
POLICY TRANSMITTAL NO. 05-35	DATE: AUGUST 29, 2005
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:40-5-1.

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

340:40-5-1 is revised to move language regarding the two eligibility levels to the Oklahoma Department of Human Services (OKDHS) Appendix C-4, Child Care Eligibility/Rates Schedule and to limit the number of clients who are still eligible for the higher income eligibility level. Two income levels for determining child care eligibility were established effective September 1, 2004. The income eligibility level for clients approved for child care after September 1, 2004 is lower than for clients who have been continuously eligible for child care since August 31, 2004.

When rule revisions became effective September 1, 2004, the intention at that time was to maintain the two income eligibility levels until August 31, 2005. Based on current budget estimates, it is possible to continue this higher income eligibility level only for those clients whose family share co-payment appears in the shaded area of the chart as of August 31, 2005. Budget estimates do not make it fiscally possible to open up the higher income eligibility to others.

Original signed on 8-25-05

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WF # 05-04 (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 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

340:40-5-1

INSERT

340:40-5-1, pages 1-14, revised 9-1-05

340:40-5-1. Plan of service

(a) **Plan of service.** Providing child care is part of an overall plan of service designed to help the parent(s) or caretaker(s) with whom the child(ren) lives to achieve his or her maximum potential for self-support. Quality child care services assure the parent(s) or caretaker(s) that each child has adequate care that affords developmental and learning experiences while the parent(s) or caretaker(s) is engaged in self-support activities.

■ 1

(b) **Plan components.** The plan of service consists of many components that all link to form a goal-directed plan of care, and includes:

(1) the name, age, and grade level of the child(ren) for whom child care is needed;

(2) the reason child care is needed, per OAC 340:40-7-7 and 340:40-7-8;

(3) the days and hours for which care is approved, including travel time; ■ 2

(4) whether care is approved on a weekly, full-time, blended, or part-time care basis;
■ 3

(5) exploring whether there is an appropriate, feasible alternative to Oklahoma Department of Human Services (OKDHS) subsidized child care;

(6) a plan to increase the client's income;

(7) a back up plan for care when the child(ren) cannot go to the authorized child care provider;

(8) the name, address, and telephone number of a person to call in case of an emergency;

(9) a plan to help the client choose a child care provider;

(10) a discussion about the family share co-payment, if one is required;

(11) a discussion of any other social service needs of the family; and

(12) a discussion of the client's responsibilities and rights when using subsidized child care.

(c) **Alternative to subsidized child care.** The worker explores with the client whether

there is an appropriate, feasible alternative to OKDHS subsidized child care. The client has a choice whether to use this alternative unless the alternative is a spouse or the natural or adoptive parent of the child(ren) who lives in the home and who does not meet a need factor. ■ 4 Possible alternatives include:

(1) care by a dependable relative who is able and willing to assume responsibility for care and supervision of the child(ren) for part of the day;

(2) care in a free or low cost facility, such as a preschool, pre-kindergarten, kindergarten, Head Start, Early Head Start, or tribal child care program; ■ 5

(3) dependent care expenses that are considered as earned income exemptions, per OAC 340:10-3-33(3); and

(4) for a school age child(ren), the rearrangement of the parent's or caretaker's employment or training schedule to coincide with the hours the child(ren) is in school.

(d) **Plan to increase income.** At each application or review, the client and worker discuss ways the client can increase income to the household, and identify the goals child care helps the family achieve. Together they estimate when the family can assume progressively greater responsibility for the cost of child care. The worker makes referrals to other agencies as appropriate and per OAC 340:40-7-9. ■ 6

(e) **Back up plan.** The worker discusses with the client the back up plan for child care he or she has in place if the child(ren) cannot go to the usual provider because of illness, school holidays, or other unforeseen emergency. The back up plan includes the name and address of a person the client feels he or she can rely on when the normal plan of care cannot be used.

