



**Georgia Department
of Human Services**

Office of Information Technology

DCSS Rule Changes

DHS Office of General Counsel

Stephen Harris, Deputy General Counsel



stronger families

FOR A STRONGER GEORGIA



Road Map

- Review of Rule Change Procedures
- Final Approval – Tax Offset Fee
- Initial Approval – Legislative Changes
 - Federal Annual Maintenance Fee
 - Federal Final Rule
 - Agency Review of Office of State Administrative Hearing (OSAH) Decisions
- Request to Board



Rule Change Procedure

Amended by SB 338
Legislation Effective July 1, 2018

Prior Procedure

1. Board Motion to Publish
2. 30 Day Notice Period Prior to Adoption
3. Public Hearing
4. Board Motion for Approval
5. Rule sent to Secretary of State
6. General Assembly 30 Days to Review

New Procedure

1. Board Motion to Publish
2. 60 Day Notice Period Prior to Effective Date
3. Public Hearing
4. Board Meeting At Least 30 Days Into Period & At Least 30 Days Before Effective Date
5. Board Motion for Approval
6. Rule Sent to Secretary of State
7. General Assembly 40 Days to Review



Final – Federal Tax Offset Fee

Charged by Federal Government on Every Federal Tax Offset
Federal Regulation Allows States to Withhold Fee from Offset
Federal Fee Increased to \$19.51 Per Offset

Current Rule:

- DCSS Withholds \$15.00
- Shortfall of \$4.51

Rule Published March 1 – March 31

Proposed Change:

- DCSS Withholds \$25.00
- Maximum Amount Allowed

Public Hearing April 11



Initial – Annual Maintenance Fee

\$25 Annual Fee Charged Once \$500 Collected
Federal Legislation Increased Fee to \$35 / \$550
SB 427 Increased Fee to \$35
Legislation Effective October 1, 2018

Current Rule:

- DCSS Charges \$25

Proposed Change:

- DCSS Charges \$35

Rule Published June 1 – July 31

Public Hearing July 11



Initial – Federal Final Rules

Affecting Various Aspects of DCSS Programs

SB 427

Legislation Effective July 1, 2018

- Consideration given to the obligor's ability to pay
- Incarceration may not be treated as involuntary unemployment
- Imputation of income based on ability to earn and other economic factors
- Enrollment in public healthcare is sufficient for child's healthcare needs



Initial – Federal Final Rules

Affecting Various Aspects of DCSS Programs

SB 427

Legislation Effective July 1, 2018

Current Rule:

- Rule 4 – Unstable Financial Conditions
- Rule 4 – Healthcare
- Rule 6 – Healthcare

Rule Published June 1 – July 31

Proposed Change:

- Removes Language Regarding Financial Conditions
- Inserts References to Public Healthcare Option

Public Hearing July 11



Initial – Office of State Administrative Hearing (OSAH) Decisions

Removal of Rules Related to Commissioner Review of Initial Decisions

HB 790

Legislation Effective Upon Governor's Signature or July 1, 2018

Current Rule:

- OSAH Enters Initial Decision
- Party or DHS May Request Review
- Final Decision Appealed to Superior Court

Rule Published June 1 – July 31

Proposed Change:

- Removes Commissioner Review From Rule 19
- All OSAH Decisions Appealed to Superior Court
- Definition of Final Decision in Rule 3

Public Hearing July 11



Request to Board

Motion for Final Adoption

- Federal Tax Offset Fee – Rule 290-7-1-.05

Motion to Publish Notice of Rulemaking

- Annual Maintenance Fee – 290-7-1-.05
- Federal Final Rules – 290-7-1-.04 & 290-7-1-.06
- OSAH Decisions – 290-7-1-.03 & 290-7-1-.19



QUESTIONS

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