



Date: 06/13/2018 **MEPD and Texas Works Bulletin 18-5**

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

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Subject: 1. **Verifying Fleeing Felons and Parole/Probation Violators for SNAP and TANF**
2. **Able Bodied Adult Without Dependents (ABAWD) Streamlined Reporting (SR) Requirements**
3. **Applicant’s Right to Copies of Submitted Applications**
4. **Lawfully Residing Status Codes for Children’s Medicaid and Children’s Health Insurance Program (CHIP)**
5. **2018 Spousal Dependent Allowance**
6. **Updates to Medicaid After Supplemental Security Income Denial - Children and Qualified Medicare Beneficiary**

Bulletins are sent to supervisors and other regional managers. Supervisors must share this information with all eligibility staff. Please ensure that copies are provided to staff that do not have access to e-mail. If you have any questions regarding the policy information in this bulletin, follow regional procedures. Active bulletins are posted on the following websites:

- *Texas Works Handbook* (TWH) at: <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook>.
- *Medicaid for the Elderly and People with Disabilities Handbook* (MEPDH) at <https://hhs.texas.gov/laws-regulations/handbooks/medicaid-elderly-and-people-disabilities-handbook>.

1. Verifying Fleeing Felons and Parole/Probation Violators for SNAP and TANF

Background

The Food and Nutrition Service released additional guidance requiring states to obtain specific verification sources that an individual is either a fleeing felon or in violation of probation or parole before disqualifying the individual for Supplemental Nutrition Assistance Program (SNAP). In order to align the SNAP and Temporary Assistance for Needy Families (TANF) policies, the policy will also apply to TANF.

Current Policy

[Texas Works Bulletin 17-5](#), Verifying Fleeing Felons and Parole/Probation Violators for SNAP and TANF, released on April 26, 2017, states individuals who indicate they are fugitives fleeing to avoid prosecution or confinement for a felony criminal conviction or have been found by a court to be violating federal or state probation or parole are disqualified from receiving SNAP or TANF benefits.

If an applicant indicates on the Form H1010, Texas Works Application for Assistance; Form H1010-R, Your Texas Works Benefits: Renewal Form; or an online application submitted through YourTexasBenefits.com that they are a fleeing felon or probation/parole violator, staff must verify with the Texas Department of Public Safety (DPS) using Form H0007, Verification of Fleeing Felon/Parole/Probation Violator, that there is an outstanding:

- warrant containing one of the following National Crime Information Center (NCIC) codes for fleeing felons:
 - 4901 (Escape),
 - 4902 (Flight to Avoid), or
 - 4999 (Flight-Escape); or
- felony arrest warrant and that law enforcement is actively seeking the individual.

Contingency Processing Method (CPM)

The finalization of the process for requesting verification from DPS was delayed. With the implementation of Release 99, in May 2017, the Texas Integrated Eligibility Redesign System (TIERS) pended for verification before imposing or removing a disqualification if the violation status was “Not Verified.”

Due to the delay with the DPS process, staff were directed to follow CPM 729054, Verifying Fleeing Felons and Parole Probation Violators for SNAP and TANF, to ensure TIERS did not pend the SNAP and TANF Eligibility Determination Group (EDG) or inappropriately disqualify an individual.

New Policy

Individuals who are fugitives fleeing to avoid prosecution or confinement for a felony criminal conviction or have been found by a court to be violating federal or state probation or parole continue to be disqualified from receiving SNAP or TANF benefits; however, prior to disqualifying an individual, staff must verify with law enforcement:

- that they are actively seeking to apprehend the individual within 30 days, and
- provide HHSC with a copy of the arrest warrant for the case record.

The verification policy for an individual who is a fleeing felon remains the same. Staff must continue to verify with law enforcement the NCIC code under which the warrant was issued. Individuals who are fleeing felons may only be disqualified if the warrant was issued under one of the following codes:

- Escape (4901);
- Flight to Avoid (4902); or
- Flight-Escape (4999).