(f) **Emergency contact.** Form FSS-1, Comprehensive Application and Review, or Form K-2, Application for Child Care Services, includes the name, phone number, and address of a person to contact in case of emergency when the primary parent or caretaker cannot be reached. ■ 7

(g) **Choice of provider.** The worker documents the choice of provider on Form FSS-1 or Form K-2. He or she calls the chosen provider to ensure acceptance of the child(ren) does not cause the provider to exceed his or her licensed capacity after describing the days and hours care is needed. If the client does not choose a provider at the time of the request, the worker provides the client with information to help in making the choice. The client may choose a family child care home regardless of star level. ■ 8 The client may not choose a child care:

- (1) facility that does not have a valid contract with OKDHS;
- (2) facility in which the client or his or her spouse, including the child's parent or stepparent, has an ownership interest;
- (3) home in which the child resides;
- (4) home in which the client also works during the hours his or her child(ren) is in care;
- (5) center in which the client works and has job responsibilities which include care of the child(ren) for whom child care is requested;
- (6) provider who is related to the client and only accepts a relative's child(ren);
- (7) provider who does not allow parental access during the hours the provider is caring for children;
- (8) provider who is receiving state or federal funds, such as Head Start, Early Head Start, or public schools, unless:
 - (A) all parents are charged a fee for the hours subsidy payment is requested; and
 - (B) the program offers extended day services. Programs operating only during typical school or Head Start hours are not eligible; ■ 5
- (9) provider caring for a school age child during the regular school day when such student could be attending a public or private school during those hours; or ■ 9
- (10) center which is a one star facility unless there are no one plus, two, or three star centers in the community or one of the special exception criteria are met. Special exception criteria are:
 - (A) the child(ren) was already approved for care at this one star center prior to January 1, 2003. The child(ren) can remain at this facility unless the child(ren) stops attending there for more than 30 days. The child(ren) may be approved at this same facility again if the only reason the child(ren) did not attend for more than 30 days was because of a school break or due to circumstances beyond the control of the family such as illness of the child; ■ 10
 - (B) care is requested for a child living in the same home as a child already

approved for care as described in (10)(A) of this subsection for the same one star child care provider; or

(C) the parent or guardian demonstrates there is no other child care option that meets the family's needs. ■ 11

(h) **Income determination.** Based on OAC 340:40-7, the worker determines who is considered part of the household for income determination, what income is countable, and what income is excluded. After determining the amount of countable household income, the worker uses OKDHS Appendix C-4, Child Care Eligibility/Rates Schedule, to determine whether the household meets income guidelines. The OKDHS Appendix C-4 is amended from time to time and the Commission for Human Services must approve any changes. If the income of the family exceeds the eligibility standard on the chart or is above the income level on the chart, the family is not eligible for a child care benefit. ■ 12

(i) **Family share co-payment.** The worker uses OKDHS Appendix C-4 to determine income eligibility and the family share co-payment for each family. The family share co-payment is applied before OKDHS pays a child care subsidy. ■ 13 The amounts the family and OKDHS pay toward the cost of care varies depending on the plan of service, family size, income, and the number of children receiving child care services.

(j) **Social services requests.** When a client requests help in meeting the social services needs listed on Form FSS-1 or Form K-2, the worker provides all available information to aid a client in meeting these needs. ■ 14

(k) **Client rights and responsibilities.** The worker advises the client of rights and responsibilities listed in (1) through (7).

(1) The client has the right to an explanation by the worker of the "Client Child Care Responsibilities and Service Plan Agreement" listed on Form FSS-1 or Form K-2 before signing the form.

(2) A child care request is not approved back to the date of request unless the interview is conducted and verification is provided on that same date.

(3) The client has the right to ask for a fair hearing if the client disagrees with an action taken on his or her case, per OAC 340:2-5. ■ 15

(4) The provider may charge the client extra for special fees, such as enrollment or transportation fees, provided these fees are posted and also charged to the general public.

(5) The provider may charge the client for any days OKDHS refuses to pay for care when: ■ 16

(A) the client did not swipe attendance for the correct days and times his or her child(ren) attended child care;

(B) swipes were denied and the client did not get them corrected within ten days; or

(C) the provider loses the absent day payment for a child(ren) approved for a weekly authorization because the client did not swipe correct attendance for every day the child(ren) attended that month.

