

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
		Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 11/13/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

07 02 15 .01-.11

3. Name of Promulgating Authority

Department of Human Resources

4. Name of Regulations Coordinator

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5. Name of Person to Call About this Document

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: September 1, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Cathy Dryden, Assistant Attorney General, (telephone #410-767-7726) on October 22, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Sam Malhotra

Title

Secretary

Telephone No.

410-260-7787

Date

October 26, 2015

Title 07
DEPARTMENT OF HUMAN RESOURCES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

07.02.15 Social Services to Adults

Authority: Human Services Article, §§4-205(a), 4-207, 5-205(a), and 5-207, Annotated
Code of Maryland

Notice of Proposed Action

[]

The Secretary of Human Resources proposes to amend Regulations .01—.11 under COMAR 07.02.15 Social Services to Adults.

Statement of Purpose

The purpose of this action is to clarify regulations and ensure they reflect current policy and practice for eligibility criteria.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:
This program serves individuals with disabilities through case management services by assisting them to remain in their own home, and reduce the need for unnecessary or inappropriate institutionalization.

Opportunity for Public Comment

Comments may be sent to Valerie Colmore, Social Services Administration, Department of Human Resources, 311 West Saratoga Street, Baltimore, MD 21201, or call 410-767-7475, or email to valerie.colmore@maryland.gov, or fax to . Comments will be accepted through December 14, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General Funds.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

NA

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

NA

G. Small Business Worksheet:

NA

Attached Document:

Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 02 SOCIAL SERVICES ADMINISTRATION

Chapter 15 Social Services to Adults

Authority: Human Services Article, §§4-205(a), 4-207, 5-205(a), and 5-207, Annotated Code of Maryland

Notice of Proposed Action

The Secretary of Human Resources proposes to amend Regulations **.01—.11** under **COMAR 07.02.15 Social Services to Adults**.

Statement of Purpose

The purpose of this action is to clarify more specifically overall purpose of the program, align and define case management services under the Policy and Practice Initiative, improved the application process and addressing the determination eligibility criteria for waitlists.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows: This program serves individuals with disabilities through case management services by assisting them to remain in their own home, and reduce the need for unnecessary or inappropriate institutionalization.

Opportunity for Public Comment

Comments may be sent to Andrea Garvey, Regulations Coordinator, Department of Human Resources, Office of Government, Corporate and Community Affairs, 311 W. Saratoga St., Baltimore, MD 21201, or call 410-767-2149, or email to andrea.garvey@maryland.gov, or fax to 410-333-0637. A public hearing has not been scheduled.

07.02.15.01

.01 Purpose.

A. The purpose of the Social Services to Adults (SSTA) Program is to *engage clients and their formal and informal resources while in the process of decreasing risk to the client and achieving successful client goals through identification, linkage and enhancement of client supports and resources. This includes* [provide services to enable and assist adults to]:

(1) *Achieving[e] or maintaining the client's safe living environment in the community with formal and informal supports* [economic self-support];

(2) *Achieving[e] or maintaining self-sufficiency;*

(3) *Preventing or avoiding abuse, neglect, self-neglect, or exploitation;*

(4) *Preventing or reducing[e] unnecessary or inappropriate institutionalization; [or]*

(5) *Achieving or maintaining economic self-support; and*

(6)[(5)] *Securing[e] necessary and appropriate institutional care services.*

B. The program seeks to build, sustain, and augment, rather than to replace, the adult's *formal or informal resources* [family and community support systems].

C. *SSTA targets service delivery resources to those clients most in need.*

07.02.15.02

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Abuse" means the sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person.

(2) "Administration" means the Social Services Administration of the Department of Human Resources.

(3) "Adult" means a person who is 18 years old or older who does not have a minor child living with and dependent on the person.