Note: Required verification provided to HHSC must be imaged in the case file.

If a household submits an application and the response to the question, *“Has anyone: (1) been charged with or convicted of a felony and is fleeing the police, or (2) broken a rule of their probation or parole?”* indicates a household member is a fleeing felon or probation parole violator, **do not:**

- disqualify the individual unless all the required verification is provided to HHSC; nor
- pend for, or attempt to obtain, the verification from the household.

In addition, staff must select “NO” on the **Individual Demographics-Conviction/Rehabilitation** page in TIERS to the question, “Is the individual a parole violator/fleeing felon?” and document the following in Case Comments:

“Following policy released in Texas Works Bulletin 18-5, Verifying Fleeing Felons and Parole/Probation Violators for SNAP and TANF, released June 2018.”

Automation

Changes to TIERS will be implemented June 30, 2018 with Release 102.

The TIERS **Individual Demographics-Conviction/Rehabilitation** page includes new questions to determine if an individual who is a fleeing felon or probation/parole violator must be disqualified and to document that the appropriate verification sources were received prior to disqualifying the individual.

Individual Demographics - Conviction/Rehabilitation

Case Name: Farmbill,Change Case #: 1902299864 Case Mode: Change Action Case Status: Approved

Individual Information
Name : Farmbill,James 32M **Individual # :** 985725467

Dates
Effective Begin Date: 10 / 01 / 2017 **End Date:**
Reported On: 01 / 23 / 2018 **Date Client Became Aware:** 01 / 23 / 2018
Verification Received On: 01/23/2018

Treatment/Rehabilitation Information
 Does this individual participate in a rehabilitation program?

Fleeing Felon, Probation/Parole violator Information
 Is the individual a fleeing felon or a probation/parole violator? Type:
 Has a copy of the warrant been provided?
 Date HHSC received the warrant:
 National Crime Information Center (NCIC) code from the warrant:

Felony Drug Conviction Details
 Is this individual on a work release program?
 Felony drug conviction after 8/22/96?

Felony Drug Conviction Date: Felony Drug Verification of Conviction:

Reset Add

CPM 729054, Verifying Fleeing Felons and Parole Probation Violators for SNAP and TANF, is retired with the implementation of this policy.

Forms

Form H0007, Verification of Fleeing Felon/Parole/Probation Violator, is retired.

Effective Date

The policy is effective with the implementation of Release 102 scheduled for June 30, 2018.

Handbook

The Texas Works Handbook will be updated in the January 2019 revision.

Training

Training is not required.

2. Able Bodied Adult Without Dependents (ABAWD) Streamlined Reporting (SR) Requirements

Background

Recent federal regulations released by the Food and Nutrition Service require states to modify the SNAP reporting requirements for ABAWDs in SR households.

Current Policy

Households subject to SR requirements must report:

- residential address changes and associated changes in shelter expenses, such as rent or mortgage and utilities; and
- when the household's ongoing gross monthly income exceeds 130 percent of the Federal Poverty Level (FPL) for the household size.

ABAWDs may be designated as an SR household if they are meeting the work requirement by:

- working an average of 20 per week in a month; or
- participating in work activities an average of 20 hours per week in a month.

New Policy

Households subject to SR requirements must continue to report:

- address changes and associated changes in shelter expenses, such as rent or mortgage and utilities; and
- when the household's ongoing gross monthly income exceeds 130 percent of the FPL for the household size.

In addition, households subject to SR requirements must **now also** report for individuals in the home designated as an ABAWD:

- when their work hours, which also includes self-employment, or participation decrease below an average of 20 hours per week.

When an SR household reports that an ABAWD is working or participating less than an average of 20 hours per week and no longer meeting the work requirement, the household will be subject to non-streamlined reporting requirements for SNAP following TWH [B-621](#), What to Report.

Automation

Changes to TIERS will be implemented June 30, 2018 with Release 102.

Forms

Form H1019, Report of Change, will be updated to inform SR households that contain an ABAWD to report if their work or participation hours decrease below an average of 20 hours per week.

