

Jason Kander

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

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SEP 21 2016

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 13 CSR 40-1.010

COPY

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Sarah Madden Phone 522-8368 FAX 522-6092

Email address Sarah.Madden@dss.mo.gov

Data Entry Debbie Lindquist Phone 526-0414 FAX 522-6092

Email address Deborah.Lindquist@dss.mo.gov

Interagency mailing address 221 W High, Broadway Bldg., Jefferson City, Mo 65109

TYPE OF RULEMAKING ACTION TO BE TAKEN

- Emergency rulemaking, include effective date
- Proposed Rulemaking
- Withdrawal Rule Action Notice In Addition Rule Under Consideration
- Request for Non-Substantive Change
- Statement of Actual Cost
- Order of Rulemaking

Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON
SEP 21 2016
ADMINISTRATIVE RULES

 *Missouri Department of*
SOCIAL SERVICES
Your Potential. Our Support.

JEREMIAH W. (JAY) NIXON, GOVERNOR • BRIAN KINKADE, DIRECTOR

JULIE GIBSON, DIRECTOR

FAMILY SUPPORT DIVISION

PO BOX 2320 JEFFERSON CITY, MO • 65102-2320

WWW.DSS.MO.GOV • 573-751-3221 • 573-751-0507

September 21, 2016

Jason Kander
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Dear Secretary Kander,

Re: 13 CSR 40-1.010 - Organization

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by the Family Support Division, Department of Social Services.

The Family Support Division, Department of Social Services has determined and hereby certifies that this proposed rulemaking will not have an economic impact on small businesses. The Family Support Division further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and the proposed rulemaking conforms to the requirements of 1.310, RSMo Supp. 2009, regarding user fees.

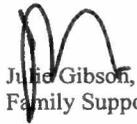
The Family Support Division, Department of Social Services has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than fifty full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Statutory Authority: sections 208.151(22), 660.017, & 207.022, RSMo

If there are any questions regarding the content of this proposed rulemaking, please contact:

Sarah G. Madden
221 West High Street, Room 230
Jefferson City, MO 65102
573-526-0414
Sarah.Madden@dss.mo.gov

Sincerely,



Julie Gibson, Director
Family Support Division

Attachments

RELAY MISSOURI

FOR HEARING AND SPEECH IMPAIRED

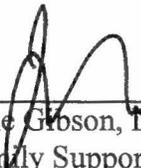
1-800-735-2466 VOICE • 1-800-735-2966 TEXT PHONE

AFFIDAVIT

PUBLIC COST

State of MISSOURI)
) **ss.**
County of COLE)

I, Julie Gibson, Director, Family Support Division, first being duly sworn, on my oath, state that it is my opinion that the cost of the proposed amendment, 13 CSR 40-1.010 is less than five hundred dollars (\$500) in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Julie Gibson, Director
Family Support Division

Subscribed and sworn to before me this 21st day of September 2016. I, Marla Diane Knipp, am commissioned as a Notary Public within the County of Moniteau, State of Missouri, and my commission expires February 28, 2019.



Marla Diane Knipp, Notary Public



MARLA DIANE KNIPP
My Commission Expires
February 28, 2019
Moniteau County
Commission #15148729

Title 13—Department of Social Services
Division 40—[Division of Family Services] Family Support Division
Chapter 1—Organization

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PROPOSED AMENDMENT

SECRETARY OF STATE
ADMINISTRATIVE RULES

COPY

13 CSR 40–1.010 Organization

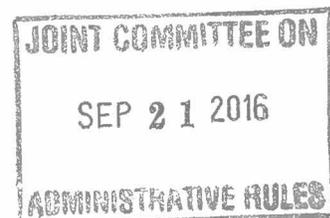
[PURPOSE: This rule states the function and general organization of the Division of Family Services to comply with the requirements of section 536.023, RSMo (1986).

