


 <p>rotating images for Department of Social and Rehabilitation Services</p>	 <p>banner for Kansas department of Social and Rehabilitation Services</p>		
---	---	---	---

STATE DEPARTMENT OF SOCIAL
REHABILITATION SERVICES
2002

FINAL
December 2,

Integrated Services Delivery
Docking State Office Building
Room 681 - West
Topeka, Kansas 66612

TO: Area Directors
Economic and Employment Support Chiefs
Economic and Employment Support Staff
Social Service Chiefs
Other Staff

**RE: SUMMARY OF CHANGES FOR KANSAS ECONOMIC AND
EMPLOYMENT**

**SUPPORT MANUAL (KEESM) REVISION NO. 12 EFFECTIVE
JANUARY 1, 2003.**

PURPOSE, BACKGROUND AND REASON FOR CHANGE

Food Stamp Program: This revision implements a major change to food stamp policy regarding categorical eligibility. Food Stamp Program regulations published on November 21, 2000 mandated a change to food stamp categorical eligibility policy. The new policy does not allow States to impart categorical eligibility to an entire food stamp household when only one member is receiving TANF cash assistance. If the household is receiving TANF cash, then all members must be receiving the cash assistance for the household to be considered categorically eligible. The prior policy, which conferred categorical eligibility by assuming that if one member receives TANF cash or TANF funded support services the whole house benefits, no longer applies. For ease of administration, the policy has been written to state that if all members receive TANF (or GA or SSI) cash, or if all adult members of the household are authorized to receive TANF funded support services, then the household will be considered categorically eligible.

This revision also contains changes to the ABAWD section because a new 36 month eligibility period starts January 1, 2003 and ends December 31, 2005. The examples have been updated with relevant dates. In addition, the item that describes the ABAWD exemption for persons responsible for care of a dependent child household member has been modified for clarification purposes. In addition, a clarification is added that in households consisting of a pregnant woman and the father of the unborn, that the father of the unborn is also exempt from the ABAWD provisions.

Temporary Assistance to Needy Families (TAF) Program: This revision implements a change in Kansas law (K.S.A. 2001 Supp. 23-101) regarding common-law marriages. Effective July 1, 2002, both parties must be at least 18 years of age to enter into a common-law marriage.

In an effort to more fully support agency goals of helping adults reach self-sufficiency and reintegrating foster children with their families, the temporary absence policy has been expanded from 90 to 180 days for both children and caretakers. Currently, if a child is expected to be out of the home in a foster care setting, for example, for more than 90 days, the child is no longer eligible for cash assistance. If that is the only child in the household, the caretaker loses eligibility for cash, medical, and employment assistance. This makes it very difficult to reintegrate the foster child with the caretaker because the caretaker has been unable to maintain a residence. Visits home even become problematic. By expanding the temporary absence provision to 180 days, the agency's goal of reintegrating the child with the family will be better served. A 180 day temporary absence is the maximum allowed for a child by federal law. This revision also provides for an adult to be absent for an indefinite period of time if the absence is required for employment or to meet a work program requirement, such as attending substance abuse treatment. The temporary absence section has also been revised to clarify that in cases of hospitalization, applicants or recipients must be expected to return home at the end of two months following the month of admission.

Clarifications included as a result of staff questions and input include modifications to the sanction provisions for teen parents, the independent living assistance planning section regarding hospital stays, and the application processing provisions in regards to assessing eligibility for each month of the application period separately.

Medical Programs: Based on a 51% increase in the consumer price index from September 1988 to September 2002, the community spouse income and resource allowance standards under the spousal impoverishment provisions will be increased effective January 1, 2003. The minimum and maximum resource allowance will increase to \$18,132 and \$90,660 respectively. The maximum income allowance will be increased to \$2267/month. The minimum income allowance is unaffected by the consumer price index. The increases are required by federal law.

The Partial LMB program is eliminated with this revision. When this program was created through the Balanced Budget Amendment of 1997, it was authorized for a period of 5 years. That period expires on 12-31-02. The program is funded entirely through federal dollars.

Estate Recovery claims will no longer be applicable for recipients of only QMB, LMB or QWD coverage beginning 01-01-03. Claims continue to be applicable for persons who concurrently or subsequently receive full Medicaid coverage in addition to benefits under these programs.

CHANGES AND REQUIRED ACTIONS

1. **KEESM [1411](#) - Application Process** - A new paragraph has been added to this section to clarify that at the time of application processing, each month is to be viewed separately in determining eligibility. For example, if an application is filed in

July and processed in August, ineligibility in August shall not effect July's eligibility. This provision was inadvertently omitted in the conversion to the combined KEESM.

