

**Administrative Directive**

**Section 1**

<b>Transmittal:</b>	15-ADM-01
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office :</b>	Center for Employment and Economic Supports
<b>Date:</b>	January 16, 2015
<b>Subject:</b>	State Supplement Program (SSP) Recovery of Equivalent Benefits (REB) Policy and Procedures
<b>Suggested Distribution:</b>	Temporary Assistance Directors SNAP Directors Medicaid Directors Staff Development Coordinators Fair Hearing Officers Accounting Supervisors Directors of Administrative Services
<b>Contact Person(s):</b>	Contact Person(s): Program Questions should be directed to Denis Sheehan at 518-473-6352 Legal Questions should be directed to Arieh Mezoff at 518-473-7322 Claiming questions should be directed to: Region 1 - 5 - Edward Conway (518) 474-7549 Edward.Conway@otda.ny.gov Region 6 - Michael Simon - (212) 961-8250 Michael.Simon@otda.ny.gov
<b>Attachments:</b>	<a href="#">Attachment 1: Recovery of Equivalent Benefit Request Form</a>
<b>Attachment Available On – Line:</b>	<input checked="" type="checkbox"/>

**Filing References**

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
09 ADM-18 08 ADM-06 99 ADM-05 99 ADM-07 94 ADM-01 93 INF-12 89 ADM-02 88 LCM-16 08-ADM-11		Part 353 Part 398	SSL 158 SSL 211	TA Source Book Chapter 9, Section O Chapter 10, Section L	

## **Section 2**

### **I. Summary**

This Administrative Directive (ADM) communicates the policy and required actions that Social Services Districts (SSDs) must perform to ensure the Recovery of Equivalent Benefits (REB). Failure to adhere to these guidelines may jeopardize reimbursement. Therefore, it is essential that all SSDs review their current operations to ensure that their internal procedures support the required actions listed in this directive.

Payments for basic needs made exclusively from State and/or local funds which are provided to or on behalf of an applicant for Supplemental Personal Needs Allowance (SSPNA) or SSP benefits during the period which the individual's SSI application is pending, or to a recipient or former recipient of SSPNA or SSP benefits for any period in which the individual's SSPNA or SSP benefit is reinstated after a period of suspension or termination which has not otherwise been recovered under the Interim Assistance Reimbursement (IAR) process pursuant to Part 353 of this Title, are considered "equivalent benefits" when such payments are issued for the same period of time for which the individual is also eligible for SSPNA or SSP benefits. Equivalent benefits are subject to recovery from retroactive SSP benefits or retroactive SSPNA.

### **II. Purpose**

The purpose of this ADM is to inform SSDs of the required actions they must perform to ensure the Recovery of Equivalent Benefits (REB).

### **III. Background**

The SSI program, implemented in 1974 under Title XVI of the Social Security Act, provides benefits to low income aged, blind and disabled individuals and couples based upon uniform federal eligibility standards and a national base payment level. The SSI Program is federally funded and administered by the Social Security Administration (SSA). Until October 1, 2014, SSA, under contract with New York State, also administered State Supplement Program (SSP) on behalf of NYS and included SSP payments as part of the recipients' single SSI benefit. Although the vast majority of SSP recipients are also in receipt of SSI, there are a small percentage of individuals whose income exceeds SSI eligibility standards, but who nonetheless fall within the income guidelines for New York's SSP. Changes to Section 207 of Social Services Law in 2012 provided authority for NYS to assume responsibility for all administrative and programmatic aspects of SSP. Effective October 1, 2014, responsibility for the administration of SSP transferred from SSA to the New York State Office of Temporary and Disability Assistance (State). At that time the State, rather than SSA, began issuing the SSP portion of the SSI benefit. Recipients now receive their SSP benefit from the State and their federal benefit from SSA.

Interim Assistance (IA) is temporary assistance furnished to a recipient from exclusively State and/or local funds for meeting basic needs while the recipient is pending a SSI eligibility decision. Once a Temporary Assistance<sup>1</sup> recipient is determined eligible to receive SSI and the SSD performs the required steps to be reimbursed by the Social Security Administration (SSA), Interim Assistance Reimbursement (IAR) is provided by the SSA to the SSDs for the IA

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<sup>1</sup> Whenever 'Temporary Assistance' or 'TA' is used in this document, it means 'Family Assistance' and 'Safety Net Assistance.' Statutorily, these programs are referred to as 'Public Assistance.'

provided to Temporary Assistance recipients during the time period that their SSI application was pending. The IAR provided during the time that the SSA administered the SSP on behalf of New York State (prior to October 1, 2014) included amounts from both the federal and SSP portions of the initial retroactive payment of SSI benefits.

In 2009, the State entered into an agreement with the SSA to have the SSA transmit a recipient's IAR payment electronically to the SSD as reimbursement for Interim Assistance. Under the e-IAR process, SSDs utilize a secure SSA website known as Government-to-Government Services Online (GSO). The GSO has automated the IAR process by allowing the SSD to report IA payment information and in return the SSA notifies the SSD of the reimbursement determination and payment. GSO also provides electronic records, automated SSA notices and ultimately Automated Clearing House (ACH) distribution of the IAR payment.