(1) The public assistance and social service programs established by state and federal statutes are administered by the Division of Family Services through offices located in each county and the city of St. Louis. Application for services or benefits should be made at the office in the county where the applicant or recipient lives. Information about any of the programs administered by the division can be obtained from the county office or by writing to the state office in Jefferson City. The legal basis for establishing the division—listing its powers and duties, providing for a chief administrative officer, establishing county welfare commissions and authorizing an office in each county—is contained in sections 207.010–207.080, RSMo (1986).

(2) The income maintenance section in the state office supervises the work of the county offices in taking applications, making investigations and determining eligibility for the following programs: Aid to Dependent Children, General Relief, Blind Pensions, Supplemental Aid to the Blind, Medical Assistance, Nursing Care and Supplemental Payments to persons transferred from Old Age Assistance, Aid to the Blind and Permanent and Total Disability Assistance to the Supplementary Security Income program on January 1, 1974. The state statutes providing for these programs are primarily contained in sections 208.010–208.210, RSMo (1986), the statutes for Blind Pension are contained in sections 209.010–209.160, RSMo (1986).

(3) An additional major program in the income maintenance section is food stamps for which the division certifies household eligibility and supervises coupon issuance under authority delegated to the agency by the United States Department of Agriculture. Since the federal government finances one hundred percent (100%) of the bonus coupons used for food stamps, the federal laws are the primary governing factor, state statutes are contained in sections 205.960–205.966, RSMo (1986).

(4) The social service section in the state office supervises the work of the county offices in taking applications, making social studies and providing treatment in protective services, day care, foster care, adoptions and other services for children, families and unmarried parents. The primary statute authorizing these services is section 207.020, RSMo (1986), subsections (8)–(17). A separate unit has been established to handle child abuse reports, as provided by section 210.110, RSMo (1986). A separate unit has also been established to negotiate, prepare and monitor contracts for purchase of various kinds of services from both public and private providers, in accordance with the provisions of Title XX of the federal Social Security Act.



(5) The medical services section in the state office handles the negotiations and agreements with the providers of medical services and reviews, processes and prepares for payment the bills received for such services. The federal basis for providing matching funds to the state is contained in Title XIX of the federal Social Security Act. State laws under which this program operates are contained in sections 208.151–208.158, RSMo (1986). Eligibility for these services is determined by the income maintenance staff of the county offices, recipients of any of the state public assistance programs are automatically eligible for Medicaid.

(6) The Bureau for the Blind has a separate staff in state and district offices, responsible for administering vocational rehabilitations for the blind, prevention of blindness, home teaching and other services to the blind, especially blind children. Federal funding is available for the rehabilitation program, the rest are state financed. The primary state statute authorizing these services is section 209.010, RSMo (1986).

(7) The day care licensing unit, operating under the provisions of sections 210.201–210.245, RSMo (1986), licenses or approves family day care homes, group day care homes and day care centers.

(8) The institutional and agency licensing units, also operating under the provisions of sections 210.201–210.245, RSMo (1986), licenses boarding homes for children and child placing agencies.

(9) The support services section is responsible for the supporting administrative services in the state office. There are separate units for personnel, general services, research and statistics and finance.

(10) The quality control unit provides an organized method of reviewing county office eligibility investigations and decisions on the ADC, food stamp and Medicaid programs. Randomly selected cases are reviewed in all areas of the state and the errors found are reported immediately to the county staff and state staff in order that corrective action can be taken.

(11) The legal section is responsible for administering the fair hearing process as provided for by state and federal statutes, provides legal consultation to the director and agency staff and represents the agency in all court proceedings.

(12) The efficiency and effectiveness unit is responsible for monitoring the agency's effective and efficient operation of the food stamp program. This is done by reviewing and auditing the complete certification and issuing process in a county office and reporting the errors and deficiencies so that corrective action can be taken.

(13) The data processing unit is responsible for processing with computer equipment, all financial, statistical and management reports for all sections of the division and for the preparation of all checks, Medicaid cards and Food Stamp Authorization-to-Purchase cards.

