
POLICY TRANSMITTAL NO. 10-07	DATE: APRIL 30, 2010
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF INTERGOVERNMENTAL RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:15-1-4 and 15-1-5.

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

OAC 340:15-1-4 is revised to add: (1) language to give a \$500 earned income disregard for applicants and recipients of the State Supplemental Payment (SSP) Program who are blind; and (2) clarifying language. An Instruction to Staff (ITS) is added to give examples of when a person is not eligible for SSP.

OAC 340:15-1-5 ITS is revised to add examples of when a person is not eligible for SSP even though his or her income and resources are below the SSP standard.

Original signed on 4-29-10

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WF # 09-23 (NAP)

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 an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS 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, OKDHS 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, OKDHS: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 405-521-4326.

REMOVE

340:15-1-4

340:15-1-5

INSERT

340:15-1-4, pages 1-3, revised 6-1-10

340:15-1-5, pages 1-5, revised 6-1-10

340:15-1-4. State Supplemental Payment planRevised 6-1-10

The State Supplemental Payment (SSP) plan for the aged, blind, or 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 adopted by the Oklahoma Commission for Human Services (Commission).

(4) **Fair hearings.** An applicant or recipient of SSP is provided an opportunity for a fair hearing when:

(A) the application is denied or is not acted upon with reasonable promptness;

(B) he or she is dissatisfied with the amount of his or her payment; or

(C) he or she disagrees with any other action taken in regard to his or her payment.

(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.** In accordance with Section 183 of Title 56 of the Oklahoma Statutes and OAC 340:1-1-20, OKDHS restricts 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:

(A) make application for any category of assistance he or she chooses;

(B) expect an investigation of eligibility; and

(C) 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, 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 persons 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 must be equal to or less than 300% of the FBR for certain persons who since December, 1973:

(I) 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);

(II) have continuously received Home and Community-Based Waiver Services for the Mentally Retarded; or

(III) were patients 65 or older and have continuously resided in a mental hospital.

(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.** The purpose of the SSP is to supplement income the person is receiving. ■ 1 OKDHS, in determining need for an aged, blind, or disabled person, takes into consideration any available income and resources of the person in accordance with rules at OAC 317:35-5-41 and 317:35-5-42 and federal and state law. In accordance with Section 15 of Title 7 of the Oklahoma Statutes, the first \$500 of monthly earned income is disregarded for blind persons in addition to the usual earned income disregards described at OAC 317:35-5-42(d)(1).

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

INSTRUCTIONS TO STAFF 340:15-1-4

Issued 6-1-10

1. A person is not eligible for a State Supplemental Payment (SSP) when he or she:

(1) has no income; or

(2) is ineligible for Supplemental Security Income (SSI) for a reason other than income. See OAC 340:15-1-5 Instructions to Staff # 1 for examples.

340:15-1-5. State Supplemental Payment

Revised 7-1-04

(a) **Eligibility for payment.** An individual is eligible for a State Supplemental Payment (SSP) if he or she would be eligible for Supplemental Security Income (SSI) because of age or disability and; **■ 1**

(1) is not a resident of a public facility operated by an entity of government, such as any correctional, mental health, nursing care, or juvenile facility;

(2) is not a long term, over 30 days, patient in a psychiatric facility or a psychiatric unit of an acute care hospital;

(3) has countable income, including SSI, that is less than the SSP need standard on Oklahoma Department of Human Services (OKDHS) Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule VIII.A;

(4) was and remains approved for care in a licensed Title XIX nursing care facility since December, 1973 and retains eligibility for a mandatory SSP. See OKDHS Appendix C-1, Schedule VIII.B., for the mandatory supplement standard;

(5) is not a child in OKDHS custody for whom out-of-home care is paid by OKDHS;

(6) is a resident in the Oklahoma School for the Blind or the Oklahoma School for the Deaf and meets all other eligibility requirements;

(7) is ineligible for SSI based on income; but has income less than the SSP maximum, and meets all other conditions of eligibility; or

(8) takes all appropriate steps to obtain other benefits within 30 days after he or she has been notified of his or her potential eligibility.

(b) **Amount of payment.** The amount of SSP is based upon the amount of income the individual(s) receives. The maximum payment cannot exceed the maximum payment shown on OKDHS Appendix C-1, Schedule VIII.A. for an individual. Payment can be authorized retroactively based on appeal or to correct an administrative error. Payment cannot be authorized retroactively based on client failure to timely report information affecting eligibility.

(1) **Eligible couple.** Income eligibility is determined by comparing the total countable income of the couple with the SSP standard for an eligible couple.

(A) If the amount of countable income is equal to or greater than the standard, the application is denied or the case is closed.

(B) If the amount of countable income is less than the standard, the total countable income of the couple is deducted from the standard to compute the payment amount. The SSP for each member of the couple is one-half of the remainder. If the SSP cannot be divided equally so that each member of the couple receives the same amount, one member of the couple receives a higher SSP, subject to the maximum payment shown on OKDHS Appendix C-1, Schedule VIII.A.