(6) The provider may not charge the client for:

(A) days and hours covered in the child care plan when all attendance was correctly swiped even if the hours are more than customary for a full-time day; and

(B) days the child(ren) is not in attendance. ■ 17

(7) The client is required to cooperate with the OKDHS Office of Inspector General in any audit or investigation of possible overpayments by the client or by the client's chosen provider.

INSTRUCTIONS TO STAFF

- 1. A major focus of all client contacts is to establish a good relationship with the family. Establishing a relationship of mutual trust helps to identify the family's needs, strengths, and goals. Actually seeing and talking to the child(ren) in the family also helps in developing a true picture of the family and its dynamics. The worker helps the client become more independent by suggesting ways to increase household income and identifying strengths in the client's life. The Family Support Services (FSS) worker and the Child Welfare (CW) staff freely share information to develop a plan that best meets the needs of the family when both are working with the family.**
- 2. The amount of travel time approved varies depending on what is reasonable for that client. The worker asks the client how much time it takes to get to the work or training activity after dropping the child(ren) off at child care and then how long it takes to get from the work or training activity to the child care facility. If extra care is approved because the client must ride with another**

person whose schedule varies from the client or the client lives a long distance from his or her job, the worker documents this in Case Notes. See OAC 340:40-7-8 for information on defining need and travel time.

- 3. (a) The worker approves a full-time daily authorization when care is needed more than four hours per day unless the child qualifies for a blended or weekly authorization.**

(b) If care is needed for four hours or less in a given day, child care is approved for a part-time rate unless the child qualifies for a blended authorization.

(c) Child care authorized on a weekly basis is paid at a full-time daily or part-time daily rate for the days the child attends care. An absent day payment may be made to the child care provider for days the child does not attend care only if the child attends the minimum number of days required in the month to qualify. See Oklahoma Department of Human Services (OKDHS) Appendix C-4-B, Guidelines for Weekly Authorizations to determine the minimum number of days a child must attend to qualify for an absent day payment and the maximum number of days OKDHS pays the provider.

(1) The worker approves child care on a weekly basis when the child attends the child care facility for the entire month and:

(A) the client works only three or four days per week and works at least 40 hours per week or 80 hours every two weeks and also needs child care for all of the work hours. When the client needs care three or four days per week but is not working 40 hours per week or 80 hours in a two week period, a daily rate is approved; or

(B) the client needs child care on a regular basis five, six, or seven days per week more than four hours each day. The client can require care for any of the need factors shown at OAC 340:40-7-7.

(2) Child care is not approved on a weekly basis when:

(A) the same child uses two different child care providers;

(B) any of the care needed is part-time;

(C) the need for child care fluctuates. For example, if the client needs

- care three to five days per week, the worker approves a daily authorization;
- (D) the child is using an in-home child care provider; or
- (E) the child care provider prefers a daily authorization.
- (3) See OAC 340:40-13-3, and OAC 340:40-10-4 for more information about weekly authorizations and how they are paid.

(d) The worker approves a blended authorization for children age four and older during the school year when care is needed Monday through Friday part-time for the days school is in session and full-time for school holidays. A blended authorization is a blend of the number of full-time and part-time days the child should need care based on information from the Oklahoma State Department of Education. OKDHS has established two blended authorization types, traditional and extended school year. The worker must determine which blended authorization type is appropriate.

(1) The worker approves the traditional school year blended authorization when the child attends a school with a traditional nine-month school calendar. This authorization pays the blended rate which is one dollar per day higher than the part-time rate from August 16 through May 15th of each year. During the summer months, if the child continues to attend the same child care facility, the provider is paid the full-time daily rate with an absent day payment if applicable. The IMS system continues to show 23 B during the summer but for payment purposes the electronic benefit transfer (EBT) system shows a weekly authorization type. If a weekly authorization is not appropriate for the summer because the child does not require full-time care five days per week, the worker changes the authorization to match the needs of the child or closes the authorization if care is not needed.

