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

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Subject:

- 1. School-Based Savings Accounts**
- 2. Achieving a Better Life Experience (ABLE) Program**
- 3. ACA - Telephonic Signatures**
- 4. Ending Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) Exemption for Pregnancy**
- 5. Healthy Texas Women (HTW) Updates**

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 <http://www.dads.state.tx.us/handbooks/TexasWorks/>.
- Medicaid for the Elderly and People with Disabilities (MEPD) Handbook (MEPDH) at http://www.dads.state.tx.us/handbooks/mepd_policy/index.htm.

1. School-Based Savings Accounts

Background

The 84th Texas Legislature, Regular Session, 2015, passed House Bill 3987 (HB 3987), providing school districts and open enrollment charter schools the option to establish a school-based savings program to assist individuals with planning and saving for higher education expenses. Individuals may set-up school-based savings programs through savings accounts, Certificates of Deposit (CDs), Series I savings bonds, and Tuition Savings Plans under IRS Code, Section 529 or U.S.C. Section 530.

The account can be set up in the individual's name, a parent's name, or both. HB 3987 exempts funds in, and interest earned on, the school-based savings accounts as countable resources

and income when determining eligibility for Temporary Assistance for Needy Families (TANF), the Supplemental Nutrition Assistance Program (SNAP), Medicaid, and the Children's Health Insurance Program (CHIP).

Current Policy

TANF, SNAP, Refugee Medical Assistance (RMA), and Children in Medically Needy with Spend Down (TP 56 and TP 32)

Funds in savings accounts and CDs are countable as resources. Interest from savings accounts and CDs is countable as income when determining eligibility. Series I savings bonds are exempt from resources and income until they become accessible (TWH A-1241, Inaccessible Resources). Additionally, the total amount in Tuition Savings Plans under IRS Code, Section 529 and U.S.C. Section 530, are exempt as resources and income.

MEPD

Funds in savings accounts and CDs are countable as resources. Savings bonds are countable resources if they can be converted into cash within 20 days (MEPDH F-4140, Bonds). Additionally, funds in Tuition Savings Programs are excluded as resources and income (MEPDH F-8210, Resource Treatment, and MEPDH F-8220, Income Treatment).

Interest earned on fully-counted resources or certain excluded resources is not counted when determining eligibility (MEPDH E-3331.1, Treatment of Interest/Dividends on Fully Countable Resources).

Medical Programs and CHIP

Resources are not applicable when determining eligibility for Medical programs and CHIP. Interest from savings accounts and CDs is countable as unearned income.

New Policy

TANF, SNAP, RMA, Children in Medically Needy with Spend Down (TP 56 and TP 32), and MEPD

Funds in school-based savings accounts are excluded as resources when determining eligibility. Staff may only exempt funds in school-based savings accounts up to an amount set by the Texas Higher Education Coordinating Board (THECB) each year. THECB bases the excludable amount on the annual cost of undergraduate tuition and fees. The exempt amount is currently \$11,806 and is updated annually. Any excess over the exempt amount counts as a resource.

TANF, SNAP, and MEPD

The interest on accounts established under a school-based savings program is exempt from income when determining eligibility.

Medical Programs, RMA, and CHIP

Interest on accounts established under a school-based savings program is countable unearned income.

Automation

Automation changes are not planned at this time. Refer to the Two-Minute Tip, Entering School-Based Savings Accounts, [ASK IT School-Based Savings TMT](#), for instructions on entering school-based savings accounts in TIERS.

Effective Date

These changes are effective on August 1, 2016.

Handbook

The MEPD Handbook will be updated with the December 2016 revision. The Texas Works Handbook will be updated with the January 2017 revision.

Training

Training is not required.

2. Achieving a Better Life Experience (ABLE) Program

Background

The federal Achieving a Better Life Experience (ABLE) Act allows states to establish ABLE programs similar to college savings programs. ABLE programs allow individuals with disabilities and their families to establish tax-free savings accounts to maintain health, independence, and quality of life. The Texas Comptroller's Office administers the Texas ABLE Program through the Texas Prepaid Higher Education Tuition Board.

