



Office of Temporary and Disability Assistance

KATHY HOCHUL
Governor

BARBARA C. GUINN
Acting Commissioner

Informational Letter

Section 1

Transmittal:	23-INF-04
To:	Social Services District Commissioners
Issuing Division/Office:	Audit and Quality Improvement (A&QI)
Date:	October 17, 2023
Subject:	Investigative Unit Operations Plan
Suggested Distribution:	Commissioners, Temporary Assistance Directors, SNAP Directors, Fraud Directors, FEDS Coordinators
Contact Person(s):	Lauren Mathews (A&QI) 518-408-0099 or Lauren.Mathews@otda.ny.gov
Attachments:	Attachment 1 - Investigative Unit Operations Plan Template Attachment 2 - Protocol for DCA Interview Attachment 3 - DCA Interview Acknowledgement Attachment 4 - DCA Interview Acknowledgement (Spanish version)

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
93-ADM-8 91-ADM-51 06-INF-26 15-INF-07-T		18 NYCRR 348.2, 359.4	145 145-c	SNAP Source Book Section 6	7 CFR 273.16(g)(1)

Section 2

I. Purpose

This Informational Letter (INF) is related to the requirement that each local Social Services District (district) submit an updated Investigative Unit Operations Plan (IUOP). The purpose of this INF is to request an updated IUOP, as well as reiterate the conditions and requirements regarding the IUOP. Specifically, OTDA is providing additional guidance concerning appropriate procedures, with particular attention to the procedures required when administering a Disqualification Consent Agreement (DCA).

It is critical that districts maintain a clear delineation between the process for referrals to the prosecuting authority which may or may not result in a DCA, and the process for referrals for an administrative hearing which may or may not result in a waiver of the administrative hearing. These are two distinct processes, and that distinction must be maintained to preserve the integrity of the overall structure for pursuing Intentional Program Violations (IPVs).

Included with this INF is an IUOP template for your use (Attachment 1). Please ensure sufficient detail is provided to demonstrate that the IUOP is consistent with all applicable regulations and policy guidance. Also provided to assist in completing the IUOP, and to use when conducting DCA interviews, is a sample "Protocol for DCA Interview" (Attachment 2) and a sample "DCA Interview Acknowledgement" form (Attachment 3).

II. Background

OTDA requires that districts periodically submit an updated IUOP to ensure that the plans we have on file are current.

III. Program Implications

Each district must submit an updated IUOP to OTDA within 60 days of the date of this INF.

The plan must include:

- (1) A description of the organizational unit(s) responsible for the investigation of allegations of client fraud;
- (2) A description of the organizational unit(s) responsible for the prosecution of allegations of client fraud;
- (3) A description of the organizational unit(s) responsible for overpayment amount determination, claims establishment, and collection activities;
- (4) Detailed procedures for the referral of fraud cases for Administrative Disqualification Hearings to the Office of Administrative Hearings (OAH);
- (5) Detailed procedures for the referral of fraud cases to the prosecuting authority;
- (6) A description of the DCA process following the guidelines set forth in 91-ADM-51 and 18 NYCRR 359.4, and the attached recommended forms;
- (7) An explanation of how it is proven that the individual was advised on the court record of the disqualification penalties prior to entering any plea; and
- (8) A copy of or a statement of the agreement with the prosecuting authority's office in accordance with 18 NYCRR 348.2(c) and 359.4, and the federal regulation 7 CFR 273.16(g)(1). This agreement must include information on how, and under what circumstances, cases will be accepted for possible prosecution and the criteria set by the prosecutor for accepting cases for prosecution. The criteria should include, but not be limited to, the dollar threshold and the type of violation.

In our ongoing effort to update and standardize district plans, please submit your IUOP using the attached template (Attachment 1), answering all sections completely and in detail. All plans must be submitted to Lauren Mathews via encrypted email at: Lauren.Mathews@otda.ny.gov or submitted by mail to:

New York State Office of Temporary & Disability Assistance
Audit and Quality Improvement – Program Integrity
40 North Pearl Street – 3C
Albany, NY 12243

If you have any questions, please contact Ms. Mathews prior to submitting your plan.

Issued By:

Name: Rajni Chawla

Title: Deputy Commissioner

Division/Office: Audit & Quality Improvement