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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 96 LCM-21

Date: February 27, 1996

Division: Management Support &
Quality Improvement

TO: Local District Commissioners

SUBJECT: Authorizing EAF For Services Provided By Non-DSS Agencies

ATTACHMENTS: None

The purpose of this memorandum is to address and clarify EAF policy and procedural issues that arise when EAF funding is sought for services provided by agencies and other governmental entities other than the Department or social services district. The standards for authorizing and claiming Emergency Assistance to Families (EAF) are contained in Department Regulations Part 372. Since the release of 93 ADM-39 which removed restrictions on the use of EAF for costs related to services provided to meet qualifying emergencies, the Department has issued a number of releases with instructions to assist social services districts in the proper documentation and authorization of EAF for services. Included among them are 94 LCM-52; 95 LCM-54 and 95 LCM-117.

I. BACKGROUND

The Department has recently entered into ten (10) Memoranda of Understanding (MOU) with other State agencies for the purpose of facilitating opportunities for authorizing and claiming EAF at 50% federal funding for eligible clients and services are provided or monitored by these agencies. In addition, the Department has awarded a contract to the New York State Association of Counties (NYSAC) for the purpose of maximizing federal reimbursement in programs such as EAF. Social services districts and counties have also signed contracts or MOU's for this purpose. Please refer to 95 LCM-117 for a discussion of the impact of these documents on claiming procedures.

II. POLICY IMPLICATIONS

The eligibility criteria for authorizing EAF for services are discussed in 94-LCM-52 and the requirements apply uniformly to recipients whether they have been previously known to the social services district or not. When a social services district is utilizing the services of the State contractor (NYSAC) or one secured by their own negotiations, the contractor can be delegated the responsibility for all documentation activities related to determining EAF and related functions. Responsibility for signing EAF authorizations (e.g. the DSS 638-QA), the DSS-2970 "WMS Authorization-Services" and for certifying claim forms i.e. DSS-3922 "Financial Summary for Special Projects" and the DSS-3148 "Standard State Agency Claim Form" remain with the social services district (or in the case of the DSS-3148 remains with the director of the non-DSS agency) and can not be delegated to a contractor. Additionally, the DSS-3148 should also be certified via a second signature by the non-DSS agency or entity to provide additional assure of the propriety of the claim.

There are a number of eligibility factors that are particularly relevant to consider when documenting and authorizing EAF for recipients of services provided by agencies other than social services districts and their purchase of service contract agencies.

A. AN APPLICATION MUST BE ON FILE

There must be an application for EAF. If there is an active case on WMS at the time an EAF eligibility determination is under review, the existing Common Application Form (DSS-3229) is appropriate. However, if the recipient is unknown to the district or their case is closed, an alternative application must be secured. Points to keep in mind are:

1- An application for EAF must have been submitted by the recipient of the service or his representative. The application must contain sufficient information to facilitate the EAF eligibility determination process discussed in 94 LCM-52.

2- The application on file with the service provider (i.e. non-DSS agency or other governmental entity) can be accepted. This document must identify the recipient, the reason that the service was requested, the date of application, and other relevant data to determine or pursue eligibility for EAF. Data such as income/resources and living arrangements must be independently documented if it is not adequately recorded on the other agency application. The Department will work with other State agencies, social services districts, and their contractors, where appropriate, to identify a single application or acceptable equivalent for each agency or entity providing service. The document will be considered the EAF application for that agency for purposes of determining EAF eligibility pursuant to the initiatives described in 95 LCM-117. Each such document requires approval by the Department.

B. AN EAF AUTHORIZATION MUST BE COMPLETED BEFORE CLAIMING.

A case and recipient specific authorization must be completed prior to a claim for EAF being submitted. When authorizing EAF for services previously provided, the eligibility factors must be determined to have existed at the time the service was provided. The resulting authorization document must be signed and dated at the time of its completion. It is the date when the authorization is signed that must be used to determine whether or not there has been a prior authorization signed within the prior 12 months.