- (4) "Adult Foster Care" means a program that provides a family setting in the community for an aged adult or an adult with disabilities who requires:
- Protective oversight;
 - Assistance with the activities of daily living; and
 - Room and board.
- (5) "Adult's representative" means a person authorized by the adult to act on the adult's behalf, or the adult's court-appointed guardian.
- (6) "Aged adult" means an adult who is 65 years old or older and that adult's spouse.
- (7) "Case management" means services *provided* to an adult which include:
- A comprehensive assessment of the adult's *strengths*, needs, *risk level* and resources;
 - Development of a comprehensive service plan designed to address the adult's *risk level and need[s]*;
 - Referral to and linkage with appropriate resources both within the local department and in the broader community;
 - Provision of [counseling and other services] direct[ly] *services* to the adult, if called for in the service plan;
 - Advocacy with and on behalf of the adult to obtain, access, [to] and secure available resources and to develop additional resources when necessary; and
 - Monitoring and evaluation of the effectiveness and efficiency of *formal and informal* [services] *resources* used in meeting the adult's needs and ongoing assessment of whether a need for continuing services exists.
- (8) "Certified Adult Residential Environment (CARE) Home" means a certified adult residential protective living environment home that provides case management services to adults with disabilities 18 years old or older, who cannot live alone primarily due to mental or physical health impairments and need assistance with activities of daily living.
- (9) "Client" means an adult who is eligible for and is receiving services from the SSTA [Social Services to Adults] program.
- (10) "Crisis intervention" means case management on an intensive basis with the goal of restabilizing the adult's life situation.
- (11) "Exploitation" means any action which involves the misuse of a vulnerable adult's funds, property, or person.
- (12) "*Formal Resources*" means professionals and/or agencies that provide services or treatment to the client.
- (13)[(12)] "Home Delivered Meal Service" means the preparation and delivery of meals to the homes of eligible persons to prevent institutionalization, malnutrition, and feelings of isolation. This may include personnel, equipment, supplies, and food costs.
- (14) "*Informal Resources*" includes but is not limited to family members, neighbors, volunteers, faith-based groups and other community members who are involved with the client as a support.
- (15)[(13)] "Information and referral" means the brief process which includes:
- Receipt of an inquiry about or request for information or service;
 - Provision of information; or
 - Identification of and referral to an appropriate available resource, including providing instructions regarding the application and eligibility requirements of the resource.
- (16)[(14)] "In-Home Aide Services" means services provided to an adult with a functional disability in need of assistance with activities of daily living.
- (17)[(15)] "Liquid assets" means any real or personal property, possession, or valuable the adult owns individually or jointly, which can be converted to cash for support and maintenance.
- (18)[(16)] "Local department" means the Department of Social Services *or its designee* in one of the 24[3] [counties] *Maryland jurisdictions including* [or] Baltimore City[,] *and* [or] the *Baltimore and Montgomery* [C]count[ry]ies Departments of Health and Human Services.
- (19)[(17)] Neglect.
- "Neglect" means the willful deprivation of a vulnerable adult of adequate food, clothing, essential medical treatment or rehabilitative therapy, shelter, or supervision.
 - "Neglect" does not include the providing of nonmedical remedial care and treatment for the healing of injury or disease, with the consent of the vulnerable adult, recognized by State law instead of medical treatment that the vulnerable adult receives voluntarily.
- (20)[(18)] "Non-aged adult" means an adult who is 18 years old, but not yet 65 years old or older.
- (21)[(19)] "Program" means the Social Services to Adults program.
- (22)[(20)] "Self-neglect" means the inability of a vulnerable adult to perform activities of daily living or to provide the vulnerable adult with the services:
- That are necessary for the vulnerable adult's physical and mental health; and
 - The absence of which impairs or threatens the vulnerable adult's well-being.
- (23)[(21)] "Service plan" means the written plan developed with the adult or the adult's representative which describes the goal of service, the specific services to be provided, and the method for providing the services, and which includes at least the following:
- Lists of the adult's service needs as perceived by the adult or the adult's representatives as well as by the SSTA [Social Services to Adults] worker;

