MEPD and TW Bulletin 21-06

Date: April 2, 2021

To: Eligibility Services Supervisors and Staff
Program Managers
Regional Directors
Regional Attorneys
Hearings Officers

From: Access and Eligibility Services Program Policy
State Office 2115

Subject:
1. **COVID-19 Update: Recovery Rebates**
2. **COVID-19: Transfer of Assets**
3. **COVID-19 Update: Federal Pandemic Unemployment (FPUC)**
4. **COVID-19 Update: Pandemic Unemployment Assistance (PUA)**
5. **COVID-19 Update: Pandemic Emergency Unemployment Compensation (PEUC)**

The information in this bulletin provides temporary guidance regarding policies and procedures for processing case actions during the novel coronavirus (COVID-19) outbreak. Staff will be notified when the COVID-19 policy and clarifications should no longer be used for processing case actions and determining eligibility. If you have any questions regarding the policy information in this bulletin, follow regional procedures.

Active bulletins are posted on the following websites:

- [Medicaid for the Elderly and People with Disabilities Handbook (MEPDH)](https://hhs.texas.gov/laws-regulations/handbooks/mepd/policy-bulletins) at https://hhs.texas.gov/laws-regulations/handbooks/mepd/policy-bulletins;
- [Texas Works Handbook (TWH)](http://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/texas-works-bulletins) at http://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/texas-works-bulletins.

Background

On March 13, 2020, Governor Greg Abbott declared a state of disaster for all counties in Texas due to the novel coronavirus (COVID-19) outbreak. On March 11, 2021, the President signed the American Rescue Plan Act of 2021, H.R. 1319, into law. HHSC is providing the following temporary guidance regarding policies and procedures for processing case actions during the COVID-19 public health emergency.

1. COVID-19 Update: Recovery Rebates

COVID-19 Policy

To assist Americans impacted by the COVID-19 public health emergency, the federal COVID relief packages passed by the United States Congress provide direct one-time payments to eligible people. These payments, referred to as economic impact payments, stimulus payments or recovery rebates, are considered tax rebates.

Texas Works MAGI and CHIP

Recovery rebates are excluded as income in the month of receipt.

Note: Resources are not considered as a factor in determining eligibility for Texas Works MAGI and CHIP.

MEPD, SNAP and TANF

The recovery rebates are excluded as income in the month of receipt and are not counted as a resource for 12 months after the month of receipt.

- The 12-month exclusion period is based on the date of receipt.
- Any portion of the payments remaining after the 12-month period will be considered a resource when determining or redetermining eligibility.

MEPD Institutional and Waiver Recipients

The recovery rebates are excluded when determining both eligibility and co-payment.

- Any of the funds given away during the 12-month exclusion period will not be subject to a transfer of assets penalty.
- Any of the funds given away after the 12-month period expires would be subject to the transfer of assets policy.
- Facilities and representative payees who receive the payments on behalf of a Medicaid recipient should ensure the funds are available for the recipient's use.

All Programs

Households are not required to report the receipt of recovery rebates as a change during the certification period. If the household reports receipt of the payments at application or recertification, staff must document in TIERS case comments only and indicate that the payments are excluded for eligibility purposes.

Note: Exclude any additional recovery rebates or economic stimulus payments provided in future federal legislation for the purposes of determining eligibility.

Automation
Changes to TIERS are not required.

Correspondence
Correspondence changes are not required.

Handbook
Handbook updates are not required.

Training
Training is not required.

Effective Date
This policy is effective with the release of this bulletin. Staff will be notified when the COVID-19 policy and clarifications no longer apply.

2. COVID-19: Transfer of Assets

COVID-19 Policy
MEPD

Although Medicaid benefits may not be denied during the COVID-19 public health emergency, staff must explore all potential transfers of assets for applicants and recipients of institutional Medicaid following current policy and procedures. (MEPDH Chapter I, Transfer of Assets)

If a transfer of assets was previously identified but a penalty was not imposed due to the COVID-19 public health emergency, staff must review the case and complete the following:

- determine the uncompensated value of the transferred asset;
- calculate the transfer penalty;
- send Form H1226, Transfer of Assets/Undue Hardship Notification, to notify the person or authorized representative of the opportunity for rebuttal; and
- allow 10 workdays after written notification for rebuttal. (MEPDH I-4210, Notification of Opportunity for Rebuttal)

If the person does not rebut the transfer of asset or the rebuttal is unsuccessful, staff must impose the transfer of assets penalty ongoing and for the full length of the penalty period. Do not retroactively impose the penalty or subtract from the length of the penalty for any retroactive months. The penalty start date for transfer of assets previously identified during the COVID-19 public health emergency is the first day of the month after the end of the rebuttal period.

