

TITLE 473  
SOCIAL SERVICES FOR AGED AND DISABLED ADULTS

CHAPTER 1-000 ADMINISTRATION

1-001 Legal Basis

1-001.01 Federal Law: Each state designs its own Social Services Program to meet the needs of its population. This title describes the adult services program established by the Nebraska Department of Social Services (NDSS) to provide and coordinate services to aged and disabled people.

1-001.02 State Statute: Article 12, Reissue Revised Statutes of Nebraska, 1943. Section 68-1202 states, "Social Services may be provided on behalf of recipients with payments for such social services made directly to vendors" and lists mandatory and optional services to clients.

Section 68-703, R.R.S., 1943, lists the duties of the Director of NDSS, including the power to, "establish rules and regulations for efficiently administering the department and performing the duties assigned to it." According to Section 68-1204, the Director of the Department of Social Services "may promulgate rules and regulations, enter into agreements, and adopt fee schedules with regard to social services described in Section 68-1202."

1-002 Agency Organization: The Social Services Program is a statewide operation.

1-002.01 Central Office: Central Office staff are responsible for service program management, development, and accountability and fiscal control.

1-002.02 Local Offices: Local staff ensure that federal and state regulations are upheld, that clients' rights are protected, and that clients' needs are served. A determination of eligibility for applicants who do not meet the requirements outlined in this title is misappropriation of public funds. Local responsibilities are divided into the following areas.

1-002.02A Case Management: Local staff responsible for case management act as the central control of each client's case. It is their responsibility to -

1. Assess client needs;
2. Determine client eligibility;

3. Arrange and authorize provision of appropriate services, using an approved provider;
4. Periodically review the service plan; and
5. Provide information and referral.

1-002.02B Resource Development: Local staff assigned resource development duties are responsible for the following:

1. Resource recruitment;
2. Provider approvals and contracts;
3. Staff development and training;
4. Provider training; and
5. Public relations and public information activities.

1-002.02C Service Administration: Administrative staff are responsible to -

1. Review and edit social services documents;
2. Review and analyze reports;
3. Complete necessary accounting and research reports;
4. Provide analysis of statistical data; and
5. Consider clients' needs, mandated policies, and administrative dictates in determining -
  - a. Staffing needs;
  - b. Training needs;
  - c. Facilities;
  - d. Intra-agency policies and procedures;
  - e. Budgeting;
  - f. Data support; and
  - g. Client processing.

### 1-003 Definitions

Adverse Action: A determination by the worker that the service(s) provided to a client will be reduced or terminated.

Department: the Department of Health and Human Services (DHHS) as established by the Health and Human Services Act.

Department Staff: Employees of the Department of Health and Human Services or designees assigned those responsibilities.

Emancipated Minor: A child age 18 or younger is considered emancipated if s/he has -

1. Married; or
2. Moved away from the parent's home and is self-supporting.

Follow Up: The maintenance of any necessary contact with a client to monitor the continued appropriateness of service.

Legally Responsible Individual: A parent or guardian of a minor child, or spouse.

Prudent Person: The practice of assessing all circumstances regarding case eligibility and using good judgment in requiring further verification or information before determining initial or continuing eligibility.

1-004 Service Client Appeal: Every service applicant or client has the right to appeal for a fair hearing in relation to the following:

1. Determination that the applicant is not eligible to receive social services;
2. Denial of service;
3. Termination or reduction of service; or
4. Inaction or improper actions of the local service unit.

Exception: A client is not entitled to a fair hearing when either state or federal law requires automatic case adjustments for classes of clients unless the reason for an individual appeal is incorrect eligibility determination.

1-004.01 Local Unit Responsibilities Regarding Appeals: The local unit shall -

1. Inform each applicant of his/her right to file an appeal with the Director;
2. Inform the applicant/client of the method for filing an appeal;
3. Inform the applicant/client that s/he may designate an authorized representative or that s/he may represent himself/herself at the hearing;
4. Inform the client that service will continue unchanged until a hearing decision is made if a fair hearing is requested in writing within ten days of the date Form "Client's Notice of Action," was mailed (see 473 NAC 2-006.03D); and
5. Refer to 465 NAC for instructions on appeals procedures.

1-005 Summary of Forms: Instructions for forms are contained in the appendix to this title:

<u>Form Title</u>	<u>Appendix Reference</u>
Social Service Exception	473-000-21
Social Services Application	473-000-22
Physician's Disability Determination	473-000-23
Client's Notice of Action	473-000-29
Adult Abuse/Neglect Report	473-000-39
Chore Service Provider Check List	473-000-50
Adult Day Service Provider Check List	473-000-60
Adult Family Home Application	473-000-70
Adult Family Home Sponsor Medical Report	473-000-71
Adult Family Home Agreement	473-000-72
Adult Family Home Inspection Referral	473-000-73
Evaluation of Adult Family Home	473-000-74
Adult Family Home Certificate	473-000-75
Home Delivered or Congregate Meals Provider Check List	473-000-90
Abuse/Neglect Hotline Intake Form	473-000-120
Employer Appointment of Agent (Form IRS-2678)	473-000-140

1-006 Title Organization: Title 473, "Social Services for Aged and Disabled Adults," is divided as follows:

1. Chapter 1-000, "Administration";
2. Chapter 2-000, "Application and Eligibility";
3. Chapter 3-000, "Social Services Providers";
4. Chapter 4-000, Reserved;
5. Chapter 5-000, "Defined Services";
  - a. Chore Service (Section 5-001);
  - b. Adult Day Services (Section 5-002);
  - c. Alternate Care Service (Section 5-007);
  - d. Home Delivered and Congregate Meals Service (Section 5-010);
  - e. Homemaker Service for Adults (Section 5-011);
  - f. Adult Protective Services (Section 5-015);
  - g. Transportation Services for Adults (Section 5-018); and
  - h. Special Services for Mentally Retarded Persons (Section 5-019);
6. Chapter 6-000, "Supportive Services" -
  - a. Adult Family Homes (Section 6-001); and
  - b. Reporting Unlicensed Facilities and Homes (Section 6-002); and
7. Chapter 7-000 "Adult Protective Services".