(2) The worker approves the extended school year blended authorization when the child attends school year around. It is calculated for the entire calendar year. Authorizations coded extended school year receive the extended school year rate for the entire calendar year.

(3) A blended authorization is not appropriate when:

(A) the child requires more full-time care days in addition to school holidays during the school year;

- (B) the child does not need care for school holidays;**
 - (C) the child uses a different provider for school holidays;**
 - (D) the facility is not open on school holidays;**
 - (E) only part-time care is needed;**
 - (F) more than one child care provider is needed for the child; or**
 - (G) the child qualifies for a special needs or in-home child care rate.**
- (e) Care may only be authorized at one facility per day per child. When the client advises the worker that he or she plans to use two different providers for the same child, the worker determines what days of the week care is needed at each provider. If care is needed on different days, the worker can authorize care at both providers. The total number of units or days authorized for both providers may not exceed the maximum that would be authorized if care was only needed at one provider. For example, the client wishes to use one provider three days per week and another provider two days per week. In this instance, the maximum number of days the worker approves for care totals 23 days per month.**
- (f) A child care plan is normally not approved to cover an entire 24-hour calendar day. If, due to the nature of the parent's or caretaker's work, he or she must leave the child(ren) in child care over 24 hours on an occasional basis, the worker may authorize care after receiving approval from the Family Support Services Division (FSSD) Child Care Section.**
- 4. The purpose of discussing alternative care with the client is to help the client consider other possibilities to purchased care that might be more suitable for the child(ren). If a natural or adoptive parent is living in the home and is not a spouse, he or she can refuse to care for the child(ren) for whom he or she is not the natural parent. OAC 340:40-7-8(g) contains information on preventive or protective child care if the client does not want a spouse to care for the child(ren).**
- 5. (a) Programs receiving federal grant funds, such as Head Start or Early Head Start, and public schools receiving state funds for education may receive subsidy funds only if offering extended day services. Extended day means care is provided beyond the hours covered by other state or federal funds.**

For example, if a Head Start program's hours are defined between 8:00 am to 2:00 pm daily, the provider must also be open before or after these hours in order to qualify for a subsidy payment. Head Start, Early Head Start, kindergarten, or pre-kindergarten programs must only charge the child care subsidy program for the hours not covered by their federal grant or state funds. This may be a full-time or part-time rate depending on the number of subsidy hours needed based on the parent's schedule.

(b) If the client's tribe is paying the cost of child care, the provider cannot charge both OKDHS and the tribe for the cost of care. The child who has dual eligibility for both programs can be approved for the child care subsidy program and the tribe can pay the family share co-payment. The worker authorizes full-time or part-time care depending on the number of subsidy hours needed based on the parent's schedule.

- 6.** The worker may talk to the client about how to get a raise in pay at work or how to look for another job with better earning potential. The worker may refer the client to other local resources for help in increasing his or her earning potential by either looking for another job or obtaining new job skills. Local resources include the Oklahoma Employment Security Commission, Workforce Investment Act (WIA), Workforce Oklahoma Centers, the local technology center, or community college. The worker advises the client of any other OKDHS programs or community resources that might help meet the needs of the family.
- 7.** Helping a client plan in advance for emergencies when a child cannot go to child care may help a client keep a job. The worker brainstorms with the client for possible alternatives, including available relatives, friends, or neighbors; or the client may discuss possible alternatives with his or her employer.
- 8.** See OAC 340:40-13-1 for information regarding out-of-home and in-home child care arrangements. Information the worker gives the client to help make this choice includes:
 - (1) the name and address of the area Child Care Resource and Referral agency for the county. This information is listed in the pamphlet, "Your Child Care Resource for Services and Information," OKDHS Pub. No. 98-09H;
 - (2) a list of contracted providers. A list is obtained by searching the Child Care Locator database available on the InfoNet under OKDHS Tools. The

worker prints a list of all one star plus, two star, and three star child care centers and all child care homes that meet the client's search criteria. If there are no one plus, two, or three star centers in the community, the list includes the one star centers. If the client expresses an interest in a child care facility on a military base, the worker prints a list of these contracted providers from the Outlook Public Folder/ All Public Folders/ STO.Child Care/ Subsidy/ Out of State/ Military folder;