Effective Date

The policy is effective with the implementation of Release 102 scheduled for June 30, 2018.

Handbook

Texas Works Handbook updates are scheduled for January 2019.

Training

The web-based training **R102 Farm Bill Updates** details policy and procedure changes. A training broadcast will be sent with further details.

3. Applicants' Right to Copies of Submitted Applications

Background

The Food and Nutrition Service recently issued final federal rules for SNAP to implement a provision from the Food, Conservation and Energy Act of 2008 (Farm Bill), which requires states to inform applicants of their right to obtain a copy of submitted applications.

Current Policy

Currently, there is no requirement to inform applicants of their right to request a copy of a submitted application.

Form H1805, SNAP Food Benefits: Your Rights and Program Rules, does not currently include the requirement.

New Policy

Staff must inform applicants of their right to request and obtain a copy of a submitted application, regardless of the original method of submission. For example, if a household submits a faxed application, the household can request an electronic copy of the application be emailed to them. If a household submits an online application, the household can request that a paper copy be mailed to them.

The Form H1805 is updated to include the informing language.

Staff must continue using current policies and procedures for providing the requested application.

Automation

Form H1805 in TIERS is updated effective with Release 102 scheduled for June 30, 2018.

Forms

Form H1805 is updated to include the right to request an electronic or paper copy of a submitted application. Destroy current versions of the form and use the revised version.

Effective Date

The policy is effective with the implementation of Release 102 scheduled for June 30, 2018.

Handbook

Texas Works Handbook policy and form updates are scheduled for January 2019.

Training

The web-based training, **R102 Farm Bill Updates**, details policy and procedure changes. A training broadcast will be sent with further details.

4. Lawfully Residing Status Codes for Children's Medicaid and CHIP

Background

42 U.S.C. §§ 1396b(v)(4) and 1397gg(1)(J), as amended by section 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), permit states to cover certain non-citizen children and pregnant women in Medicaid and CHIP who are "lawfully residing in the United States." Texas elected to provide Medicaid and CHIP coverage under this option to children under age 19 and implemented the policy May 1, 2010.

Some lawfully residing children are being erroneously denied Medicaid or CHIP.

Current Policy

The TWH lists the status code annotations that indicate a child meets the "lawfully residing" criteria in TWH [A-342](#), TANF and Medical Programs Alien Status Eligibility Charts, Chart D. However, the list is not inclusive of every status that would make a child eligible. A notation at the bottom of Chart D instructs staff to send a policy clearance request for questions about documents or immigration statuses not listed in the chart.

Policy Clarification

The current alien status eligibility policy for lawfully residing children remains the same. When determining eligibility for Medicaid or CHIP, staff should consider non-citizen children under age 19 as meeting alien status requirements if the U.S. Citizenship and Immigration Services (USCIS) document is annotated with one of the following immigration statuses not currently listed in the TWH.

Status Code	Description
F-1	Academic student
F-2	Spouse or children of F-1 (academic student)
J-1	Exchange visitor
J-2	Spouse or children of J-1 (exchange visitor)
M-1	Vocational student
M-2	Spouse or children of M-1 (vocational student)

Since there are several USCIS statuses which cannot all be listed, staff must continue to send a policy clearance request for questions about documents or immigration statuses not listed in this bulletin or the TWH.

Automation

No automation changes are needed.

Effective Date

This is a clarification and not new policy.

Handbook

The updates to TWH [A-342](#), Chart D are scheduled for the October 2018 handbook revision.

Training

Training is not required.

5. 2018 Spousal Dependent Allowance

Background

In determining the co-payment for an individual receiving Medicaid services in an institutional setting or receiving waiver services under a Home and Community-Based Services program, a dependent allowance may be deducted from the individual's income.

The spousal impoverishment dependent allowance is calculated using 150 percent of the monthly FPL for a family of two. Although the FPL amounts are updated effective March 1st of each year, the new spousal impoverishment dependent allowance amount is not effective until July 1st.

