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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 97 ADM-8

TO: Commissioners of
 Social Services

DIVISION: Temporary
 Assistance

DATE: March 28, 1997

SUBJECT: Recategorization of ADC and CAP Cases as a Result of the
 Personal Responsibility and Work Opportunity Reconciliation
 Act (PRWORA)

 SUGGESTED

DISTRIBUTION: IM Directors
 MA Directors
 CAP Coordinators
 Employment Coordinators
 Staff Development Coordinators

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ATTACHMENTS:

Attachment A: Listing of Aliens Eligible to Receive
 Federal PA and MA Benefits - available
 on-line
 Attachment B: Certification/Recertification Checklist -
 available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
97 ADM-4		370.2(c)		PASB	GIS
97 INF-4		385.5		XII-D-7	97 TA/DC003
97 LCM-21					96 TA/DC039
96 LCM-86					
96 LCM-83					

I. PURPOSE

This directive expands upon information transmitted through a previous GIS message. This release advises social services districts of the provisions and requirements of the Personal Responsibility and Work Opportunity Reconciliation Act as they relate to New York State's current public assistance programs and their impact, where applicable, on Medical Assistance (MA) eligibility.

II. BACKGROUND

With the federal acceptance of New York's completed Temporary Assistance for Needy Families (TANF) State Plan, under the Personal Responsibility and Work Opportunity Reconciliation Act, we must now re-categorize certain ADC (for the purpose of this directive, ADC includes EAF) and ADC-U individuals as PG-ADC in order to prevent improper federal claims. In addition, some CAP cases will have to be re-categorized.

This means that when it is determined that the following situations exist for an ADC, ADC-U or CAP individual, the individual in an ADC or ADC-U case must be re-categorized as PG-ADC. The remaining individuals in the case may be categorized as ADC or ADC-U, if appropriate. When the affected individual is in a CAP case, the entire CAP case must be re-categorized.

III. REQUIRED ACTION

The actions described in this directive should be taken as soon as possible, but in no event later than the next recertification.

A. Aliens Ineligible to Receive ADC benefits after January 1, 1997

Under the Personal Responsibility and Work Opportunity Reconciliation Act, the only non-citizens who may receive ADC, CAP and Medicaid are qualified aliens who were in the country as of the date of enactment of the law (August 22, 1996) and certain aliens who arrived in the country after that date. The listing of eligible groups of aliens is included as Attachment A to this directive. The local district must copy Attachment A and include it as an attachment to the required Timely and Adequate notice informing aliens WHO ARE NOT ELIGIBLE for federally supported benefits of their change from ADC or CAP to PG-ADC.

Public Assistance Implications

Aliens who are otherwise categorically and financially eligible for ADC or CAP cash grants but do not fall into either of the cited two groups should be re-categorized, retroactively, to PG-ADC effective January 1, 1997. Aliens so classified must be coded in the Welfare Management System (WMS) using a State/Federal Charge Code of 41 on Screen 3.

This code is being redefined as "Federally Non-Participating Alien." (See Systems Implications)

Medical Assistance Implications

Alien applicants and recipients whose status is not included on Attachment A, but who are otherwise eligible for Medicaid under existing State law (i.e., they are permanently residing in the United States under color of law) must continue to be provided Medicaid benefits. However, such benefits are not eligible for federal financial participation (FFP) and thus, these aliens must also be coded with a State/Federal Charge Code of 41.

No changes are required when processing Medicaid eligibility of aliens who are pregnant women or who require Medicaid coverage for treatment of emergency medical conditions.

Food Stamps Implications

Please refer to the food stamps instructions found in 96 LCM-86, GIS message 96 TA/DC039 and 97 LCM-21.

B. Other TANF Changes Requiring Recategorization

As previously mentioned, with the federal acceptance of New York's completed Temporary Assistance for Needy Families (TANF) State Plan, we must now re-categorize certain ADC, ADC-U and CAP individuals as PG-ADC in order to prevent improper federal claims. This means that when it is determined that the following situations exist for an ADC, ADC-U or CAP individual, the individual must be re-categorized as PG-ADC. The remaining individuals in the case may be categorized as ADC or ADC-U, if otherwise eligible.

When an affected individual is in a CAP case, the entire case must be re-categorized. The case members who remain eligible for federal benefits must be re-categorized to ADC. The individual(s) ineligible for federal benefits must be re-categorized to PG-ADC.

