



Department of Human Resources  
311 West Saratoga Street  
Baltimore MD 21201

Family Investment Administration  
**ACTION TRANSMITTAL**

Control Number: 04-22 (Revised)  
(Destroy all copies of previous version)

Effective Date: January 12, 2004

Issuance Date: January 9, 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 PAYMENT FREEZE FOR NEW APPLICATIONS**

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

**ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS**

**SUMMARY:**

**NOTE: THIS TRANSMITTAL DOES NOT AFFECT:**

- **CURRENT TEMHA RECIPIENTS**
- **CURRENT TEMHA RECIPIENTS WHO REAPPLY WITHIN THEIR CURRENT ELIGIBILITY PERIOD AND ARE DETERMINED ELIGIBLE FOR CONTINUING BENEFITS**
- **CURRENT TEMHA RECIPIENTS WHOSE CASES ARE CLOSED IN ERROR AND REOPENED.**

The Secretary has determined that Maryland will have a budget shortfall in the Transitional Emergency, Medical and Housing Assistance (TEMHA) Program. Unless the Department takes action swiftly, our current projections show that there will be a deficit in State Fiscal Year (SFY) 2004 and a continuing deficit in SFY 2005.

TEMHA is a capped entitlement. Regulations at COMAR 07.06.05.04E allow the Secretary of Human Resources, when the TEMHA caseload will exhaust the appropriation, to have local departments continue to process applications and if they determine them eligible to place them in an "active, no-pay" status. The effect of this action and continuing to implement the program integrity initiatives begun in June 2003 should allow us to stay within budget for SFY 2004.

**IMPORTANT: While new eligible TEMHA applicants will not receive a payment until this freeze is lifted, applicants may be eligible for:**

- **Food Stamps**
- **Medical Assistance**
- **Pharmacy Assistance**
- **Assistance in applying for SSI through the Disability Entitlement Advocacy**

## **Program (DEAP)**

Case managers will continue to follow all TEMHA procedures for determining disability, including payment for medical examinations.

### **ACTION REQUIRED:**

**As of the effective date of this Action Transmittal:**

**Case Managers should explain to new applicants that TEMHA cash assistance is currently unavailable to them. Case managers shall continue to process TEMHA applications following current instructions and policies including a determination of eligibility with the following IMPORTANT EXCEPTIONS:**

- 1. Case managers shall place in an “active, no-pay” status all otherwise eligible TEMHA applications taken on or after the effective date of this transmittal.**  
This includes customers who reapply due to the termination of their TEMHA case for any reason that is in accordance with policy. However, case managers shall reinstate payment for current cash assistance cases that are closed in error.
- 2. Case managers shall place in an “active, no-pay” status all otherwise eligible pending TEMHA applications which are not overdue on the effective date of this transmittal.** This means that applications received on or after December 15, 2003 and determined eligible after the effective date of this transmittal shall be placed in an “active, no-pay” status.
- 3. Case managers shall approve cash assistance for all eligible applications received prior to December 15, 2003.**
- 4. Case managers shall continue to require all applicants to sign an Interim Assistance Reimbursement Agreement.**
- 5. Additionally, case managers shall continue to determine eligibility for the following programs:**
  - **Food Stamps:** Case managers shall continue to screen applicants for expedited processing of the Food Stamp application. TEMHA applicants may meet the criteria for expedited processing of the Food Stamp application. It is imperative that we meet the food needs of these applicants as quickly as possible, but no later than the 7-day expedited time frame.
  - **Medical Assistance:** In order to obtain Medical Assistance, applicants must comply with current eligibility requirements. Case managers shall process these cases in accordance with current eligibility policies and procedures.

## **EFFECT ON OTHER PROGRAMS:**

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**Pharmacy Assistance:** Applicants determined eligible but in an “active, no-pay” status for TEMHA remain categorically eligible for the Maryland Pharmacy Assistance Program and will have their information automatically transferred over to that program.

