

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:

State Disability Assistance Program

5. Rule numbers or rule set range of numbers:

R 400.3151 - R 400.3180

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 State Disability Assistance (SDA) Program. The changes intend to address the ability for both applicants and recipients to choose either an in-house or telephone interview for benefits under Mich Admin Code R 400.3155, regardless of whether it is a hardship on the applicant. The rules currently address only in-person interviews. Because many of the recipients and applicants for benefits have medical issues, transportation issues, or feel uncomfortable with the current COVID numbers, it may not be feasible or safe for the Department nor the client to come into the MDHHS building to conduct an in-person interview. The change will allow an alternative by telephone interviews for the public.

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. The SDA program is solely state-created and state-funded, so no federal issues are involved. It is unknown whether other states regionally have a similar program. There are no state conflicts.

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. The SDA program is solely state-created and state-funded, so no federal issues are involved. It is unknown whether other states regionally have a similar program. There are no state conflicts.

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, by minimizing risk of issues associated with coming into the building, it reduces the chances of the population getting COVID or other viruses which, without 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 2015. Technological advancements with using telephones/cell phones and the impact of the pandemic created issues with physically applying for benefits. The option of allowing telephone interviews as another alternative to apply can be more efficient and spare those with chronic health issues from appearing in local offices at the risk of jeopardizing their health.

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 disability assistance for themselves and/or family members.

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