When a co-op case is necessary, districts are reminded to budget the co-op cases as directed in the PASB Section XII-D-7.

Attachment B of this directive lists questions and information which should be discussed with the client at the certification/recertification interview (or at next contact, if that is sooner than the next recertification). The worker should inform the applicant/recipient about each provision. The A/R must sign Attachment B. A copy must be in the case record and a copy must be provided to the A/R. This must be done until the application, the recertification application and the Client Information Books are updated.

These cases must be re-categorized retroactively, to December 1, 1996.

1. Public Assistance Implications

The following is a description of those individuals who are no longer eligible for the federally funded ADC, ADC-U and CAP programs:

a. Teen Parent Education

This provision requires an unmarried teen parent, whose youngest child is at least 12 weeks of age, to participate in educational activities directed towards receiving a high school diploma or GED as a condition of TANF (ADC and CAP) eligibility. Any unmarried teen parent who is not in school and whose youngest child is at least 12 weeks old, must be re-categorized as PG-ADC.

As an aid to implementing this provision, local districts may request a listing of these individuals from their Temporary Assistance regional team contact. This listing is drawn from the February 8, 1997 WMS flat file of active ADC cases with a teen parent (TASA indicator value of 2) and is sorted by office/unit/worker. Please note that the integrity of the TASA field is dependent upon local worker maintenance. In addition, TASA defines a teen parent as an individual over age 10 and under age 21. The TANF legislation defines "teen parent" as anyone under the age of 18. Therefore, we have removed individuals age 18 and over. This list is also not limited to teen parents who have children more than twelve weeks of age because it may be of help to you by also identifying those who will soon meet the twelve week criteria.

Please note that there has been no change in JOBS requirements. Department regulations (385.5) require most teen parents to pursue a high school education. Failure to comply with JOBS still results in a sanction. Accordingly, only those teen parents exempt from the JOBS requirements will be impacted by this change.

Food Stamps: This provision does not apply to the Food Stamp program.

b. Dual State Residence

This provision bars individuals from receiving TANF (ADC and CAP) for ten years if convicted of having made a fraudulent statement or representation of residence to obtain TANF (ADC and CAP) in two or more states. Any person who is convicted of this violation must be re-categorized as PG-ADC.

Food Stamps: Please refer to the instructions contained in 96 LCM-83 and 97 ADM-4.

c. Fugitive Felon

Persons fleeing prosecution, confinement or conviction for a felony, and probation and parole violators may not receive TANF (ADC and CAP). Any person who is a fleeing felon or probation or parole violator must be re-categorized as PG-ADC.

Food Stamps: Please refer to the instructions contained in 96 LCM-83 and 97 ADM-4.

d. Drug Related Convictions

This provision bars for life from TANF (ADC and CAP) any person convicted of a drug-related felony if conviction for the felony occurs after August 22, 1996. Any person who is convicted of this offense must be re-categorized as PG-ADC.

Food Stamps: This provision does not currently apply to the Food Stamp program.

e. Temporary Absence

This provision denies TANF (ADC and CAP) to a child who is absent from the home for more than 45 consecutive days without good cause, or to a caretaker relative who fails to notify the district, within 5 days, of a child's absence from the home. Any person found in violation of this provision must be re-categorized as PG-ADC.

Food Stamps: There is no change to food stamp policy in this area.

2. Medical Assistance Implications

These changes do not apply to Medicaid. Individuals re-categorized to PG-ADC or HRPD as a result of the above instructions are still eligible for FFP Medicaid. The Department of Health (DOH) is in the process of developing system enhancements to support FFP claiming for persons re-categorized to PG-ADC or HRPD. In the interim, districts

are requested to keep a list of the affected cases for manual claiming purposes. DOH will provide additional instructions once the system enhancements are available.

IV. NOTICE REQUIREMENTS

A. Notice Requirements of Alien Changes

A notice must be sent to individuals being re-categorized to PG-ADC as a result of this change. Attachment A must be included as an insert. The notice should include the following reason language:

"Your public assistance will be continued under the State and locally funded PG-ADC program and your Medicaid coverage remains unchanged. There have been recent changes in federal Law restricting the eligibility of some aliens for federal welfare benefits. We believe you are no longer eligible to receive ADC benefits as your alien status IS NOT included on the listing of aliens eligible to receive federal benefits. The listing of aliens eligible to receive federal benefits is enclosed."

