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 | INFORMATIONAL LETTER |
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TRANSMITTAL: 91 INF-51

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: September 25, 1991

SUBJECT: Revised "Programmatic Action Regulations Guide"
 DSS-4168

SUGGESTED

DISTRIBUTION: Income Maintenance Directors
 Food Stamp Directors
 Medical Assistance Directors
 Corrective Action Coordinators
 Employment Coordinators
 Staff Development Coordinators

CONTACT PERSON: Mary Ann Vazzana, IM/WMS, at 1-800-342-3715,
 extension 4-5654.

ATTACHMENTS: "Programmatic Action Regulations Guide" DSS-4168
 (not available on-line).

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
89 ADM-21	90 INF-8			PASB	
90 INF-8				Section	
88 INF-83				VI-all	
				FSSB	
				Section	
				VII-all	

The purpose of this release is to introduce the revised "Programmatic Action Regulations Guide", DSS-4168. Part 358 "Fair Hearings" of Title 18 of the Codes Rules and Regulations of the State of New York requires that the regulatory citation(s) supporting any action taken by a local district on an applicant's/recipient's case be included in the notice sent to the client. Each of the standardized client notices includes a section (s), which states "The law(s) and/or regulation(s) which allow us to do this is ...". This section is to be completed by workers with the appropriate regulation(s) number(s). This Guide is intended to assist workers in complying with this requirement.

In using this Guide, local districts should be aware of the following:

1. This is only a guide. Local districts have the ultimate responsibility for being sure the reason(s) and regulation(s) are accurate for the particular case action.
2. The "reasons" listed are only clues to the proper regulation citation(s). They are not sufficient as reasons on the client notice. Such notices must give applicants/recipients enough information so they can easily determine what action is being taken and why.
3. There will be cases when an action is appropriate for one program area but another action and reason are better for a different program area on the same case. Workers must judge when it is necessary to choose another action, reason, and/or regulation for the different program areas in the same case.
4. Regulatory citations are required whenever there has been a change in one of the items used in a budget calculation even if the result is no change in benefits. The citations listed in the Increase/Reduction categories can also be used when there is no change in benefits. For example, a change in shelter costs may not result in a change in food stamp benefits. However, the correct citations would be Department regulations 387.12(e) and 387.15.
5. If "N/A" (not applicable) appears in a column, it means that no change will occur in that program for the listed reason, even though there may be a change in one or two of the other programs. For example, decreased medical costs may affect food stamps and/or medical assistance benefits/eligibility but they do not affect public assistance benefits/eligibility.
6. This Guide will continue to be updated as needed. Therefore, comments and recommendations for changes to the Guide will be accepted and appreciated.

The revisions to the 9/89 version, which are included in the 4/91 version are listed below:

I. General

- A. The revision date was changed to "4/91".
- B. The order of the columns was changed from "PA, MA, FS" to "PA, FS, MA". This makes the order of the columns consistent with the order in which combined notices are completed.
- C. For easier readability, lines were drawn between sub-headings.

II. Page 1

- A. Citations for "Catastrophic Illness Program" were deleted.
- B. Citations for eligibility for "Transitional Medical Assistance" were added.

III. Page 2

- A. Citations for "Repairs to Heating Equipment" under EAF and HEAP were added.
- B. Citations for "Extension of Eligibility for MA" were deleted.

IV. Page 3

- A. The sub-headings under "Medical Assistance (MA)" were changed to reflect TMA.
- B. The MA citations for the sub-heading "Medical Bills" under "Medical Assistance (MA)" were changed.
- C. The MA citations for the sub-heading "Medical Need" under "Medical Assistance (MA)" were changed.
- D. The MA citation for the sub-heading "Medical Verification of Minor's Pregnancy" under "Pregnant Woman" was deleted.
- E. Citations for Eligibility for MA due to pregnancy were added.
- F. The MA citation was added for "Resources - Transfer of (acceptance with limited coverage)".
- G. An MA citation for the heading "Return of Recipient or Relative" was added.