Current Policy

The current spousal impoverishment dependent allowance amount is \$2,030.

New Policy

Effective July 1, 2018, the new spousal impoverishment dependent allowance amount is \$2,058.

Automation

Effective July 1, 2018, TIERS will update all spousal impoverishment co-payment budgets with the new amount.

Effective Date

Staff must use the new spousal impoverishment dependent allowance amount when calculating monthly co-payment amounts for July 1, 2018, and ongoing.

Handbook

The MEPD Handbook will be updated with the September 2018 revision.

Training

MEPD New Hire Training and Continuing Skills Training will be updated to reflect the new spousal dependent allowance amount.

6. Updates to Medicaid after Supplemental Security Income Denial - Children and Qualified Medicare Beneficiaries

Background

The Social Security Administration (SSA) determines eligibility for Supplemental Security Income (SSI). HHSC automatically provides Medicaid to individuals who receive SSI (SSI Medicaid).

Individuals who receive SSI may also be entitled to Medicare Part A. HHSC automatically adds Qualified Medicare Beneficiary (QMB) benefits to individuals who receive SSI and are entitled to Medicare.

When determining SSI eligibility for a child under 18 years of age, SSA considers the income and resources of the child and the child's parents. When the child turns 18, SSA no longer considers the income and resources of the parents in the eligibility determination for SSI.

Current Policy

When notified by SSA of the suspension or denial of SSI due to an increase in income, HHSC automatically extends Medicaid for a short period of time to the following individuals as listed in the [Texas Works Bulletin 17-14 and MEPD Bulletin 17-9](#):

- children (younger than 18) receiving waiver services; and
- individuals who receive an increase in certain Social Security benefits.

Children Receiving Waiver Services

Certain children receiving waiver services and denied SSI due to an increase in income automatically receive HCBS waiver Medicaid (TA 10, ME-Waivers) for one month following the loss of SSI Medicaid (TP 13, ME-SSI).

These children are sent an application to apply for continued benefits. If the application is returned and the child is determined eligible for ongoing TA 10 Medicaid, SSI Medicaid is suppressed to avoid future gaps in Medicaid coverage.

In the month prior to the child's 18th birthday, Texas Integrated Eligibility Redesign System (TIERS) checks for SSI eligibility. If SSI benefits are reinstated, the child is transferred back to TP 13, ME-SSI. If SSI benefits are not reinstated, the TA 10 Medicaid is denied.

Individuals Who Receive Qualified Medicare Beneficiary (QMB) Program

Individuals receiving SSI Medicaid, who are entitled to Medicare Part A, are eligible for QMB benefits. HHSC does not make a separate determination of eligibility for QMB. When an individual's income exceeds the SSI income limit, SSI Medicaid and QMB are both denied (MEPD, Q-2900, QMB Eligibility and Supplemental Security Income).

Certain individuals denied SSI due to receipt of Disabled Adult Children (DAC) Social Security benefits automatically receive DAC Medicaid (TP 18, ME - Disabled Adult Child) for two months following the loss of SSI Medicaid (MEPD, [A-2310](#)). QMB is not automatically extended for two months following the loss of SSI Medicaid.

New Policy

Children Receiving Waiver Services

Children receiving waiver services will remain eligible for ongoing TA 10 Medicaid until the end of the month of their 18th birthday. Once the child turns 18 years of age, SSI eligibility is based on the individual's income only and the parent's income is no longer deemed. As the individual's income is used to determine SSI eligibility, SSI Medicaid is no longer suppressed and the individual is not eligible to receive temporary TA 10 Medicaid at subsequent SSI denials or suspensions.

If by the individual's 18th birthday, SSA has:

- reinstated SSI eligibility, TA 10 Medicaid is denied effective the last day of the month of their 18th birthday month.
 - SSI Medicaid (TP 13) begins the first day of the next month.
- not reinstated SSI eligibility, TA 10 Medicaid remains active.
The individual must go through the regular HHSC renewal process to determine ongoing eligibility.