- (b) An assessment of the adult's strengths, *needs, risk level* and [weaknesses] *resources* as these affect service needs;
 - (c) A plan for meeting the adult's needs, including consideration of the roles to be played by:
 - (i) The adult;
 - (ii) The adult's family;
 - (iii) The adult's friends;
 - (iv) Community resources; and
 - (v) Local department resources;
 - (d) Specification of the tasks to be carried out by:
 - (i) The adult;
 - (ii) The adult's family or friends;
 - (iii) Local department staff, including the *SSTA* [Social Services to Adults] worker; and
 - (iv) Other agencies and resources;
 - (e) Specification of the service plan period during which the plan will be in effect;
 - (f) Specification of the expected frequency of contact between the *SSTA* [Social Services to Adults] worker and the adult;
 - (g) The schedule for redetermination of eligibility and reassessment of services; and
 - (h) At the time of reassessment, an evaluation of the appropriateness, the effectiveness, and the efficiency of service that have been received by the adult.
- (24)[(22)] "Vulnerable adult" means an adult who lacks the physical or mental capacity to provide for the adult's daily needs.

07.02.15.03

.03 Eligibility.

- A. An adult is eligible for *SSTA* [Social Services to Adults] if the adult:
 - (1) Is a resident of Maryland. Temporary absence from the State may not interrupt continuity of residence.
 - (2) *Is in need of the services. Need is:*
 - (a) *Established if the local department determines that the program's services will help the adult to achieve the program's purposes;*
 - (b) *Determined by the local department staff based on information provided by the adult and other appropriate sources which may include, but need not be limited to:*
 - (i) *The adult's family or friends,*
 - (ii) *Medical or mental health providers familiar with the adult, or*
 - (iii) *Resources to whom the adult is referred for assessment or evaluation purposes.*
 - (3)[(2)] Has income that does not exceed 80 percent of the State Median Income based on individual family size as described in COMAR 07.02.04.08 and has liquid assets as described within this regulation. The following criteria apply:
 - (a) *Eligibility criteria* [An adult is eligible] for information and referral services or crisis intervention services *is provided* without regard to income; *and*
 - (b) *Eligibility for on-going case management services may exceed 80 percent of the State Median Income should the adult be assessed as* [An adult of any income level is eligible for Social Services to Adults if the adult's service plan] *requiring[es]* In-Home Aide Services or Adult Foster Care [or], except as provided in §C of this regulation, if the adult is eligible for placement in a [Certified Adult Residential Environment (JCARE)] Home.
 - [(3)] *Is in need of the services. Need is:*
 - (a) *Established if the local department determines that the program's services will help the adult to achieve the program's purposes;*
 - (b) *Determined by the local department staff based on information provided by the adult or the adult's representative or other appropriate sources which may include, but need not be limited to:*
 - (i) *The adult's family or friends,*
 - (ii) *Medical or mental health providers familiar with the adult, or*
 - (iii) *Resources to whom the adult is referred for assessment or evaluation purposes.]*
- (4)[B.] *Has* [The] liquid assets *that do not exceed* [limits applied in determining eligibility are]:
 - (a)[(1)] \$19,999 for one individual [with an additional]; *and* [plus]
 - (b)[(2)] \$3,000 more for each additional family member.
- [C.](3) Liquid assets include, but are not limited to:
 - (a)[(1)] Checking accounts;
 - (b)[(2)] Savings accounts;
 - (c)[(3)] Certificates of deposit;
 - (d)[(4)] Stocks;
 - (e)[(5)] Bonds;
 - (f)[(6)] Life insurance cash value in excess of \$3,500 per person;
 - (g)[(7)] Real estate or property that is not the client's primary residence;

- (h)[(8)] Individual retirement accounts which can be drawn on without penalty;
- (i)[(9)] Trust fund accounts;
- (j)[(11)] Annuity accounts;
- (k)[(12)] Income from lottery prize winnings; and
- (l)[(13)] Mutual fund accounts.

(5)[(4)] Agrees to receive the service and agrees to pay any fee assessed for services at the time of the initial application or during the reconsideration period.