V. Page 5

- A. The MA citation for the heading "Absent Parent" was added.
- B. Citations were added for failure to participate in treatment for alcoholism and drug addiction.
- C. The MA citation for the heading "Death" was deleted.
- D. The employment sub-heading under "Disqualified Individuals" was changed to reflect the implementation of the JOBS program. MA citations for this sub-heading were changed.
- E. The MA citation for the sub-heading "Fraud" under "Disqualified Individual" was changed.
- F. Citations for "Catastrophic Illness Program" were deleted.
- G. Citations for "Annual Reconciliation of Restricted Energy Payments" were deleted.

VI. Page 6

- A. The citations for "Employment" were changed to reflect the implementation of the JOBS program. MA citations for this heading were changed.
- B. The MA citation for "Fraud" was changed.
- C. Citations for "Repairs to Heating Equipment" under EAF and HEAP were added.
- D. The MA citation for "Interview" was changed.
- E. Citations for "Annual Reconciliation of Restricted Energy Payments" were deleted.
- F. Citations for "JOBS - Failure to Comply with Requirements of" were added.
- G. An MA citation (360-4.7(a)) for "Lien and/or assignment failure to sign" was deleted.

VII. Page 7

- A. PA citations for "Medical Evaluation" were changed to reflect changes in Part 385 of Department Regulations. An MA citation for this heading was added.
- B. MA citations for transfer of property and transfer of resources were added.
- C. An MA citation (360-4.7(a)) for the sub-heading "Failure to Sign Lien and/or Assignment" under "Property" was deleted.

- D. Citations for the sub-heading "Excess" under "Resources" were changed.
- E. An MA citation (360-4.7(a)) for the sub-heading "Failure to Sign Lien and/or Assignment" under "Resources" was deleted.
- F. The employment sub-heading under "Sanctioned Individuals" was changed to reflect the implementation of the JOBS program. MA citations were changed.

VIII. Page 8

- A. Citations for the WIN program were deleted.
- B. Clarification of MA policy on "Sanctioned Individuals" was added. Citations for the sub-headings under "Sanctioned Individuals" were changed.
- C. The MA citation for the heading "Striker, Ineligible" was added.
- D. The MA citation for the heading "Supplemental Security Income, Failure to Apply for" was added.
- E. The MA citation for the heading "Work Register and Seek Work, Failure to, Applicant" was changed.

IX. Page 9

- A. Citations were added for failure to participate in treatment for alcoholism.
- B. Citations for "Catastrophic Illness Program" were deleted.
- C. Citations for the sub headings under "Absent Parent" were changed.
- D. The MA citation for the sub-heading "Training" under "Child" was changed.
- E. The MA citation for the heading "Death" was changed.
- F. The MA citations for the sub-headings under "Deed/Mortgage" were changed.

X. Page 10

- A. The employment sub-heading under "Disqualified Individuals" was changed to reflect the implementation of the JOBS program. MA citations were also changed.
- B. An MA citation for the sub-heading "social security number" under "Disqualified Individuals" was added.

- C. Citations were added for failure to participate in treatment for drug addiction.
- D. The citations for "Employment" were changed to reflect the implementation of the JOBS program. MA citations were also changed.
- E. The MA citation for "Fraud" was changed.

XI. Page 11

- A. Some MA citations for "Household Size" were deleted.
- B. The MA citation for the sub-heading "Gross income test" under "Income" was changed.
- C. Citations for "JOBS - Failure to Comply with Requirements of" were added.
- D. MA citations for the heading "Lien and/or Assignment" were deleted.
- E. The MA citation for the heading "Mailout" was changed.
- F. MA citations for the heading "Medical Assistance" were changed to reflect TMA.

