

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 FAMILY AND ADULT SERVICES DIVISION

CHAPTER 648

ELIGIBILITY REDETERMINATIONS

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Historical Note: This chapter is based substantially upon chapter 17-627 [Eff 7/19/82; am 10/20/82; am 5/10/84; am 12/24/84; R 3/19/93] §17-719-7 [Eff 7/19/82; am 10/1/83; am 6/8/84; am 9/2/86; am 12/27/86; am 5/28/87; am 8/31/87; am 5/4/89; R 3/19/93] §17-719-4 [Eff 7/19/82; am 10/2/82; am 10/1/83; am 7/23/86; R 3/19/93] §17-742-8 [Eff 7/19/82; am 12/17/82; R 3/19/93] §17-742-9 [Eff 7/19/82; am 12/17/82; am 6/18/87; am 11/25/88; R 3/19/93]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-648-1 Purpose. This chapter establishes the circumstances, time periods, and conditions under which redeterminations of eligibility for continuing financial assistance and food stamps shall be made. [Eff 3/19/93; am 8/01/94] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.14; 42 C.F.R. §431.10; 45 C.F.R. §§206.10, 233.20)

§17-648-2 Definitions. As used in this chapter: "Adequate notice" means a written notice that includes:

- (1) A statement of the action the agency has taken or intends to take;
- (2) The reason for the intended action;
- (3) The household's right to request a fair hearing;
- (4) The name of the person to contact for additional information;
- (5) The availability of continued benefits; and
- (6) The liability of the household for any overpayments received while awaiting a fair hearing if the hearing official's decision is adverse to the household.

The notice may be received prior to agency action, at the time reduced benefits are received, or if benefits are terminated, at the time benefits would have been received if they had not been terminated.

"Allotment" means the total value of food stamp coupons a household is authorized to receive each month or during another time period.

"Certification period" means a definite period of time established by the branch during which the household shall be eligible for program benefits unless notified otherwise through appropriate notification procedures.

"Change in circumstance" means any event, reported or unreported to the department, which alters or changes the conditions on which eligibility for or the amount of benefits was last determined. Changes in circumstance shall include, but shall not be limited to, changes in household composition, employment, educational status, training, rehabilitation status, the source of income, the amount of income, the receipt of a resource, the amount of a resource, the recipient's needs, residence, or the severity of disability or blindness.

"First-to-Work program or FTW" means the education, training, and work programs administered by the department.

"Redetermination" means a redetermination of the household's eligibility to continue to receive program benefits beyond the current certification period. [Eff 3/19/93; am 7/16/99] (Auth: HRS §346-14) (Imp: 7 C.F.R. §271.2; 45 C.F.R. §206.10)

SUBCHAPTER 2

ELIGIBILITY REDETERMINATION FOR FINANCIAL ASSISTANCE

§17-648-3 General provisions for eligibility redeterminations. (a) After an individual has been initially determined eligible for financial assistance, the individual's eligibility shall be redetermined:

- (1) Monthly for all recipients subject to monthly eligibility reporting; and
- (2) When the department determines an eligibility redetermination is required on the basis of

information the department has obtained about anticipated changes in the individual's situation.

(b) An annual eligibility redetermination interview shall be required for recipients subject to monthly eligibility reporting.

(c) To continue receiving financial assistance at the time a redetermination is made, all recipients of financial assistance shall:

- (1) Complete a redetermination form prescribed by the department;
- (2) Provide information supported by documents to establish eligibility;
- (3) Be determined to be in need according to the department's appropriate standard of assistance; and
- (4) Meet the categorical and eligibility requirements for the financial assistance program.

(d) The recipient who fails to meet all of the eligibility factors or fails to cooperate with the department by providing the information and verification necessary to determine eligibility for financial assistance by department deadlines, or fails to apply for and develop potential sources of income and assets, shall be ineligible for financial assistance. [Eff 3/19/93] (Auth: HRS §§346-14, 346-53) (Imp: HRS §§346-14, 346-53; 45 C.F.R. §§206.10(a)(1), 233.20, 233.110) (Imp: 45 C.F.R. §§206.10(a)(1), 206.10(a)(9), 233.20(a)(2), 233.20(a)(2), 233.110)

§17-648-4 Specific provisions for the aid to families with dependent children (AFDC) program. (a) Eligibility redeterminations shall be conducted not less frequently than every twelve months from the initial determination or from the last redetermination.

(b) The recipient's eligibility for a First-to-Work exemption shall be redetermined:

- (1) As a part of the eligibility redetermination for financial assistance under the AFDC program; and
- (2) Whenever a change in circumstance occurs even though the change does not require a complete eligibility redetermination;

except where the individual is sixty-five years of age or older or is permanently incapacitated.

