

3100 Work Registration Requirements – Summary

SNAP Manual ~~01/01/19XX/XX/XX~~01/01/2024

Requirement to Work (RTW)

Able Bodied Adult ~~W~~without ~~D~~Dependents (ABAWD) ~~or Able Bodied Adult eligibility~~ is limited to any three (3) months in a three (3-year3)- year period of receiving benefits. Any individual subject to the Requirement to Work (RTW) will be ineligible to receive Supplemental Nutrition Assistance Program (SNAP) benefits if, during a three (3-year3)- year period, he or she received SNAP benefits for at least three (3) months while he or she did not work at least an average of eighty (-80) hours per ~~month, or month or~~ participate in and comply with a specified work program or was otherwise exempt. See SNAP 3500. SNAP 3500.

The three (3-month3)- month time limit does not apply to individuals who are:

- 1) Seventeen (17) or younger;
- 2) Fifty-two (502) or ~~older; older;~~ (See age increases below)
- 3) ~~M~~Medically certified as physically or mentally incapacitated for employment;
- 4) ~~R~~Responsible for a dependent child or residing in a SNAP household where a ~~h~~household member is age seventeen (17) or younger;
- 5) ~~p~~Pregnant or
- 6) ~~e~~Otherwise exempt from the work registration requirements.
- 7) Homeless
- 8) A Veteran
- 9) Individuals who are twenty-four (24) years of age or younger and who aged out of foster care at eighteen (18) under the responsibility of ~~the a~~ state.

The Fiscal Responsibility Act of 2023 (FRA) gradually increases the age of those subject to the able-bodied adults without dependents who are exempted from the ABAWD time limit. The groups include:

- Effective September 1, 2023, the ABAWD time limit increases to age fifty (50).
- Effective October 1, 2023, the ABAWD time limit increases to age fifty-two (52).
- Effective October 1, 2024, the ABAWD time limit increases to age fifty-four (54).
- Effective October 1, 2025, the ABAWD time limit increases to age fifty-five (55).

3200 Who is Exempt from Work Registration

SNAP Manual ~~01/01/17XX/XX/XX~~01/01/2024

Eligible household members are exempt from work registration if the household member is:

1. Under age sixteen (16) or age sixty (60) or older.

2. Age sixteen (16) or seventeen (17) and living with a parent or attending a school or training program on at least a half-time basis.
3. Receiving Transitional Employment Assistance (TEA) Cash Assistance.
4. Caring for a dependent child under age six (6) -or an incapacitated person.
5. Receiving unemployment benefits.
6. Currently participating in a treatment program for alcoholism or drug addiction.
7. Employed or self-employed on a full-time basis (thirty (30) hours or more).
8. A student enrolled at least half-time in any recognized school, training program, or institution of higher education.

8. _____


An exemption from work registration means certain individuals are not required to fulfil the work requirements. Other recipients are exempt from work registration because the work requirement is being met. A full explanation of each exemption appears below in SNAP 3210-3290. SNAP 3210-3290.

3502 RTW Exemptions

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3502.1 Exemptions from RTW

The following individuals are exempt from the RTW:

1. Anyone age ~~seventeen (17)~~ or younger.
 2. Anyone age ~~fifty-two -(529)~~ or older.
 3. Anyone Medically certified as physically or mentally incapacitated for employment. This includes any individual who:
 - Meets the definition of an individual ~~aged 60 or older and/or~~ living with a disability ~~as provided in the Glossary definition of Individual aged 60 or older and/or living with a disability~~; or
-  Note: Homeless individuals may be considered to be mentally incapacitated for work if they meet the definition of homeless as outlined in the Glossary at

~~Appendix B.~~

- Receives services through Arkansas Rehabilitative Services; or
 - Receives Worker's Compensation or sick pay benefits; or
 - ~~Was f~~Found to be disabled through a decision of the Medical Review Team (MRT);
or
 - Provides a statement from a physician, licensed psychologist or other licensed healthcare provider indicating the cause of the disability and anticipated duration of the disability. A statement that does not provide the anticipated duration of disability may be accepted but will be valid no longer than four (4) months.
4. An individual has a dependent child under eighteen (18) years old residing in the SNAP household. If there is a dependent child under age eighteen (18) residing in the SNAP household with the ~~able-bodied~~able-bodied ~~adult~~adult, then all adults are exempt. Parental control has nothing to do with this exemption. ~~Just the fact that there is a minor in the SNAP household exempts all adults in RTW (Requirement to Work).~~
 5. Anyone who is pregnant. This exemption covers all trimesters of pregnancy. If the pregnancy is not obvious, verification may be requested from a medical professional such as a physician, a certified nurse midwife or an employee of the Health Department.
 6. Homeless Individuals otherwise exempt from work registration as outlined at SNAP 3200.
 7. A Veteran- an individual who served in any branch of the military for any length of time with any type of discharge status.
 8. Individuals who are twenty-four (24) years of age or younger and who aged out of foster care under the responsibility of a state.
 - 6.9. Is otherwise exempt from work registration as outlined at SNAP 3200.