XII. Page 12

- A. PA citations for "Medical Evaluation" were changed to reflect changes in Part 385 of Department Regulations.
- B. PA citation for "Migrant Workers - Termination of Employment" was changed to reflect changes in Part 385 of Department Regulations.
- C. MA citations for transfer of property and transfer of resources were added.
- D. The MA citation for the heading "Need, Change in Degree of" was added.
- E. An MA citation (360-4.7(a)) for the sub-heading "Fail to Sign Lien and/or Assignment" under "Property" was deleted.
- F. MA citations for the sub-heading "Excess" under "Resources" were changed.
- G. An MA citation (360-4.7(a)) for the sub-heading "Failure to Sign Lien and/or Assignment" under "Resources" was deleted.
- H. The employment sub-heading under "Sanctioned Individuals" was changed to reflect the implementation of the JOBS program. The MA citations were also changed.

XIII. Page 13

- A. Clarification of MA policy on "Sanctioned Individuals" was added. Citations for the sub-headings under "Sanctioned Individuals" were changed.
- B. The MA citation for the heading "Supplemental Security Income, Failure to Apply for" was changed.
- C. The MA citation for the heading "Support Enforcement, Failure to Comply with" was changed.

XIV. Page 14

- A. Citations for the WIN program were deleted.
- B. MA citations for the heading "Training or Education, Refused to Accept or Complete" were changed.
- C. The MA citation for the heading "Voluntary Employment Quit/Reduction in Earnings" was changed.
- D. The MA citation for "Work Register and Seek Work, Refused to, (Recipient)" was changed.

XV. Page 15

- A. The MA citation for the heading "Absent Parent" was changed.
- B. Some MA citations for the heading "Household Size, Change" were deleted.

XVI. Page 17

- A. Citations were added for failure to participate in treatment for alcoholism.
- B. The MA citation for the sub-heading "Return of" under "Absent Parent" was changed.
- C. MA citations for the sub-headings under "Deed/Mortgage, Failure to Execute" were changed.
- D. The MA citations for the sub-heading "Employment" under "Disqualified Individual" were changed.

XVII. Page 18

- A. Citations were added for failure to participate in treatment for drug addiction.

B. The citations for "Employment" were changed to reflect the implementation of the JOBS program. The MA citations were also changed.

C. Some MA citations for the heading "Household Size, Change" were deleted.

XVIII. Page 19

A. Citations for "JOBS - Failure to Comply with Requirements of" were added.

B. PA citations for "Medical Evaluation" were changed to reflect changes in Part 385 of Department Regulations.

C. The MA citation was added to the sub-heading "Absent Parent's Return" under "Income".

D. The MA citation was added to the sub-heading "Marriage of Parent" under "Income".

E. The MA citation for the heading "JOBS" was changed.

F. The MA citation for the heading "Mailout" was changed.

XIX. Page 20

A. The employment sub-heading under "Sanctioned Individuals" was changed to reflect the implementation of the JOBS program. MA citations were also changed.

B. Citations for the WIN program were deleted.

C. Clarification of MA policy on "Sanctioned Individuals" was added. Citations for sub-headings under "Sanctioned Individuals" were changed.

D. MA citations for the heading "Resources" were changed.

XX. Page 21

A. Citations for the WIN program were deleted.

B. The MA citation for the heading "Supplemental Security Income, Failure to Apply for" was changed.

C. The MA citation for the heading "Support Enforcement, Failure to Comply With" was changed.

D. The MA citation for the heading "Voluntary Employment Quit, Reduction in Earnings" was changed.

E. The MA citation for the heading "Work Register and Seek Work, Refused to, Recipient" was changed.

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Local districts will automatically receive a supply of this Guide. Requests for additional copies of the Guide are to be submitted on Form WMS-47 (Rev. 3/81): "WMS Order Form", and should be sent to:

New York State Department of Social Services
Welfare Management System
P.O. Box 1990
Albany, New York 12201
Attention: Don Parker

Inquiries concerning the contents of the Guide can be directed to the Program Policy/Systems Coordination Unit at 1-800-342-3715, extension 4-5654.

Questions concerning ordering the Guide should be directed to Don Parker by calling 1-800-342-3715, extension 4-2702.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance