



# Office of Temporary and Disability Assistance

ANDREW M. CUOMO  
Governor

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## Administrative Directive Memorandum

### Section 1

<b>Transmittal:</b>	20-ADM-07
<b>To:</b>	Social Services District Commissioners
<b>Issuing Division/Office:</b>	Employment and Income Support Programs Audit and Quality Improvement
<b>Date:</b>	June 30, 2020
<b>Subject:</b>	Elimination of Automated Finger Imaging System (AFIS) and Photo Imaging Requirements for Purposes of Public Assistance (PA)
<b>Suggested Distribution:</b>	TA Directors, SNAP Directors, Staff Development Coordinators, Employment Coordinators
<b>Contact Person(s):</b>	Temporary Assistance Bureau at: (518) 474-9344; <a href="mailto:otda.sm.cees.tabureau@otda.ny.gov">otda.sm.cees.tabureau@otda.ny.gov</a> ; Audit and Quality Improvement at: (518) 473-6035

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
<a href="#">12 ADM-8</a> <a href="#">97 ADM-3</a> <a href="#">97 ADM-21</a> <a href="#">09 INF-12</a> <a href="#">06 INF-16</a> <a href="#">18 INF-14</a>	<a href="#">99-ADM-09</a> <a href="#">98-ADM-08</a> <a href="#">96-ADM-04</a> <a href="#">95-ADM-10</a>	<a href="#">351.2 (a)</a> , <a href="#">351.9(d)(1)</a> , <a href="#">351.26</a> , <a href="#">383</a> , <a href="#">384</a>	Section 266 of chapter 83 of Laws of 1995 Section 62 of Part C of chapter 58 of the Laws of 2009 Chapter 56 Part V of the Laws of 2020		<a href="#">GIS 09 MA/021</a> <a href="#">GIS 12TA/DC011</a> <a href="#">GIS 19TA/DC030</a> <a href="#">GIS 19TA/DC052</a> <a href="#">GIS 20TA/DC001</a> <a href="#">GIS 20TADC/016</a> <a href="#">GIS 20 TA/DC043</a> <a href="#">GIS 20 TA/DC057</a>

### Section 2

#### I. Summary

Effective January 15, 2020, New York State (NY) regulations eliminated existing finger imaging requirements for the purposes of Public Assistance (PA). Since then, social services districts (districts) have been prohibited from using the Automated Finger Imaging System (AFIS) to finger image applicants/recipients for any purpose under PA.

As such, effective January 15, 2020, all PA AFIS Plans of Operation submitted by any and all districts are hereby null and void.

Effective January 15, 2020, districts were required to continue to use AFIS to capture the photograph and signature of PA applicants/recipients to whom payment is made. Then, in [GIS 20](#)

[TA/DC016](#), in response to the outbreak of COVID-19 and in accordance with Governor Cuomo's Executive Order (EO) No. 202.1, the Office of Temporary and Disability Assistance (OTDA) advised districts that Common Benefit Identification Cards (CBICs) for PA applicants/recipients could be issued without photographs affixed from March 16, 2020 through April 11, 2020. This provision was further extended by subsequent EOs and GISs and is now extended through June 30, 2020 in accordance with [GIS 20 TA/DC057](#).

Effective July 1, 2020, Social Services Law (SSL) § 131(9) is amended to remove the requirement that districts must capture the photograph of PA applicants/recipients. No photograph or signature will appear on new CBICs. Vehicle and Traffic Law (VTL) § 490(3)(a)(iii) is amended to allow the New York State Department of Motor Vehicles (DMV) to issue a non-driver identification (NDID) card to certain PA recipients without payment of any fee upon submitting the appropriate application to DMV beginning September 30, 2020. Additional details will be forthcoming in a separate directive. PA applicants/recipients may continue to apply for free NDIDs through other State or local programs, including the [IDNYC](#) program available to New York City (NYC) residents.

