

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

MOAHR-Rules@michigan.gov

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 State Disability Assistance program (SDA) rules provide monetary assistance for those who are eligible for this assistance program based upon an eligible disability in the State. The amendment to these rules will give a clear direction for replacing cash assistance benefits that have been fraudulently removed.

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

The Department of Health and Human Services.

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.

The rules are not mandated but 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 rules will duplicate standards developed by the United States Department of Health and Human Services. The rules do not conflict with or duplicate any other similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level. The U.S. Department of Health and Human Services, Memo number TANF-ACF-PI-2023-02 was issued that encouraged each state participating in the SDA program to reissue benefits to clients to help replace the benefits that were fraudulently removed from their EBT cards. This does not align with current wording R 400.3169. See <https://www.acf.hhs.gov/sites/default/files/documents/ofa/tanf-acf-pi-2023-02.pdf>

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

Yes, per a memo from the U.S. Department of Health and Human Services, Memo number TANF-ACF-PI-2023-02.

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

Yes, under a U.S. Department of Health and Human Services, Memo number TANF-ACF-PI-2023-02.

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.

With the exception of the current rule that is the subject of amendment, R 400.3169, the rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

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

The rules do not incorporate the recommendations received from the public regarding any complaints or comments regarding the rules.

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 2014. Changes are being made due to federal recommendations regarding states' current process for replacement of benefits lost to fraud. Technological advancements are also key in the replacement time of a payment taken fraudulently.

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 all for the rules.

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

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.