(3) how to request case summaries of potential providers from the Division of Child Care (DCC) licensing staff or how to make an appointment to look at the licensing files;

(4) explaining to the client that the "Star" status of a facility is an indicator that the facility meets additional quality criteria. The worker advises the client that care is not approved at a one star child care center unless there are no one plus, two, or three star centers in the community or the exception criteria described at OAC 340:40-5-1(g)(10) is met and the worker's supervisor or county director approves an exception. The client may choose a family child care home regardless of the star level. OAC 340:110-1-8.3 describes how a provider is certified for the different star levels.

(A) To be certified as a one star plus program, the provider must meet additional quality criteria which includes: additional training, reading to children daily, parent involvement, and program assessment.

(B) To be certified as a two star program, the provider must be nationally accredited or meet the one star plus criteria and also employ master teachers who meet additional educational requirements.

(C) To be certified as a three star program, the provider must meet all two star quality criteria and be nationally accredited;

(5) giving the client all or some of the pamphlets DCC Licensing produces to help clients choose quality care. They are:

(A) "Reaching for the Stars," OKDHS Pub. No. 01-18;

(B) "Your Child Care Resource for Services and Information," OKDHS Pub. No. 98-09H;

- (C) "The Parent's Guide to Selecting Quality Child Care," OKDHS Pub. No. 87-91; and
- (D) "Paying for Child Care Just Got Easier," OKDHS Pub. No. 02-06; and
- (6) encouraging the client to watch the video, "Choosing Quality Child Care."
- 9.** A child(ren) receiving home schooling must receive this instruction from his or her own parent or caretaker except for the time a tutor might be hired. A child care provider cannot be approved to provide child care in order to home school someone else's child. The parent or caretaker cannot be approved for child care for a school age child during the hours public or private school is in session during work or school hours because he or she wants to home school his or her child(ren) during the evening. School age is defined as a child enrolled in the first through 12th grade. Exception: a provider can be approved to provide child care for a school age child(ren) with disabilities during the hours public or private school is in session if the child receives shortened day services from the local school system. Care can also be approved if a child is suspended or expelled from school and the school system verifies there is no other educational alternative available to the child.
- 10.** The school break can be due to the parent's or the child's school schedule. The worker documents in Case Notes why the exception is being granted.
- 11.(a)** Exceptions can be granted on a case-by-case basis by the supervisor or county director. Prior to granting an exception, the worker gives the parent or caretaker a list of contracted one plus, two, and three star centers and, if the client wants to use a child care home, all contracted child care homes that meet the client's search criteria. The client is not required to choose a one star plus, two star, or three star child care home before considering a one star center if the client states he or she does not want to use a child care home. If there are no one star plus, two, or three star centers in the community, the list includes one star centers and an exception is not required. The worker uses Child Care Locator, available on the InfoNet under OKDHS Tools, to generate this list. The worker can also print a list of all military base providers from the Outlook Public Folder/ All Public Folders/ STO.Child Care/ Subsidy/ Out of State/ Military folder. The worker instructs the parent or caretaker to contact all providers on the Child Care Locator list to see if care is available during the hours needed. The client notes on the list why care is not available at any of these locations or why they did not meet the client's needs. If the client does

not find care from the providers on the list, the supervisor or county director reviews the client's notes on this list to determine whether to grant an exception. The supervisor or county director documents in Case Notes on the Family Assistance/Client Services (FACS) system whether an exception was granted and why. Exceptions may be granted when none of the providers on the client's list:

(1) has an opening during the times care is needed. For example, the client works during the evening or overnight and no one else provides care during those hours;

(2) is willing to meet the special needs of the child. For example, the other providers are unable to meet the needs of a child with disabilities or provide transportation to and from the child's school; or

(3) is within a reasonable distance from the parent's or caretaker's home because of transportation issues.

(b) When the supervisor or county director agrees that an exception is warranted under (a) of this Instruction, the worker gives the parent or guardian a list of one star center providers. If the client then finds a one star center that meets the family's needs, care can be approved at that facility.