## II. Purpose

The purpose of this directive is to inform districts about the elimination of the AFIS and photo imaging requirements for purposes of PA.

## III. Background

Previously, NY had a regulatory requirement that adult applicants/recipients of PA must be finger imaged. 18 NYCRR § 351.2(a) required that districts must, in accordance with an operational plan approved by OTDA, conduct finger imaging of all members of a household 18 years of age or older and the head of a household applying for or receiving PA benefits, for the purpose of preventing duplicate participation in PA within NY. PA finger imaging policy in NY allowed districts to exempt certain categories of PA applicants/recipients (e.g., elderly persons, disabled persons, individuals in Congregate Care Level II facilities, homebound recipients) from this requirement as part of their AFIS Plan of Operation, if they requested and received waivers of this requirement. All exemptions were identified in the district's AFIS Plan of Operation, along with a justification and an estimated number of clients who were exempted. Exemptions for "good cause", in accordance with 18 NYCRR § 351.26, were permitted.

Finger imaging has since been determined to be an unnecessary process because NY already conducts numerous computer matches based on personally unique identification factors for both new applicants and current recipients of PA. These matches confirm multiple eligibility factors and can detect possible receipt of duplicate benefits. The matches obtain data, including, but not limited to: verification of social security numbers; employment; unearned income; unemployment insurance; disqualification from benefits; incarceration status; existence of deceased applicants/recipients; application for or receipt of duplicate assistance within NY and other states; and client resources. These matches are conducted with a wide range of State and federal government agencies and private companies and are supplemented by additional investigations done by district workers throughout the State and by OTDA's Division of Audit and Quality Improvement (A&QI).

Finger imaging could present a barrier to participation in PA. Removing the finger imaging requirement simplifies the PA application process and improves access to cash assistance for children and families, as well as for elderly persons, disabled persons and other New Yorkers who are experiencing financial insecurity.

Section 351.2(a) of 18 NYCRR has been amended to eliminate all finger imaging requirements for any purpose under PA.

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

Effective January 15, 2020, all PA AFIS Plans of Operation submitted by any and all districts are hereby null and void.

#### **V. Required Action**

##### *Finger Imaging*

As indicated in [GIS 20 TA/DC001](#), since January 15, 2020, districts had to adjust their procedures to ensure that PA applicants and recipients were not finger imaged as part of the process of obtaining or retaining eligibility for PA. The AFIS Indicator Field in the Welfare Management System (WMS) will no longer be updated and is no longer valid. Districts had to adjust their procedures to ensure the AFIS Indicator is not taken into account when processing PA cases. [GIS 20 TA/DC001](#) also indicated that as of January 15, 2020, all PA AFIS Plans of Operation submitted by districts were hereby null and void.

Effective January 15, 2020, districts had to ensure that all finger image scanners were removed from the workstations and were secured. This equipment must now be properly disposed. The AFIS equipment was purchased by OTDA in 2017 and therefore, Gemalto Cogent, Inc. will not be collecting the AFIS equipment from each district. Please contact your LAN Administrator, who should follow the Office of Information Technology Services (ITS) sanitization and surplus procedures to dispose of the AFIS equipment. LAN Administrators should refer to their Sharepoint site for a copy of the instructions and required forms, if needed. Please follow the procedures for the secure disposal or secure surplus of the PCs, finger image scanners, cameras, and printers and the normal disposal or surplus procedures for everything else. Additional communication from ITS is forthcoming.

PA applicants/recipients will not need to be reenrolled in AFIS to capture the photograph and signature. Existing AFIS records will no longer display finger images and any enrollment going forward will only have a photograph and signature until June 30, 2020.

Courtesy CBIC enrollments are no longer possible, so individuals who are temporarily in a district where a courtesy application is taken must comply with the photo and signature requirements in their "home" district as soon as it is feasible. This is required through June 30, 2020, except in circumstances defined by an EO.