~~The Work Registration and Requirement to Work (RTW) Exemptions Checklist Tool should be utilized to make exemption determinations. This is located in the on-line SNAP policy in the SNAP Toolkit.~~

3502.2 Discretionary Exemptions

SNAP Manual ~~05/01/2022~~XX/XX/XX01/01/2024

FNS provides for each State Agency an allotted number of discretionary exemptions equal to ~~twelve-eight~~ percent (812%) of the State's SNAP participation caseload. ~~Effective 10/01/2023, discretionary exemptions allotment will decrease to eight percent (8%).~~ The State Agency may use these exemptions to extend SNAP eligibility to individuals who are no longer eligible to participate in SNAP due to the three (3) month Able-Bodied Adult RTW time limit. Discretionary exemptions are granted to one ~~Able-B~~odied ~~A~~adult for one (1) month. The decision to exempt an individual from RTW must be documented in the case record.

The Division of County Operations (DCO) is required to track and report the number of discretionary exemptions used each quarter via the FNS-583 form. The report must include the total number of exemptions used and the name ~~and the SSN~~ of the individual that was granted the exemption. Discretionary exemptions do not expire and any unused to exemptions from the previous fiscal year can carry over from year to year.

3502.3 Assignment of Discretionary Exemptions

SNAP Manual ~~05/01/2022~~XX/XX/XX01/01/2024

Discretionary exemptions allow certain individuals an opportunity to establish or to re-establish themselves into the community, Discretionary Exemptions may be assigned to the following groups:

- Individuals who are currently in Foster Care
- Individuals who are in ~~Battered Women's Shelters~~Domestic Violence Shelters.

Individuals who are currently in Foster Care or ~~Battered Women's~~Domestic Violence Shelters may be exempt from the RTW until they exit Foster Care or the ~~Battered Women's~~Domestic Violence Shelter.

3600 SNAP E&T Programs

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3610.1 Establishing If E&T Is Appropriate

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The State agency is responsible for screening each work registrant to determine whether or not it is appropriate to refer the individual to the E&T program. If the State agency determines the individual is required to participate in an E&T program, the State agency must provide the participant with the written notice and the comprehensive oral explanation. The State agency must refer participants to E&T and all participants must receive both case management services and at least one (1) E&T component while participating in the program. The State agency must determine the order in which the participant will receive the elements of an E&T program. The State agency must explain to the participant's next steps for accessing the E&T program. If there is not an appropriate and available opening in an E&T program, good cause for non-participation will be assigned.

3620 E&T Program Referral

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All SNAP recipients who are subject to the Requirement to Work (RTW) will be referred to the E&T Program. This includes all able-bodied adults without dependents who are not employed at least eighty (80) hours per month.

- Specifically, able-bodied adults, age eighteen (18)- forty-nine (49)
- Age eighteen (18) — fifty (50) effective 09/01/2023
- Age eighteen (18) — fifty-two (52) effective 10/01/2023
- Age eighteen (18) — fifty-four (54) effective 10/01/2024
- Age eighteen (18) — fifty-five (55) effective 10/01/2025

These individuals will be systematically referred to the E&T Program unless one of the following seven (7) conditions are met:

1. The able-bodied adult resides in the same SNAP household with a minor age seventeen (17) or younger; or
2. The able-bodied adult is a pregnant woman; or
3. The able-bodied adult is working twenty (20) hrs. per week (or an average of eighty (80) hours per month); or
4. The able-bodied adult is otherwise exempt from the work registration requirements of SNAP 3100; or;
5. Homeless Individuals; or
6. A Veteran- an individual who served in any branch of the military for any length of time with any type of discharge status; or;
7. Individuals who are twenty-four (24) years of age or younger and who aged out of foster care under the responsibility of a state.

An ABAWD may be otherwise exempt if he or she cares for an incapacitated person of any age, receives unemployment benefits, participates in a substance abuse treatment and rehabilitation program, or attends a school or an institution of post-secondary education on at least a half-time basis.

See SNAP 3500, item 3 for a definition of an individual with disabilities as applicable to the RTW.

