



HUMAN SERVICES
DEPARTMENT

Susana Martinez, Governor
Sidonie Squier, Secretary
Marilyn Martinez, Acting Director

Manual Revision Memorandum

ISD-MR 14-05

TO: Income Support Division Employees
FROM: *MM* Marilyn Martinez, Acting Director, Income Support Division
RE: Manual Revisions (MR) for NM Human Services Register (HSR) Vol. 36 No. 26 and HSR Vol. 36 No. 34
DATE: 3/5/14

This manual revision (MR) is being sent in coordination with NM Human Services Register (HSR): HSR Vol. 36 No. 26 Final General Provisions Restoration and Claims and HSR Vol. 36 No. 34 Final Rule General Provisions (General Operating Procedures & Policies and Fair Hearings). This MR is being sent with both of these HSRs to outline changes to the policies contained in both HSRs including: restoration and claims, fair hearings, electronic applications and case records as these are now generated or converted to electronic format through ASPEN and YES-NM. New policy related to restoration and claims was effective on September 30, 2013. Amendments and new policy incorporated into these General Provisions related to fair hearings, electronic case records and online streamlined applications were effective November 27th, 2013.

This MR supersedes all previous MRs, IPPs, GIs, and all other memorandums, directives, flow charts, organizational charts, procedures, and policies published by the Income Support Division dealing with the subject contained in this MR. recession

Instructions:

Delete - 8.100.100 NMAC, Sections 14 and 15
8.100.110 NMAC, Sections 8, 9, and 11
8.100.140 NMAC
8.100.970 NMAC

Replace- 8.100.100 NMAC, Sections 14 and 15 (as amended)
8.100.110 NMAC, Sections 8, 9 and 11 (as amended)
8.100.140 NMAC (new)
8.100.970 NMAC (new)

New - 8.100.640 NMAC (All)

If you have any questions regarding this memorandum, please contact Bobbi Britt at 505-827-1326 or bobbi.britt@state.nm.us.

Attachments: NM Human Services Register Vol. 36 No. 26
NM Human Services Register Vol. 36 No. 34

BACKGROUND/ISSUE	
	<p>A new part was created in General Provisions called Restoration and Claims (8.100.640 NMAC). This was done to streamline and standardize the way in which the Income Support Division manages restoration and claims in its Public Assistance Programs. Once combined, these claims and restoration parts in each program chapter of regulations for SNAP, CA, TANF, Medical Assistance and LIHEAP were repealed.</p> <p>With the changes brought about by ASPEN and YESNM, amendments were made to the applications and case records regulations (8.100.100 NMAC and 8.100.110 NMAC) for online applications and electronic case files that are currently in use.</p> <p>Regulations at 8.100.140 NMAC and 8.100.970 NMAC were repealed and replaced. These regulations cover changes to fair hearings, agency review conferences, the treatment of electronic fair hearings documentation and the different judicial review processes for different categories of eligibility. The fair hearings regulation changes affect SNAP, cash assistance and Medical Assistance.</p>
MANUAL REVISIONS	
Effective: 11/27/13	<p>Delete - 8.100.100 NMAC, Sections 14 and 15 Pages 7-9 8.100.110 NMAC, Sections 8, 9, and 11 Pages 1-4 8.100.140 NMAC Pages 1-3 8.100.970 NMAC Pages 1-11</p>
Effective: 11/27/13	<p>Replace- 8.100.100 NMAC, Sections 14 and 15 (as amended) Pages 7-9 8.100.110 NMAC, Sections 8, 9 and 11 (as amended) Pages 1-4 8.100.140 NMAC (new) Pages 1-3 8.100.970 NMAC (new) Pages 1-11</p>
Effective: 9/30/13	<p>New - 8.100.640 NMAC* (new) All Pages</p>
Effective: 3/1/14	<p>*Repeals - to restoration and claims parts in program-specific regulations - 8.139.640 NMAC, CA - 8.102.640 NMAC, TANF - 8.106.640 NMAC and LIHEAP - 8.150.640 are in process.</p>
POLICY	
	<p>8.100.640 NMAC – Restoration and Claims <u>Section 7</u> Added definitions for claims and eligibility determination group. Clarified language for Intentional Program Violation (IPV), restoration and supplement.</p> <p><u>Section 10</u> - Deleted “continued” benefits in lieu of “restored” benefits.</p> <p><u>Section 11</u> – 8.100.640(A)(1)-(3) NMAC Clarified that a claim can be established against any adult that was in the benefit group regardless of the individual’s status in the benefit group when the claim is discovered or established.</p>

Subsection (D) Claims for medical assistance benefits - clarified that if an individual is ineligible for any category of medical assistance benefits, the department will determine which months the individual was not eligible and forward documentation to the Medical Assistance Division for the determination of repayment of fee-for-service payments or capitation payments made to the health maintenance organization on behalf of the individual.

Subsection (E) Clarified that the department will obtain verification and determine if benefits were issued in error.

Subsection (F) Claims shall not be established for administrative or inadvertent household errors (IHEs), if an overissuance occurred because the department did not ensure that an application form was signed; or an appropriate work registration code was entered.

Subsection G - Claims thresholds for SNAP, cash assistance and LIHEAP have been established for the applicable error types and the logic is already incorporated into ASPEN. Claims below the thresholds will not be allowed to be established and an error message will indicate that the claim is below the threshold.

(1) Claims for all programs resulting from an administrative error will not be established if the cumulative claim is less than five hundred dollars (\$500).

(2) Claims resulting from an IHE will not be established if the cumulative error is less than two hundred fifty dollars (\$250).

(3) Claims resulting from fraud or an IPV will always be established for the full amount.

Section 12 -

Subsection B(3)(a) clarifies that the determination of ineligibility is made due to failure or refusal to provide information.

Section 14 -

Subsection C(4) includes private collection agencies as a possible means of collecting overpayments.

Section 15 - includes a clarifying sentence explaining the names of the subsections that allow for the termination of a claim.

8.100.100 NMAC-

Section 14 - defines an ISD case record, what happens once it is electronically scanned, and confidentiality.

Section 15 - defines where policy and program materials can be found and when, and if, they are released to the public.

8.100.110 NMAC –

Section 8, Section 9 and Section 11 - describe the use and disposition of electronic submissions via YES-NM along with grammatical and formatting changes.

8.100.940 NMAC - these changes mirror the changes described in 8.100.100 Section 14 and 15 above.

8.100.970 NMAC - covers the fair hearing process for SNAP, Cash Assistance, and Medical Assistance (eligibility determination only) cases;

Section 7 - added “Agency Review Conference,” “Authorized Representative,” and “Claimant” definitions;

Section 8 - clarifies continuing benefits pending the outcome of a fair hearing;

Section 9 - clarifies the timeframes to issue a final fair hearing decision; clarifies that fair hearing requests can be dismissed if not done within ninety (90) days and that verbal withdrawals of requests are now allowed;

Section 10 - clarifies when postponements are allowed and mandates that the Summary of Evidence (SOE) is due ten (10) days prior to the fair hearing;

Section 11 - defines “fair hearing record” and when a continuance may be granted;

Section 15 - outlines that there are different steps of judicial review based on the specific Category of Assistance.

ASPEN UPDATES

ASPEN automatically implements the new claims thresholds presented in this new part of General Provisions. If a worker attempts to establish a claim that is below the threshold for a given type of claim, he or she will get an error message that the claim amount is below the threshold and will not be established.