"This decision is based on Department Regulation 370.2(c)." (Districts should include other cites as appropriate).

B. Notice Requirements of the TANF Changes

When an individual is re-categorized from ADC, ADC-U or CAP to PG-ADC (HRPG for NYC), he or she must receive timely and adequate notice of the re-categorization. The reason language must state the reason for the re-categorization (see the individual provisions above), and must include the following:

"Your case category is changing from ADC or CAP to PG-ADC because of changes in federal Law. Federal Law states that certain individuals are not eligible for ADC or CAP benefits. Your Medicaid coverage remains unchanged."

"This decision is based on Department Regulation 370.2(c)." (Districts should include other cites as appropriate.)

V. SYSTEMS IMPLICATIONS

A. Changes Required for Re-categorizing Cases from ADC to PG-ADC (HRPG)

UPSTATE WMS

The following changes should be made on the DSS-3209 when re-categorizing a case from ADC to PG-ADC, when the whole case is being re-categorized:

Section 1

- Change "Case Type" to "14-PG-ADC"
- Enter Transaction Type = "05-Change"
- Change Authorization Period FROM Date to the 1st of the month following the transaction.
- Enter PA Reason Code = "980"
- Note: Leave "IV-D Indicator" blank.

Section 3:

- Change Individual Categorical Code(s) to "09"
- For Aliens: Enter State/Federal Charge Code(s) = "41" (currently identified as "SAW", this code will be redefined to "Federally Non-participating Alien").

Section 5:

- Change MA Coverage Code(s) to "16"
- Change MA Coverage FROM Date(s) to the beginning of the month following the date the transaction is being processed.

When only certain individuals in a case are being re-categorized as PG-ADC, a separate PG-ADC case should be opened for those individuals. While no new Application is required, a dummy application must be registered to open the new case. The case should be opened effective the 1st of the month following the transaction.

DOWNSTATE WMS

The following changes should be made to the TAD when re-categorizing a suffix from ADC to HRP, when the whole suffix is being re-categorized:

- Section 05 - Case
- Budget/Version Number 015 - Enter the number of the new budget.
- Section 10 - Suffix
- Cat 209 - Change the category to HRP.
- Section 15 - Individual
- For each individual on the suffix enter the following:
- Cat 372 - Change the individual category code to 09.
- For Aliens: St/Fed 307- Enter the State/Federal charge code of 41 (being redefined to Federally Non-Participating Alien).
- For Aliens: Date 325 - Enter the Date of Entry of the alien into the country.
- Emp 375 - Change the employment code to one appropriate for an HRP case.

For those situations where only certain individuals are being re-categorized to HRPg, make the following changes to the TAD:

- Section 05 - Case
- Budget/Version Number 015 - Enter the new budget number.
- Section 10 - Suffix
- Case Name 208 - Enter the name of the case head on the next blank suffix line.
- FS Suf 212 - Enter 01.
- CAT 209 - Enter a category of HRPg.
- Ethnic 210 - Enter the ethnic code of the case head of the new suffix.
- PA Stat 221 - Enter the p.a. status code "AC".
- PA Reas 222 - Enter the appropriate p.a. opening code.
- PA From 226 - Enter the date recurring benefits are to begin.
- FS Stat 230 - Enter AC if the suffix will receive Food Stamp benefits.
- FS Reas 231 - Enter FS reason code 099, if the suffix will receive Food Stamps.
- Section 15 - Individual (Enter the following information for each individual on the suffix.)
- Suffix 300 - Enter the new suffix ID.
- Cat 372 - Enter individual categorical code 09.
- For Aliens: ST/FED 307 - Enter Code 41.
- For Aliens: Date 325 - Enter the date of entry into the country.
- Emp 375 - Enter the appropriate employment code.

B. Changes Required for MA-Only Aliens Ineligible for Federal Benefits

For Case Type 20, both upstate and downstate, each individual who is an alien ineligible for federal benefits must be coded with a State/Federal Charge Code of "41". In downstate WMS, the entry of the State/Federal Charge Code will also require the entry of a Date of Entry into the country for the individual.

