Department of Human Resources 311 West Saratoga Street Baltimore MD 21201	Family Investment Administration **ACTION TRANSMITTAL**
Control Number 09-36	**Effective Date: May 26, 2009** **Issuance Date: May 22, 2009**

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

FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR, FIA

RE: ELIMINATION OF SERVICES PROVIDED BY THE DISABILITY ENTITLEMENT ADVOCACY PROGRAM

PROGRAMS AFFECTED: TEMPORARY CASH ASSISTANCE (TCA), PUBLIC ASSISTANCE TO ADULTS (PAA) AND TEMPORARY DISABILITY ASSISTANCE PROGRAM (TDAP)

ORIGINATING OFFICE: OFFICE OF PROGRAMS

BACKGROUND: The Disability Entitlement Advocacy Program (DEAP) assists our disabled customers with the Social Security Administration's (SSA) application process, files the SSI/SSDI application, electronically transmits the Authorization for Reimbursement of Interim Assistance (DHR/FIA 340) form, submits the Appointment of Representative (SSA 1696 U4) form to SSA and represents customers during the SSA appellate process. The Department of Human Resources' (DHR) Family Investment Administration (FIA) reviewed the DEAP contract and modified it effective **June 22, 2009, eliminating DEAP services except for representation during the SSA appellate process for current DEAP recipients**.

DEAP will no longer provide the following services to customers receiving Temporary Cash Assistance (TCA), Public Assistance to Adults (PAA), or Temporary Disability Assistance Program (TDAP) benefits for applications filed on or after **May 26, 2009**:

- Filing the SSI/SSDI application,
- Electronic transmission of the Authorization for Reimbursement of Interim Assistance (DHR/FIA 340) forms to SSA,
- Forwarding the Appointment of Representative (SSA 1696 U4) forms to SSA, and
- Representation during the SSA appellate process for **new customers**.

This transmittal outlines procedures for processing DEAP referrals for applicants and recipients with application dates prior to **May 26, 2009** through the remainder of the current contract period. The DEAP Referral procedures are obsolete **June 22, 2009**. Procedures listed under Local Department Responsibilities will be in effect until the cases have been corrected. Action Transmittal 09-37 outlines the new Eligibility Procedures for Long-Term Disabled Customers.

Note: DEAP must receive referrals for applications dated and certified in CARES prior to May 26, 2009 no later than June 5, 2009.

<u>ACTION REQUIRED</u>:

I. <u>Contractor Responsibilities</u>

A. For all applications dated **prior to May 26, 2009**, the Contractor will:

1. Schedule appointments through June 19, 2009 to file the SSA application;
2. Electronically transmit the Authorization for Reimbursement of Interim Assistance (DHR/FIA 340) when the appointment is kept;
3. Complete and forward to SSA the Appointment of Authorized Representative (SSA 1696 U4) forms when the appointment is kept; and
4. Continue to provide customer service through June 26, 2009 in the local departments.

B. The contractor will **not** reschedule customers who fail to show for their initial appointment.

1. The contractor will provide the DEAP Program Manager with a list(s) of recipients who were referred to DEAP and not scheduled for an appointment, and those who failed to show for their scheduled appointment.
2. The lists will be forwarded to the appropriate district office.

II. <u>Local Department Responsibilities</u>

A. When the LDSS receives the list of customers referred to DEAP prior to May 26, 2009 who were not scheduled or failed to show for their appointment, the case managers must follow program requirements and contact recipients and refer them to SSA to file for Social Security benefits. Local departments will not refer the customer back to DEAP.

➢ The Consent for the Release of Social Security Data form (DHR/FIA 900) is **not** required for applications filed on or after **May 26, 2009**.

B. Check the case record, SDX, SVES, or SOLQ for verification of SSA claim status **prior** to notifying the customer (See A. T. 09-37 on how to verify SSA claim status).

C. If SSA claim status is not verified:

1. Send the Explanation of Program Requirements Memo (Attachment A);

   ➢ **Use this memo only for recipients approved prior to May 26, 2009**

2. Request verification that the customer filed for SSI benefits;
3. If the customer had already filed prior to applying for cash assistance, the customer must verify claim status
4. If the customer has an appointment to file, a copy of the receipt from SSA with the appointment date is needed. Send a 745 alert to check **<u>5 days after the appointment date</u>** to verify if the customer kept the SSA appointment and filed for SSI benefits

5. Request the customer to complete and return within 10 days from receipt of the Explanation of Program Requirements Memo:
   - The Authorization for Reimbursement of Interim Assistance (DHR/FIA 340) form

D. Upon receipt of the DHR/FIA 340 form, the case manager signs and dates the 340 form and:

1. Enters the date the customer **signed** the 340 form in the **IAR date field** on the DEM2 screen;
2. Gives the customer the **Goldenrod** copy;
3. Forwards the **Yellow** copy to the LDSS finance office; and
4. Retains the **Pink** and **White** copy in the permanent section of the case record

E. Notification of non-compliance

1. TDAP customers must comply with the requirement to pursue Social Security benefits even during the DEAP transition out period. When the contractor sends a TDAP customer to the local department because of non-compliance with DEAP during the transition out process:
   - Give the customer 10 days adverse action and close the case
2. Long term disabled TCA customers must comply with the requirement to pursue all potential benefits. When DEAP notifies the local department case manager that a customer did not comply with DEAP during the transition out process:
   a. Case managers must Initiate the 30-day conciliation and sanction process if the customer has not had conciliation before for non-compliance with the SSA/DEAP process;
   b. Send an adverse action notice after the 20^{th} day of the conciliation period, and
   c. Close the TCA case at the expiration of the adverse action period if the customer remains non-compliant

F. `When verifications are not returned:

1. For TDAP and PAA customers, close the case for failure to cooperate with the eligibility process
2. For TCA customers, initiate the conciliation and sanction process
3. For **all** customers, follow normal adverse action and notice procedures

INQUIRIES: Direct TDAP and TCA policy questions to Gretchen Simpson at 410-767-7397 or gsimpson@dhr.state.mdus, PAA policy questions to Deborah Weathers at 410-767-7994 or dweather@dhr.state.md.us and DEAP operational questions to Theresa Green at 410-767-6049 or tgreen@dhr.state.md.us.

CC: DHR Executive Staff
FIA Management Staff
DHR Help Desk
Constituent Services
DEAP

EXPLANATION OF PROGRAM REQUIREMENTS

Date: ___________________________________

Local Department: ____

____

____

Dear: ____

When you first applied, you or your representative were told that to get Temporary Cash Assistance (TCA), Temporary Disability Assistance Program (TDAP) or Public Assistance to Adults (PAA) benefits, you must:

a. Apply for Supplemental Security Income (SSI) benefits;

b. Agree to re-pay any State cash assistance paid to you while your claim was being processed if awarded SSI benefits; AND

c. Cooperate with the Disability Entitlement Advocacy Program (DEAP) that would:

- Assist you in the SSI application process and have you sign the:
  - ➢ Authorization for Reimbursement of Interim Assistance (DHR/FIA 340) and
  - ➢ Appointment of Representative (SSA1696 U4) forms if needed

DEAP services were eliminated May 26, 2009

We have reviewed your case and to continue to get cash assistance, you must:

- Give proof you have applied for SSI or have an appointment to file, or
- If you are appealing a denial of your SSI claim, proof of your appeal status;
- **Sign and date** the attached Authorization for Reimbursement of Interim Assistance form; and
- Return the proof to your case manager by ____________________________.

Failure to provide verifications may result in **closure** of your case.