



Office of Temporary and Disability Assistance

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General Information System (GIS) Message

Section 1

Transmittal:	21 TA/DC006 Upstate and New York City
Date:	January 26, 2021
To:	Subscribers
Suggested Distribution:	Commissioners, TA Directors, SNAP Directors, WMS Coordinators, Medicaid Directors, Child Support Coordinators
From:	Jeffrey Gaskell, Deputy Commissioner Employment and Income Support Programs
Subject:	Waiver Requests for Electronic and Telephone Interviews under 11-INF-07
Effective Date:	Immediately
Contact Information:	Temporary Assistance (TA) Questions – TA Bureau 518-474-9344 or otda.sm.cees.tabureau@otda.ny.gov .

Section 2

The purpose of this General Information System (GIS) message is to remind social services districts (districts) of the ability to request interview waivers to assist in the local administration of New York State's social services programs as outlined in [11-INF-07](#). In the past, districts have requested and received waivers to certain Temporary Assistance (TA) regulations which have allowed them to simplify local operations and/or tailor practices relevant to their caseload characteristics and staffing structures. These waivers have assisted districts in their efforts to achieve local cost savings and aid TA applicants and recipients in attaining self-sufficiency.

Office regulations 18 NYCRR § 350.3, require that a personal interview, which OTDA interprets as face-to-face, be conducted to establish eligibility for TA. In certain situations, this face-to-face interview may be conducted by electronic means through a secure network, such as video conferencing.

The proposed plan, which must be submitted to OTDA for approval, must detail the target population and the electronic method to be used. The plan should outline legal obligations, including but not limited to, confidentiality, security, privacy, and compliance requirements regarding data. Requests should also include a risk assessment of the process, procedure and platform intended to be utilized that outlines the identification of potential risks, determination of stakeholders in scope and how they may be harmed or affected, evaluation of risks and possible mitigation remedies, and a formal record of the risk assessment and systematic review plan. Such plan should be reviewed and approved by the district or county Information Security Officer and privacy counsel to ensure compliance with confidentiality, privacy and security obligations for the data that will be involved in any such interview, including but not limited to HIPAA. Where the district has no ISO or privacy counsel, detailed information about the process, procedure and platform, including all controls implements and/or mitigating controls put in place to meet compliance obligations will be required to be submitted in writing and reviewed by the OTDA

ISO for any additional guidance necessary. Below is a sample of some of the Information Technology parameters that may be required for e-interviews, but this should not be considered an exhaustive list:

- Account must be encrypted
- Information cannot be cached
- Recording must be turned off
- Chat must be disabled
- If recording and chat functions cannot be turned off, the information would need to be archived in accordance with case record requirements in regulation 168 NYCRR Part 354
- Location of the interviews must be private, confidential and compliant with HIPPA guidelines
- A log must be kept of the workers and applicants/recipients who are signed on and for how long

Districts can also request a waiver for face-to-face recertification interviews to be conducted via telephone for certain vulnerable populations (e.g., homebound due to a disability or medical condition, individuals residing in a congregate care setting or individuals in an inpatient setting). Districts that are interested in requesting a telephone waiver must submit a request and plan for approval in accordance with [11-INF-07](#).

During the COVID-19 Pandemic districts are reminded that as noted in [20 TA/DC113](#) the ability for districts to waive certain TA eligibility requirements remains in effect until March 31, 2021, unless otherwise notified by OTDA. TA eligibility and recertifications interviews may currently be conducted by phone, as opposed to in person or “face-to-face”. However, if an applicant or recipient requests an in-person interview, they must be allowed to have one.

All waiver requests must be approved by OTDA prior to implementation. Please send all waiver requests on county letterhead, including the aforementioned risk assessment, to OTDA via email as indicated below:

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