(B)[A-1]. An adult is not eligible for SSTA [Social Services to Adults] if the adult, or the adult's representative, does not agree to receive the services *and/or participate fully in identifying and engaging needed resources.*

(C)[D]. An adult is not eligible for SSTA [Social Services to Adults] while receiving case management from the [Certified Adult Residential Environment (JCARE)] program *or any other case management service program.*

07.02.15.04

.04 Application Process.

A. The adult or the adult's representative shall make [the request] *a referral* for service to the local department *in writing, by telephone, or in person.*

B. The local department *based upon availability if staff,* shall send a representative to take the application *and establish the eligibility* of an adult wishing to apply when the adult or the adult's representative is unable to come to the local department.

(1) *The Department's representative will complete an initial assessment of the client's risk, needs, resources and eligibility within 10 days of receipt of referral.*

(2) *If the local department finds that it is faced with limited staff resources or experiences a delay in the completion of an application to establish eligibility, the client's name shall be placed on a Client Waitlist without an assessment.*

(3) *After the adult is placed on the Client Waitlist without an assessment, the local department shall notify the adult or the adult's representative in writing of the action. The written notice should include the following:*

(a) *An explanation that, due to a lack of funding or staff, an assessment of the client's eligibility for the program cannot be conducted by the Department at this time, and that the adult's name will be placed on a Client Waitlist without an assessment.*

(b) *Information that explains that the adult will be contacted by the Department when staff is available to meet with them and discuss their eligibility and application for services.*

(c) *Information that directs the adult or the adult's representative to contact the agency should the adult's circumstances, need, risk level, or contact information changes so that their referral information can be updated.*

(d) *Information that specifies the regulation supporting the reason for any necessary intended agency action.*

(e) *Information informing the adult that the local department shall contact the adult at least annually to ensure continued accuracy of the referral information, and that services are still needed.*

C. The adult or the adult's representative shall complete and sign an application, on a form provided by the Administration[.], [except that w]When the request is for information and referral only, a signed application is not required. A request for information and referral service may be made in writing, by telephone, or in person by the adult or the adult's representative.

D. The date of application is the date on which the local department receives the signed application.

07.02.15.05

.05 Local Department Response.

A. [Appropriateness of Service.] The local department shall *collect* [receive] the *application* [request] and determine *client's eligibility and* the type of service *for which the applicant is appropriate.* [An adult for whom:]

B. *After determining eligibility and program appropriateness, the local department shall notify the adult or the adult's representative in writing of the decision. If the decision is to:*

(1) *Accept the application for service the notice shall include the facts that:*

(a) *The adult is eligible for service and which service will be provided;*

(b) *Type and amount of service to be provided; and*

(c) *The right to, and the method for, obtaining a fair hearing.*

(2) *Place the client on a waitlist, the notice shall include the facts that:*

(a) *The adult is eligible for service, however, due to a lack of funding or staff, services are not available at this time and the client will be placed on a waitlist for services;*

(b) *Information directing the client or the client's representative to contact the local department should the client's need, risk level, or circumstances change; and*

(c) *The specific regulation supporting the reason.*

(3) *Deny the application for service, and the notice shall include the:*

(a) *Reason for the denial;*

(b) *Specific regulation supporting the reason; and*

(c) *Right to and the method for, obtaining a fair hearing.*

C. *Service Appropriateness.*

(1) Information and [r]Referral service is appropriate [is] for an adult with generally adequate coping skills *and* who:

(a) Has a question about the existence or availability of a resource in the community;

(b) Requires a service not provided by the department but with minimum assistance can use another system [having] providing the needed service; *and*[or]

(c) Has a problem and is able to make independent decisions but refuses other services *from* [by] the department.

(2) Crisis [i]Intervention service is appropriate *for* [is] an adult whose normal coping patterns have failed and who:

(a) Is experiencing a situational change;

(b) Needs guidance in taking on a new role or achieving other adjustment; and

(c) Has at least minimal capacity for independent functioning.

