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## Informational Letter

### Section 1

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<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Employment and Transitional Supports
<b>Date:</b>	November 17, 2005
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<b>Suggested Distribution:</b>	Temporary Assistance Directors Food Stamp Directors Medicaid Directors Staff Development Coordinators
<b>Contact Person(s):</b>	Temporary Assistance Policy Questions: Bureau of Cash Assistance at 1-800-343-8859 extension 4-9344 Medicaid: Upstate Regional representatives at (518) 474-8887 New York City representatives at (212) 417-4500 FS Questions: Food Stamp Bureau (518) 473-1469
<b>Attachments:</b>	
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		311.1(a) 350.2(a) 351.5(a) 352 370.3 397	SSL 62.1 7 CFR 273.7 7 CFR 273.24 7 USC 20149(h)		GIS 05 TA/DC041 GIS 05TA/DC033 GIS 05TA/DC031 GIS 05TA/DC028 GIS 05TA/DC027

### Section 2

#### I. Purpose

This release contains questions and answers regarding Hurricane Katrina evacuees. The questions and answers are derived from three sets of agency conference calls with districts on September 14, 16 and 20, 2005.

## **II. Background**

The questions and answers in this document pertain to the Temporary Assistance (TA), Food Stamps (FS) and Medicaid (MA) programs. If you have questions regarding this release please contact the appropriate policy team at the above referenced numbers. MA policy may differ from TA policy. Policy and procedures applying to cash programs may not apply to MA. Any questions regarding MA policy should be referred to the county's Department of Health (DOH) local liaison.

**Note: This Informational Letter was originally released on October 25, 2005. It is being released again to correct the answer to question number 34. Immediately following this note are disclaimers for all three program areas explaining the distinction in policy for Katrina Refugees for the period before and from November 1, 2005 on.**

### **Medicaid**

Hurricane Katrina evacuees who apply for Medicaid on or after November 1, 2005, may no longer be authorized for retroactive or prospective Medicaid using the easements described in GIS 05 TA/DC027, GIS 05 TA/DC028 and OMM GIS 05 MA/036. As of November 1, 2005, evacuees must meet regular Medicaid program requirements, including all documentation requirements. Districts are reminded that disaster relief payments, such as those from FEMA, are not considered in determining eligibility.

### **Temporary Assistance**

Effective November 1, 2005, districts must begin to process applications for temporary assistance using the regular eligibility and processing standards and requirements, including applicant employment requirements consistent with the local Welfare-To-Work employment plan for Hurricane Katrina Evacuees. The standards/procedures outlined in GIS 05 TA/DC028 and the initial certification period instructions outlined in GIS 05 TA/DC041, for Hurricane Katrina evacuees who apply for Family Assistance and Safety Net Assistance on or after November 1, 2005 no longer apply. Applications for TA from Hurricane Katrina evacuees received prior to November 1, 2005, must continue to be processed under the original easements outlined in these releases.

### **Food Stamp**

For Food Stamp purposes those evacuee applications filed after 10/31/05 will return to being processed under normal food stamp application processing standards (the standards pre Katrina). See GIS 05 TA/DC041 for more information.

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### IV. Program Implications

#### Temporary Assistance (TA)

##### A. Eligibility

#### 1. Q. How will the initial application process work for Katrina evacuees?

- A. Evacuees from Hurricane Katrina, who apply for TA, are exempted from certain eligibility requirements, processing standards and procedures for the month of application and three months thereafter as outlined in the previous GIS messages. Those evacuee cases that are opened as Family Assistance (FA) or Safety Net Assistance (SNA) must be given an initial TA certification period that begins the month of application and continues for the next three months. This applies to evacuees currently applying for TA and those who apply in subsequent months, including months after October 31, 2005. Furthermore this applies regardless of when the evacuee actually entered New York. This remains true until further notice is issued by this Office advising local districts to cease processing these TA applications in this manner.