SSDs will continue to use SSA's Government-to-Government Services Online (GSO) to request IAR. Prior to October 1, 2014, SSA authorized IAR up to the SSI and SSP benefit amounts. Beginning October 1, 2014, SSA now only authorizes IAR up to the SSI benefit amount. As part of its responsibility for the State Supplement Program on October 1, 2014, the State will be responsible for reimbursing the SSD any remainder IA amount owed after receipt of the IAR from SSA up to the amount of any retroactive SSP payment through the Recovery of Equivalent Benefits (REB) process. Since the SSA is no longer responsible for the IAR reimbursement of SSP-only (recipients that do not receive a Federal SSI benefit) benefits after October 1, 2014, OTDA will assume responsibility for both retroactive payments to recipients and for any REB reimbursement for this population.

#### **IV. Program Implications**

SSDs wishing to pursue IAR from the SSA must follow existing GSO and OTDA procedures to request reimbursement for IA provided to recipients approved for both SSI/SSP and SSP-Only benefits for all pending retroactive cases for the eligibility months prior to October 1, 2014. For retroactive eligibility periods beginning October 1, 2014, the State will be responsible for reimbursing the SSD any remainder amount owed after receipt of the IAR from SSA, up to the amount of the retroactive SSP payment through the Recovery of Equivalent Benefits (REB) process. If the SSD receives no IAR payment from SSA, the SSD may still receive REB from any retroactive SSP benefit.

SSDs wishing to pursue reimbursement for Equivalent Benefits (EB) provided to recipients approved for SSP-Only must follow the REB procedures outlined in this release.

For recipients of both SSI and SSP, OTDA will use the information available through GSO to determine whether SSA fully reimbursed the SSD for the IA it provided the recipient. Where the IAR available from the initial federal SSI retroactive benefit does not fully reimburse the SSD the full amount of IA provided (and requested of the SSA), OTDA will provide reimbursement to districts for the balance of the IA remaining out of any retroactive SSP benefit payable from the State to the recipient, up to the amount of the recipient's retroactive benefit amount. For recipients of SSP-Only, SSDs will need to follow the REB application process outlined in this release.

## V. Required Action

### A. Actions Social Services Districts Must Perform

#### Recipients of both SSI and SSP benefits

For recipients found eligible for SSI (and by definition SSP), the State's administration of the State Supplement Program does not change the actions required by the SSD to obtain IAR authorization, the determination of the interim assistance period, the calculation of IAR, or the notification requirements.

When an SSD has applied for IAR from the SSA with respect to an individual, and the amount provided to the SSD by SSA does not fully reimburse the SSD for the amount of Interim Assistance the SSD calculated for reimbursement, OTDA will:

- Analyze the SSDs GSO application for IAR;
- Determine if any balance is still owed the SSD;
- Review the recipient's retroactive SSP benefits owed for the pending SSI application period;
- Reimburse the SSD for the remaining amount EB's still owed, up to the amount of the retroactive SSP benefit;
- Access the New York Statewide Financial System (SFS) and use the SSDs existing SFS Vendor ID to make the REB payment; and
- If the REB satisfies the amount of EB owed to the SSD, OTDA will issue any remaining SSP retroactive benefit to the recipient and provide a notice to explain all actions taken. If there is no remaining retroactive SSP benefit to issue to the recipient after REB, then OTDA will send a notice to the recipient explaining all actions taken.

For recipients of both SSI and SSP, there are no additional requirements for reimbursement under REB and no further action is required by the SSDs. As with the current IAR process, any recipient requesting a Fair Hearing on the calculation of Interim Assistance owed the SSD would be the responsibility of the SSD.

#### Recipients of SSP-Only benefits

SSDs may be entitled to recovery under the REB Program for individuals found ineligible for SSI for reasons of excess income, but found eligible for an SSP-Only benefit. To obtain REB for SSP-Only recipients, the following procedures have been established:

- OTDA will e-mail the IAR contacts at the SSD a list of the SSP-Only persons within their SSD that are eligible for a SSP retroactive benefit.
- The SSD will have 30 calendar days from the date of the email to submit a request for REB to OTDA.
- If OTDA does not receive a request for REB, or a request for an extension, within the required 30 days, the entire retroactive SSP benefit will be released to the recipient.
- The SSD must document monthly IA provided during the SSI application period using the REB Request Form included as Attachment A to this directive. The completed form is then forwarded to OTDA by mail SSI State Supplement Program, PO Box 1740, Albany, New York 12201; by e-mail at [otda.sm.ssp@otda.ny.gov](mailto:otda.sm.ssp@otda.ny.gov), or by fax: (518) 486-3459.
- The REB Request Form will be reviewed by OTDA staff and, utilizing SFS, make the REB payment using the SSD's existing SFS Vendor ID.

