



Department of Human Resources
 311 West Saratoga Street
 Baltimore MD 21201

FIA ACTION TRANSMITTAL

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

FROM: LYNDIA G. FOX, DEPUTY SECRETARY FOR PROGRAMS
 LINDA HEISNER, EXECUTIVE DIRECTOR, CCA

RE: SUBSTANCE ABUSE TREATMENT AS A WORK ACTIVITY AND
 ELIGIBILITY FOR PURCHASE OF CARE

PROGRAMS

AFFECTED: TEMPORARY CASH ASSISTANCE AND PURCHASE OF CARE

ORIGINATING

OFFICE: OFFICE OF POLICY AND RESEARCH

SUMMARY: As Temporary Cash Assistance (TCA) caseloads continue to decline, local departments are beginning to see more hard to serve individuals with barriers such as substance abuse. While substance abuse screening and treatment remain a requirement for receipt of cash assistance, the individual who participates in a treatment program may require assistance in arranging and paying for the care of their children. Current Purchase of Care (POC) regulations require participation in an approved work activity to meet eligibility. Local departments may consider participation in a substance abuse treatment program as an approved work activity and may offer POC to TCA individuals who are enrolled and actively participating in a substance abuse treatment program.

ACTION REQUIRED:

TCA adults or minor parents may request POC in order to participate in a substance abuse treatment program. Verify that the customer is enrolled in a substance abuse treatment program. Acceptable verification includes the DHR/FIA #1178, with Part III completed by the Treatment Provider. However, other bonafide documentation that the

individual is enrolled in a treatment program is acceptable (such as written verification from the substance abuse treatment provider on treatment program stationery). FIA case managers and POC workers must document this use of POC in all systems, CARES, WOMIS, and CCAMIS, appropriately and consistently. Issue a voucher for four months or less depending on the estimated time of treatment. If treatment is continued beyond four months, obtain additional enrollment verification prior to issuing another voucher. Once treatment has ended, reconsider the case according to the customer's current activity.

Non-TCA adults or minor parents who request POC in order to participate in a substance abuse treatment program are not eligible for POC unless the treatment is part of an instructional training program approved by the local department in accordance with COMAR 07.04.06.02(31).

CARES PROCEDURES

- Identify the case as subject to the FIP substance abuse treatment provisions. Enter the appropriate substance abuse (SA) code for the individual on the DEM1 screen in the HOSPITAL field. The SA codes for this field are:
 - ◆ SA1 - enrolled in a substance abuse treatment program
 - ◆ SA2 - awaiting available vacancy in a substance abuse treatment program
 - ◆ SA3 - successfully completed substance abuse treatment program
 - ◆ SA4 - failed to enroll in appropriate and available substance abuse treatment
 - ◆ SA5 - failed to maintain active enrollment in appropriate and available substance abuse treatment.
 - ◆ SA6 - failed to complete initial MCO health screening (**this includes individuals who fail to keep appointments for comprehensive assessments if referred by the MCO Primary Care Provider as part of the initial health screening**).
- Only individuals with SA1 status may use substance abuse treatment as a work activity. Participation in a substance abuse treatment program is allowable as a work activity and for subsequent POC eligibility only when the individual is enrolled and actively participating in a substance abuse treatment program. This does not include those who are awaiting a vacancy.
- Shorten the redetermination end date to reflect the required four-month certification period for any TCA AU that includes an individual affected by the substance abuse (SA) treatment provisions. At a minimum, verify that the individual is still enrolled in the treatment program every four months. Update the HOSPITAL field to reflect the individual's SA status at each four-month redetermination.

- Once the customer has successfully completed the treatment program, change the **HOSPITAL** field to SA3. The individual may or may not remain eligible for POC based on other activities. Assess the need for continuing POC on an individual basis at the successful completion of a substance abuse treatment program in conjunction with the customer's plan for independence. However, the four-month certification is important to ensure that customers who are receiving POC are correctly coded so that proper POC funding is utilized.
- Sanction penalties for failure to comply with substance abuse treatment provisions are individual; sanction penalties for failure to comply with work activities affect the entire family. *The substance abuse sanction penalties supercede the work activity sanction penalties.* When a customer uses participation in a substance abuse treatment program as a work activity, and subsequently fails to comply with the treatment program, only the individual substance abuse sanction may be applied. Correct CARES coding is essential to ensure that the appropriate sanction is applied.
- To sanction a non-compliant customer, give the appropriate 30-day conciliation / 5 working days adverse notice. If necessary, remove the individual from the TCA grant as follows:
 - ◆ Enter the amount of the sanction (the difference between the amount of the grant for the household size with the individual and without) on the UINC screen for the non-compliant individual as:
 - OA - (Other Countable, Cash Only) - this changes the payment amount to exclude the individual from the cash payment yet continues to include the individual in the medical assistance coverage