For TA purposes, local districts must conduct a face-to-face determination of eligibility for recurring assistance prior to the end of the fourth month of initial certification. Even though these Katrina evacuees will have open FA or SNA cases, they must be treated as applicants for this eligibility determination. **The initial four months of benefits are considered to be short term non-assistance payments.** To continue to receive benefits beyond the initial four months, the recipient must comply with all TA eligibility requirements, including applicant employment requirements, unless good cause can be demonstrated.

- 2. Q. The initial certification period for FS runs through December 13, 2005. Does this apply to TA also?**
- A. No. TA cases should be assigned a four month certification period (initial month plus three months) regardless of the date of application, until OTDA issues instructions to stop applying these special processing standards.
- 3. Q. How long should the districts waive the less stringent documentation/verification requirements?**
- A. The documentation/verification requirements must be waived for the initial four month certification, if such documentation/verification is unavailable. At the time of the first recertification, ordinary requirements would apply. At the four month interval, districts will have a better idea of the individual's or family's future plans and continuing need for assistance in New York.
- 4. Q. What are the eligibility requirements for displaced students that are now attending college in NYS?**
- A. Local social service districts should explore whether the students' needs are being met by the college. For example, if they are living in a dormitory and have a meal plan, they would not need on-going TA or FS. If they are living off-campus there may be a need for both TA and FS. For the first four month certification period (the current month plus three months) for TA, there would be no employment requirements.
- 5. Q. Are child support compliance requirements waived?**
- A. A child support referral must be made; however, the applicant cannot be sanctioned for non-compliance or non-cooperation during the initial four month certification period.
- 6. Q. Is there a deadline for TA applications to be considered under these special processing rules?**
- A. No. Districts will be informed when to stop applying these processing standards to evacuees who apply for TA. The relaxed processing rules only apply to evacuee applicants and recipients during the initial certification period.
- 7. Q. Is the Safety Net Assistance (SNA) 45-day waiting period waived for evacuees?**
- A. Yes, it is waived for both the initial certification period and the follow-up application at the end of the initial four month short-term period.
- 8. Q. Should districts that have a home visit validation project suspend home visits for evacuees?**
- A. No

**9. Q. Should available income be budgeted for the initial months of the TA grant?**

- A. Yes, if income is available it should be budgeted. However, if the applicant states he or she has income, but does not know when or how to get it, the income must not be budgeted.

**10. Q. If an applicant refuses to have their photograph taken for the Common Benefit Identification Card (CBIC), what should the district do?**

- A. If the applicant does not have a valid reason for refusing to be photographed, the district should not give the applicant a CBIC.

**11. Q. Although GIS 05 TA/DC028 provides that districts may delay Automated Finger Imaging System (AFIS) requirements, is such a delay mandatory? The AFIS could be helpful in detecting fraud, for example where a person from New Jersey claims that he or she came from Louisiana.**

- A. The AFIS requirement is a county option. A district does not have to delay AFIS requirements. In addition to detecting fraud, there are other uses for AFIS as detailed in GIS 05 TA/DC028 and AFIS Update #195.

**12. Q. GIS 05 TA/DC028 provides that we must screen for Drugs/Alcohol (D/A). What if the person refuses to screening, assessment or attending rehabilitation? Do we deny/sanction the case?**

- A. Although districts must screen for D/A, evacuees must not be denied or sanctioned for failure to comply with D/A requirements for the first four months of receiving TA. Districts are expected to impose D/A requirements and take appropriate action for failure to comply with these requirements after the initial certification period (four months).

**13. Q. Many of the evacuees who are arriving are not applying for TA at this time. However, there may come a time when they do apply. Are the relaxed program requirements to be applied if these individuals come in to apply for assistance at a later date?**

- A. For the immediate future, these relaxed program rules will be in affect for TA for these persons. OTDA will inform districts when these relaxed rules will no longer apply.

## **B. Resources**

**14. Q. Is there any update on the \$2000 debit cards issued by FEMA?**

- A. The issuance of these debit cards has been suspended. However, if an applicant received the payment prior to the suspension of the program, the funds are exempt for both TA and FS purposes.