Staff must send Form H3618-A, Resident Transaction Notice for Designated Vendor Numbers, to move the person to Mason Manor and ensure they continue to receive all Medicaid benefits except vendor payment. (MEPDH I-5400, Vendor No. 5997, Mason Manor)

Automation
Changes to TIERS are not required.

Correspondence
Correspondence changes are not required.

Handbook
Handbook updates are not required.

Training

Training is not required.

Effective Date

This policy is effective with the release of this bulletin. Staff will be notified when the COVID-19 policy and clarifications no longer apply.

3. COVID-19 Update: Federal Pandemic Unemployment Compensation (FPUC)

COVID-19 Policy

FPUC payments of $300 per week are paid in addition to the amount of regular unemployment benefits, extended unemployment benefits, PUA, or PEUC benefits received by claimants. FPUC is available for weeks of unemployment beginning on or after Dec. 27, 2020 and ending on or before Sept. 6, 2021.

All Programs

The $300 weekly FPUC payments **are not** considered unearned income.

SNAP

Any funds retained from FPUC payments are excluded as a resource for 9 months following the month of receipt.

Staff Procedures

All Programs

FPUC payments will not be identified separately on the **TWC Wages and Benefits** section in Data Broker. Staff will be able to identify the receipt of FPUC if the person's weekly payment amount exceeds the person's Weekly Benefit Amount (**WBA**) under the **Claimant Status** section.

To determine the gross regular unemployment payment amount, subtract $300 for each week that the FPUC was received from the total gross unemployment payment amount.

For the remaining amount of gross unemployment benefits, enter only one **Unearned Income** entry in the TIERS LUW. Staff are no longer required to enter FPUC payments in TIERS. Follow these steps to enter the amount of regular UIB:
1. add an **Unearned Income** LUW or update the existing unemployment payment entry;
2. select the Unearned Income Type Source as **Unemployment Compensation;**
3. select the Unearned Income Source as **State**;
4. enter the remaining amount of gross unemployment as biweekly payments in the **Payments** page; and
5. enter the following in **Case Action Documentation Summary**: "<Person's name> is receiving $300 a week in FPUC income. UIB income was projected with WBA only. Did not enter FPUC payments as the income is not countable."

Example
1. Verify the amount of FPUC the person is receiving. The **WBA** listed under **Claimant Status** should show the approved UIB amount. The **WBA** should

equal the **Ddct**, **Dist**, and **Amt** when added together under **Benefit Payments** after subtracting the $300 FPUC.

Example: The WBA entered into TIERS would be 0 + 0 + 409 − 300 = 109 WBA for the above case.

2. Project income using the regular **WBA** into TIERS. Do not enter FPUC payments into TIERS. (TWH A-1324.19, Unemployment Compensation)
3. Add the following message to your case comments, "<Person's name> is receiving FPUC income in the amount of $300 weekly. UIB income was projected with WBA only. Did not enter FPUC payments as the income is not countable."

Note: Document negative management if applicable. (TWH A-1750, Documentation Requirements)

Automation
Automation changes are not required.

Correspondence

Correspondence changes are not required.

Handbook

Handbook updates are not required.

Training

Training is not required.

Effective Date

This policy is effective with the release of this bulletin. Staff will be notified when the COVID-19 policy and clarifications no longer apply.

4. COVID-19 Update: Pandemic Unemployment Assistance (PUA)

COVID-19 Policy

PUA payments are for certain people who are not eligible for regular unemployment benefits, extended unemployment benefits, or PEUC. This type of unemployment may be provided to a person who is otherwise unable to work because of certain circumstances related to COVID-19. H.R. 1319 extended the availability of PUA payments through Sept. 6. 2021 for a maximum of 74 weeks of unemployment benefits beginning on or after Jan. 27, 2020.