(3) Case M[m]anagement service is appropriate for an *adult who*:

(a) *Seeks to achieve or maintain economic self-support;*

(b) *Seeks to achieve or maintain self-sufficiency;*

(c) *Seeks assistance navigating needed service systems;*

(d) *Is at risk of abuse, neglect, exploitation, or self-neglect;*

(e) [(a) Institutionalized adult who r]Requires service [by] *from* the local department or other resource in order to be discharged *from* an [the] institution.

(f)[(b)] *Is* [Adult] discharged or released from a nursing [home or] institution [who] has sufficient capacity for independent living and decision-making but [who] requires service [by] *from* the local department or other *agency* [resource] in order to *secure appropriate resources* to live in the community.

[(c) Adult living in the community who is dependent on the local department or other resource to:

(i) Improve or maintain the adult's level of functioning in the community;

(ii) Prevent unnecessary or inappropriate institutionalization; or

(iii) Secure necessary and appropriate institutional care.]

(g)[(d) Adult who i] *Is* experiencing a *crisis* [situational changes and who needs guidance in taking on a new role, but whose normal coping patterns have not failed, so as to cause the adult to be in a crisis situation]. Examples include but are not limited to adults in the following circumstances:

(i) [P]previously a recipient of *community service*; but no longer eligible. [for Foster Care for Children;]

(ii) [R]recently unemployed;

(iii) [H]homeless;

(iv) [Widowed] *recent loss of a spouse.*

(h) *Seeks to engage and enhance involvement with formal and informal resources;*

(i) *Seeks to achieve successful personal outcomes;*

(j)[(e) Adult who r]Requires In-Home Aide Services, Adult Foster Care, or who is eligible *and waiting* for placement in a [Certified Adult Residential Environment (]CARE[)] home.

[B. When information and referral only is appropriate the local department, not later than 5 working days following the request, shall:

(1) Clarify the type of information or referral which is requested, if needed; and

(2) Provide information, about its own or other programs, which is appropriate to the request to the extent the information is known to the department, or make a referral to an available resource, including providing direction regarding the application and eligibility requirements of the resource.

C. When crisis intervention is appropriate the local department shall:

(1) Begin a full assessment of the adult's eligibility, needs, strengths, and resources by not later than the first work day following the date of application; and

(2) Determine eligibility and, if the adult is eligible, establish a service plan by not later than 14 calendar days following the date of application.

D. When case management is appropriate, the local department shall:

(1) Begin a full assessment of the adult's eligibility, needs, strengths, and resources by not later than 14 calendar days following the date of application. However, when there are indications that the adult may be institutionalized if service is not provided, the assessment shall begin not later than the first working day following the date of application.

(2) Determine eligibility and, if the adult is eligible, establish a service plan by not later than 30 calendar days following the date of application.

E. After determining eligibility the local department shall notify the adult or the adult's representative in writing of the decision. If the decision is to:

- (1) Accept the application for service, the notice shall include the:
 - (a) Fact that the adult is eligible for service;
 - (b) Type and amount of service to be provided; and
 - (c) Right to and the method for obtaining a fair hearing;
- (2) Deny the application for service, the notice shall include the:
 - (a) Reason for the denial;
 - (b) Specific regulation supporting the reason; and
 - (c) Right to and the method for obtaining a fair hearing.]

07.02.15.06

.06 Delivery of Service.

A. Information and Referral.

- (1) *When only information and referral is needed, the local department, no later than 5 working days following the request for service, shall:*
 - (a) *Clarify the type of information or referral which is requested, if needed; and*
 - (b) *Provide information, about availability of programs, appropriate to the request, or make a referral to an available resource, including direction regarding the application and eligibility requirement of the available resource.*
- (2) *When providing Information and Referral Services, the SSTA worker shall have contact with the adult or the adult's representative as needed in order to:*
 - (a) *Assist the client in identifying, engaging and/or enhancing the client's access and involvement with available formal or informal resources; and*
 - (b) *Identify and inform the local department administration staff of unmet needs or barriers to service delivery.*
- (3) *The local department may not deliver information and referral service for more than 30 days after the date of application.*

B[A]. Crisis Intervention.