The resulting authorization can be used to claim the costs of services provided prior to the authorization as well as those provided subsequently. All approved EAF authorization documents read, in part, that "... (all) costs, care and services that are necessary to address needs arising from the cited emergency are authorized under the EAF program. This authorization will be continued until this emergency is remedied."

There will be occasions where an existing EAF authorization written to address the same emergency may be appropriate for claiming additional services identified by the district or its contractor.

As an example, an EAF authorization may have been initiated by a foster care placement and services related to an indicated child abuse or maltreatment report. During the same time, the parent may have enrolled in community mental health services to assist in better parenting skills and facilitating the child's return home. These mental health services may not have been claimed by the district as EAF, but with adequate review and documentation it is now determined that a retroactive claim is indeed appropriate.

Another example entails a child for whom EAF foster care has been provided under Article 3 or 7 of the Family Court Act. In the period preceding, concurrent or following placement, the child received services either voluntarily or under court order from probation. The nature of the services provided might include counseling, supervision, detention, or a variety of interventions under Assessment Services. Once documentation is secured that these services were provided in the relevant time periods and were necessitated by the same factors that gave rise to the need for the foster care placement, the existing EAF authorization shall be deemed to cover these services.

Social services districts are reminded that the Department has on file EAF authorizations for youths who received foster care services in Division For Youth facilities (see 95 LCM-54). In addition, under the provisions of a designation between social services districts and the Department, the Office of Quality Assurance and Audit developed and signed EAF authorizations to cover purchased preventive services provided from October 1992-March 1994. Data regarding these authorizations have been provided to NYSAC based on case specific electronic inquiries.

In completing the authorization process, for services provided in the community, the recipients must be in receipt of or found eligible for public assistance as defined in 94 LCM-52. For services provided in out-of-home settings, such as detention centers, the financial standards for EAF are the

same as foster care recipients that are also discussed in 94 LCM-52. When the local social services staff or its contractor completes an authorization form, the following suggestions are made as to relevant documentation of eligibility:

a. financial eligibility for services provided in other than a residential setting, such as foster care or detention placement, financial eligibility may be presumed because of the costs of the placement. For services provided in the community, eligibility for public assistance must be documented by appropriate WMS case involvement or use of an ABEL budget.

b. Age and living with specified relative can be documented through the use of applicable WMS screens. For clients unknown to the local social services district, documentation secured from the agency providing the service may be used. A completed application form for the service which has been approved by that agency would be an acceptable method of securing the documentation.

c. Please refer to 94 LCM-52 for appropriate documentation on other EAF criteria.

The social services district must open a services case on WMS as described in the Systems Implications section of this letter.

C. THE EMERGENCY MUST BE DOCUMENTED

The nature of the emergency that gave rise to the need for the service(s) must be identified and documented. The authorization form (e.g. DSS-638 QA or the RES-1 in NYC) used for EAF and approved by the Department has incorporated the appropriate documentation for the emergencies that are to be met by services provided, e.g. foster care and preventive services. For services provided by agencies other than social services districts, the documentation of the emergency may differ from what is currently addressed on these forms. Social services districts are advised to use care to assure that appropriate documentation of the emergency and the applicability of the services provided to meet that emergency is clearly maintained on the authorization form and in the case record. The Department will provide assistance to social services districts and their contractors to help assure this condition of eligibility is met. Currently, the "Other" box on the DSS-638-QA will be completed with a description of the emergency. However, as an alternative, the Department is developing additional descriptions of emergencies for agencies such as Probation which will be provided as they are made available.

D. SERVICE ELIGIBILITY MUST BE DOCUMENTED

The determining factor in the allowability of a given service under EAF is whether it addresses the emergency as documented on the authorization.

Services such as detention and placement in DFY facilities provided prior to January 1, 1996 are eligible for EAF based on the Department's interpretation of ACF Regional Transmittal 95-9. In addition, the Department will assume responsibility for filing EAF claims for services provided after January 1, 1996 based on our protest to RT 95-9 (see 95 LCM-138).

When otherwise eligible services are considered for EAF claiming there must be assurances that other funding sources, particularly from the federal government, have not been used for the services. Very often these sources are made available through grants which may preclude EAF for the specific services so funded. County commissioners and/or directors of the agencies providing services to be claimed as EAF should be consulted regarding the use of other funding sources and certify that such funding was not involved in the services to be claimed as EAF.

