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**OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**  
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## Informational Letter

### Section 1

<b>Transmittal:</b>	01 INF 18
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Transitional Supports and Policy
<b>Date:</b>	September 21, 2001
<b>Subject:</b>	Clarification of Temporary Assistance Drug and Alcohol Employment Coding and Case Type Policy/Procedures
<b>Suggested Distribution:</b>	Income Maintenance Directors, Food Stamp Directors, Medical Assistance Directors, CAP Coordinators, TOP Coordinators, Staff Development Coordinators and Employment Directors
<b>Contact Person(s):</b>	Bureau of Transitional Programs Liaison at (518) 473-1179
<b>Attachments:</b>	None
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
01 ADM-10 97 ADM-23 99 INF-4		351.2(i)	SSL 132.4		45 CFR Part 2

### Section 2

#### I. Purpose

01 ADM-10 and 97 ADM-23 provide the requirements for screening, assessment and treatment of temporary assistance applicants/recipients with alcohol and/or substance abuse problems. The purpose of this INF is to provide policy clarification on the following areas that have been identified as problematic, both by local districts and from an OTDA analysis of reports and reviews:

- A. Correct assignment of case type for households with members mandated to participate in drug and/or alcohol treatment, or with members who fail to cooperate with the drug and/or alcohol screening, assessment or treatment requirements.

- B. Correct assignment of employability codes for individuals mandated to participate in drug and/or alcohol treatment as part of the temporary assistance drug and alcohol requirements.
- C. Requirements for compliance with the drug and alcohol provisions in dual diagnosis situations.

## **II. Background**

The 1997/98 State Budget and the Welfare Reform Act of 1997 made several changes to the Social Services Law, including new requirements for screening, assessment and treatment for temporary assistance applicants/recipients with alcohol and/or substance abuse problems. 01 ADM-10 and 97 ADM-23 provide the requirements for these provisions.

Questions from local districts and a review of WMS data are both indicative of the need to provide policy clarification in some areas to improve the administration of these provisions.

## **III. Program Implications**

### **A. Correct Assignment of Case Type**

In accordance with 01 ADM-10, 97 ADM-23 and 18 NYCRR 351.2(i), all individuals and members of households with individuals identified as abusing drug and/or alcohol and unable to work, and households with individuals who fail to comply with the mandated screening or assessment requirements must receive assistance through the Non-Cash Safety Net Assistance Program. For households that would otherwise have received assistance under the Family Assistance Program (case type 11), the household's case type must be changed to the Non-Cash Safety Net Program – Federal Participation (case type 12). For households otherwise eligible to receive assistance under the Safety Net – Cash (case type 16), the household case type must be changed to the Safety Net Non-Cash Federal Non Participation (case type 17). The change to non-cash safety net assistance (case type 12 or 17, as appropriate) must be made for the month following the month the *“individual is mandated to drug and/or alcohol treatment or non-compliant with the screening, assessment or treatment requirements”*. Districts must send adequate notice when the case type change will not result in any change of benefits or timely and adequate notice when the case type change will result in a change of benefits to the household.

An OTDA review of WMS data of households containing an individual with an employability code of 63 (Substance Abuser – In Rehabilitation or Waiting for Rehabilitation – Exempt), or an individual ineligible for failure to cooperate with screening or assessment or sanctioned for failure to cooperate with treatment, indicates that in many districts, staff have not properly changed the case type to the non-cash safety net assistance program as required. To systemically correct this problem, system edits will be put in place as follows:

Case types 11 and 16 will no longer allow an employment code of 63. PA Individual Reason Codes denoting Drug/Alcohol F44 – F46, GX1 – GX3, MX1 – MX 30 will also be prohibited for these case types. Detailed information will be provided in a WMS Coordinator letter. This change is scheduled to occur in November 2001.

## **B. Correct Assignment of Employability Codes**

Individuals who have been determined through the assessment process as unable to work due to drug and/or alcohol abuse must be assigned an employability code of 63 (Substance Abuser – In Rehabilitation or Waiting for Rehabilitation – Exempt). Once the individual is determined to be able to work (even if still receiving some treatment), the employability code must be changed from code 63 to the appropriate employability code for the individual. For example, the employability code of 63 would be changed to 20 (Non-Exempt) for an individual re-assessed as able to work and no longer in need of treatment. If the individual is re-assessed as able to work, but still in need of treatment, an employability code of 64 (Substance Abuser in Rehabilitation or Waiting Rehabilitation – Non-Exempt) should be assigned. Code 63 should be used only for the duration an individual subject to the drug and alcohol provisions has been determined unable to work due to substance abuse. As noted under Section A, a review of WMS data of cases with an individual(s) coded 63 indicates that many cases appear to be in the wrong case type. Additionally, the report indicates a number of individuals who have retained an employability code of 63 for long periods of time. This may be indicative of workers failing to change the employability code of individuals who become employable, or cases for which the treatment modality may be inappropriate or for which no progress is being made toward employability. To assist you in monitoring these cases, under separate cover we will be sending you a listing of cases with individuals in a code 63 status for periods in excess of 90 days. These cases should be reviewed to determine if the correct code is assigned and/or whether the individuals should be re-assessed to determine appropriate treatment level. Instructions will be included with the transmittal.

## **C. Dual Diagnosis**

We continue to receive a number of calls from districts regarding whether an individual who has been assessed as having a drug and/or alcohol abuse problem that renders him or her unable to work, but also could be work exempt due to another disability, is subject to the mandated treatment requirements. The 99 INF-4 clarified that when an individual who is required to be assessed is assessed as having drug and/or alcohol abuse that makes the individual unable to work, the individual is mandated to treatment whether or not other disabling conditions co-exist. This is true even if the other condition would also make the individual unable to work. These individuals must be coded with Employability Code 63. Districts are not to use an employability code that would be appropriate for the other condition. Individuals who are unable to work because of drug or alcohol abuse must always be coded with Employability Code 63, regardless of any other exempting condition.

Please review these policy clarifications with appropriate staff.

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### **Issued By**

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**Title:** *Deputy Commissioner*

**Division/Office:** *Transitional Supports and Policy*