

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Health and Human Services

2. Bureau:

Economic Stability Administration

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Family Independence Program

5. Rule numbers or rule set range of numbers:

R 400.3101 - R 400.3131

6. Estimated time frame:

6 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The purpose of these rules is to set guidance for DHHS on how to process and determine eligibility for the cash assistance program, specifically the Family Independence Program. The changes intend to address the ability for both applicants and recipients to choose either an in-house or telephone interview for benefits. The rules currently address only in-person interviews but offer alternatives only for undue hardship. Because many of the recipients and applicants have medical issues, transportation issues, or feel uncomfortable with the current COVID numbers, it may not be feasible or safe for the Department or the client to come into the MDHHS building to conduct an in-person interview. The change will be also allowing telephone interviews for the public without restriction of proving hardship.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Department Director.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

By authority conferred on the department of health and human services by section 6 of the social welfare act, 1939 PA 280, MCL 400.6.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

No. Rulemaking is permissive under MCL 400.6.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The proposed rules do not conflict with or duplicate other rules, compliance requirements, or other standards. Federal law permits the states to develop their own eligibility processes. DHHS would be adding a telephone interview to assist the public in getting needed benefits but not have to prove "hardship" when it is impossible or unlikely, due to health concerns, to go into the state buildings for interviews. This process of telephone interviews may make the process more efficient while mitigating the problems of missed appointments or exposure to COVID and other viruses of our State's most vulnerable clientele.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The rules are set forth in MDHHS policy manual, job aids, and trainings with the DHHS Office of Workforce Development and Training.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

The rules are not listed on the department's annual regulatory plan for the current year.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The proposed rules do not conflict with or duplicate other rules, compliance requirements, or other standards. Federal law permits the states to develop their own eligibility processes. DHHS would be adding a telephone interview for all clientele without the necessity of proving hardship. This will assist the public in getting needed benefits when it is impossible or unlikely, due to health concerns, to go into the state buildings for interviews. This process of telephone interviews may make the process more efficient while mitigating the problems of missed appointments or exposure to COVID and other viruses of our State's most vulnerable clientele.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

Yes. The public has complained and voiced their concerns regarding health and safety of coming back into a state building due to Covid and the variants. Further, minimizing the risk of issues associated with coming into the local county building, i.e. some clientele are vaccinated and some are not; those with underlying health risks, reduces the chances of the population getting COVID or other viruses which, without the option of a phone interview, may lead to increased health costs.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules were last reviewed and amended in 2019. Both technological ability to apply for benefits by telephone and the pandemic are the catalyst to request options for clientele to apply for benefits.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

There is a continued need for the rules to assist with the eligibility of clientele for assistance for themselves and their families.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No