2. **KEESM [1411.1](#) - How to Apply** - This section has been revised to clarify that clients can only request additional assistance in the month of application or the following month if the original application completed was the comprehensive application, the ES-3100. If the food stamp only application (ES-3100.6) is completed and additional programs are requested, the ES-3100 must then be completed to determine eligibility for the additional program(s).
3. **KEESM [1411.2](#) - Application Date** - A sentence added to this section in the October manual revision has been modified to clean up some wording. The sentence added for October indicated that an application filed at the "wrong county office" must be mailed to the appropriate office on the same day, or forwarded the next day by any means to insure the application arrives the day it is forwarded (such as FAX). For the January revision, the wording "wrong county" office has been removed and replaced with " the county office that will not be responsible for processing the application". The instruction now reads that an application filed at an office that will not be responsible for processing the application must be mailed to the appropriate office on the same day, or forwarded the next day by any means to insure the application arrives the day it is forwarded (such as FAX).
4. **KEESM [1724](#) - Social Security Disability Advocacy Project** - Minor wording changes have been made in this section to clarify the project.
5. **KEESM [1725](#) - Estate Recovery Program** - This section has been modified to eliminate the establishment of Estate Recovery claims for recipients of only QMB, LMB and QWD coverage. This change is only applicable to those persons who only choose to receive coverage under these programs in their lifetime. If the individual gains full Medicaid coverage and is otherwise subject to Estate Recovery, the entire amount of medical assistance, including services and Medicare premiums paid while receiving QMB, LMB or QWD only coverage, are subject to recovery. Claims will not be established for those persons who only receive QMB, LMB or QWD. This change is applicable to all claims established on or after January 1, 2003.
6. **KEESM [1725.4](#) - Voidable Transfers** - Item (1) of this section has been modified to eliminate transfers by recipients of only QMB, LMB or QWD coverage as potentially voidable transfers. Because Estate Recovery is no longer applicable to these beneficiaries, any transfer is also not subject to voidability.
7. **KEESM [2150](#) - Residence** - This section has been revised to remove the prior food stamp requirement that households must be living in the county in which they file an application for benefits. This change has been made to increase flexibility as the agency moves forward with service delivery redesign and office closures.
8. **KEESM [2220](#) - Living With A Caretaker** - The last paragraph in this section has been deleted. It is now part of new section 2223 identified below.

9. **KEESM [2223](#) - Temporary Absence of a Child or Caretaker** - This new section has been added to allow a child or caretaker who is expected to be absent for 180 consecutive days or less to remain a part of the household and receive assistance, if otherwise eligible. Additionally, a caretaker who is out of the home for employment or to fulfill a work participation requirement shall remain a part of the household regardless of the length of time away. A child away for school or Job Corps shall also remain eligible regardless of the length of the absence. The determining factor in approving continued eligibility due to a temporary absence shall continue to be the caretaker's responsibility for the care and control of the child or children. An exception to this policy is absence due to hospitalization. For applicants and recipients, assistance may be approved and/or continued only if the hospital stay is expected not to exceed the month of admission and two following months.
10. **KEESM [2230](#) - Teen Parent Under Age 18** - This section has been clarified to state that a teen parent may also attend an alternative educational or training program approved by the State to meet the requirement of attendance in school. It has also been modified to clarify that when a teen parent under 18 fails to meet the school attendance requirement, only the teen becomes ineligible for assistance if the teen is unable to act in own behalf (treated as a child on the case). If a teen parent under 18 who is able to act in own behalf and is considered an adult for eligibility purposes fails to meet the school requirement, the entire mandatory filing unit becomes ineligible.
11. **KEESM [2510](#) - Categorically Eligible Households** - This section has been modified due to a change in Federal regulations. Effective with this revision, households are considered categorically eligible only if all members of the household receive or are authorized to receive TAF (or GA or SSI) cash assistance, or if all adult members receive or are authorized to receive TAF funded work support services. Previously, categorical eligibility could be extended to households in which some members received TAF (or GA or SSI) cash, or TAF funded support services, as the State had taken the option to assume that if one member receives a benefit, the whole household benefits. After Federal Food Stamp Program Regulations were published on 11/21/00, the option was changed to state that the extension of categorical eligibility (assuming if one member receives, the whole household benefits) did NOT apply to households receiving TAF cash assistance. With the new policy, when a household is receiving TAF (or GA or SSI) cash assistance, all members must be receiving cash assistance for the household to be considered categorically eligible. To make the policy easier for staff to administer, the policies for households receiving TAF funded support services were modified to be consistent with the policies for households receiving TAF cash assistance. More information about the implementation of this change will be provided in the Implementation Memo.
12. **KEESM [2520](#) - Able-Bodied Adults Without Dependents (ABAWD)** - This section has been modified and updated to provide that the next 36 month ABAWD eligibility period is January 2003 through December 2005. In addition, the examples used in the body of this section have been updated with current dates.