AND

- OF - (Other Countable, Food Stamps Only) - this maintains the FS allotment at the level prior to the sanction.
- ◆ Enter the appropriate text and COMAR citation on the **CAFI** screen by pressing **PF13** to add text to the notice. Enter as appropriate for the following penalty codes:
 - SA4 - "(Individual's name) failed to enroll in appropriate and available substance abuse treatment" - COMAR 07.03.03.15E(1)(b)
 - SA5 - "(Individual's name) failed to maintain active enrollment in appropriate and available substance abuse treatment" - COMAR 07.03.03.15E (1)(c).
 - SA6 - "(Individual's name) failed to complete the initial MCO health screening within the required timeframe" **OR** "failed to keep appointment for comprehensive assessment to complete the initial MCO health screening"- COMAR 07.03.03.15E(1)(a).

- ◆ For SA4 and SA5 sanctions, if the non-compliant individual is also the head of household, add a third party payee to the AREP screen for TCA with Rep Type "P1" and issue an EBT card to that person. An individual who fails to complete the initial MCO health screen or keep the appointment for a comprehensive assessment is sanctioned SA6, but may remain payee for the reduced grant.
- Narrate all case activity in complete detail. Update the WO MIS and CCAMIS systems to match the current CARES status.

WO MIS PROCEDURES

When a TCA customer is enrolled and actively participating in a substance abuse treatment program, the treatment may be considered a federally recognized work activity. The appropriate activity category (i.e., Activity Code) to use when documenting this activity is **Job Search/Job Readiness Assistance** as defined in FIA Action Transmittal #97-67.

TCA customers who participate in substance abuse treatment programs are potentially countable in the monthly calculation of the State's participation rates. To be countable for a particular month, the customer, like any other work program participant, must actually attend the treatment, either as the only activity or in combination with other activities, for an average of 20 hours per week. Whether countable or not, the customer is eligible for Purchase of Care (POC) assistance as long as local department standards are being met.

The customer's participation in substance abuse treatment may be a criterion for his/her TCA eligibility. State regulations, however, also cite participation in a treatment program as being "Good Cause" for not participating in work programs. Therefore, when registering the customer in WO MIS, he/she must be identified as a "volunteer" for work programs. This means that if the customer fails to cooperate in the treatment program (as defined by the Alcohol and Drug Abuse Administration, **a full family sanction may not be imposed**). Instead, State regulations require the imposition of an individual sanction.

- Following are some guidelines for properly documenting substance abuse treatment in WO MIS:
 - ◆ **Exemption Status** - On the registration Screen – Local Use (DHR Form 1390A), in the Exemption Status field, enter **E** to indicate that the person meets one of the Exemption or Good Cause criteria;
 - ◆ **Exemption /Good Cause Reason** – In the following field on the same screen, enter **AT** to indicate that the Good Cause Reason is that the customer is attending a substance abuse treatment program;

- ◆ **Activity Code** – On the Add Activity Screen (DHR Form 1391), create a new Activity File record identified with the Activity Code **JBT**. This Activity Code is a variation of Activity Code **JBS** and has been created to separately identify drug abuse treatment from other types of activities categorized as job search or job readiness assistance. The remainder of this Activity File record should be completed following the guideline in the WO MIS Manual.

CCAMIS PROCEDURES

➤ Following are guidelines for properly documenting substance abuse treatment in CCAMIS:

- ◆ Enter the case through the applications branch of CCAMIS;
- ◆ Select the TCA activity code “Job Search/Job Readiness”;
- ◆ Enter a reconsideration due date of four months or less depending on the estimated time of treatment; and
- ◆ Issue a voucher to coincide with the treatment plan.

ACTION DUE DATE: Upon Receipt.

INQUIRIES: May be directed to Phylliss J. Arrington, Office of Policy and Research at (410) 767-7079, Fred Schroeder, Office of Work Opportunities at (410) 767-8192, or Pam Evans, Child Care Administration at (410) 767-7845. CARES questions may be directed to Nicole Pyles, Program and System Support at (410) 767-7957.

cc: DHR Executive Staff
 FIA Management Staff
 CCA Management Staff
 Constituent Services