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 | ADMINISTRATIVE DIRECTIVE |  
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TRANSMITTAL: 92 ADM-41

TO: Commissioners of  
 Social Services

DIVISION: Economic  
 Security

DATE: October 13, 1992

SUBJECT: Quality Control Reviews: Penalty for Non-Cooperation

SUGGESTED

DISTRIBUTION: Public Assistance Staff  
 Corrective Action Staff  
 Staff Development Coordinators  
 Food Stamp Staff  
 Medical Assistance Staff

CONTACT  
 PERSON:

1-800-342-3715  
 Public Assistance: Dottie O'Brien at extension 4-6853  
 Food Stamps: Your County Representative at  
 extension 4-9225  
 Medical Assistance: County Representative at  
 extension 3-7581  
 In New York City at (212) 417-4853

ATTACHMENTS:

"Report of Incomplete Quality Control Review",  
 DSS-1971 - not available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
82 ADM-5		326.1 351.22(d) 387.9(a)(7) (ii)		PASB V-D-2 FSSB IV-6	

I. PURPOSE

The purpose of this release is to notify social services districts of a change to Department regulation 351.22(d). This change establishes that when a public assistance head of household fails to cooperate with a State quality control (QC) review, the entire household is ineligible for public assistance until the head of household cooperates. This change applies only to ADC cases drawn into federal quality control samples.

II. BACKGROUND

Previously, when a head of household failed to cooperate with a quality control review, a State quality control reviewer would refer the case to the social services district. That referral would not be enough to establish cause for sending timely and adequate notice to close the case even if the case were part of the federal sample. Rather, the worker would notify the head of household of the need to determine the household's continuing eligibility for assistance. Then, if the head of household failed to cooperate or failed to satisfactorily show continuing eligibility, timely notice would be sent and the case would be closed. The result was that sometimes public assistance was paid for a longer time to ineligible households.

For cases that are not part of the federal sample, these procedures must continue.

III. PROGRAM IMPLICATIONS

Districts will be able to process case closings immediately when a head of household fails to cooperate with a federal QC review.

This change is expected to affect a small number of cases statewide each year.

IV. REQUIRED ACTION

a. Public Assistance

Failure to cooperate with a QC review exists when the head of household will not provide a State or federal quality control reviewer with information or documentation that is necessary to complete the quality control review. When the head of household fails to cooperate, a quality control reviewer will notify the social services district by using the "Report of Incomplete Quality Control Review", DSS-1971 (attached). The form, DSS-1971, may be used during other local district audits, such as expanded reviews. If the form must be used for failure to cooperate in any review other federal QC, it will be annotated

that it is not federal QC. Any ADC case referred on the DSS-1971 and not identified as an expanded review or other audited case is a federal sample case. When such notification is received from State quality control, the district must send the household a timely and adequate notice to close the case.

The suggested client notice reason language is, "You did not cooperate with the Quality Control Reviewer. You were given more than one chance to cooperate. You did not tell us a good reason why you did not cooperate. This decision is based on Department regulations 326.1 and 351.22(d)".

A case that is closed for failure to cooperate with a QC review and which reapplies within three months after closing can be reopened only after the head of household cooperates or agrees to cooperate with quality control. This is true even if the QC sample period has ended. The eligibility worker must notify the agency QC liaison that the household has reapplied. The agency QC liaison must contact State QC to determine if QC will conduct the review. If no review will be done, the case can be opened if otherwise eligible. If QC will conduct the review, they must notify the agency QC liaison that they are satisfied that the head of household will cooperate. The QC liaison can then notify the eligibility worker that the case may be opened if the case is otherwise eligible. If the head of household still refuses to cooperate, the case must be denied.

Failure to cooperate does not exist if the head of household cannot provide the necessary information for reasons beyond the control of the household. If the public assistance eligibility examiner has information about the household that may help to establish good cause, the examiner should pass the information on to the QC reviewer. The ultimate decision about good cause for non-cooperation with a QC review rests with QC.

b. Food Stamps

Department regulation 387.9(a)(7)(ii) established the requirement that the entire household must be determined ineligible if the household refuses to cooperate with a quality control review of the food stamps case. That policy continues unchanged.

Because a QC review of the public assistance case does not include a review of the same household's food stamps case, Department regulation 387.9(a)(7)(ii) will not support the closing of the food stamps case when the federal sample PA case is closed for failure to comply with QC.

The household's food stamps certification period must be shortened by sending the "Continuing Your Food Stamps" (DSS-3153) and the household must establish continuing eligibility for food stamps.

c. Medical Assistance

When an individual in an MA-Only case refuses to cooperate with a quality control review, current procedures continue. The agency must schedule an interview and notify the recipient to appear to ascertain whether there have been changes that would affect eligibility. Usual documentation and verification procedures apply to the determination of continuing eligibility.

When a public assistance case is closed for failure to cooperate with a QC review, the Medical Assistance (MA) case must be continued until a separate determination of MA eligibility is completed. As indicated in 82 ADM-5, Rosenberg v. the City of New York, this determination must be made by the end of the calendar month following the month of the public assistance determination.

V. EFFECTIVE DATE

The controlling regulation for this policy became effective May 20, 1992. This directive is effective November 1, 1992.

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