VI. CLAIMING IMPLICATIONS

Claiming adjustments for cases re-categorized PG-ADC retroactively:

A claiming adjustment will be required for assistance, granted January 1, 1997 or after for aliens and December 1, 1996 or after for those cases being re-categorized as a result of the TANF State Plan, that was paid prior to the case type change to PG-ADC. Local district accounting staff must change payments for each case or individual re-categorized to PG-ADC from Case Type ADC (11) or ADC-U (12) to Case Type PG-ADC (14) through a BICS Accounts Adjustment. The Accounts Adjustment is accessed through selection 02 from the BICS Accounts Menu. This transaction will then result in a supplemental adjustment on the Schedule A subtracting the expenditures from ADC and adding the amount to PG-ADC.

VII. EFFECTIVE DATE

The provisions of this directive are effective April 1, 1997 with retroactivity as indicated in the body of this directive.

Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance

LISTING OF ALIENS ELIGIBLE TO RECEIVE FEDERAL PA and MA BENEFITS

The following group of persons are "qualified aliens" and may receive ADC and Medicaid if they arrived in the country before August 22, 1996:

QUALIFIED ALIENS

- an alien who is LAWFULLY ADMITTED FOR PERMANENT RESIDENCE; i.e., a person holding a "green card", I-551 or I-151 card
- a REFUGEE under Section 207 of the Immigration and Naturalization Act(INA)
- an ASYLEE under Section 208 of the INA
- an alien with DEPORTATION WITHHELD under Section 243(h) of the INA
- a person PAROLED FOR A PERIOD OF AT LEAST 1 YEAR under Section (212)(d)(5) of the INA
- a CONDITIONAL ENTRANT prior to 4/1/80 under section 203(a)(7) of the INA
- certain BATTERED SPOUSES and DEPENDENTS if they were not responsible for the battering, do not reside with the batterer and there is a substantial connection between the battering and the need for benefits as determined by the Office of Immigration and Naturalization Service

In addition:

- an alien in any Qualified status(listed above) who is LAWFULLY RESIDING in New York State and is on ACTIVE DUTY in, or is an HONORABLY DISCHARGED veteran of, the U.S. Armed Forces; or their spouse or unmarried dependent child.

Aliens who arrived on or after August 22, 1996 are eligible to receive ADC and Medicaid only if they fall into the following Specially Qualified group:

SPECIALLY QUALIFIED ALIENS

- a REFUGEE admitted under Section 207 of the INA for 5 years from date of entry
- an ASYLEE admitted under Section 208 of the INA for 5 years from the date of status
- an alien with DEPORTATION WITHHELD under Section 243(h) of the INA for 5 years from the date of status
- an alien LAWFULLY ADMITTED FOR PERMANENT RESIDENCE who has been in the United States for at least 5 years and has 40 quarters of Social Security covered employment

In addition:

- a Qualified Alien who is LAWFULLY RESIDING in New York State and is on ACTIVE DUTY in or is an HONORABLY DISCHARGED veteran of, the U.S. Armed Forces; or their spouse or unmarried dependent child

CERTIFICATION/RECERTIFICATION CHECKLIST

THE FEDERAL LAW HAS CHANGED. IT IS IMPORTANT TO KNOW ABOUT THE CHANGES AND IT IS NECESSARY FOR YOU TO PROVIDE INFORMATION SO THAT WE CAN DETERMINE IF ANY OF THE CHANGES AFFECT YOUR CASE.

1. An unmarried teen parent who is not in educational activities directed towards receiving a high school diploma or GED is not eligible for federal benefits. This is true unless the child of the teen parent is less than twelve weeks of age.

If you or an individual in your case answers YES to any of the following questions, that individual cannot receive federal benefits (ADC or CAP). You must answer each and sign and date this page.

2. Have you or any member of your household been convicted of making a fraudulent statement or representation of residence in order to receive public assistance in two or more states?

YES _____ NO _____

3. Are you or any member of your household fleeing prosecution, confinement or conviction for a felony?

YES _____ NO _____

4. Are you or any member of your household violating probation or parole?

YES _____ NO _____

5. Have you or any member of your household been convicted of a drug-related felony since August 22, 1996?

YES _____ NO _____

6. Has any child in your household been absent or away from home for more than 45 consecutive days?

YES _____ NO _____

If you answered yes to this question, your worker will have to determine if good cause exists for the absence of the child.

It is important for you to tell your worker right away if a child in your case is temporarily absent from your home. If you do not, you and the child may become ineligible for federal benefits.

Client Signature _____ Date: _____