- (1) *When crisis intervention is appropriate the local department shall:*
 - (a) *Begin a full assessment of the adult's eligibility, needs, strengths, and resources by no later than the first work day following the date of application; and*
 - (b) *Establish a service plan by no later than 14 calendar days following the date of application.*
- (2)[(1)] *During crisis intervention services, the SSTA [Social Services to Adults] worker shall have face-to-face contact with the adult on at least a weekly basis in order to:*
 - (a) *Provide counseling and other services which the worker has agreed to provide as part of the service plan;*
 - (b) *Assist the client [to obtain] in accessing to available resources as required by the service plan;*
 - (c) *Monitor the effectiveness of any service to which the adult is referred or which is serving the adult [client];*
 - (d) *Monitor progress in achieving the goals of the service plan;*
 - (e) *Revise the service plan as needed; and*
 - (f) *Identify and inform the local department administrative staff of unmet needs or barriers to service delivery.*
- (3)[(2)] *The local department may not deliver crisis intervention service for more than 60 days after the date of application.*

C[B]. Continuing SSTA Case Management Services.

- (1) *When case management is appropriate, the local department shall:*
 - (a) *Begin a full assessment of the adult's eligibility, risk level, needs, strengths, and resources by no later than 7 calendar days following the date of application. In the event that there is an indication that the adult may be institutionalized if service is not provided, the assessment shall begin no later than the first working day following the date of application.*
 - (b) *Conduct an analysis of the case no more than 90 days after acceptance of the case at Intake. This analysis is to determine whether the case will be open in Continuing Social Services to Adults, closed or assigned to the waitlist. This analysis should focus on the client's level of risk, level of dependency on the local department, and the resources needed to support the client's goals as stated in the Service Plan.*
 - (c) *Conduct a case analysis at the time of case reconsideration to determine whether case will be closed or whether staff resources will be committed to the case up to an additional 6 months.*
 - (d) *Conduct a case analysis at anytime there is a significant change in the client's circumstances and/or risk.*
 - (e) *Establish an individual service plan by no later than 90 calendar days following the date of application.*
- (2) *During case management service, the case manager shall have contact with the adult monthly through face-to-face contact [with the adult] no[t] less frequently than once every 3 months in order to:*

- (a)[(1)] Provide [counseling and other] services which the worker has agreed to provide as part of the service plan;
- (b)[(2)] Assist the client *in identifying*, [to] obtaining *and/or enhancing* access *and involvement with* [to] available resources as required by the service plan;
- (c)[(3)] Monitor the effectiveness of any service to which the *client* [adult] is referred or which is serving the *client* [adult];
- (e)[(4)] Monitor progress in achieving the goals of the service plan;
- (f)[(5)] Revise the service plan as needed *but not less than every 6 months*; and
- (g)[(6)] Identify and inform the local department administration[ve] staff of unmet needs or barriers to service delivery.

07.02.15.07

.07 Coordination With Other Services.

A. Adult Protective Services.

- (1) While providing the service of this program, the *SSTA* [Social Services to Adults] *case manager* [worker] shall be alert for indicators of [that the adult is suffering] abuse, neglect, exploitation, or [is at risk due to] self-neglect and, therefore, requires Adult Protective Services.
- (2) If the *SSTA* [Social Services to Adults] *case manager* [worker] determines that indicators of abuse, neglect, or exploitation exist, the worker shall make a referral to Adult Protective Services immediately.
- (3) If the *SSTA* [Social Services to Adults] *case manager* [worker] determines that indicators of *self-neglect* exist [that the adult is at risk due to self-neglect], the worker shall make a referral to Adult Protective Services if:
 - (a) The adult or the adult's representative does not agree to and cooperate *with* [in] a *SSTA* [Social Services to Adults] service plan which would result in a substantial abatement of the risk due to self-neglect; or
 - (b) Guardianship of the *P*[p]erson of the adult is necessary to *mitigate* [affect the abatement of] the risk due to self-neglect.
- (4) When the *SSTA* [Social Services to Adults] *case manager* [worker] refers a[n] *SSTA client* [adult receiving the services of this program] to Adult Protective Services, the *case manager* [Social Services to Adults worker] shall continue *services to the client* [Social Services to Adults to the adult eligible for this program] until *Continuing* Adult Protective Services has begun.