**15. Q. As a condition of eligibility during the initial certification period, are homeowners required to apply for benefits under the homeowners insurance?**

A. No, at this time it is not an eligibility requirement for either TA or FS purposes. However, homeowners and renters should be encouraged to explore the availability of any benefits available to them including insurance benefits. If they do apply and receive insurance benefits, any amount earmarked for general living expenses or for temporary housing must be counted as income.

**16. Q. If a household appears at a district and has benefit cards from one of the affected areas what should the district do?**

A. Some households were not initially able to access TA benefits from their home state while in NYS because their EBT cards were not recognized by some ATM/POS terminals. JPMorgan has since arranged for an updated software to correct this problem at most of these sites. The district must process a TA application without regard to any TA benefits from the home state unless the applicant states that he or she has access to this money through their EBT account.

For FS the district should process the application for expedited benefits. The FS available from the client's home state have no impact on their new application and the availability and amount of FS from the home state should be disregarded (even if they can be accessed via EBT).

**17. Q. If an evacuee household self-attests to having resources over the resource limit, but cannot access them, should the resources be counted as such?**

A. If the household cannot access the resources, they are considered unavailable and cannot be counted toward the resource limit.

**18. Q. An applicant's children receive Social Security Survivor's benefits that are "direct deposited" into a bank account. The applicant's mortgage payment is debited directly from this bank account. Can the district require the applicant to change the children's SSD benefits to be sent to the district?**

A. The applicant can not be required, for the initial four month certification period, to have the SSD benefits redirected to them.

**19. Q. Is it a condition of eligibility for evacuees to apply for Unemployment Insurance Benefits (UIB) or Disaster Unemployment Insurance Benefits (DUIB)?**

A. Not at this time. However individuals and families should be strongly encouraged to file for these benefits by calling 1-888-209-8124 or by accessing the New York State Department of Labor website at [www.labor.state.ny.us](http://www.labor.state.ny.us) . If an individual or family has not applied for these benefits after receiving TA for four months, applying for them will become a condition of eligibility.

**20. Q. If resources are accessible (i.e. a bank account with ATM access) must the evacuee use them before becoming eligible for TA?**

A. As is the case under ordinary TA rules, if the individual is applying for emergency assistance, he or she must use all resources actually available prior to being eligible for emergency assistance. If he or she is applying for on-going assistance, then the \$2,000/\$3,000 resource limit applies.

**21. Q. Do these evacuees have to apply for FEMA benefits in order to be eligible for TA?**

A. No, although districts should strongly encourage the pursuit of these benefits and if possible, attain a copy of the individual's FEMA ID number to keep in the case folder to aid with tracking these individuals. This money is exempt as income and resources for purposes of TA eligibility and the amount of assistance. It will not be a condition of eligibility to apply for such benefits until the individual or family has received assistance for four months.

**22. Q. How are payments received from the Red Cross treated for TA?**

A. These payments are exempt as income and resources for determining TA eligibility or amount of TA.

**23. Q. If an evacuee applies for assistance and claims that he or she has income that is directly deposited into an account on a recurring basis, would we count this income in determining eligibility?**

A. Yes. However, if the income is not readily available and the direct deposit has not been posted, these individuals should be treated as having an emergency/immediate needs situation if an emergency or immediate need is their reason for applying. If they apply for ongoing assistance, then the income would not be considered available until it was posted, and the person had access to it.

**24. Q. A 76 year old evacuee receives \$1300 Social Security benefits monthly. She has access to the money through her ATM card. Is the money counted as income?**

A. The Social Security benefits would be counted as income for TA purposes, as they are available for her use.

For FS, the Social Security benefits would not be counted for the month of application as the financial requirements have been waived for evacuees. However, districts should budget the Social Security benefits for the month after application.

