

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

INFORMATIONAL LETTER

TRANSMITTAL: 00 INF-19

TO: Commissioners of  
Social Services

DIVISION: Temporary  
Assistance

DATE: October 4, 2000

SUBJECT: District of Fiscal Responsibility (DFR) Procedures

SUGGESTED

DISTRIBUTION: Temporary Assistance Staff  
CAP Staff  
Employment Staff  
Medicaid Staff  
Accounting Staff  
Staff Development Coordinators

CONTACT PERSON: DTA: 1-800-343-8859  
TA: Central Team, ext. 4-9344  
FS: Eastern Team, ext. 3-1469  
Forms: Bob Gullie, DTA/IATT, ext. 4-6055  
MA: Medicaid County Liaison at (518)474-9130  
NYC Representative at (212) 268-6855

ATTACHMENTS: The following attachments are not available on-line:  
A: LDSS-47319(8/00): DFR Desk Guide  
B1: LDSS-4732-A(8/00): DFR Cover Letter and Response  
Form  
B2: LDSS-4732-B(8/00): DFR Worksheet  
C: LDSS-4733(8/00): DFR Legal Residence Statement  
D: LDSS-4734(8/00): Mediation Resolution Form

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
94 ADM-11	89 LCM-199	Part 311	SSL 62.1	PASB	GIS 99
86 ADM-40			62.5	XIII-D-10	MA/001
97 INF-6				XXII-all	GIS 00
99 LCM-32				XXIII-B	MA/018
89 LCM-199				MARG	
OMM/ADM 97-1				402-411	

I. PURPOSE

The purposes of this informational letter are:

- 0 To provide districts with updated guidelines for processing temporary assistance (TA) applications and cases when a person

found in one district is the financial responsibility of another district, and  
O To outline procedures for Office of Temporary and Disability Assistance (OTDA) or Department of Health (DOH) mediation when an issue arises involving district of fiscal responsibility (DFR).

This informational letter also discusses four forms. Attachments A, B (B1. and B2.) and C are revised forms that were originally included in 97 INF-6. Attachment D is a new form. These forms have been assigned form numbers. For additional information about supplies, please see Section VI. FORMS.

**Attachment A-LDSS-4731:** "DFR Desk Guide" summarizes DFR policy.

**Attachment B (two pages)**

- **LDSS-4732-A:** "DFR Cover Letter and Response Form" is the referral and response form between districts.
- **LDSS-4732-B:** "DFR Worksheet" establishes the where-found district's reason for considering another district to be the DFR for an applicant.

**Attachment C: LDSS-4733:** "Legal Residence Statement" is intended as a tool to help districts identify the correct DFR when the individual has moved frequently or when temporary absence issues are involved.

**Attachment D-LDSS-4734:** "DFR Mediation Resolution Form" informs districts involved in a DFR dispute of the outcome of the mediation process.

## II. BACKGROUND

In 97 INF-6, guidelines were introduced for processing TA applications and cases when a person found in one district is the financial responsibility of another district. The policy outlined in that informational letter has not changed. Medicaid provisions are covered in OMM/ADM 97-1.

However, districts continue to have problems in this policy area. To address these problems, a group chaired by New York Public Welfare Association (NYPWA) district representatives and including staff from the Office of Temporary and Disability Assistance, the Department of Labor and the Department of Health has been assembled to address DFR issues.

NYPWA district representatives have noted that general guidelines outlined in 97 INF-6 for processing applications and cases when a person residing in one district is the financial responsibility of another district are not being followed. Some districts are forwarding applications without contacting the other district or without adequate documentation.

This INF is intended to address these concerns by updating and providing more detailed guidelines, and by introducing the alternative of a non-binding State mediation process.

### **III. GENERAL DFR GUIDELINES**

Districts are reminded that for policy issues involving DFR, they should refer to 97 INF-6 for TA policy and to OMM/ADM 97-1 for most Medicaid policy. Medicaid policy regarding the district of fiscal responsibility for recipients under 21 years of age appears in GIS 00MA/018. As stated in that GIS, the district of fiscal responsibility for a child under the age of 21 who is capable of indicating intent is the district "where found", unless one of the exceptions noted in OMM/ADM 97-1.

Outlined below are step-by-step procedures that districts should follow when DFR cases are involved. Before detailing these procedures there are several points that need to be addressed to help insure that the DFR administrative process is effective. These are:

- When an applicant applies in a where-found district, the where-found district is to treat the application presuming they will be the district of responsibility. Districts are reminded that emergency needs are generally the responsibility of the where-found district.
- It is important that all districts cooperate in following the procedures in Section IV below. These procedures were developed at the behest of districts and are intended to make the DFR administrative process work as effectively and efficiently as possible for all.
- Where-found districts should not forward applications when they believe another district is the DFR county without first speaking with a representative of the assumed DFR district. 99 LCM-32 contains an updated list of district contacts for DFR purposes.
- Both the where-found district and the district of assumed DFR must work together to exchange documentation of an applicant's eligibility and DFR.