Volunteers: Any other household member who is subject to the Supplemental Nutrition Assistance Program work registration requirements of SNAP 3100 may be referred to the E&T Program as a volunteer unless he or she receives TEA or Unemployment benefits.

Referrals will be made at application (initial and recertification) and reported change. Referrals will also be made at reported change if a household member has become subject to the requirement to work (RTW).

A *Notification of Work Registration* will be given to the household to serve as the registrant's "notice"-written explanation and to explain the E&T Program to the registrant.- The written explanation does not relieve the agency of the requirement to provide an oral explanation at interview.

RULES SUBMITTED FOR REPEAL

Rule #1: DDS Policy 1005 – HDC Site Visits

**Rule #2: DDS Policy 1010 – Service Concern
Resolution**

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
DDS DIRECTOR'S OFFICE POLICY MANUAL

Policy Type	Subject of Policy	Policy No.
Administrative	HDC Site Visits	1005

1. Purpose. This policy has been prepared to set forth the DDS position toward and administrative procedures for program visits by persons other than HDC personnel.
2. Scope. This policy pertains to all programs directly operated by the Department of Human Services, Developmental Disabilities Services.
3. Visits by Advocates. DDS welcomes visits to its programs by representatives of organizations whose primary interest is ensuring the rights of people with developmental disabilities, and persons interested in the program and services provided.
4. Group Representative. Groups who wish to have their representatives visit DDS operated programs shall be directed to contact the Superintendent/designee.
5. Clearance Requirement. The Superintendent's Office will make a determination on the nature of the group and will clear all recommendations from the group for representation.
6. Official Representative. The Office of the Superintendent will maintain records of official representatives who will be allowed access to programs. Persons who visit programs but are not official representatives will be directed to contact the Superintendent for access clearance.
7. Access. Access means that the visitor is welcome to view all phases of programming, when visit is not disruptive and/or detrimental, maintaining the following procedure:
 - A. The Representative will first check in with the Activity Manager/Designee and provide identification (as required) upon their arrival at the visit site;
 - B. Honor rights and preferences of individuals such as privacy protection;
 - C. Maintain confidentiality;
 - D. Possess proper consent(s) for accessing individual's records.

Replacement Notation : This policy replaces DDS Commissioner's Office Policy 1005 effective November 17, 1979 and DDS Director's Office Policy January 8, 1987.

Effective Date: December 1, 1993

Sheet 1 of 1

References: Board Action: December 15, 1979.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: November 4, 1993.

ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
DDS DIRECTOR'S OFFICE POLICY MANUAL

Policy Type	Subject of Policy	Policy No.
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Administrative	Service Concern Resolution	1010
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1. Purpose. This policy provides the administrative procedure for receiving reports, gathering information, and resolving concerns regarding any organization or individual licensed or certified by DDS to provide services to persons with disabilities.
2. Scope. DDS will accept reports of concerns from any person.
3. Service Concern. DDS will accept for investigation any concern regarding services provided by a licensed or certified program to an individual with a developmental disability.

DDS will not accept concerns related to employee grievances against their employer or any personnel issues, unless it affects the provision of services to individuals.

4. Receipt of Concerns. Any DDS staff person who receives verbal or written service concerns will immediately relay the information to the DDS Quality Assurance Investigation Unit.
5. Mandated Reporting Responsibility. DDS employees will fulfill their responsibility as mandated reporters by reporting any covered incident to Adult Protective Services or the Child Abuse Hotline, as appropriate.

- A. The DDS staff who reports the incident to the appropriate hotline must inform the DDS Quality Assurance Assistant Director that they have made the report.
- B. The DDS Quality Assurance Assistant Director will contact the Executive Director of the provider agency and provide them with the details of the report, excluding the name of the reporter.

6. Investigation Unit Process. The Investigation Unit maintains primary responsibility for investigation of service concerns. In conjunction with the Certification and Licensure Manager, the Investigation Unit Supervisor may assign investigation responsibility, in whole or part, to Certification and Licensure staff. The Certification and Licensure Administrator maintains responsibility for the final determination regarding the outcome of any investigation. All timeframes mentioned below are subject to extension, based on the approval of the Certification and Licensure Administrator.