The ABLE account funds can be used for disability-related expenses, which supplement, but do not replace, private insurance and public assistance and can be established by an individual who meets the criteria. If an individual is unable to establish an account, the individual's parent, legal guardian, or power of attorney may establish an account on behalf of the individual, although anyone can contribute to an ABLE account.

Annual contributions from all sources are limited to the IRS gift tax amount. For 2016, the gift tax limit is \$14,000 and is updated annually.

An individual:

- Can establish an account through an ABLE program in another state. ABLE accounts will be available in some states beginning summer of 2016.
- Can be the designated beneficiary on only one ABLE account.
- Must be the designated beneficiary and the owner of the account.
- Of any age can establish an ABLE account, as long as the onset of disability occurred prior to age 26.
- Who is not receiving Social Security benefits based on a determination of blindness or disability that occurred before age 26 must certify to the ABLE Program administrator that the disability requirements are met.

- Can have an ABLE account and a Special Needs Trust.

Current Policy

ABLE accounts do not exist and are not addressed in current policy.

New Policy

Income

Medical Programs

Income of the designated beneficiary, or an individual whose income is considered when determining eligibility, that is deposited into an ABLE account, remains countable income when determining eligibility.

Contributions to an ABLE account from individuals other than the designated beneficiary and any distributions from an ABLE account are not considered income to the designated beneficiary.

Interest and dividends earned on an ABLE account are countable unearned income to the designated beneficiary.

SNAP, TANF, and MEPD

Income of the designated beneficiary, or an individual whose income is counted when determining eligibility, that is deposited into an ABLE account, remains countable when determining eligibility.

Contributions to an ABLE account from individuals other than the designated beneficiary, and any distributions from an ABLE account, are not considered income to the designated beneficiary.

Interest and dividends earned on an ABLE account are not countable income to the designated beneficiary.

Resources

RMA, Children in TP 56 and TP 32, SNAP, TANF, and MEPD

Funds held in an ABLE account are excluded from countable resources when determining eligibility.

Note: For Supplemental Security Income (SSI), ABLE account balances over \$100,000 are countable resources to the designated beneficiary and could result in suspension of SSI cash benefits. The individual retains Medicaid eligibility if the excess balance does not cause the individual to exceed the SSI resource limit. Due to the limitation on annual contributions, ABLE account balances will not result in SSI suspensions for several years.

Verification

Request information to verify an ABLE account. Verification must include the following information:

- The name of the designated beneficiary;
- The State ABLE program administering the account;
- The name of the person who has signature authority (if different from the designated beneficiary);
- The name of the financial institution; and
- The account number.

Verification documents may vary among states. Examples of acceptable documentation include participation agreements, ABLE account contracts, financial statements, and annual income tax filing documents.

Disability

The medical certification used to establish an ABLE account must not be used to establish disability for MEPD. Follow current policy to obtain a disability determination from the Health and Human Services Commission (HHSC) Disability Determination Unit (DDU) (MEPDH D-2300, Requesting a Decision from the Disability Determination Unit (DDU)).

Effective Date

Changes to policy are effective August 1, 2016.

Automation

Automation changes are not planned at this time. Refer to the Two-Minute Tip, Entering ABLE Program Accounts, [ASK IT ABLE TMT](#), for instructions on entering ABLE accounts in TIERS.

Handbook

The MEPD Handbook will be updated with the December 2016 revision. The Texas Works Handbook will be updated with the January 2017 revision.

Training

Training is not required.

3. ACA - Telephonic Signatures

Background

The Affordable Care Act (ACA) requires states to provide individuals the option to submit and sign applications, renewals, and authorized representative designations for medical programs by telephone.

Current Policy

All Programs

Individuals may provide a written or faxed signature, or an electronic signature through YourTexasBenefits.com for applications, renewals, and changes to authorized representatives (TWH A-122.1, Application Signature; TWH D-210, Application Procedures; TWH A-170, Authorized Representatives (AR); and MEPDH B-3221, Valid Signatures).

