DHR

Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

Family Investment Administration
ACTION TRANSMITTAL

Control Number: #04-26

Effective Date: On Receipt

Issuance Date: March 2, 2004

TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF

FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR

RE: TEMHA PROGRAM INTEGRITY ACTIONS

PROGRAM AFFECTED: TRANSITIONAL, EMERGENCY, MEDICAL, AND HOUSING ASSISTANCE (TEMHA)

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

Based on recent system-generated reports there is evidence that indicates some TEMHA customers may be receiving benefits in error. Since TEMHA is a capped entitlement, cases receiving benefits in error use money that should be used to fund benefits for eligible customers. It is important to continue our aggressive efforts to limit TEMHA to eligible customers. Beginning in June 2003, the Bureau of System Development and Management ran queries of active TEMHA cases and sent them to local departments. This was done to assist the local departments to remove ineligible cases from their TEMHA caseload. We will continue to produce updated reports for local department action. **These actions should be taken with regard to each set of reports as they are received.** The reports identified three categories of potentially ineligible TEMHA recipients. These are:

1. **Cases that have earnings reported on Maryland Automatic Benefit System (MABS) during a quarter in which TEMHA was received in all three months or cases that were identified as working through a new hire alert.**

   TEMHA regulations require that recipients be unemployed. These recipients are ineligible because they were employed, even though they were certified as unable to work by a doctor, during a quarter in which they received TEMHA.

   Please send a notice of adverse action to these recipients, giving them timely notice that their cases will be closed, using code 566, non-cooperation with eligibility process. For recipients identified through MABS, case managers should press the PF13 key in CARES to add text to say:

   "THE MARYLAND AUTOMATED BENEFITS SYSTEM INDICATES THAT YOU HAVE EARNINGS. TO RECEIVE TEMHA YOU <u>MUST</u> BE UNEMPLOYED."

For recipients identified through new hire alerts, case mangers should press the PF13 key in CARES to add text to say:

> "WE HAVE RECEIVED INFORMATION THAT YOU HAVE A JOB. TO RECEIVE TEMHA YOU MUST BE UNEMPLOYED."

The fact that the recipient was working impeaches the previous medical 402B form. Unless they can prove that the information on MABS or the New Hire alert is incorrect, any new application for TEHMA must be denied payment in accordance with the procedures given above.

2. **TEMHA Type II cases that have been reported by the Disability Entitlement Advocacy Program (DEAP) as non-cooperative.**

TEMHA regulations require that recipients must cooperate with DEAP in order for DEAP to pursue their application for SSI benefits. Please review the case and if the customer is non-cooperative, send a notice of adverse action, giving the recipient timely notice that their cases will be closed, using code 566, non-cooperation with eligibility process. For recipients identified as non-cooperative with DEAP, case managers should press the PF13 key in CARES to add text to say:

> "THE DISABILITY ENTITLEMENT ADVOCACY PROGRAM HAS NOTIFIED US THAT YOU FAILED TO COOPERATE WITH ITS REQUIREMENTS. YOU MUST COOPERATE WITH THIS PROGRAM TO CONTINUE TO RECEIVE BENEFITS."

During this application payment freeze, the only reason a case closed for this reason can be re-opened for payment is if the recipient can prove that the original finding of non-cooperation was made in error. Local department case managers must deny any new application for payment for TEMHA where the DEAP report is valid. They must still determine continuing eligibility for Food Stamps and Medical Assistance as outlined above.

3. **TEMHA Type I Cases that have had more than 12 payments in a 36-month period.**

TEMHA policy states that an otherwise eligible customer cannot receive assistance for more than 12 months in a 36-month period unless the customer:

(a) Has been certified as medically disabled by the SRT applying federal SSI standards; or was accepted by DEAP which continues to pursue the case; and

(b) Has a pending application for SSI that has not been withdrawn or finally denied.

Please review the case and determine if it is miscoded Type I through agency error or if the TEMHA recipient is not eligible to receive benefits for more than 12 months. **If the recipient is not eligible for more than 12 months, local department case managers shall send a notice of adverse action, giving the recipient timely**

notice that the case will be closed. The case manager must use Closing Reason Code: 521 - TEMHA over limit eligibility period. This will generate the COMAR cite and notice text as follows:

"You do not have a disability that is expected to last for more than 12 months.

COMAR 07.06.05.04

You cannot receive assistance for more than 12 months in any 36 month period unless you have applied for SSI and are certified as disabled for more than 12 months or accepted by the Disability Entitlement Advocacy Program."

During this application payment freeze, the only reason a case closed for this reason can be re-opened is if the recipient can prove that the original finding of being a Type I case and having more than 12 payments in a 36 month period was made in error. Local department case managers must deny any payment for new applications for TEMHA where case type and the number of payments are correct. They must still determine eligibility for Food Stamps and Medical Assistance as outlined above.

ACTION DUE:

This policy is effective on receipt as it clarifies existing policy and procedure.

INQUIRIES:

Please direct TEMHA policy questions to Rick McClendon at 410-767-8513. Direct CARES questions to Joyce Westbrook at 410-238-1299.

cc: DHR Executive Staff
        FIA Management Staff
        Constituent Services
        DHR Help Desk
        Roxanne Scott