- OTDA will issue any remaining retroactive SSP payment to the recipient. A notice detailing the SSP Retroactive Payment, as well as any REB deductions will be issued by OTDA. The SSD will be provided with a copy of the client notice that was sent to the recipient.

### Accounting Records

The SSDs must continue to maintain accurate accounting records for each individual for which the SSD receives REB from OTDA. These records **must** at a minimum include the following:

- The amount of IA paid to the individual.
- The amount of the IAR payment received from SSA.
- The amount of the REB payment received from OTDA.
- The date the IAR payment was received by the SSD from SSA.
- The date the REB payment was received by the SSD from OTDA.
- Documentation to support the amount of IA recovered.

The records must be available for inspection by OTDA and by SSA.

### Multiple SSDs and REB

Section L of Chapter 10 of the Temporary Assistance Source Book outlines how the IAR provided by SSA is handled when multiple SSDs have provided IA during the IA period. A similar procedure will need to be followed for the disbursement of the REB in these instances. SSDs are reminded that failure to adhere to the timeframes outlined below may result in the forfeiture of REB.

### Recipients of both SSI and SSP Benefits

OTDA will send the REB to the SSD where the recipient last received assistance. Based on the eligibility period, that SSD must review WMS to determine whether EB was provided by any other SSD during the eligibility period. If it is determined that another SSD may be entitled to receive REB, that SSD must contact the other SSD(s) and instruct them to complete and return Attachment A within 15 working days. Upon receipt of the required information from the SSD(s), the SSD must:

1. Calculate the total amount of EB the individual received during the EB period;
2. Calculate the amount of EB each SSD is to receive. If the amount of EB is less than the amount of REB provided, each SSD must receive their prorated portion of the REB available based on their share of the total EB provided during the eligibility period;
3. Notify OTDA via Attachment A and use the "Remarks" to indicate the amount each SSD is to receive; and
4. Disburse the REB received by OTDA to all SSD(s) that are owed REB by sending a check in the amount due.

### Recipients of SSP-Only Benefits

OTDA will send an REB e-mail notification to the SSD in which the SSP-only recipient last received assistance. Based on the eligibility period, that SSD must review WMS to determine whether EB was provided by any other SSD during the eligibility period. If it is determined that another SSD may be entitled to receive REB, that SSD must contact the other SSD(s) and instruct them to complete and return Attachment A within 15 working days.

Upon receipt of the required information from the SSD(s), the first SSD must:

1. Calculate the total amount of EB the individual received from all SSDs during the EB period;
2. Calculate each SSD's share of the EB provided. If the amount of EB is less than the amount of REB provided, each SSD must receive their prorated portion of the REB available based on their share of the total EB provided during the eligibility period;
3. Notify OTDA via Attachment A and use the "Remarks" to indicate the amount each SSD is to receive.
4. Disburse the REB received from OTDA to all SSD(s) that are due REB by sending a check in the amount each district is due.

## **REB Overpayments and Recoupments**

Section V.K of 08-ADM-11 outlines the rules governing the overpayments that occurred during and/or prior to the IA period, the recovery of recoupments, and the handling of multiple overpayments paid during the IA period that originated prior to the IA period. These same rules will apply to EB.

## **VI. Records Retention**

The SSD must retain a copy of the following for a minimum of six years:

- Attachment A
- REB accounting records and supporting documentation.

## **VII. Systems Implications**

### **A. CAMS (Cash Management System) Implications**

The SSDs will enter the full amount of the REB payments received from OTDA into CAMS using the cash receipt processing. Selection 19 from the LDMIP menu will access the CAMS Cash Receipts Menu (LCCRMN screen). For initial entry, a selection of 1 (Record Non-Vendor Cash Receipt) is the only required entry. When the selection is transmitted, CAMS will sequentially assign an eight-digit cash receipt number. Any subsequent changes to the cash receipt will require this number.

The following codes will be entered on the cash receipt;

Source Type	=	21	(NYS OTDA)
Cash Type	=	04	(Check Other)
Revenue Reason	=	110	(Apply Initial SSP Payment)
Social Security Number	=	9 digit SSN	

IAR payments from SSA will continue to be processed in CAMS as instructed in OTDA 08-ADM-11. Detailed cash receipt processing instructions can be found in Chapter 2 of the CAMS Manual.

## **B. Claiming**

The SSD will continue the same process to claim REB payments as they do for IAR payments. The SSD will claim through the Automated Claiming System (ACS) the full amount of the refund and the settlement process will remain the same by reconciling the State Share.

## **C. System Enhancements**

System enhancements are planned to automate the REB process for both the SSI/SSP and SSP-only population. An internet portal will be created which will allow secure access for local districts to view recipients eligible for a retroactive SSP payment, and for the SSD to seek REB from any retroactive SSP benefits owed to the individual. This enhancement is currently planned for 2015.

## **VIII. Effective Date**

Immediately.

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### **Issued By**

**Name: Phyllis Morris**

**Title: Deputy Commissioner**

**Division/Office: Center for Employment and Economic Supports**