Applications

MEPD, Texas Works Medicaid, CHIP, and TANF

Individuals may complete an application for MEPD, Texas Works (TW) Medicaid, CHIP, and TANF over the phone by calling 2-1-1. However, individuals do not have the option to telephonically sign the application, and a pre-populated application must be mailed to the individual with a request for a written signature.

SNAP

Individuals do not have the option to complete or telephonically sign an application over the phone by calling 2-1-1.

Renewals

All Programs

Individuals do not have the option to complete or telephonically sign a renewal over the phone by calling 2-1-1.

Changes to Authorized Representatives

All Programs

A signature is required to designate, change, or terminate an authorized representative.

Individuals do not have the option to telephonically sign changes to authorized representatives over the phone by calling 2-1-1.

New Policy

Applications and Renewals

MEPD, TW Medicaid, and CHIP

Individuals may complete and telephonically sign applications and renewals over the phone by calling 2-1-1.

All applications and renewals submitted by telephone must be telephonically signed under penalty of perjury. Individuals telephonically sign by stating their name and agreeing to a penalty of perjury statement read by Customer Care Representatives (CCRs). The file date for the application or renewal is the date the individual provides a telephonic signature.

Note: TW Advisors, MEPD Specialists, and other HHSC staff cannot accept telephonic signatures.

Based on the action taken by the individual, the following correspondence is sent:

Action	Correspondence
Individual telephonically signs the application or renewal	<ul style="list-style-type: none"> • Form H1031, Telephonic Signatures Cover Letter, is sent to notify the individual they submitted a telephonically signed application or renewal.
Individual declines to telephonically sign the application	<ul style="list-style-type: none"> • Form M5021A, Request for Missing Signature Cover Letter, is sent to notify the individual a signature is needed to complete the application process; with either the: <ul style="list-style-type: none"> • Form H1010, HHSC Integrated Application, the unsigned application for TW programs which is populated with information provided over the phone; or • Form H1200, Application for Assistance (Aged and Disabled), the unsigned application for MEPD which is populated with information provided over the phone.
Individual declines to telephonically sign the renewal	<ul style="list-style-type: none"> • Form H1032, Cover Letter for Unsigned Your Texas Benefits Renewal Form, is sent to notify the individual a signature is needed to complete the renewal process; with the • Form H2020-YTB, Your Texas Benefits Renewal Form, the unsigned renewal populated with information provided over the phone for TW and MEPD.

Note: Consistent with current policy:

- Individuals continue to have the option to provide a written or faxed signature, or an electronic signature through YourTexasBenefits.com for applications and renewals; and
- An application or renewal received without a signature is considered invalid.

SNAP

Consistent with current policy, individuals do not have the option to complete or telephonically sign applications or renewals over the phone.

TANF

Consistent with current policy, individuals:

- May complete an application for TANF over the phone by calling 2-1-1. A pre-populated application must be mailed to the individual with a request for a written signature;
- Do not have the option to telephonically sign the application; and
- Do not have the option to complete or telephonically sign renewals over the phone.

All Programs

Individuals who request to apply for or renew all programs over the phone are informed that the option to complete an application or renewal for all programs over the phone and telephonically sign an application or renewal is not available. CCRs direct the individuals to submit an application or renewal online through YourTexasBenefits.com, by mail, by fax, or at a local office.

Changes to Authorized Representatives

All Programs

Telephonic signatures provided over the phone by calling 2-1-1 to designate, change, or terminate an authorized representative are accepted for all programs. All authorized representative designations, changes, or terminations submitted by phone must be telephonically signed under penalty of perjury. Individuals telephonically sign by stating their name and agreeing to a penalty of perjury statement read by CCRs. The date for the authorized representative change is the date the individual provides a telephonic signature.

Note: TW Advisors, MEPD Specialists, and other HHSC staff cannot accept telephonic signatures.

An authorized representative change submitted by telephone is not accepted if an individual declines to telephonically sign the authorized representative change. Other reported changes not requiring a signature are accepted. Unlike applications and renewals, correspondence is not sent to individuals regardless of whether the individual telephonically signs or declines to sign an authorized representative change.