(2) **Eligible individual.** Income eligibility is determined by comparing the total countable income of the individual with the SSP standard for an eligible individual.

(A) If the amount of countable income is equal to or greater than the standard, the application is denied or the case is closed.

(B) If the amount of countable income is less than the standard, the total countable income of the individual is deducted from the standard to compute the payment amount, subject to the maximum payment shown on OKDHS Appendix C-1, Schedule VIII.A.

(3) **Eligible individual with essential spouse.** Income eligibility is determined by comparing the total countable income of the individual and spouse with the SSP standard for the eligible individual with essential or ineligible spouse.

(A) If the amount of countable income is equal to or greater than the standard, the application is denied or the case is closed.

(B) If the amount of countable income is less than the standard, the total countable income of the individual and spouse is deducted from the standard to compute the payment amount, subject to the maximum payment shown on OKDHS Appendix C-1, Schedule VIII.A.

(4) **Eligible individual with ineligible spouse.** Income eligibility is determined by comparing the total countable income of the individual with the SSP standard for the eligible individual.

(A) If the amount of countable income is equal to or greater than the SSP standard for the eligible individual, the application is denied or the case is closed.

(B) If the amount of countable income is less than the SSP standard for the individual, the total countable income of the individual and the spouse is

compared with the SSP standard for an eligible individual with essential or ineligible spouse.

(i) If the amount of countable income is equal to or greater than the standard, the application is denied or the case is closed.

(ii) If the amount of countable income is less than the standard, the total countable income of the individual and spouse is deducted from the SSP standard for an eligible individual with essential or ineligible spouse to compute the payment amount, subject to the maximum payment shown on OKDHS Appendix C-1, Schedule VIII.A. Use the standard for the eligible individual when the ineligible spouse is included in a Temporary Assistance for Needy Families (TANF) benefit.

(5) Eligible individual with ineligible spouse and dependent child. Income eligibility is determined by comparing the total countable income of the individual with the SSP standard for the eligible individual.

(A) If the individual's countable income is equal to or greater than the standard, the application is denied or the case is closed.

(B) If the individual's countable income is less than the SSP standard for an eligible individual, the spouse's countable income is determined by following (i) through (iv) of this paragraph.

(i) If the spouse and dependent child are included in a TANF benefit, their income is considered on the TANF case and none is deemed to the eligible individual. The total countable income of the individual is deducted from the standard to compute the SSP amount, subject to the maximum payment shown on OKDHS Appendix C-1, Schedule VIII.A.

(ii) If the spouse's needs are not included in the TANF case for the child, the portion of the spouse's income that is considered in determining the benefit for the child is not considered in the SSP case.

(iii) If the dependent child is not receiving TANF, the child's allocation, minus the child's income, is deducted from the spouse's income to determine the amount to be considered on the SSP case. See OKDHS Appendix C-1, Schedule VIII.C for the child's allocation.

(iv) Income of a child is never deemed to the adult.

(C) The total countable income of the individual and the spouse is compared with the SSP standard for an eligible individual with an essential or ineligible spouse.

(i) If the amount of countable income is equal to or greater than the standard, the application is denied or the case is closed.

(ii) If the amount of countable income is less than the standard, the countable income is deducted from the standard to compute the payment amount, subject to the maximum payment shown on OKDHS Appendix C-1, Schedule VIII.A.

(6) **Minor who is blind or disabled.** Income eligibility is determined by adding the child's own income to the amount deemed from the parents and comparing the total to the SSP standard for an eligible individual. ■ 2

(A) If the amount of countable income is equal to or greater than the standard, the application is denied or the case is closed.

(B) If the amount of countable income is less than the standard, the total countable income is deducted from the standard to compute the payment amount, subject to the maximum payment shown on OKDHS Appendix C-1, Schedule VIII.A.

(c) **Concurrent receipt of more than one form of payment.** No person who is included in a SSP may be included for the same period in another SSP or Temporary Assistance for Needy Families (TANF) benefit. A person who is the payee for a TANF benefit, but whose needs are not included, is not precluded from being a recipient of a SSP if he or she meets eligibility requirements. When a recipient of TANF or SSP is transferred to another category, the effective date must be the same for the removal from one category and the beginning of payment from the other category.

INSTRUCTIONS TO STAFF 340:15-1-5

Revised 6-1-10

1. Examples of persons whose countable income and resources are below the State Supplemental Payment (SSP) standard but who are not eligible for SSP include:

(1) aliens who are lawful permanent residents but are ineligible for Supplemental Security Income (SSI) because they have resided in the United States for less than seven years; and

(2) persons who are age 65 or older but have no income. They must be approved for SSI before the worker approves SSP.

- 2.** The CID transaction is available on the information management system (IMS) for computing the income amount to be deemed from the parent(s) and the spouse of the parent to an eligible disabled or blind minor child.