

AGENCY RECEIPT

SECRETARY OF STATE

2014 JUN 26 PM 4:53

NOTICE OF SUBSTANTIVE POLICY STATEMENT

FILED

1. Agency Name: Department of Economic Security

2. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:

Increase in the amount of income or benefits that a client with developmental disabilities may retain for personal use (A.R.S. § 36-562(M)). The substantive policy number is 6-12P-01.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

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ARIZONA DEPARTMENT OF ECONOMIC SECURITY

FILED

1. Subject of the substantive policy statement and the substantive policy statement

number by which the policy statement is referenced:

This policy statement addresses a conflict between A.R.S. § 36-562(M) and A.A.C R6-6-1204(B) and (D). The substantive policy number is 6-12P-01.

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

The substantive policy was issued and will become effective July 22, 2014.

3. Summary of the contents of the substantive policy statement:

A.R.S. § 36-562(M) states:

“M. Notwithstanding subsections C and H of this section, the department may require clients who are receiving residential programs and who receive income or benefits to contribute to the cost of their support and maintenance, subject to the provisions of federal laws and regulations. Such contributions shall not be subject to subsections A and I of this section. The department shall adopt rules that determine the amount and means of payment of such contributions, except that in no event shall the combined contribution made on behalf of a client by a client or the client's parent or estate exceed the actual cost of the residential programs provided. A minimum of thirty percent of the client's income or benefits shall be retained for the client's personal use.”

However, R6-6-1204 last revised in 2010, requires the client to retain 12 percent of the client's monthly income, benefits, or retroactive benefit payment. The Department

interprets A.R.S. § 36-562(M) to require the Department to allow clients to retain 30 percent of their monthly income, benefit, or retroactive benefit payment.

4. A statement as to whether the substantive policy statement is a new statement or a revision:

This is a new substantive policy statement.

5. The name and the address of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Rameshwar Adhikari

Address: Arizona Department of Economic Security

1789 W. Jefferson, Site code 837A

Phoenix, AZ 85007

Phone: (602) 542-9199

Fax: (602) 542-6000

E-mail: radhikari@azdes.gov

6. Information about where a person may obtain a copy of substantive policy statement:

A person may obtain a copy of the substantive policy statement by contacting the individual listed in item 5.

NOTICE:

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under section 41-1033, Arizona Revised Statutes, for a review of the statement.

(This notice is required by A.R.S. § 41-1091(B).)

Substantive Policy Statement
Division of Developmental Disabilities
Increase in the amount of income or benefits that a client with developmental disabilities
may retain for personal use (A.R.S. § 36-562(M))
Effective July 22, 2014

A.R.S. § 36-562(M) states:

“M. Notwithstanding subsections C and H of this section, the department may require clients who are receiving residential programs and who receive income or benefits to contribute to the cost of their support and maintenance, subject to the provisions of federal laws and regulations. Such contributions shall not be subject to subsections A and I of this section. The department shall adopt rules that determine the amount and means of payment of such contributions, except that in no event shall the combined contribution made on behalf of a client by a client or the client's parent or estate exceed the actual cost of the residential programs provided. A minimum of thirty percent of the client's income or benefits shall be retained for the client's personal use.”

However, R6-6-1204 last revised in 2010, requires the client to retain 12% of the client's monthly income, benefits, or retroactive benefit payment. The Department interprets A.R.S. § 36-562(M) to require the Department to allow clients to retain 30% of their monthly income, benefit, or retroactive benefit payment.