*AUTHORITY: section 207.020, RSMo 1986. * Original rule filed Sept. 2, 1976, effective Dec. 11, 1976.*

**Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993.]*

PURPOSE: *In accordance with requirements in section 536.023, RSMo, this rule describes the functions and general organization of the Family Support Division of the Department of Social Services.*

(1) General Function. The Family Support Division, hereinafter referred to as the division, was established by Executive Order 03-02 to administer the income maintenance (IM) programs, the child support (CS) program and rehabilitation services for the blind (RSB) programs for the state, as established by federal and state laws. The legal basis for establishing the division is provided in sections 207.010 and 454.400, RSMo.

(2) Central Office. The division's central office is located at 615 Howerton Court, PO Box 2320, Jefferson City, MO 65102-2320; telephone: (573) 751-3221; TDD telephone: 1-800-735-2966; online: www.dss.mo.gov/fsd. The division director is located at the central office and is responsible for the division's overall organization, management, policy formulation and delivery of services, as set forth in federal and state laws and regulations.

(3) IM Programs. The location of each IM office, descriptions of IM services and access to on-line services is provided for the public at www.dss.mo.gov and www.dss.mo.gov/fsd. IM services include:

(A) Programs for food security.

1. Supplemental Nutrition Assistance Program (SNAP), known in Missouri as the Food Stamp Program; and
2. Food Distribution programs.

(B) Programs for children and families.

1. Temporary Assistance;
2. MO HealthNet for Kids;
3. MO HealthNet for Pregnant Women and Newborns;
4. MO HealthNet for Families;
5. Uninsured Women's Health Service; and
6. Child Care Services.

(C) Programs for the aged, blind and persons with disabilities.

1. MO HealthNet;
2. Nursing Care;
3. Home and Community-Based Services;
4. Prevention of Spousal Impoverishment;
5. Supplemental Aid to the Blind;
6. Blind Pension;
7. Adult Supplemental Payments; and
8. Medicare Cost Savings Programs.

(D) Other income maintenance/self-sufficiency programs and services.

1. Community Services Block Grant (CSBG) Programs;
2. Low Income Home Energy Assistance Program (LIHEAP);
3. Emergency Solutions Grant/Homeless Services;
4. Refugee Resettlement;
5. Emergency management services; and
6. Voter registration.

(4) **CS Program.** The location of each CS office, descriptions of CS services and access to on-line services is provided for the public at www.dss.mo.gov and www.dss.mo.gov/cse. CS services include:

- (A) Locating parents;
- (B) Paternity establishment for children born to unmarried parents;
- (C) Child and medical support order establishment;
- (D) Support order enforcement;
- (E) Support order review and modification;
- (F) Interstate and international child support services if a parent lives in another state or a reciprocating country;
- (G) Payment processing through operation of Missouri's state disbursement unit, the Family Support Payment Center.

(5) **RSB Programs.** The location of each RSB office, descriptions of RSB services and information on accessing services is provided for the public at www.dss.mo.gov and www.dss.mo.gov/fsd/rsb. Services include:

- (A) Vocational Rehabilitation;
- (B) Independent Living Rehabilitation;
- (C) Children's Services;
- (D) Older Blind Services;
- (E) Transition Services;
- (F) Business Enterprise Program; and
- (G) Prevention of Blindness.

AUTHORITY: sections 207.020 and 454.400 RSMo. Original rule 13 CSR 30-1.010: filed Feb. 16, 1988, effective April 11, 1988; emergency amendment filed Dec. 13, 1993, effective Dec. 23, 1993, expired April 21, 1994; emergency amendment filed April 11, 1994, effective April 21, 1994, expired Aug. 18, 1994; amended filed Jan. 5, 1994, effective July 30, 1994. Original rule 13 CSR 40-1.010: filed Sep. 2, 1976, effective Dec. 11, 1976.*

**Original authority: 207.020, RSMo 1945, amended 1961, 1965, 1977, 1981, 1982, 1986, 1993; 454.400, RSMo 1982, amended 1985, 1986, 1990, 1993, 1995, 1997.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Family Support Division, Julie Gibson, Director, 615 Howerton Court, PO Box 2320, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.