### **C. Benefits**

**25. Q. Are any provisions being made to temporarily increase the additional allowance schedules?**

A. No. The additional allowance schedules, such as the furniture replacement schedule remain in effect.

**26. Q. An evacuee receiving TA found his own housing, but the shelter expense is higher than the shelter allowance. Should shelter allowances be increased in these situations to accommodate evacuees?**

A. No. The ordinary shelter allowances, as set forth in 18 N.Y.C.R.R. 352.3, must be used.

**27. Q. Is an evacuee eligible for a transportation expense allowance to pay for travel from New York to his or her home state to retrieve belongings?**

A. No. There is no authority to make such a payment.

**28. Q. An evacuee and her child came from Louisiana to New York because her mother is here. She drove up in a car, for which she does have a title, but she has no verification of insurance or registration and the car needs repairs. Can Emergency Aid to Families (EAF) be used to pay for the repairs, insurance and registration fee?**

A. If the car will be used to seek employment or retain employment in New York then EAF may be used to pay for the repairs, insurance and registration fee, either as a diversion payment to divert the family from receiving assistance or to reduce the amount of assistance needed due to employment income. However, the district should assist the applicant in obtaining the insurance and registration information.

**29. Q. An applicant family is requesting an allowance for a mortgage payment (\$1200) for their home in Louisiana. Can the district pay this?**

A. No. TA is intended to meet the family's needs while they are in New York. There is no authority to authorize an allowance to pay for a mortgage for a home out-of-state. This family should be directed to apply for any available resources such as UIB and FEMA to assist in making payments.

**30. Q. An evacuee who has been residing temporarily in New York is requesting gas and toll money to return to New Orleans. She owns a home in New Orleans and it is being repaired. The rest of her family would join her later. May the district issue an allowance for these expenses and would they be covered by EAF?**

A. Yes, if the family is otherwise eligible, these expenses may be paid under EAF because the family has a home to which to return.

**31. Q. If an evacuee is residing with family members in New York is he or she eligible for a furniture allowance for bedroom furniture?**

A. Yes. An additional allowance may be provided in an amount up to the furniture allowance schedule. Districts are reminded to enter a "J" in the special claiming code field associated with the pay lines.



#### **D. Aliens**

**32. Q. If an alien does not have his or her Alien Identification card with him or her, what number should the district enter in the Alien Identification field?**

- A. Districts should fill the Alien Identification field with “9’s”. Districts can accept an alien’s self-attestation of immigration status for the first four months of TA benefits. Districts should advise aliens who have been displaced by Hurricane Katrina that they will have to obtain replacement immigration documents if they will need TA, FS or MA beyond this four month period. The United States Immigration and Citizenship Services (USICS) is waiving the fee for replacement documents on a case-by-case basis.

**33. Q. Are undocumented aliens eligible for TA and FS?**

- A. Self-attesting undocumented or illegal aliens would not be eligible for TA. They would be eligible for the first month of FS benefits as non-financial requirements are being waived. They would also be eligible for emergency MA if needed.

#### **E. Welfare Management System (WMS)**

**34. Q. Is special claiming code “J” operational at this time?**

- A. Yes. It is very important that districts enter “J” in the special claiming category field on screen 6 for all payments issued to evacuees. As of September 19, 2005, a “J” also should be entered in the “FAP CD” field on screen 3 for all evacuees. For cases receiving MA, the Anticipated Future Action code 509 must also be used.

New York City has created a case and line level opening code 064, which must be used to open the cases of evacuees of Hurricane Katrina. NYC Medicaid-only cases must be established under Case Type 21 – MPE, Category Code 66, Responsible Center 5k9, Originating Center PCP.

**35. Q. What employment codes should districts use for evacuee cases?**

- A. For employable applicants, districts should use employment code “70-Contesting Employment”. For FS cases, districts should code all adult household members as “WE-NPA Work Requirement Exempt”.

**36. Q. How long should districts be using the special claiming code “J” or the 064 opening code in New York City?**

- A. Districts should continue to use the “J” claiming code and the 064 opening code in New York City until instructed to stop.

**37. Q. Many districts have child evacuees who are temporarily staying with other households. How are these children being tracked?**

- A. Households that are applying on behalf of a child evacuee should have a separate case opened for the child and the “J” code should be entered on all pay lines and in the FAP CD field on screen 3. Category would be determined by relationship of the adult to the applying child.

For FS purposes, evacuees are afforded separate household status. This applies to children as well.

