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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 90 ADM-18

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: May 22, 1990

SUBJECT: ADC and Food Stamps for Individuals in Congregate Care
 Facilities

SUGGESTED DISTRIBUTION:	IM Directors Food Stamp Directors Medical Assistance Directors Staff Development Coordinators
CONTACT PERSON:	Please call 1-800-342-3715 and ask for: Income Maintenance: Charles Giambalvo, extension 4-3231 Food Stamps: County Representative, extension 4-9225 Medical Assistance: County Representative, extension 3-7581; in NYC - (212) 587-4853
ATTACHMENTS:	None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
89 ADM-46		352.8(b) 369.4 387.16(e) 387.16(f)		PASB Sections XIII-D-10- all XIII-D-11 all FSSB Sections V-A-2.1 V-A-4.1 V-D-1 VI-B-2	89 LCM-54 ABEL Transmittal 90-2; Procedure #1

I. PURPOSE

This release provides instructions for authorizing ADC benefits for individuals receiving care in a certified Level I or Level II Congregate Care facility.

II. BACKGROUND

Since the incidence of family situations in residential treatment facilities is increasing, Department regulations have been amended to authorize the use of ADC in residential treatment and other congregate care settings.

III. PROGRAM IMPLICATIONS

Local social services districts will be able to provide ADC benefits to certain individuals and families receiving care in Level I or Level II facilities. This use of ADC rather than HR will result in increased federal participation for these cases.

IV. REQUIRED ACTION

A. ADC

Whenever an individual enters a Level I or Level II certified facility, local social services districts must determine if the individual is eligible for ADC benefits.

When determining how to authorize ADC benefits for an individual in a certified Level I or Level II facility, districts should take the following situations into account:

1. When both a parent and child are in a certified Congregate Care facility:
 - a. and only the parent is receiving Level I or Level II care and the child(ren) is simply living with the parent in the Congregate Care facility, only the parent receives the Level I or II rate. The child(ren) receives a negotiated room and board rate plus the \$45 personal needs allowance in a group residence or a basic PA grant (pre-add, Home Energy Allowances and prorated shelter) in an apartment-like facility. Both the grants to the parent and child(ren) can be authorized under ADC.
 - b. and both the parent and child(ren) are receiving Level I or II care, both the parent and child(ren) receive the Congregate Care Level I or II rate including the

appropriate Level I or Level II personal needs allowance (PNA).

2. If a child or adult temporarily leaves the ADC household to receive care in a certified Congregate Care Level I or Level II facility, that individual is considered to be "temporarily absent" from the household and is thus eligible for ADC benefits for the facility rate. The individual's needs continue to be included in the household's grant for shelter and fuel. At the same time, an additional allowance equal to the rate for Congregate Care and an applicable personal needs allowance is provided to the recipient in the facility.

NOTE: If they are not ADC eligible, emancipated minors and adults who are eligible for HR are eligible to receive the Level I or II rate under the HR program when they are receiving Level I or Level II care in a certified Congregate Care facility. Underage minors (under age 16) who are not temporarily absent from an ADC case can receive HR only if the Congregate Care facility agrees to act as the protective payee for the child.

B. Food Stamps

1. Eligible Residents

For purposes of Food Stamp eligibility it must be determined if the Level I or Level II facility meets the definition of a food stamp eligible facility as defined in Section V-D-1 of the Food Stamp Source Book. Persons who reside in a food stamp eligible facility for the purpose of receiving treatment and/or care may receive food stamps if otherwise eligible (e.g., meet financial and resource requirements). Persons who reside in a food stamp eligible facility but are not receiving treatment and/or care are not eligible for food stamps if the facility provides the resident with two or more meals per day.

For example, a parent and child are residing in a food stamp eligible Residential Treatment Center for Alcoholics which provides three meals a day. The parent is receiving treatment, the child is not. The parent can receive food stamps, the child cannot receive food stamps.