### **IV. DFR ADMINISTRATIVE PROCEDURES**

The following are step-by-step guidelines for processing DFR cases:

- Step #1: The where-found district should take the application from the client and arrange an interview with the assumption that they will be the district of fiscal responsibility.
- Step #2: The where-found district should obtain relevant documentation including releases to cover the districts involved. It should also register the application and complete finger imaging.
- Step #3: The where-found district should contact the assumed DFR and explain that it has an application involving a question of DFR. The where-found district then will complete and fax, as soon as

possible but within 5 business days, LDSS-4732-A and B (Attachment B) , the DFR Cover Letter and Response Form and the DFR Worksheet along with a completed Documentation Requirements form (DSS-2642 or approved local equivalent).

- Step #4: The assumed DFR should assess which district it believes is the DFR and complete its' section of the LDSS-4732-A, the DFR Cover Letter and Response Form, either accepting or rejecting fiscal responsibility. The assumed DFR must insure that if it denies DFR responsibility that the reason for this is clearly indicated on the DFR "Cover Letter and Response Form". The decision by the assumed DFR to accept or deny responsibility should be made as soon as possible, but no later than 5 business days from the receipt of the Cover Letter and Response Form and DFR worksheet.
- Step #5: If the where-found district receives no response from the assumed DFR within five business days, or if the assumed DFR rejects responsibility, the where-found district is to proceed as the responsible district. A decision should then be made by the where-found district as to whether or not to bring the dispute to mediation (see Section V. below) and/or to proceed with an inter-district jurisdictional dispute (IDD) in accordance with Office regulation 311.3(c). Please note that if a decision is made to proceed with an IDD, Office regulation 311.3(c) requires the district to, among other things, notify the other district that they are filing an IDD.
- Step #6: If the district of assumed responsibility accepts that it is the DFR, then the where-found district withdraws the application and forwards a completed application packet to the DFR. The packet must contain, in addition to the completed application, the completed certification guide, available documentation, the results of Finger Imaging, the DSS-4571 "Alcohol/Substance Abuse Screening Instrument", and other forms as needed, such as the Safety Net Repayment (DSS-4529) and the Safety Net Assignment of Future Earnings (DSS-4530), as well as information, where appropriate, about the applicant's child support status. The DFR must then notify the applicant of acceptance or denial of the application.

#### **V. DFR MEDIATION PROCESS**

This process, recommended by the workgroup, offers districts the alternative of non-binding State mediation when a DFR issue arises. This

process will not replace the inter-district jurisdictional dispute (IDD) hearing process but rather offer districts the opportunity to have an OTDA or DOH representative review the facts involved in the DFR dispute and advise both districts of which district is responsible. It is hoped that this process will result in the need for fewer DFR fair hearing requests and thereby save districts the expense and administrative burden of preparing for and attending a fair hearing.

Procedures to request OTDA or DOH mediation of a DFR dispute are as follows:

1. Districts must attempt to resolve the DFR issue first prior to requesting State mediation. Districts may also continue to contact DOH or OTDA staff to resolve DFR policy issues at any time regardless of whether mediation is involved.
2. Both districts must agree to State mediation.
3. Either district may contact the State to set-up a conference call between both districts and the State mediator to attempt to resolve the dispute.
4. If the dispute can still not be resolved, a completed LDSS-4732-A, DFR Cover Letter and Response Form and LDSS-4732-B, DFR Worksheet must be faxed to the mediator along with documentation supporting each district's position.
5. The mediator will review the information and supporting documentation to determine which district is responsible. Attachment D-LDSS 4734: "DFR Mediation Resolution Form" will then be faxed to both districts indicating the mediator's non-binding decision. It is anticipated that the mediator's decision will be finalized within two business days.
6. If the districts still disagree as to which district is responsible, the where-found district must accept and process the application, and if the applicant is found eligible, provide assistance to the client during the pendency of the dispute. An interjurisdictional dispute fair hearing may then be requested in accordance with 97 INF-6. Districts are reminded that the district requesting the IDD must send a written notice to the State Office of Administrative Hearings and to the other district including a brief statement of fact and law upon which the determination of fiscal responsibility is based.

The OTDA persons for DFR dispute mediation are:

**Dorothy Mullooly**

Phone #: (518) 474-9101 Fax #: (518) 474-5281

**Jim Karins**

Phone #: (518) 474-5396 Fax #: (518) 474-5281

The DOH contact person for DFR dispute mediation is:

**Your county Medicaid liaison**

Phone #: (518) 474-9138 Fax#: (518) 473-0601

This DFR dispute mediation process is new to both OTDA and DOH. As such, we would appreciate feedback from districts on how the process is working and suggestions for improvement.

Additionally, we ask that districts inform the individual's noted directly above if the DFR Administrative Procedures discussed in Section IV. are not being followed by other districts.

**VI: FORMS**

Because these forms will not be used in large quantities, local districts should photocopy the attached forms locally.

Should you require additional camera ready versions of the attachments, they can be ordered by using the procedures described below.

Requests for Master Camera Ready Copies of the LDSS-4731, LDSS-4732-A, LDSS-4732-B, LDSS-4733, and LDSS-4734 should be submitted on form DSS-876 (Rev.2/96): "Request for Forms or Publications", and should be sent to:

**Office of Temporary and Disability Assistance  
Document Services  
P.O. Box 1990  
Albany, NY 12201**

Questions concerning ordering forms should be directed to Document Services at 1-800-343-8859, ext. 2-0159.

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Patricia A. Stevens  
Deputy Commissioner  
Division of Temporary Assistance