



Governor's Advisory Council for Exceptional Citizens (GACEC) 516 West Loockerman St., Dover, DE 19904
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September 30, 2022

Kimberly Xavier
Planning and Policy Unit
Division of Medicaid and Medical Assistance
1901 North DuPont Highway/P O Box 906
New Castle, DE 19720-0906

RE: 26 DE Reg. 159 [DHSS/DSS Proposed Food Benefit Certification Regulation (September 1, 2022)]

Dear Ms. Xavier:

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed the Delaware Health and Social Services (DHSS) Division of Social Services (DSS) proposal to amend the Division of Social Services Manual (DSSM) regarding Food Benefit Certification. Council asks that DHSS cancel this proposal that will only inflict unnecessary harm on vulnerable food insecure families in Delaware.

DHSS has proposed changing Supplemental Nutrition Assistance Program (SNAP) recertification periods from 24 to 12 months for households in which all members are elderly or disabled and from 12 months to six months for all other households.

The DHSS justification is that shortening the recertification period will eliminate the periodic review. Council considers this reasoning to be misleading. Currently a periodic review occurs at 12 or 6 months depending upon the family's certification period. At this review, the SNAP family is required to report certain changes in income, living arrangements and family composition. The periodic review, however, is much less burdensome than the documentation that must be provided at recertification. In addition, there are more robust protections for families when the periodic review is submitted late. DHSS is replacing the less burdensome process with one that is substantially more difficult, complicated and time consuming.

Council fears that this proposal will result in eligible families losing SNAP benefits, even temporarily and even though they are still eligible, because they cannot comply with overly burdensome reapplication procedures that are not necessary or required by federal regulation. This change is harmful and unnecessary.

This proposal will result in many eligible families losing benefits. It also runs counter to the federal government's stated policy goals of increasing enrollment by streamlining application and renewal processes and generally trying to reduce unnecessary "churn". See for example 87 Fed. Reg. 54760 (Sept. 7, 2022) (proposing multiple changes to simplify Medicaid applications and renewals).

This proposed change in Delaware runs directly counter to this policy. The decreased recertification periods will increase churn, result in eligible families losing SNAP benefits and cause harm to vulnerable food insecure families. DHSS should rescind this harmful proposal. Given that SNAP benefits are 100% federally funded, Delaware should be seeking to increase not decrease enrollment of eligible families. This change will do precisely the opposite.

More than eight years ago, the United States Department of Agriculture (USDA), the federal agency that administers the SNAP program studied churn rates, costs and causes. They found that the vast majority of cases that churned exited SNAP at the time of recertification of a required interim report. This study found that among six states, the percentage of SNAP churn cases with a closure and subsequent reopening ranged from 66 to 90. **USDA specifically pointed to longer certification periods as a way to reduce churn.** Understanding the Rates, Causes, and Costs of Churning in the Supplemental Nutrition Assistance Program (SNAP), Mills, Vericker, Koball, Lippold, Wheaton, Elkin (November 2014, available at <https://www.fns.usda.gov/snap/understanding-rates-causes-and-costs-churning-supplemental-nutrition-assistance-program-snap>). Yet Delaware has proposed the precise opposite – shortened certification periods.

Other studies and reports confirm that increasing rather than reducing certification periods plays an important role in reducing churn. For example, a 2015 study in Maryland recognized that more than half of all churn cases begin at recertification. Importantly, families where churn occurred are more likely to include individuals with disabilities. **The Maryland study specifically noted lower churn rates with longer recertification periods.** “The length of redetermination period is important since frequent redeterminations allow more opportunities for churn to occur.” “A Profile of TANF Churn in Maryland,” Passarella (December 2015), available at <https://www.ssw.umaryland.edu/media/ssw/fwrtg/welfare-research/life-on-welfare-special-issues/churnprofile.pdf>.

Finally, experience over the past three years provides yet another reason to not increase the frequency of recertification. We are aware of many examples where clients have completed recertification papers and submitted them to DHSS, only to find that they have been lost or misplaced. These difficulties have resulted in benefits being lost only to be reinstated when the missing paperwork is found. This scenario has repeated itself repeatedly during the pandemic. The halving of recertification periods will intensify this problem. DSS reports staff shortages and longer processing periods. Shortening the more burdensome recertification process will not address this problem; rather it will exacerbate it.

Thank you for your time and consideration of our concern and request that this proposed regulation not move forward. Council feels that this is a step in the wrong direction for Delaware. Please feel free to contact Pam Weir or me should you have any questions on our comments or request.

Sincerely,

Ann C Fisher

Ann C. Fisher
Chairperson

ACF: kpc