B. In-Home Aide Services.

- (1) When the service plan indicates that an adult needs service from the In-Home Aide Services program, the *case manager* [Social Services to Adults worker] shall complete a written referral to the In-Home Aide Services program. The referral shall include at least the following:
 - (a) A clear list of the specific aide services requested;
 - (b) An explanation of why aide service is needed and what other resources have been explored to meet the adult's need for aide service; and
 - (c) A statement of the specific objectives to be achieved by the aide service.
- (2) When the *SSTA* [Social Services to Adults] *case manager*[worker] [makes a] reassesses[ment of a] *the client's* service plan which includes use of In-Home Aide Services, the worker shall:
 - (a) Request from the In-Home Aide Services program staff a *Progress Report outlining* their evaluation of the effect and effectiveness of the aide service *on* [and of] the client's overall circumstances; and
 - (b) Notify the In-Home Aide Services program of any changes to the contents of the referral.
- (3) When the *case manager* [Social Services to Adults worker] determines that the adult requires immediate service from the In-Home Aide Services program in order to prevent abuse, neglect, self-neglect, exploitation, or institutional placement, the worker shall make an immediate verbal request to the In-Home Aide Services supervisor [to begin services from the In-Home Aide Services program before sending the written referral]. The *SSTA* [Social Services to Adults] worker shall forward a written referral to the In-Home Aide Services supervisor within 5 working days of the [beginning of services from the In-Home Aide Services program as a result of the] verbal request *for services*.
- (4) When the *case manager* [Social Services to Adults worker] is notified that service to an adult from the In-Home Aide Services program *will be or has been* [is] terminated, the worker shall begin a reassessment of the adult's service needs immediately, unless the termination is the result of a service plan previously developed by the worker with the adult or the adult's representative.

07.02.15.08

.08 Redetermination and Reassessment.

A. The local department shall make a redetermination of eligibility:

- (1) When required on the basis of information the agency has obtained about *change or* anticipated changes in the adult's situation;
- (2) Promptly, not to exceed 30 days, after information is obtained by the local department about changes [which have occurred] in the adult's circumstances which may make the adult ineligible; or

- (3) Periodically, but not less frequently than every 6 months.
- B. The local department shall make a reassessment of *service needs*:
 - (1) Whenever required because of a significant change in the adult's circumstances which may affect the type or amount of service the adult needs; or
 - (2) Periodically, but not less frequently than every 6 months.
- C. A reassessment shall include, at least:
 - (1) A review of the *most current* [past] service plan to *determine progress towards goals*;
 - (2) An assessment of the effectiveness and efficiency of the *formal and informal resources* [services] which *have provided support* to the adult [has received] during the *most recent* [immediately past] service plan period and any previous period, if appropriate;
 - (3) A reassessment of the adult's strengths, *needs, level of risk, dependency on the local department, and resources* [and weaknesses]; and
 - (4) Development of an *individualized* service plan for the next service period, if the decision is that services are to continue.
 - (5) *Conduct a case analysis to determine whether the case will be closed or whether staff resources will be committed to the case for up to an additional 6 months, by focusing on the client's level of risk, level of dependency on the local department and needed resources to support achievement of the client's goals as stated in the client's service plan.*
- D. Whenever the local department does a redetermination of eligibility, the local department shall also: [do a reassessment.]
 - (1) *Complete a reassessment; and*
 - (2) *Notify the client or the client's representative in writing of their eligibility status for services.*

07.02.15.09

.09 Termination.

