puts the applicant or her/his children at risk of domestic violence.~~

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~~Information on the DHS-2 which was previously documented and not subject to change, such as birth certificates, marriage and divorce documents, should not be redocumented unless there is a discrepancy noted between the new DHS-2 being reviewed and the DHS-2(s) previously filed. Bank books, wage stubs, rent receipts, and all other information subject to change must be verified again through documents at each redetermination, and the source of verification entered in the shaded area of the DHS-2 next to the item.~~

0832.15.05 _____ Redetermination Appointment Not Kept

REV:05/1997

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~~If the recipient does not keep the redetermination appointment or call to reschedule, s/he is notified that the payment will be discontinued. A notice of discontinuance is issued through INRHODES stating that:~~

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- ~~_____ that the assistance payment is being discontinued~~
- ~~_____ because of failure to keep the redetermination~~
- ~~_____ interview appointment;~~
- ~~-~~
- ~~_____ that the filing of the DHS 2 is necessary in order to~~
- ~~_____ determine continued eligibility; and~~
- ~~-~~
- ~~_____ the effective date of discontinuance.~~
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~~A copy of the notice is stored in CASE/Note in INRHODES. The action is noted in the CLOG.~~

~~0832.20~~ ~~_____~~ **COMPLETION OF REDETERMINATION**

~~REV:05/1997~~

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~~The eligibility technician updates appropriate information into the recipient's case in INRHODES. S/he approves any subsequent versions of eligibility and updates the Redetermination Complete Date in the REDT panel to establish the next redetermination due date. INRHODES issues an adequate and timely notice to the recipient, as appropriate. Any changes in circumstances or anticipated changes are noted in the case log (CLOG).~~

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~~If a potential resource is expected in the future, the eligibility technician sets up a TIKL through the INRHODES SPEC function as a reminder of the anticipated change so that proper activity about the resource can be initiated and completed on time.~~

~~0832.25~~ ~~_____~~ **CHANGES IN CIRCUMSTANCES**

~~REV:12/2004~~

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~~In the initial contact with the agency, and generally in any subsequent contacts, the recipient is made aware of her/his responsibility to report within ten (10) days any changes in income, resources, family composition, or other factors affecting eligibility or the amount of benefits, with the exception of the temporary absence of a minor child, which must be reported within five (5) days, as outlined in Section 0808.30. Financial need is subject to change whenever there is a change in the family composition, income, or resources. Other changes can affect eligibility, some of which the agency may be aware in advance and others which are unexpected and the agency can learn about only when the recipient or another source makes the information known.~~

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~~When it is known, or presumed, that income, resources, family size, or other circumstances will change at a specific time, the agency representative must review the situation promptly and take appropriate action in a timely manner.~~

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~~Information on the change in circumstances and the payment change are annotated in the Case Chronology (CLOG).~~

~~0832.25.05~~ ~~_____~~ **Addition of Member to Assistance Unit**

~~REV:05/1997~~

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~~A new household member joining a household may qualify for assistance from the Family Independence program. The date the agency is notified of the addition of the family member constitutes the official application date for that member.~~

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~~A Statement of Need (DHS-2) need not be completed for a new member being added to the unit, but the CLOC must be updated reflect the request for assistance for the member and the date it was made. The eligibility technician adds or revises the new member's MEMB panel and any appropriate secondary panels and approves any retroactive and current versions of eligibility.~~

~~0832.25.10 — Discontinuance~~

~~REV:05/1997~~

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~~An Family Independence program cash payment must be discontinued whenever it is determined that need no longer exists. A notice of discontinuance is issued through INRHODES at least ten (10) days prior to the effective date of discontinuance.~~

~~0832.25.15 — Eligibility for Medical Assistance Only~~

~~REV:05/1997~~

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~~When a recipient of a Family Independence program cash assistance payment is no longer eligible on the basis of financial need, the eligibility worker, as part of the closing process, determines eligibility for Medical Assistance (MA) on the basis of information in the case record. (If information to determine MA eligibility is insufficient, the notice of discontinuance must specify what is needed.)~~