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Governor

**NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY
ASSISTANCE**
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Commissioner

Informational Letter

Section 1

Transmittal:	08-INF-12
To:	Local District Commissioners
Issuing Division/Office :	Center for Employment and Economic Supports
Date:	August 5, 2008
Subject:	Pathways and Similar Case Management Models
Suggested Distribution:	Temporary Assistance Staff Food Stamps Staff Transitional Opportunities Program (TOP) Coordinators Medical Assistance Staff Staff Development Staff Employment Staff
Contact Person(s):	Temporary Assistance Bureau at 1-800-343-8859, extension 4-9344 Employment and Advancement Services (EAS) Technical Advisor for Employment-Related Matters at (518) 486-6106
Attachments:	Attachment A: Model Call-in Letter
Attachment Available On – Line:	<input checked="" type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		351.1 351.2 351.21 351.22 385.12		<u>TASB Section 6.C</u> <u>FSSB Section 6</u> , pages 4 and 5 <u>Temporary Assistance and Food Stamp Employment Policy Manual</u> , Section 12	GIS 05TA/DC032

Section 2

I. Purpose

The purpose of this Informational Letter (INF) is to provide local departments of social services (LDSS) with information about the questions that have arisen about the use of Pathways and other case management call-in models to establish continuing eligibility for temporary assistance and move individuals and families to incrementally greater levels of self-sufficiency.

II. Background

LDSSs have the task of identifying barriers to self-sufficiency and, to the extent possible, of helping individuals to overcome or remove such barriers. Pathways is a case management program that has been operated in various districts throughout the State over the past decade.

Sometimes a barrier is relatively easy to address. For example, if a parent is able to work but lacks child care, the LDSS will address that barrier by letting the parent know that the LDSS can help with the cost of child care. If the parent is unable to find appropriate child care, the LDSS will provide information to help the parent to locate child care.

Other barriers are not so easily identified and addressed.

Pathways and Pathways-like call-in models that have been built into the Temporary Assistance (TA) eligibility process have given districts an additional tool for helping to identify and remove those barriers.

III. Program Implications

LDSSs have the authority to meet with recipients as often as necessary to monitor ongoing eligibility for TA (see 18 NYCRR §§ 351.1, 351.2, 351.21, 351.22). Key factors in such a determination include exploring changes in case circumstances, household composition, medical condition, income and the availability of resources. Monthly meetings for this purpose are acceptable and failure to attend a meeting without good cause constitutes cause for discontinuing temporary assistance benefits for the household. Any contact more frequent than monthly must be reasonable and based on and justified by individual case-specific circumstances. Accordingly, mandating weekly call-ins that target groups of individuals, such as noncompliant (sanctioned) individuals, are not appropriate.

As LDSSs have gained experience with Pathways and similar models, they also are presented with circumstances that need closer examination to determine the proper action and this Informational Letter will address the issues that have arisen thus far. They are:

1. client confidentiality;
2. penalties for failure to attend the sessions;
3. the effect of failure to attend Pathways or similar model meeting on food stamp and Medicaid benefits;

4. how Pathways and similar models relate to other TA requirements;
 5. failure to follow the Pathways or similar model plan;
 6. how Pathways or similar model relates to employment requirements; and
 7. call-in letters.
1. Client confidentiality: Clients have the right to confidentiality. This means that if they are in a peer support (group) meeting, they cannot be required to discuss their own situation, comment on another or otherwise be required to actively participate in the group interaction. However, clients are required to answer questions related to their own plan in a private setting. This distinction must be explained to clients so that they are not under the impression that they must actively take part in the group discussion.
 2. Penalties for failure to attend the Pathways or similar model session: As stated above, the LDSS has the right to call clients in for ongoing eligibility reviews, in the form of Pathways or similar model meetings. Therefore, failure to go to a session would be considered a failure to appear for an eligibility review. This is true unless the individual has a good cause reason for not attending. Examples of good cause could be an emergency, no child care, a scheduled court appearance, or scheduled work or work activity.
 3. The effect of failure to attend Pathways or similar model meeting on food stamp and Medicaid benefits:
 - a. Food Stamps: Food stamps cannot be discontinued for failure to attend a meeting that is not required for food stamps. Therefore, when the action to terminate the TA case is based only on the client's failure to attend Pathways or similar model session, the food stamp case cannot be closed and the LDSS must recompute and continue the food stamp benefits as Non-TA FS or Transitional Benefits Alternative (TBA) FS.
 - b. Medicaid: The activities and meetings associated with the Pathways or similar model program are not conditions of Medicaid eligibility. Failure to attend these meetings or participate in Pathways or similar model activities cannot affect the Medicaid case. Medicaid cases cannot be closed for failure to participate in Pathways or similar model requirements. Additionally, employment requirements do not apply to Medicaid. If TA is being closed for this reason, use of case closing code N17, "Failure to Complete Eligibility Process - PA related" will continue MA unchanged (i.e., a separate determination).
 4. How Pathways or similar model relates to other TA requirements: Some specific Pathways or similar model activities in an individual's plan may also be TA requirements. For example, an individual may have been assessed to have a substance abuse problem to such a degree that it would prevent the individual from working. Specific treatment requirements may be indicated by the Credentialed Alcohol and Substance Abuse Counselor (CASAC) and they may be