- A. The DDS Investigator will make initial contact, by telephone or face-to-face, with the individual expressing the concern within three working days of receipt of the concern. The Investigator will obtain, as appropriate:

- 1) The name and contact information of the person,

- 2) The name and contact information of the individual receiving services and who is the subject of the concern,
 - 3) A complete accounting of the concern, including the names of all persons involved, locations, dates and any other pertinent information.
- B. If the Investigator is unable to make initial telephone or face-to-face contact within three working days, the Investigator will send a certified letter to the person expressing the concern that requests that he make contact with the Investigator within three working days of his receipt of the letter. If the individual does not contact the Investigator within the specified period, the Investigator will not pursue the matter unless it appears that the health and safety of an individual who is receiving services is jeopardized.
- 1) If the Investigator determines that the health and safety of an individual is jeopardized, he will initiate an investigation by contacting the individual's
 - i. Waiver Case Management provider, or
 - ii. Center-Based service provider.
- C. The Investigator will begin the fact-finding process within one working day after completion of the initial interview with the person expressing the concern in order to determine if there is sufficient evidence to conduct a full investigation. The fact-finding will include:

- 1) Telephone or face-to-face interviews with involved parties, and as necessary,
- 2) Review of pertinent documents related to the concern.

- D. With the approval of the Certification and Licensure Administrator, the Investigator will determine whether to initiate an investigation.
- 1) If the determination is not to proceed with a full investigation, the Investigator will:
 - i. Complete a written summary of events within ten calendar days of the decision
 - ii. Make a referral to another party, such as the DDS Ombudsman or DMS Program Integrity, if appropriate
 - 2) If the determination is to proceed with a full investigation, the Investigator will initiate an investigation based at any or all of the following;
 - i. The provider center,
 - ii. The provider owned group home,
 - iii. The provider owned apartment,
 - iv. The provider owned home,
 - v. A provider employee owned home,
 - vi. The home of the individual who is the subject of the concern, only if the concern came from the individual or their guardian, or
 - vii. The DDS office.
 - 3) The Investigator will base the determination as to where to conduct the investigation on factors such as the severity of the allegation and the number and severity of related concerns received regarding the provider, the alleged perpetrator or the individual during the preceding six months.

The decision will be subject to the Certification and Licensure Administrator's approval.

- i. The team who conducts the investigation at the provider location routinely consists of no more than two persons. The Certification and Licensure Administrator must obtain approval from the DDS Director to allow more than two persons to conduct an on-site investigation.
- E. The investigator will complete the investigation within 30 calendar days of receipt of the concern. The investigator may conduct any or all of the following activities during investigation:
 - 1) Telephone or face-to-face interviews with involved parties
 - 2) Conduct an unannounced visit to the location as described in D2,i-vii either during regular working hours, after-hours or on weekends
 - 3) Photograph physical evidence
 - 4) Review of case notes, plans of care, time sheets, or physical plant inspections
 - 5) Review of documentation of staff training
 - 6) Review of agency policies and personnel files
 - 7) Review of any other pertinent information
- F. Upon completion of the investigation, the investigator will determine if the facts support a finding that the provider did not adhere to DDS Standards for Center-Based Community Services, DDS Certification Standards for ACS Waiver Services, or any other applicable policy, regulation or standard.
 - 1) If the facts support a finding, within 15 calendar days of the conclusion of the investigation, the investigator will send to the provider a report that contains at least the following information:
 - i. A summary of the issue,
 - ii. When and how the concern was submitted,
 - iii. A brief summary of the investigation methods, interviews and facts,
 - iv. A justification of the determination of the finding, including a citation of the applicable standard or rule,
 - v. A request for a time-bound Assurance of Adherence to the standard or rule
 - vi. A notice that the provider may request a meeting with the Certification and Licensure Administrator to discuss the findings of the review and to produce additional evidence if warranted, and
 - vii. A notice that the decision is subject to appeal under the provisions of DDS Administrative Appeals Policy 1076.
 - 2) With the approval of the Certification and Licensure Administrator, the Investigator may request that Certification and Licensure staff initiate a full licensure or certification review of the program.
 - 3) If the facts do not support a finding, the investigator will, within 15 calendar days of the conclusion of the investigation;

- i. Send to the provider a report which contains the information described in F.1) i-iii., or
 - ii. Produce a brief summary of events, which describes minimal activities conducted to arrive at the conclusion
- G. The Investigator will provide the investigative report, either electronically or by regular mail, with or without findings, to the following:
 - 1) The Executive Director of the program or individual provider who was the subject of the investigation,
 - 2) The President of the Board of Directors of the program,
 - 3) The Certification and Licensure Manager, and
 - 4) The Certification and Licensure Administrator
- H. At the completion of the fact-finding or the investigation, the Investigator will respond either electronically or by regular mail, to the individual who expressed the concern. The response will reveal only if:
 - 1) DDS did or did not conduct an investigation, and
 - 2) The investigation resulted in a finding of non-compliance with a DDS Standard.

Repeal