- A. The local department shall terminate *the provision of SSTA* [Social Services to Adults to an adult] when:
 - (1) The adult is no longer eligible;
 - (2) An eligible adult moves to the jurisdiction of another local department and a referral for service to [from] that department is made;
 - (3) The adult is in need of *Continuing Adult Protective Services* and referral to that program is made and service *has [is] begun*;
 - (4) [The s]Specific, measurable, time-limited goals and objectives have been reached;
 - (5) The case manager determines the adult no longer needs the service, or level of service currently provided;
 - (6) The case manager determines the service has not been effective in achieving the specific goals, objectives, and changes in the client's condition which were expected to result from the service, and that continued service is not expected to be effective;
 - (7) The adult requests termination [of Social Services to Adults];
 - (8) The adult has died;
 - (9) The adult has entered a long-term care facility;
 - (10) The adult, the *adult* [client]'s family or *other informal supporters* [friends] have failed to perform the tasks specified in the service plan agreement;
 - (11) An adult on the waiting list declines to receive SSTA;
 - (12) An adult exhibits uncooperative behavior, abuse, or misuse of the service; or
 - (13) The adult or the adult's representative refuses to accept specific time-limited goals, objectives, and recommendations of the service plan.
- B. Whenever *SSTA* [Social Services to Adults] case management is terminated because the adult, or the adult's representative, does not agree to receive the service, the *case manager* [Social Services to Adults worker] shall assess and document whether a reason exists to report the case for an Adult Protective Services investigation.

07.02.15.10

.10 Waiting Lists and Ranking[Appeals and Complaints of Discrimination].

- A. *Client Waitlist without an Assessment.*
 - (1) *The local department shall establish and enforce a procedure for governing a written waiting list for customers requesting services, if due to a lack of staff the local department is unable to assess the client's need and eligibility for services at the time of referral.*
- B. *Client Waitlist with an Assessment.*
 - (1) *The local department shall establish and enforce a procedure governing a written waiting list for adults, assessed and determined eligible for services, if the local department is unable to provide SSTA based on available resources or staffing or both.*
 - (2) *SSTA case management services staff shall be provided to applicants in accordance with the local department criteria.*

(3) *Eligible adults shall be ranked in accordance with the local department's established criteria which shall take into account the adult's vulnerability, level of risk, needs and available resources.*

(4) *The local department shall update the client's ranking on the waitlist as necessary, based on reported changes in the customer's status but not less frequently than every 6 months.*

[A. Appeal from Local Department Decision. The local department shall give written notification of the right to and the procedures for requesting and obtaining a fair hearing to each applicant or recipient of public assistance at the time of application, and whenever the local department notifies the applicant or recipient of any action which might deny, delay, suspend, reduce, or terminate assistance. The procedures are set forth in COMAR 07.01.04.

B. Discrimination. The local department may not discriminate in the delivery of service as required by the nondiscrimination regulations in COMAR 07.01.03.]

07.02.15.11

.11 Appeals and Complaints of Discrimination[Waiting Lists and Ranking].

A. *Appeal of the Local Department Decision. The local department shall give written notification of the right to and the procedures for, requesting and obtaining a fair hearing to each applicant or recipient of public assistance at the time of application, and whenever the local department notifies the applicant or recipient of any action which might deny, delay, suspend, reduce, or terminate assistance. The procedures are set in COMAR 07.01.04.*

B. *Discrimination. The local department may not discriminate in the delivery of services as required by the nondiscrimination regulations in COMAR 07.01.03.*

[A. The local department shall establish and enforce a procedure governing a written waiting list for customers determined eligible, if the local department is unable to provide [Social Services to Adults] based on available resources or staffing or both.

B. [Social Services to Adults c]Case management services shall be provided to applicants in accordance with local department criteria.

C. Adults shall be ranked in accordance with the local department's established criteria.

D. The local department shall update the client's ranking on the waiting list, as necessary, based on reported changes in the client's status.]