Note: Consistent with current policy:

- The designation of a new authorized representative replaces an existing authorized representative;
- Individuals continue to have the option to provide a written or faxed signature, or an electronic signature through YourTexasBenefits.com changes to authorized representatives; and
- An application or renewal received without a signature is considered invalid.

Forms

Two new cover letters have been created:

- Form H1031, Telephonic Signatures Cover Letter; and
- Form H1032, Cover Letter for Unsigned Your Texas Benefits Renewal Form.

Automation

System updates effective with implementation of Release 97:

- Allow CCRs to accept telephonic signatures via 2-1-1; and
- Indicate when an application, renewal, or authorized representative is telephonically signed.

Note: TW Advisors, MEPD Specialists, and other HHSC staff cannot accept telephonic signatures, including during Flexible Appointments for applications or redeterminations.

Effective Date

Changes to policy are effective with the implementation of Release 97. Staff will receive a notification when the release deploys.

Handbook

The MEPD Handbook will be updated with the December 2016 revision. The Texas Works Handbook will be updated with the January 2017 revision.

Training

Training will be presented as part of web-based training titled: ACA - Telephonic Signatures. A training broadcast will be sent with further details to staff.

4. Ending Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) Exemption for Pregnancy

Background

The Texas Health and Human Services Commission (HHSC) and the Texas Workforce Commission (TWC) reviewed the current Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) work registration exemptions during a recent federal audit. In order to align the SNAP E&T exemptions with those federally allowed for SNAP, the SNAP E&T work registration exemption currently allowed for pregnancy will no longer be an acceptable exemption.

Current Policy

Women who provide verification they are three to nine months pregnant are eligible for SNAP E&T work registration exemption, Code D (Three to nine months pregnant), [A-1822.1, E&T Exemptions](#). Pregnant women who receive this exemption are not required to participate in SNAP E&T and are not sanctioned for non-cooperation with SNAP work requirements.

New Policy

Pregnancy is not a valid work registration exemption. Pregnant women who do not meet any other exemption criteria for SNAP E&T listed in the Texas Works Handbook, [A-1822.1, E&T Exemptions](#):

- Are required to participate in SNAP E&T activities; and
- Will be sanctioned for non-cooperation.

Staff must explore other SNAP E&T exemption reasons as allowed by policy. For example, a pregnant woman may qualify for a disability exemption due to her pregnancy (TWH A-1822.1.1, Claiming Exemption Due to Disability of Self).

Pregnant women who were granted a pregnancy exemption prior to the policy change will retain their exemption status until the next application or recertification. Staff must not apply a SNAP E&T sanction for pregnant women who were granted a pregnancy exemption prior to the policy change. TIERS will apply the new policy at the next application or recertification.

Note: This policy change does not impact exemptions from SNAP Able-Bodied Adult without Dependents (ABAWD) time limits. Pregnant women remain exempt from SNAP ABAWD time limits (TWH A-1942, Exemptions).

Automation

Automation changes to remove the pregnancy exemption reason, Code D (Three to nine months pregnant) for SNAP E&T are scheduled to occur with TIERS Release 97.

Effective Date

This policy is effective with the implementation of Release 97.

Training

This policy will be presented as part of a web-based training titled: Course R97-1: Updates to the Pregnancy LUW.

Handbook

The Texas Works Handbook will be updated with the January 2017 revision.

5. Healthy Texas Women (HTW) Updates

Background

As the agency moves forward with convenient ways to serve Texans and increase awareness of the YourTexasBenefits.com website, individuals can now apply, renew, and report changes for Healthy Texas Women (HTW) on the website. These updates are in addition to the changes that were included in the Texas Works Bulletin #16-09, Texas Women's Health Program Changes, dated June 3, 2016.

In addition to applying on the YourTexasBenefits.com website, individuals will be able to apply and renew HTW coverage by calling 2-1-1 and telephonically signing their application and renewal.

Current Policy and Process

YourTexasBenefits.com

Individuals cannot apply, renew, or report changes for HTW via YourTexasBenefits.com.

Applications are submitted:

- Online at www.texaswomenshealth.org;
- By mail;
- By fax;
- At a local HHSC benefit office; or
- At participating family planning provider offices.