**Disability Entitlement Advocacy Assistance Program (DEAP):** Applicants determined eligible for TEMHA but in an “active, no-pay” status may be eligible for assistance from this program. Referral procedures remain the same.

## **REQUESTS FOR FAIR HEARING:**

If the applicant expresses a desire for a fair hearing, follow normal fair hearing procedures.

## **CARES PROCEDURES**

**IMPORTANT:** As an essential part of the CARES procedure, the case manager shall complete the attached “Notice of Active Status with No Cash Assistance Payment” and mail it to the applicant and authorized representative (if any) with a copy kept in the case record.

For TEMHA customers who are program eligible but must be in an “active no-pay” status due to the budget shortfall: Complete the case as you do today filling in all appropriate fields with the following exceptions:

During the Interview process (Option O from the AMEN screen):

- **DO NOT** enter an authorized representative for the TEMHA AU. Entering an Authorized Representative on the TEMHA **AREP** screen will generate an incorrect payment. Any authorized representative should be entered on the MA and FS **AREP** screens only.
- On the **DEM1** screen, enter **BUDGET** in the Place of Birth Hospital field so the customer can be identified for reporting purposes.
- On the **DEM2** screen:
  - Enter **A** (Alcoholism) in the **Disab/Incap** field – regardless of what the actual medical condition is, this is only to have the case process correctly
  - Enter **N** in the **SW Coop** field,
  - Enter **N** in the **Treatmt part** field, and
  - Enter **OT** in the **V** field.
- On the **CARE** screen:
  - Enter **185** in the **Monthly CHILD SUPPORT Payment Amt** field
  - Enter **OT** in the **V** field

During the Finalization process (Option Q from the AMEN screen) on the CAFI screen:

- Review the Benefit Amount to ensure CARES is not issuing benefits,

- Enter **Y** in the **Bnft Confirm** field, and
- Enter **Y** in the **Notice Override** field for each benefit month. **REMEMBER TO SEND THE MANUAL LETTER.**

Remember to **NARRATE** all actions <sup>3</sup> taken, including the manual issuance of the “**Notice of Active Status with No Cash Assistance Payment**” and the actual disability type and time frame.

In addition, individuals who are in an “active, no pay” status as a result of this transmittal and who have a certification end date less than June 30, 2004 must be redetermined using this same “active, no-pay” procedure.

**ACTION DUE:**

This policy is effective with new and current pending applications taken on or after the effective date of this transmittal.

**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

\_\_\_\_\_ DEPARTMENT OF SOCIAL SERVICES

Date: \_\_\_\_\_

Customer ID: \_\_\_\_\_

TO:

[ \_\_\_\_\_ ]

[ \_\_\_\_\_ ]

Dear: \_\_\_\_\_

NOTICE OF ACTIVE STATUS WITH NO CASH ASSISTANCE PAYMENT

Your application dated \_\_\_\_\_ for Transitional Emergency Medical and Housing Assistance has been approved but you will not be paid any cash assistance.

We are doing this because there is no more money in the budget for new TEMHA applicants for this year. We are taking this action under the authority of COMAR 07.06.05.04E.

We will still process your application for other programs such as Food Stamps and Medical Assistance and may help you apply for federal disability benefits. Case Managers are available to help you meet your needs and assist you with obtaining services that you need.

If you think this decision is wrong, please call me at the number listed below. You may ask for a Fair Hearing if you think our decision is wrong. The Fair Hearing rules are on the other side of this notice.