included in the Pathways or similar model plan. Since drug/alcohol treatment is mandated under 351.2(i), failure to follow the treatment plan could result in a durational sanction for the individual. However, districts should note that the sanction would be taken against any individual who is required to comply with treatment requirements but fails to do so, whether a Pathways or similar model participant or not.

5. Failure to follow the Pathways or similar model plan: If a recipient attends a scheduled meeting and cooperates with the eligibility requirements of the meeting, but has not demonstrated progress in following the suggestions outlined in a Pathways or similar model plan, no negative action can be taken on the case. Progress on such a plan is not an eligibility requirement.
6. How Pathways or similar model relates to employment requirements: Some districts may choose to include employment requirements as activities in an individual's Pathways or similar plan review. As noted above, action may be taken as a condition of eligibility if an individual fails to appear for a scheduled Pathways session. However, participation in and compliance with the employment requirement would be independent of the individual's participation in the Pathways session. For example, an individual who is required to participate and complies with a work experience assignment, but does not appear for the Pathways session or follow the suggestions outlined in a Pathways or similar model plan would be in compliance with employment requirements.

Districts must be mindful of the regulatory authority which forms the basis for which a recipient request for compliance is required and what negative action can be taken for non-compliance. Non-exempt recipients who willfully and without good cause fail to comply with temporary assistance employment requirements are subject to sanction in accordance with Part 385 of OTDA regulations. An exempt recipient who the district has determined has the potential to restore his/her employability, but refuses or fails without good cause to comply with reasonable medical care, treatment or rehabilitation that an appropriate health care professional has determined is necessary to improve his/her ability to work would be ineligible for temporary assistance (removed from the TA budget) until compliance with the required medical care, vocational rehabilitation or treatment (see 18 NYCRR § 385.12).

Districts may not substitute a Pathways or similar model plan including an eligibility call-in interview simply as an administrative requirement for employment requirement which a recipient has previously established good cause for not complying with. The eligibility call-in process must not be used to enforce compliance with employment requirements. There must always be a basis to monitor the case related to individual need, case circumstances or the proper administration of the temporary assistance programs. For example, an individual is excused from a work experience assignment because of a scheduled maintenance makeover of a building. The district may not schedule a call-in in place of the work experience assignment unless the district had a justifiable reason for calling the individual in for a review related to individual need, case circumstances or the proper administration of the temporary assistance programs.

7. Call-in Letters: There are many different types of call-in letters in use by districts since there are different reasons that districts will be calling-in individuals to the agency. Call-in letters (Attachment A – Model Call-in Letter is just one example) must clearly explain what is being asked of clients at a Pathways or Pathways-like interview and meeting. It should not include as an eligibility requirement any request or initiative that the district is offering that is not provided for in OTDA regulations.

Issued By

Name: Russell Sykes
Title: Deputy Commissioner
Division/Office: Center for Employment and Economic Supports

County Letterhead

DATE

Mr. John Smith
42 Main Street
Albany, New York, 12210

Dear Mr. Smith:

Please report to our Office at 321 South First Street, Albany on April 5, 2008, for a required eligibility review and a case management meeting. At the eligibility review, you will need to explain how your household is meeting its expenses since you are sanctioned. We may also ask other questions regarding your household circumstances, including your income and resources. If you do not appear for this meeting and complete the eligibility review, your Temporary Assistance (TA) case may be closed. The authority for reviewing TA eligibility as necessary is 18 NYCRR 351.2 and 351.21.

At this meeting we would also like to discuss your barriers to participation in the work activities that resulted in your sanction. We can also work together to resolve these issues and assist you in returning to employment, work related activities, and complying with Temporary Assistance Employment Requirements.

If you have any questions please contact the undersigned at 123-4567.

Sincerely,

Examiner