In addition, in order to properly document claims a reasonable basis of costs per recipient must be developed if one does not already exist. In some instances, such as detention costs, there is a rate structure that exists and is appropriate for EAF claiming. Similarly, community mental health services may have an existing fee structure that can be used. However, other services, such as those found in the county probation offices may need to have a capitation rate calculated. The Department is working with other State agencies and its contractor NYSAC, to provide assistance to social services districts and other county agencies in this regard. For further information see the contact list found at the end of this letter.

III. SYSTEMS IMPLICATIONS

WMS CASE PROCESSING FOR INDIVIDUALS CLAIMED AS EAF RECEIVING SERVICES FROM NON-DSS AGENCIES OR ENTITIES

For system and audit purposes, social services districts opting EAF claiming pursuant to this letter and for services provided by non-DSS agencies and entities must identify each individual on the system and indicate his eligibility. Therefore, the following system instructions for WMS case processing must be followed.

1. Open a new WMS Services case for individuals receiving NON-DSS funded services. Even if an individual or individuals are in an existing case, either alone or with individuals whose services are not covered by non-DSS funding, be sure to open a separate case only for the individual(s) receiving the non-DSS funded service.
2. Local Office/Center code and Unit/Worker designations:
 - A. Designate a new and unique Local Office code for NYSAC cases. No other cases should have this designation.
 - B. Enter NYSAC in the Unit field.
 - C. In the Worker field, enter one of the following codes, which correspond to the EAF expansion agencies:

PROBN - (County Probation)
HEALD - (County Health Department.)
MHXXX - (Community based or County Mental Health).
CMCTR - (County Medical Center).
DTNTN - (Detention secure and non-secure).
CORRS - (Corrections).
JUJST - (Juvenile Justice-NYC).
VDVXX - (Domestic Violence Programs).

As other agencies or programs that are suitable for EAF, additional codes can be added.

For example, a non-DSS serviced individual being served by Probation would have the following unit/worker: NYSAC/PROBN.

3. WK2 Screen:

Enter 04(EAF) for the eligibility code.

4. DIR Screen:

Only valid Service Type entry is 00.

5. POS Screen:

No entries.

6. Since the case need not remain open for services, close the WMS case the following day. Reason code is 585--Administrative Closing.

NYSAC cases will show up on all WMS reports within their own unique local office. Their unit will be NYSAC and the worker code will designate which agency is serving the case. The aggregate statistics for services will include these individuals in the services counts.

IV. CLAIMING INSTRUCTIONS

The basic instructions for filing claims for EAF made pursuant to activities under a contract or MOU and involving costs incurred by agencies and entities outside the social services districts are discussed in 95 LCM-117. Social services districts are reminded that the process is not part of the routine claiming for federal reimbursement and the following criteria applies:

a. Federal reimbursement claimed should not be included in local budgets until notified by the Department that the federal share is available;

b. Under no circumstances will the activities and claims related to this letter result in any increase in State reimbursement or liability regardless of the ultimate allowability of any federal claim.

LIST OF CONTACTS

If you have any questions regarding EAF eligibility as discussed in this LCM, please contact your county contact representative from the Division of Temporary Assistance.

If you have any fiscal questions, please contact the Bureau of Local Financial Operations:

Regions 1-4 - Roland Levie at 1-800-343-8859, extension 4-7549 or dial direct (518) 474-7549; User ID #FMS001.

Region 5 - Marvin Gold at (212) 383-1733; User ID #0FM270.

If you have any WMS questions, please contact Gerald Seeley of the Bureau of Services Information Systems at 1-800-342-3727 or dial direct (518) 432-2932; User ID 0FL130.

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For all other questions regarding this LCM, including issues regarding the State contract with NYSAC, the contractor's performance, and inter-governmental agency issues, please contact Mr. John Murray of the Bureau of Revenue Enhancement at 1-(518)-473-0653.

Wallace Watson, Director
Office of Quality Assurance and Audit