Sincerely,

\_\_\_\_\_, Case Manager

\_\_\_\_\_. Telephone Number



## HOW TO HAVE A HEARING

### IF YOU THINK WE ARE WRONG

- ❑ **What do I do if I think your decision is wrong?**
  - **Call** the telephone number on the other side of this notice to ask for a conference.
  - **Request** a hearing by:
    - **Calling** 1-800-332-6347 or the telephone number on the other side of this notice and requesting a hearing; or
    - **Visiting** your local department office and requesting a hearing; or
    - **Mailing or giving** a request for a hearing in writing to your local department office.
  - **If you don't want to fill out the form**
    - Come to your local office. We will help you.
    - Call your case manager or call 1-800-332-6347.
- ❑ **How long do I have to request a hearing?**
  - You must ask for a hearing no later than **90 days** after the date of the first notice.
- ❑ **How can I still get my benefits while I wait for my hearing?**
  - If you ask for a hearing no later than **10 days** after the date of the notice and you were getting benefits, you can get your benefits while you wait, unless your benefit period ends.
- ❑ **Will I owe any money if I get my benefits while I wait?**
  - Yes, if the judge agrees with us and you lose your appeal, you may have to pay back benefits.
- ❑ **When and where will the hearing be?**
  - The Office of Administrative Hearings will send you a notice telling you the time and place of your hearing.
- ❑ **Do I have to come to the hearing?**
  - Yes, you will lose if you do not come. If you can't come, tell the Office of Administrative Hearings and they will reschedule your hearing.
- ❑ **Can I bring someone to help me or speak for me?**
  - You can bring a lawyer, friend or relative. If you want free legal help, call your local office or call Legal Aid at 1-800-999-8904.
- ❑ **How can I prepare for the hearing?**
  - You can see your file, including your computer file, at your local office and talk with us about this decision. Please call to make an appointment. We will send you our reasons for the decision you are appealing at least 6 days before your hearing.

## COMO SOLICITAR UNA AUDIENCIA

### SI USTED PIENSA QUE NOS HEMOS EQUIVOCADO

- ❑ **Que debo hacer si creo que su decisión esta equivocada?**
  - **Llame** al número telefónico que se encuentra al reverso de este aviso para solicitar una conferencia.
  - **Solicite** una audiencia de la siguiente forma:
    - **Llamando** al 1-800-732-7850 o al número que aparece al reverso de este aviso.
    - **Visitando** su oficina local departamental
    - **Enviando por correo** o solicitando por escrito una audiencia a su oficina local departamental.
  - **Si usted no desea llenar el formulario**
    - Vaya a su oficina local. Nosotros lo ayudaremos.
    - Llame a su encargado de Caso o llame al 1-800-732-7850.
- ❑ **Cuánto tiempo tengo para solicitar una audiencia?**
  - Usted debe solicitar una audiencia dentro de los **90 días** después de recibir este aviso.
- ❑ **Cómo puedo seguir recibiendo mis beneficios mientras espero mi audiencia?**
  - Si usted solicita audiencia dentro de los **10 días** después de haber recibido el aviso y usted ha estado recibiendo beneficios, usted puede recibir sus beneficios mientras espera, a no ser que el período de vigencia de éstos termine.
- ❑ **Tendré que reembolsar algún dinero si recibo beneficios mientras espero una respuesta?**
  - Sí, si el juez está de acuerdo con nosotros y usted pierde su apelación, usted deberá devolver los beneficios recibidos.
- ❑ **Cuándo y dónde será la audiencia?**
  - La Oficina Administrativa de Audiencias le enviará un aviso indicando la hora y el lugar para su audiencia.
- ❑ **Tengo que asistir a la audiencia?**
  - Sí, usted pierde el caso si no se presenta. Si no puedo asistir, avise a la Oficina Administrativa de Audiencias para que le den una nueva cita.
- ❑ **Puedo traer a alguien que me ayude o hable por mi?**
  - Usted puede traer a un abogado, amigo, o pariente. Si usted necesita ayuda legal, comuníquese con nuestra oficina local o llame a Ayuda Legal al 1-800-999-8904.
- ❑ **Cómo me preparo para la audiencia?**
  - Usted puede ver su record, incluso su record computarizado en su oficina local y hablar con nosotros acerca de esta decisión. Por favor llámenos para hacer una cita. Nosotros le enviaremos las razones que tenemos para tomar las decisiones por las cuales usted está apelando, por lo menos 6 días antes de su audiencia.