2. Household Composition

Residents that are enrolled in a treatment plan in a food stamp eligible Residential Treatment Center for Drug Addicts or Alcoholics (RTC) must be certified as one-person food stamp households. Residents enrolled in a treatment plan in other food stamp eligible Congregate Care Facilities who apply for food stamps through the use of the facility's authorized representative must also be certified

as one-person food stamp households. This household composition rule applies even if the resident resides at the facility with a parent, child, spouse or sibling who is also eligible for food stamps. For example, a parent and minor child both under treatment at the same RTC receive food stamps as separate food stamp households regardless of the age of the minor child.

Residents in a food stamp eligible Congregate Care Facility other than a drug/alcohol facility (RTC) who do not apply for food stamps through the facility's authorized representative must have their food stamp household's composition determined in consideration of the special household definition rules that appear in FSSB V-A-2.1.

For example, a husband and wife enrolled in a treatment plan in a Congregate Care Facility (other than drug/alcohol facility) apply on their own for food stamps. They are a two person household for food stamps.

3. Temporary Absence

If an individual(s) temporarily moves out of a food stamp individual household to receive care in a certified Congregate Care Level I or Level II facility and is anticipated to be absent from the food stamp household for a majority of the month following the move, the individual must be deleted from the food stamp household in accordance with procedures required for acting upon reported changes appearing in FSSB Section VI-B-2.

Any income a food stamp household directly receives for shelter and fuel costs, either directly or in the form of restricted payment, for an individual who is temporarily absent from the household must be counted as food stamp income to the household.

However, any payments made directly to the facility where the temporarily absent individual resides are not counted as food stamp income to the food stamp household.

C. Medical Assistance - Only

Medical Assistance is available to both ADC-related and SSI-related persons residing in Level I or Level II facilities.

For ADC-related persons including applicants/recipients under age 21, income will be compared to the higher of the Medical Assistance rate for the number of persons in the household placed in the facility or the rate(s) allowed by Public Assistance.

For SSI-related persons, income will be compared to the SSI benefit level for the type of facility. Administrative

Directive 89 ADM-46, "Federal Cost of Living Adjustment in Social Security and Supplemental Security Income (SSI) Benefits and Impact on Department Programs" includes rates for the various types of facilities.

In most instances, residence in the facility will be expected for more than 30 days. Families must be considered separate households in such cases. The household size will be determined by the number of family members living at either the facility or in the community. The PA level, however, will include additional shelter and fuel allowances for the family in the community. The higher of the PA or MA level will be used to establish eligibility.

For applicants/recipients whose income is above the relevant level, spenddown provisions apply.

V. SYSTEMS IMPLICATIONS

1. WMS

a. Upstate

Complete details for budgeting ADC and Food Stamps for individuals in Congregate Care facilities can be found in ABEL Transmittal 90-2, Procedure #1.

b. New York City

We are developing procedures to authorize the appropriate ADC, Food Stamp and Medical Assistance benefits for individuals in Level I or Level II facilities. The Department will publish procedures for authorizing the appropriate benefits once they are established. If a question comes up before WMS procedures are published, please call the contact person listed on this ADM.

c. MBL (Upstate and NYC)

1. When both a parent and child(ren) are in a certified Congregate care facility:

(a) and only the parent is receiving Level I or Level II care and the child(ren) is simply living with the parent in the Congregate Care facility, the budget is to be completed off-line and stored on MBL Bottomline with Reason Code 006-Child(ren) living with parent who is in Congregate Care.

(b) and both the parent and child(ren) are receiving Level I or II care, the MBL budget is calculated with the appropriate number in the facility in the CA field (number in case).

2. If a child or adult temporarily leaves the family to receive care in a certified Congregate Care Level I or Level II facility, the individual's needs continue to be included in the family's budget for shelter and fuel. The MBL budget is calculated by adding the absent person's share of the family's fuel and shelter needs to the family's budget by using Additional Needs Type Code 99-Other.

VI. EFFECTIVE DATE

This Directive is effective June 1, 1990, retroactive to April 26, 1989.

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