(c) The income maintenance worker shall verify that the case record contains a social security number for each recipient, including children. If the case record does not contain a social security number for each recipient, the income maintenance worker shall follow the provisions of chapter 17-655, on obtaining a social security number. [Eff 3/19/93; am 1/25/97] (Auth: HRS §346-14) (Imp: 45 C.F.R. §§206.10(a)(9), 224.20(f))

§17-648-5 Specific provisions for the general assistance (GA) program. Eligibility redeterminations shall be conducted no less than every twelve months from the initial determination or from the last redetermination for recipients not subject to monthly eligibility reporting. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-648-6 Specific provisions for the state funded supplemental assistance programs for the aged, blind, and disabled (AABD). (a) Eligibility redetermination for the state funded and federally administered supplement for individuals receiving federal supplemental security income (SSI) shall be conducted whenever redetermination for SSI benefits are made by the Social Security Administration.

(b) Eligibility redeterminations for the state funded and state administered assistance program (state AABD) shall be conducted no less than every twelve months from the initial determination or from the last redetermination for recipients not subject to monthly eligibility reporting. [Eff 3/19/93] (Auth: HRS §346-56) (Imp: HRS §§346-14, 346-56; 45 C.F.R. §206.10 (a)(9))

§17-648-7 Termination of financial assistance. (a) Any recipient who does not meet the applicable general and specific conditions of eligibility at the time of an eligibility redetermination, shall have their financial assistance terminated.

(b) If an eligibility redetermination is not completed because of the recipient's failure to return a completed eligibility redetermination form to the department, financial assistance to the recipient shall be terminated.

- (1) The recipient subject to monthly eligibility reporting shall be required to submit a completed report on a timely basis.
 - (A) When the recipient fails to submit a completed monthly eligibility report on a timely basis, a notice shall be sent as specified in chapter 17-649; and
 - (B) The recipient shall be required to submit a completed monthly eligibility report within ten days from the date the notice specified in subparagraph (A) is sent.
- (2) The recipient not subject to monthly eligibility reporting shall be allowed a maximum of ten days from the date the eligibility redetermination form is mailed or given to the recipient to complete and to return the completed form to the department.
- (3) The recipient subject to monthly eligibility reporting shall be allowed a maximum of ten days from the date the annual eligibility redetermination form is mailed or given to the recipient to complete and to return the completed form to the department.
- (4) An individual whose financial assistance is terminated because of the individual's failure to return a completed eligibility redetermination form shall be required to reapply for financial assistance if the individual wants benefits restored by:
 - (A) Submitting a completed application form prescribed by the department; or
 - (B) Submitting a completed monthly eligibility report prior to the first day of the month the financial assistance is terminated when the recipient fails to submit a monthly eligibility report as specified in subsection (b)(1).

The reapplication shall be processed in accordance with requirements specified in chapter 17-647. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 42 C.F.R. §435.112; 45 C.F.R. §§206.10(a)(5), 233.20, 233.110)

§§17-648-8 to 17-648-11 (Reserved).

SUBCHAPTER 3

ELIGIBILITY REDETERMINATION FOR FOOD STAMP

§17-648-12 Eligibility redetermination. (a) The branch shall act on applications for redeterminations as follows:

- (1) The branch shall complete the application process if the household meets all requirements and finishes the necessary processing steps and approve or deny timely applications for redetermination prior to the end of the household's current certification period;
- (2) An eligible household shall be provided an opportunity to participate by its normal issuance cycle in the month following the end of its current certification period. However, the household shall lose its right to uninterrupted benefits for failure to attend any interview scheduled on or after the deadline for timely filing of the application for redetermination as specified in subsection (c) or to submit all necessary verification within the time provided by the branch as long as that time elapses after the deadline for filing a timely application for redetermination. Although the household loses its right to uninterrupted benefits for such failures, the household shall not be denied at that time, unless it refused to cooperate or the certification period has lapsed. If the household loses its right to uninterrupted benefits due to these failures, the branch, at a minimum, shall provide

- benefits within thirty days after the date the application was filed;
- (3) Denials, including those for failure to complete the interview or timely provide missing verification, shall be completed either by the end of the current certification period or within thirty days after the date the application was filed as long as the household has had adequate time for providing the missing verification;
 - (4) The branch shall not continue benefits due to the household beyond the certification period unless the household has been recertified.
- (b) The branch shall provide each household with notification of the end of its certification and the need to be recertified as follows:
- (1) Each household shall be provided with a notice of expiration at the end of its certification prior to the last month of the household's certification period except for the financial assistance households whose applications were jointly processed for food stamp and money payment benefits. These financial assistance households need not receive notices of expiration if they are recertified for food stamps at the same time as their financial assistance redeterminations, provided the redeterminations occur prior to the last month of their food stamp certification periods;
 - (2) A household entitled to receive a notice of expiration shall receive it not earlier than the first day nor later than the last day of the month preceding the household's last month of certification. If the branch is unable to provide the notice of expiration within the given time frames because the household is certified for one month or the household is certified for two months in the second month of certification, the notice of expiration shall be provided at the time of certification;
 - (3) The branch shall include with the notice of expiration a scheduled appointment for an interview and an application form.

Regardless of when the interview date is assigned, if the application or the redetermination form is received within the time frames as specified in subsection (c), the household shall be considered to have timely applied.