12. See OKDHS Appendix C-4, Child Care Eligibility/Rates Schedule, for details concerning income eligibility guidelines.

13. (a) In the Household tab in FACS, the worker chooses "social services" in the "benefit" field (F24) and "added to benefit section" in the "status" field (F25) to add only the child being approved for child care. All other household members are shown as "not included in benefit. Income and resources are considered in benefit computation" in the "status" field (F25). The family share co-payment is calculated by the system based on information shown in the Household and Income tabs of FACS and the "number of children receiving child care" field (E52) and is shown in the "Family Co-pay" field (E53) in the Social Services tab. The system maps this family share co-payment to the "copay" field (K70) of the authorization section when a change action is entered in the Social Services tab. The family share co-payment is never prorated.

(b) Children who are exempted from co-pay and those who are not exempted must be authorized for child care in separate case records as the system does

not correctly calculate the co-payment when care is authorized in the same case record.

(c) The family share co-payment is assigned to one provider per case. When more than one provider is used by the family, the worker must determine which provider gives the most costly care to the family. The worker must use OKDHS Appendix C-4 to determine the daily rate for each child based on that child's service plan. The worker adds up the monthly cost of care per child and then per provider. The worker assigns the family share co-payment to the provider giving the care that results in highest total cost.

(1) The worker chooses N for non-exempt in the "copay exempt" field (K78) of the Auth. Daycare tab for each authorization approved for the provider giving the most costly care to the family.

(2) For all other providers, the worker chooses S for second provider in field (K78) "Co-Pay Exempt."

(3) The system maps the entire family share co-payment to each child's authorization where the "copay exempt" field is marked N and maps a zero co-payment to each authorization marked S in the "copay exempt" field.

(4) The authorization(s) for the non-exempt provider must be open on the system without edits before the worker enters the authorization(s) for the provider exempted from co-pay. If the worker tries to enter both authorizations at the same time, the authorization coded S in (K78) edits as it cannot find an open authorization for another provider.

(d) If a child's authorization is closed or opened, the family share co-payment is recalculated by the system after the worker enters a change action in the Social Services tab and enters the correct number of children in the "children in daycare" field (E52). The system maps the family share co-payment to each open authorization and generates a notice to the client. See OAC 340:40-9-2(b) and Instructions to Staff (ITS) 4 for more information about adding children and OAC 340:40-9-2(c) and ITS 5(a)(2) for more information about removing children.

(e) The entire monthly family share co-payment appears on the tape from the point-of-service (POS) machine each time the client swipes attendance at the child care facility. The only time the amount of co-pay showing on the tape changes is when the worker reduces the family share co-payment for that

month.

(f) When a child is removed from licensed child care, the worker assesses whether that child's current care arrangement places the child at risk of abuse, neglect, or exploitation. A referral is made to Child Welfare (CW) if appropriate.

(g) See OAC 340:40-7-11(c)(5) for information on handling court-ordered child care payments.

(h) See OAC 340:40-9-2(e) for information regarding calculation of the family share co-payment when the client changes child care providers.

14. Each county has a list of community resources that can be given to a client to help meet social services needs. The worker checks to ensure the identified agency can help before sending the client to that agency. When information is requested to prevent domestic violence or child abuse, the worker determines whether to complete a referral to CW on Form K-13, Information/Referral – Social Services. If questions arise that the worker is unsure how to handle regarding this or any other social service needs mentioned by a client, the worker seeks the help of his or her supervisor, if available, or other county staff.

15. The applicant may request a fair hearing because of actions taken on a child care request as well as a child care application.

16. It is important that the worker emphasizes to the client the importance of making sure the POS machine is showing swipes are approved and if there is any problem, to report it to his or her worker immediately. The video the client must watch emphasizes this responsibility. See OKDHS Appendix C-4-B for information about weekly authorizations and absent day payments. See OAC 340:40-10 for more information about EBT.

17. See OAC 340:40-13-5(g) for a list of contract violations by a provider.