Telephonic Signatures

Individuals applying for or renewing HTW coverage do not have the option to complete or telephonically sign an application or renewal for HTW over the phone by calling 2-1-1.

New Policy and Process

YourTexasBenefits.com

Individuals can apply, renew, and/or report changes for HTW online through YourTexasBenefits.com. Consistent with current policy, individuals continue to be able to apply online at www.texaswomenshealth.org, by mail, by fax, at a local office or at a participating family planning provider office.

Individuals age 15 through 17 must have a parent or legal guardian apply, renew, and report changes on their behalf. The parent or legal guardian must create an account on YourTexasBenefits.com to manage the HTW minor's benefits. Once the HTW minor turns 18 years of age, the parent or legal guardian no longer has access to manage the HTW benefits and the HTW recipient must create an account to manage her HTW benefits via YourTexasBenefits.com.

Confidentiality

Individuals can submit an application for HTW through YourTexasBenefits.com for HTW only or with other programs such as Texas Works (TW) Medicaid, SNAP, or TANF. However, due to confidentiality issues, individuals cannot submit an HTW renewal with other program renewals or requests for new programs. To further maintain confidentiality, HTW change reports and document uploads are submitted on YourTexasBenefits.com at the HTW EDG level only, rather than the Case level.

Telephonic Signatures

Individuals can telephonically sign their HTW application or renewal completed over the phone with a Customer Care Representative (CCR). Individuals telephonically sign by stating their name and agreeing to a penalty of perjury statement read by CCRs. The file date for the application or renewal is the date the individual provides a telephonic signature.

Note: TW Advisors and other HHSC staff cannot accept telephonic signatures.

HHSC sends the following correspondence based on the HTW individual's decision regarding telephonic signature.

Action	Correspondence
Individual telephonically signs the application or renewal.	<ul style="list-style-type: none"> • Form H1031, Telephonic Signatures Cover Letter, is sent to notify the individual they submitted a telephonically-signed application or renewal.
Individual declines to telephonically sign the application.	<ul style="list-style-type: none"> • Form M5021A, Request for Missing Signature Cover Letter, is sent to notify the individual a signature is needed to complete the application process; with the • Form H1867, Healthy Texas Women Application, the unsigned application for HTW which is populated with the information provided over the phone.
Individual declines to telephonically sign the renewal.	<ul style="list-style-type: none"> • Form H1032, Cover Letter for Unsigned Your Texas Benefits Renewal Form, is sent to notify the individual a signature is needed to complete the renewal process; with the • Form H1867R, Healthy Texas Women Renewal, the unsigned renewal for HTW which is populated with the information provided over the phone.

Note: Consistent with current policy:

- Individuals continue to have the option to provide a written or faxed signature, or an electronic signature through YourTexasBenefits.com for applications and renewals; and
- An application or renewal received without a signature is considered invalid.

Individuals who request to apply for or renew all programs over the phone are informed that the option to complete an application or renewal for all programs over the phone and telephonically sign an application or renewal is not available. CCRs direct the individuals to submit an application or renewal online through YourTexasBenefits.com, by mail, by fax, or at a local office.

Forms

The following HTW forms are updated to include the YourTexasBenefits.com website:

- H1867, HTW Application;
- H1867-R, HTW Recertification;
- H1830W, Application/Review/Expiration/Appointment notice;
- H1871, HTW Client Turning 18 Years Old; and
- H1872, HTW Opting Out and Reporting Confidential Address.

Automation

Automation changes to YourTexasBenefits.com and TIERS occur with implementation of Release 97.

Effective Date

Changes to the policy and process are effective with implementation of Release 97.

Handbook

Revisions to the Texas Works Handbook are scheduled for January 2017.

Training

Required training on the HTW changes is available in PALMS as a web-based training.

- R97-3 Healthy Texas Women Updates to YourTexasBenefits.com for LCAs;
- R97-4 Healthy Texas Women Updates to YourTexasBenefits.com for CCC HTW; and
- R97 Informational Course.

A training broadcast will be sent with further details to staff.