All Programs

PUA payments count as unearned income. (MEPDH E-4600, Unemployment Benefits, and TWH A-1324.19, Unemployment Compensation)

Staff Procedures

All Programs

On the **TWC Wages and Benefits** section in Data Broker, the **Pgm** field in the **Benefit Payments** section reflects the code **DUA**. Continue to calculate the bi-weekly unemployment payment amount by using the last two **BWE** weeks with same **Date** paid and adding the following amounts together:

- **Ddct** amount;
- **Dist** amount; and
- **Amt** amount.

If FPUC was received with the PUA, subtract $300 for each week that the FPUC was received from the total unemployment payment amounts. Enter the bi-weekly PUA amount by selecting **Unemployment Compensation** as the **Unearned Income Type** on the **Unearned Income – Details** page in the **Unearned Income** LUW in TIERS.

Example

BENEFIT PAYMENTS:

Week Op A	BWE	File Date	Sts	Amt	Erngs	Pgm	Ddct	Dist	Amt	Date
-	12-26-20	12-30-20W	PD	0	0	DUA	0	0 21 0	186	12-31-20
-	12-19-20	12-30-20W	PD	0	0	DUA	0	0 21 0	186	12-31-20
-	12-12-20	12-16-20W	PD	0	0	DUA	0	0 21 0	186	12-17-20
-	12-05-20	12-16-20W	PD	0	0	DUA	0	0 21 0	186	12-17-20
-	11-28-20	12-06-20W	PD	0	0	DUA	0	0 21 0	186	12-07-20
-	11-21-20	12-06-20W	PD	0	0	DUA	0	0 21 0	186	12-07-20

Example Key
Pgm Code

Automation

Changes to TIERS are not required.

Correspondence

Correspondence changes are not required.

Handbook

Handbook updates are not required.

Training

Training is not required.

Effective Date

This policy is effective with the release of this bulletin. Staff will be notified when the COVID-19 policy and clarifications no longer apply.

5. COVID-19 Update: Pandemic Emergency Unemployment Compensation (PEUC)

COVID-19 Policy

PEUC payments are for people who have already received the maximum weeks of regular unemployment benefits. H.R. 1319 extended the availability of PEUC payments through Sept. 6, 2021. If an unemployment claimant is eligible for PEUC payments on March 14, 2021 and has a remaining balance of the available 53 weeks, the claimant may continue receiving PEUC payments until Sept. 6, 2021.

All Programs

PEUC payments count as unearned income. (MEPDH E-4600, Unemployment Benefits, and TWH A-1324.19, Unemployment Compensation)

Staff Procedures

All Programs

On the **TWC Wages and Benefits** section in Data Broker, the **Sub Pgm** field in the **Claimant Status** section is expected to reflect the code **TUC**. Continue to calculate the bi-weekly unemployment benefits by using the last two **BWE** weeks with same **Date** paid and adding the following amounts together:

- **Ddct** amount;
- **Dist** amount; and
- **Amt** amount.

If FPUC was received with the PEUC, subtract $300 for each week that the FPUC was received from the total unemployment payment amount. Enter the bi-weekly PEUC by selecting **Unemployment Compensation** on the **Unearned Income – Details** page in the **Unearned Income** LUW in TIERS.

Example

BENEFIT PAYMENTS:

Week Op A	BWE	File Date	Sts	Amt	Erngs	Pgm	Ddct	Dist	Amt	Date
-	12-26-20	12-28-20V	PD	0	0	TUC	0	0 0 0	330	12-29-20
-	12-19-20	12-28-20V	PD	0	0	TUC	0	0 0 0	330	12-29-20
-	12-12-20	12-17-20V	PD	0	0	TUC	0	0 0 0	330	12-18-20
-	12-05-20	12-17-20V	PD	0	0	TUC	0	0 0 0	330	12-18-20
-	11-28-20	11-30-20V	PD	0	0	TUC	0	0 0 0	330	12-01-20
-	11-21-20	11-30-20V	PD	0	0	TUC	0	0 0 0	330	12-01-20

Example Key
Pgm Code

Automation

Changes to TIERS are not required.

Correspondence

Correspondence changes are not required.

Handbook

Handbook updates are not required.

Training

Training is not required.

Effective Date

This policy is effective with the release of this bulletin. Staff will be notified when the COVID-19 policy and clarifications no longer apply.