**38. Q. Can special claiming code “J” be added after a line has been entered in BICS?**

- A. Yes. Districts are encouraged to enter a “J” on all pay lines through BICS that they later determine to meet the rules of an evacuee payment.

## **F. General**

**39. Q. What should a district do when joint custody is involved in evacuee situations?**

- A. For TA budgeting and case category, joint custody is not based on the legal status of the child to the parents. The family court order is not the determining factor in whether the case is true joint custody (shared responsibility) or one in which one parent is the primary caretaker.

Rather, for TA purposes, “care and control” of the child is the variable that is reviewed when assessing category and budgeting in joint custody scenarios. In this emergency situation, the fact that the applying parent has physical custody of the child is indicative that the parent is exercising “care and control” at this critical time. The parent with whom the child is physically located is entitled to apply and receive benefits on behalf of that child.

**40. Q. If an evacuee applies in one district and states they are relocating to another district, does the transition rule apply?**

- A. Yes, as long as the evacuee has been determined eligible for TA prior to the move, the former district would continue assistance for the month of move and following month.

**41. Q. Does OTDA have any information on special housing subsidies through FEMA or the Red Cross, etc?**

- A. No

**42. Q. An evacuee is temporarily staying at her family's camp in Canada. She is part owner of the camp, and was there at the time of the hurricane. The evacuee called the neighboring district, where her relatives reside in New York, to see if any benefits were available to her. For what benefits, if any, is the evacuee eligible?**

A. Since the evacuee did not first relocate to the neighboring New York district, but rather went directly to the camp in Canada and remains there, the evacuee is not eligible for any assistance from any district in New York. If the evacuee later relocates to this State, an application may be filed at that time and eligibility reassessed.

**43. Q. Will there be federal reimbursement for the local share of costs associated with benefits for these displaced families and individuals?**

A. We have asked the federal government for more details on this topic and have not gotten an affirmative response to date. It is very important that districts outside New York City continue to identify these cases using the "J" code in the current field labeled "FAP CD" on screen 3. All pay lines entered on screen 6 should have special claiming code "J" entered in that field on each pay line. In New York City, the 064 opening code must be used so that we can track these cases for future follow-up with regard to federal reimbursement. For Medicaid, Upstate districts must enter AFA code 509 into WMS. New York City cases must be established under Case Type 21 – MPE, Category Code 66, Responsible Center 5k9, Originating Center PCP. It is also very important to record both the applicant's prior residential address in the disaster area and their mailing address in New York State.

**44. Q. A victim leaves a domestic violence shelter in Louisiana and enters a New York residential program for victims of domestic violence. Is the county where the victim is found responsible for payment for the residential program?**

A. Yes, as long as the victim applies and is otherwise eligible for residential services.

**45. Q. Will the TANF funded assistance the evacuees receive count toward the clock in the state that they left?**

A. No. TANF funded assistance received in New York will automatically be added to the New York clock because that is how the system is designed. However, this assistance will be considered short-term assistance by the federal government and not countable toward the TANF time limit in any state. Therefore, it is very important to use the "J" claiming code outside New York City in the FAP CD field on screen 3 and the opening code 064 in New York City to track these cases.

## **G. Food Stamps**

**46. Q. Should we now issue FS supplements for those households that were issued prorated benefits prior to notification that all households should receive a full month's benefit for the month of application?**

A. Yes, districts should issue a supplement up to the maximum benefit for a full month based on household size.

**47. Q. What FS rules are being suspended and for how long?**

- A. For the month of application (September or October) there are no income or resource requirements and no non-financial requirements. These would include citizenship, student status, etc.

After the month of application and thru December 31, 2005, if documentation is unavailable the household's self-attestation must be accepted.

**48. Q. Should districts be using the actual date of application for FS?**

- A. Yes and the "authorization to" date should equal December 31, 2005. No FS budget is needed for the first month's benefit and the pay line "from date" should be the first day of the month of application.