If SSI is reinstated, the individual is automatically transferred back to TP 13. When an exception occurs during the automatic transfer of individuals to TP 13, a new Task List Management (TLM) Alert is generated. Refer to the **Automation** section of this bulletin for more information.

Individuals Who Receive Qualified Medicare Beneficiary Program

Certain individuals denied SSI due to the receipt of DAC Social Security benefits who also receive QMB, will automatically receive temporary DAC Medicaid and QMB benefits for two months following the loss of SSI Medicaid (MEPD, [A-2310](#) and [Q-2900](#)).

The following notices are automatically sent to individuals receiving temporary DAC Medicaid and QMB benefits:

- Form H1296, Notice of SSI Medicaid Ending;
- Form TF0001, Notice of Case Action; and

- Form H1200, Application for Assistance - Your Texas Benefits.

The Form TF0001 notifies the individual of the effective dates for the temporary DAC Medicaid and temporary QMB coverage, including the Begin and End Dates in the Date field.

The TF0001 includes the following for the extended QMB coverage:

English:

[Individual's Name]'s Supplemental Security Income (SSI) benefits are ending. To appeal the ending of the SSI benefits, call or go to a Social Security office. For more information, see the Form H1296 attached to this notice. [Individual's Name]'s Qualified Medicare Beneficiary Program (MC-QMB) is also ending. Their benefits will continue for a limited time through the dates listed above. To find out if they can continue to get benefits beyond the dates listed above, they must apply with HHSC within 30 days. To apply with HHSC, go to YourTexasBenefits.com or fill out and return the attached application. If they do not return the required application, Medicaid and Qualified Medicare Beneficiary Program (MC-QMB) will end. (MEPD-B3000, TAC 358.515, 42 CFR 435.907)

Spanish:

Los beneficios de Seguridad de Ingreso Suplementario (SSI) de [Individual's Name] van a terminar. Si quiere apelar la terminación de los beneficios de SSI, llame o vaya a la oficina del Seguro Social. Para más información, vea la Forma H1296 adjunta. Los beneficios de Medicaid de [Individual's Name] seguirán vigentes por un periodo limitado hasta las fechas mencionadas antes. Para saber si puede seguir recibiendo Medicaid después de las fechas indicadas, tiene que presentar una solicitud a la HHSC en un plazo de 30 días. Para solicitar beneficios de la HHSC, visite YourTexasBenefits.com o llene y devuelva la solicitud adjunta. Si no devuelve la solicitud requerida, sus beneficios de Medicaid terminarán. (MEPD-B3000, TAC 358.515, 42 CFR 435.907)

Staff must follow the Application Processing instructions in the [Texas Works Bulletin 17-14 and MEPD Bulletin 17-9](#), Medicaid After Supplemental Security Income Denial dated September 18, 2017, when processing applications received from individuals on temporary DAC Medicaid and QMB.

Staff must not end an individual's temporary Medicaid coverage early when an application is received and the individual is determined eligible for ongoing coverage. The certification begin date is the 1st day of the month following the end date of the temporary Medicaid coverage.

Automation

Changes to TIERS will be implemented June 30, 2018 with Release 102.

New Alert for Failed Automatic Transfer to TP 13

For TA 10, ME - Waiver Program, EDGs that fail to automatically transfer to TP 13 the month after the individual turns 18, the Task List Manager (TLM) will generate the following new alert that will be routed to the Customer Care Center (CCC).

Alert #875, Eligible SSI Child in TA10 EDG Turning 18 Years of Age, Run EDBC and dispose ME-SSI approval and TA10 denial

Staff must run EDBC and dispose the EDG to deny the TA 10 EDG. TIERS will then reinstate the TP 13 EDG.

Handbook

MEPD Handbook updates are scheduled for December 2018.

Effective Date

The policy is effective June 30, 2018 with Release 102.

Training

The web-based training, **R102-1 General information**, details policy and procedure changes. A training broadcast will be sent with further details.