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POLICY TRANSMITTAL NO. 06-16	DATE: JUNE 30, 2006
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:15-1-4.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

340:15-1-4 is revised to clarify that certain persons who were approved for care and continuously living in a licensed Title XIX nursing care facility, intermediate care facility (ICF), or ICF for the mentally retarded (ICF/MR) since December 1973 are eligible for State Supplemental Payment (SSP) if their countable income is within standards.

Original signed on 4-12-06

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Mary Stalnaker, Director  
Family Support Services Division

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Sharon Neuwald, Co-Interim Administrator  
Office of Planning, Policy & Research

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WF # 05-24 (NAP)

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## **INSTRUCTIONS FOR FILING MANUAL MATERIAL**

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS as the rulemaking agency; the “2” specifies the Chapter number; and the “1” specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, DHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, DHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at (405) 521-3611.

### **REMOVE**

340:15-1-4

### **INSERT**

340:15-1-4, pages 1-2, revised 7-1-06

**340:15-1-4. State Supplemental Payment plan**

The State Supplemental Payment (SSP) plan for the aged, blind, and disabled encompasses the requirements listed in (1) through (11) of this subsection.

(1) **State-wide operation.** The plan is in effect in all counties of Oklahoma as a state-administered program.

(2) **Financing.** The State of Oklahoma provides all the money for financing the SSP Program.

(3) **Single state agency.** The SSP Program is administered by the Oklahoma Department of Human Services (OKDHS) with an office in each county in the state, operating under rules and regulations adopted by the Oklahoma Commission for Human Services (Commission).

(4) **Fair hearings.** Any individual whose application is denied or is not acted upon with reasonable promptness, or who is dissatisfied with the amount of his or her payment or with any other action taken in regard to his or her payment, is provided an opportunity for a fair hearing.

(5) **Proper and efficient administration.** OKDHS operates under the State Merit System which establishes and maintains personnel standards on a merit basis for certain state agencies, including OKDHS. Employees of OKDHS engaged in the administration of the Combined State Plan are covered by the Merit System.

(6) **Safeguarding of information.** State laws and the rules and regulations adopted by the Commission restrict the use of or disclosure of information concerning SSP applicants and recipients to purposes directly connected with the administration of this program.

(7) **Right to apply.** A person has the right to make application for any category of assistance he or she chooses, to expect an investigation of eligibility, and to expect a reasonably prompt decision in regard to his or her application.

(8) **Assistance under only one program.** An eligible person can have his or her needs included in only one SSP or Temporary Assistance for Needy Families (TANF) benefit.

(9) **Standards for determining eligibility and amount of payment.** Uniform policies for determination of eligibility and the amount of payment are provided in OAC 340 Chapters 15 and 65 and OKDHS Appendix C-1, Maximum Income,

Resource<sub>1</sub> and Payment Standards.

(A) SSP standards are based on the mandatory "Pass-Along Provision" of Section 1618 of the Social Security Act which requires states to pass along cost of living adjustments (COLA) in Supplemental Security Income (SSI) benefits. The Commission approves adjustments in individual payments to maintain total expenditures for SSP in a calendar year at the same level as the total expenditures for SSP in the previous year.

(B) Maximum income and resource standards for individuals who are aged, blind, or disabled are based on the federal benefit rates (FBR) shown on OKDHS Appendix C-1, Schedule VIII.

(i) Countable income for SSP must be less than 100% of the FBR plus the maximum SSP amount.

(ii) Countable income for certain individuals who were approved for care and continuously living in a licensed Title XIX nursing care facility, intermediate care facility (ICF), or ICF for the mentally retarded (ICF/MR) since December, 1973, including non-eligible SSP individuals who receive Home and Community-Based Waiver Services for the Mentally Retarded or patients 65 and older in a mental hospital must be equal to or less than 300% of the FBR.

(iii) Countable income for deeming income to a minor child who is blind or disabled must be less than 100% of the FBR.

(iv) Maximum resources must be equal to or less than 100% of the SSI resource standards.

(10) **Income and resources.** OKDHS, in determining need for an aged, blind, or disabled individual, takes into consideration any available income and resources of the individual, except the income and resources required to be disregarded by state law or by OKDHS policy.

(11) **Civil rights.** The SSP Program is administered in accordance with the provisions of Title VI of the Civil Rights Act.