**49. Q. If a stored budget is not needed for the first month of benefits does this mean we should do manual letters?**

- A. Yes

**50. Q. If a member of a FS household self declares that he or she is an ineligible alien, is he or she eligible for FS?**

- A. Yes, for the first month of application only, as there are no non-financial requirements for the first month. However, they would not be eligible for TA.

**51. Q. If a district has an off-site emergency intake center, may a Personal Identification Number (PIN) be selected once a vault card has been issued?**

- A. Yes

**52. Q. Are there reporting requirements for FS households certified under evacuee status?**

- A. No. There are no reporting requirements for these households. However, the household must recertify under normal standards to continue to receive benefits beyond December 31, 2005.

**53. Q. Should districts open New York State Nutrition Improvement Program (NYSNIP) cases for evacuees who are Supplemental Security Income (SSI) eligible?**

- A. No

**H. Medicaid**

**54. Q. If a client comes in and produces a MA card from Louisiana, Alabama or Mississippi, what should the district advise them to do?**

- A. The affected states have websites available for NYS providers to become MA providers for the client's home state. Providers who provide services to a client with Medicaid from the affected States should avail themselves of this process. Providers were sent a "Dear Provider" letter dated September 12, 2005, which instructed them on this procedure. If an evacuee goes to a provider stating that they are already on Medicaid in Louisiana, Mississippi or Alabama, the provider should go to the website of those state Medicaid programs and access their instructions for emergency provider enrollment in their Medicaid programs.

The web sites are:

Alabama	<a href="http://www.medicaid.state.al.us/">http://www.medicaid.state.al.us/</a>
Louisiana	<a href="http://www.dhh.state.la.us/offices/?ID=92">http://www.dhh.state.la.us/offices/?ID=92</a>
Mississippi	<a href="http://www.medicaid.ms.us/">http://www.medicaid.ms.us/</a>

Therefore, MA cards from the affected states should be accepted. However, clients can always be referred to the local emergency room as a last resort.

**55. Q. What rules are being waived for MA?**

- A. GIS 05 MA/036, "Citizens Displaced by Hurricane Katrina", states what is acceptable documentation for MA.

**56. Q. How is a MA case being notated to reflect it is an evacuee case?**

- A. Districts should enter an AFA code of 509 on screen 4 of the 3209. This AFA code will automatically generate a "J" claiming code. New York City cases must be established under Case Type 21 – MPE, Category Code 66, Responsible Center 5k9, Originating Center PCP.

**57. Q. Should districts be enrolling evacuees in Managed Care?**

- A. No. Districts should enter a 90 in the PCP subsystem to prevent auto enrollment.

**58. Q. Case types 20 and 24 are accepted if they were on MA in Louisiana, Mississippi or Alabama. What about case type 22?**

- A. An evacuee should NOT be on a Case Type 24, which is for Family Health Plus (FHP) cases. The evacuee enrollment process does not include FHP. CT 22 would be used for an SSI cash case receiving Medicaid.

**59. Q. When a TA case closes and a Sep/Det is done for MA, how does the "J" code get transferred to the MA case?**

- A. Workers will need to enter the Anticipated Future Action Code 509 (Evacuee). If all individuals in the case fit the evacuee criteria, as detailed in GIS 05 TA/DC027, no Line Number needs to be entered with the 509. If only some individuals in the case are evacuees then the Lined Number for only those it applies should be entered.

**60. Q. Do we have contact information for the affected states yet? A nursing home patient is being transferred from Louisiana to Rennselaer Co. and they need a contact number.**

A. As discussed in Question 55, if the nursing home patient had Medicaid in one of the affected states, the New York State nursing home the client is to be placed in should contact the home state and become a provider for that state's Medicaid program.

If the client is not on Medicaid in the home state and appears Medicaid eligible, or if there are questions about the client's residence, the district should contact their local district liaison to clarify how the specific case should be handled.

**61. Q. If an insurance settlement payment is received, is it exempt for MA eligibility?**

A. If the settlement is intended to replace exempt property, e.g. a homeowner's settlement for a home that was destroyed or damaged, it can be exempted for Medicaid purposes.

**Issued By** \_\_\_\_\_

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