Individuals who applied for PA prior to January 15, 2020, and whose eligibility is pending solely due to AFIS, must be reassessed; their eligibility date would be effective January 15, 2020, if they are otherwise eligible for PA as of that date. All other benefit processing timeframes must continue to be followed in accordance with OTDA regulations. Those individuals who were denied prior to January 15, 2020 for non-compliance with AFIS must reapply. Individuals who were scheduled to be finger imaged on a future date (after January 15, 2020) can no longer be finger imaged.

#### **Identification Cards and Photographs**

Effective January 15, 2020, districts were required to continue to use AFIS to capture the photograph and signature of PA applicants/recipients to whom payment is made. Then, in [GIS 20 TA/DC016](#), in response to the outbreak of COVID-19 and in accordance with Governor Cuomo's EO No. 202.1, OTDA advised districts that CBICs for PA applicants/recipients could be issued without photographs affixed from March 16, 2020 through April 11, 2020. This provision was further extended by subsequent EOs and GISs and is now extended through June 30, 2020 in accordance with [GIS 20 TA/DC057](#).

Effective July 1, 2020, districts are no longer required to capture the photograph and signature of PA applicants/recipients. Vehicle and Traffic Law § 490(3)(a)(iii) is amended to allow the New York State DMV to issue a non-driver identification card to certain PA recipients without payment of any fee upon submitting the appropriate application to DMV beginning September 30, 2020. Additional details will be forthcoming in a separate directive. PA applicants/recipients may continue to apply for free NDIDs through other local programs, including the [IDNYC](#) program available to NYC residents.

## **VI. Systems Implications**

In both Rest of State (ROS) and NYC WMS, the AFIS Indicator will no longer be valid.

### *ROS WMS:*

Effective January 15, 2020, ROS WMS PA Case Level Reason Code 'M88 – Refusal to Comply with Finger Imaging Requirement' and Upstate PA Individual Reason Code 'F88 – Failure to comply with AFIS – (Non-Legally Responsible Relative)' was no longer valid for PA Case Denial (03), Closing (07) or Recertification Closing (08) transactions. Upstate WMS PA Individual Reason Code 'M99 – In Receipt of Concurrent Assistance: AFIS Match' was no longer valid for PA Case Denial (03), Closing (07) or Recertification Closing (08) transactions.

### *NYC WMS:*

Effective January 15, 2020, NYC WMS PA Case Level Reason Codes 'M88 – Failure to Comply with Finger Imaging Requirement, Not Homebound or Group Resident' and 'N88 – Failure to Comply with the Automated Finger Imaging System (AFIS) Requirements, Homebound or Group Home Resident (HH=1)' was no longer valid for PA Case Denial (03) or Closing (07) transactions. NYC WMS PA Case Level Reason Code 'M99 – Receipt of Concurrent Assistance - AFIS Match - Without Aid to Continue (HH=1)' was no longer valid for PA Case Denial (03) transactions. NYC PA Case Level Reason Code 'M99 Duplicate Assistance – AFIS in NYS' will no longer be valid for PA Case Closing (08) transactions.

Effective January 15, 2020, NYC WMS PA Individual Level Codes 'F88 – Failure to Comply with Finger Imaging Requirement – Non-Legally Responsible Adult' and 'M99 – Duplicate Assistance – AFIS, In NYS' was no longer valid for PA Denial (03) and Closing (08) transactions.

Until a system edit can be made, when any active individual is 18 years of age or older, workers should enter AFIS exemption indicator A (County Specific Approved Exemption indicator) or 5 (Exempted Individual, Good Cause Reason) for TAD item 392. Workers will continue to receive an error message if the AFIS exemption indicator is P or blank. If workers are encountering difficulty with processing cases, please contact the WMS Hotline at: 1-800-697-1323.

## **VII. Additional Information (Optional)**

Additional information regarding handling of the AFIS equipment after June 30, 2020 and other potential impacts will be forthcoming.

## VIII. Effective Date

Immediately

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### **Issued By:**

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**Title:** Deputy Commissioner

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