(c) Timely application for redetermination shall be as follows:

- (1) Nonmonthly reporting households that are certified for one month or certified for two months in the second month of certification shall have fifteen days from the date the notice of expiration is received to file a timely application for redetermination;
- (2) All other nonmonthly reporting households which submit identifiable applications by the fifteenth day of the last month of certification period shall be considered to have made a timely application for redetermination;
- (3) For monthly reporting households, the filing deadline shall be the normal date for filing a monthly report.

(d) In order to retain its right to uninterrupted benefits, the household receiving a notice of expiration shall attend any interview scheduled by the branch on or after the date of application is timely filed.

- (1) The branch may schedule the interview prior to the date the application is timely filed, provided the household is not denied for failing to appear for that interview;
- (2) The branch shall schedule the interview on or after the date the application was timely filed if the interview has not been previously scheduled, or the household had failed to appear for any interview scheduled prior to this time and has requested another interview;
- (3) If the household does not appear for any interview scheduled in accordance with this subsection, the branch need not initiate any further action.

(e) Households shall be allowed a minimum of ten calendar days to provide necessary verifications. The

ten days shall start with the first day following the date the initial request for the particular verification which is missing. Households which timely reapply shall not lose the right to uninterrupted benefits for failure to provide any requested verification prior to the date the household submits a timely application for redetermination. Households shall be informed of the procedure for submitting missing verifications.

(f) The branch shall act to provide uninterrupted benefits to any household determined eligible after the household timely filed an application, attended an interview in accordance with subsection (d) and submitted all necessary verification within the required time frame. The branch shall take action to provide uninterrupted benefits within the following time standards even if, to meet these standards, the branch shall provide an opportunity to participate outside the normal issuance cycle:

- (1) Households that were certified for one month or certified for two months in the second month of the certification period and have met all required application procedures shall be notified of their eligibility or ineligibility and, if eligible, shall be provided an opportunity to participate no later than thirty calendar days after the date the household had an opportunity to obtain its last allotment;
- (2) For all other households that have met all required application procedures, the branch shall approve or deny the application and notify the household of its determination by the end of the current certification period;
 - (A) For households determined eligible, the branch shall provide an opportunity to participate by the household's normal issuance cycle in the month following the end of its current certification period;
 - (B) Any household not determined eligible in sufficient time to provide for issuance in the above time frame due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible,

within five working days after the household supplies the missing verification;

- (C) Households which have timely submitted an application for redetermination but, due to branch error, are not determined eligible in sufficient time to provide for issuance by the household's next normal issuance cycle shall receive an immediate opportunity to participate upon being determined eligible.

(g) An eligible household which has filed a timely application for redetermination and which has not been provided with an opportunity to participate in accordance with subsection (f) due to branch error shall be entitled to restoration of lost benefits if, as a result of such error, the household was unable to participate for the month following the expiration of the certification period.

(h) A household which submits a timely application for redetermination and meets all other processing steps in a timely manner shall have the right to receive uninterrupted benefits. However, households shall not be entitled to receive uninterrupted benefits in the following instances:

- (1) A household which fails to appear for an interview in accordance with the requirements of subsection (d);
- (2) A household which fails to submit any missing verification within the time limit given by the branch in accordance with subsection (e);
or
- (3) A household which submits a timely application for redetermination but is either untimely interviewed due to the fault of the household for rescheduling the interview beyond a reasonable time period which prevents the branch to process the application timely or submits all verification in an untimely manner.

(i) For households meeting the conditions of subsection (h) and subsequently determined to be eligible for food stamps, the branch, at a minimum, shall provide the household an opportunity to participate within thirty calendar days after the date

the application was filed. If the branch is unable to provide an eligible household with an opportunity to participate within thirty calendar days after the date the application was filed due to the time period allowed for submitting any missing verification, the branch shall provide the household an opportunity to participate within five working days after the date the household supplies the missing verification.

(j) Except for migrant or seasonal farmworkers, a household shall have its benefits prorated from the date of application if there has been a break in its participation in the food stamp program. [Eff 3/19/93; am 8/18/94; am 10/16/95; am 10/28/96] (Auth: HRS §346-14) (Imp: 7 C.F.R. §§273.14(a)-(f), 273.21; Pub. L. No. 104-193 (1996))

§17-648-13 Notices of action taken on recertification application. (a) A household that has filed an application by the fifteenth of the last month of the household's certification period shall be provided with either a notice of eligibility or a notice of denial by the end of the current certification period.

(b) A household that has received a notice of expiration at the time of certification and which has timely reapplied, shall be provided with either a notice of eligibility or a notice of denial not later than thirty days after the date the household had an opportunity to obtain its last allotment. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 7 C.F.R. §273.10(g)(2))

§§17-648-14 to 17-648-16 (Reserved).

SUBCHAPTER 4

ELIGIBILITY REDETERMINATION FOR MEDICAL ASSISTANCE

§17-648-17 REPEALED. [R 8/01/94]

§17-648-18 REPEALED. [R 8/01/94]