13. **KEESM [2521](#) - Persons Exempt from the ABAWD Provision** - Item (3) of this section, which describes the exemption for persons responsible for the care of a dependent child household member, has been rewritten for clarification purposes. Item (4) has been modified to provide that if the father is in the home with the pregnant woman, he is also exempt from the ABAWD criteria.
14. **KEESM [2530](#) - Households Containing Post-High School Students** - A cross reference in the NOTE in item (1)(b) has been corrected.
15. **KEESM [2673](#) - Partial LMB** - This section has been removed to eliminate Partial LMB as a Medicaid coverage group. This group was established by federal legislation for a five-year period, which expires on December 31, 2002. Benefits under this program will end on that date unless the program is renewed through congressional action. Additional instruction regarding the elimination of this program will be issued separately in an Implementation Memo.
16. **KEESM [2912.1](#) - Referral Programs (HIPPS)** - This section has been modified to reflect that a HIPPS referral is required for all persons enrolled in Working Healthy and all HCBS waiver recipients with an employed family member.
17. **KEESM [2912.3](#) - Payment Process** - This section has been revised to reflect a technical correction in a cross reference.
18. **KEESM [3414.2](#) - Post Employment Services** - This section has been revised to reincorporate text in item 1(n) which was inadvertently removed.
19. **KEESM [3420](#) and Subsections - Support Services/Component Costs/Employment Services Specific to Food Stamp Only Work Program Participation** - Subsections 3422 and 3423 have been re-added to this section as they were inadvertently removed in prior revisions.
20. **KEESM [3511.1](#) - Effect on Cash and Food Stamp Eligibility for Non-Recipients** - This section has been modified to clarify that for cash assistance purposes, when a minor parent is unable to act in own behalf (considered a child on the case) and fails to meet a work requirement, only the minor parent is subject to sanction.
21. **KEESM [3511.2](#) - Effect on Cash and Food Stamp Eligibility for Recipients** - This change clarifies that when a minor parent who is able to act in own behalf (considered as an adult for assistance purposes) and is considered as an adult for assistance purposes fails to meet a work-related requirement, the entire mandatory filing unit becomes ineligible for cash assistance.
22. **KEESM [4113\(2\)](#) - Cash Excluded Members** - In Item (2), references to other sections of the KEESM applicable to work-related sanctions of teen parents were added for clarity.
23. **KEESM [4120\(3\)](#) - Additional Provisions of Cash Assistance Planning** - This section has been clarified regarding the definition of legal capacity to enter into a marriage.

24. **KEESM [4130](#) - Independent Living Assistance Planning** - Some technical changes have been made to clarify that hospitalized cash assistance recipients can continue to qualify for assistance if medical care is not expected to exceed the two calendar months following the month of admission.
25. **KEESM [4312\(2\)](#) - Additional Assistance Planning Provisions** - In this section, the definition of legal capacity to enter into a marriage has been clarified.
26. **KEESM [6313](#) - Self-Employment** - Item (4) of this section has been modified to clarify that when determining allowable costs of doing business for a roomer, either the 25% standard as described in 7132.1, or actual expenses as appropriate, can be used to determine countable income.
27. **KEESM [7100](#) - Budgeting of Income** - The last paragraph of this item has been modified to include a cross reference to 2552(2) regarding counting TAF payments on a food stamp case following a first time penalty.
28. **KEESM [7227.5](#) - Billed Medical Expenses** - Item (7), One-Time Expenses, has been modified to clarify that households have the option to allow a one time deduction or to have the expense averaged over the remainder of the review period, however, staff should explain to the household which method is most beneficial and to encourage the household to make this choice.
29. **KEESM [8144](#) and [8244](#) - Spousal Impoverishment Resource and Income Standards** - Effective January 1, 2003, the minimum community spouse resource allowance will increase from \$17,856 to \$18,132 and the maximum resource allowance will increase from \$89,280 to \$90,660. The Resource Assessment and Allowance Determination forms are being modified to reflect the increased standards. Informational brochures will be modified in the future to reflect the changes. Until new supplies of these materials are available, existing supplies may be used if properly modified.

In addition, the maximum community spouse income allowance is increasing from \$2232 to \$2267 per month. Neither the minimum allowance nor the dependent family member allowance are changing. Current income allowance cases will need to be reviewed during December and necessary adjustments made in the amount effective January 1, 2003.

Separate instructions will be issued regarding implementation of these new standards.

30. **KEESM [12150](#) - Definitions** - Item (5) of the definition of "Abuse" has had a typographical error corrected.
31. **KEESM [12200](#) - Intake Process** - This section has been revised to reflect that there are now two exceptions to investigating deaths of individuals.

32. **KEESM [12320](#) - SRS Licensed Facility Investigations** - Additional examples of SRS licensed facilities have been included.
33. **KEESM [12330](#) - Joint Investigations** - A wording change from "Community Service Provider (CSP)" "facility" has been made for clarification.
34. **KEESM [12350](#) - Death of Alleged Victim Before Being Interviewed** - Item 3 of this section has a typographical error corrected.
35. **KEESM [12420](#) - Unconfirmed or Unconfirmed-Potential Risk Finding and Case Decisions** - In Item 4 of this section, "CDDO/Affiliate" has been removed. This deletion results in the name of the alleged perpetrator not being released to any facility licensed by SRS, not just the CDDO's.
36. **KEESM [12430](#) - Confirmed Findings and Case Decisions** - The third introductory paragraph of this section has been amended to instruct APS staff to use a standardized form letter, ES-1020, when notifying state regulatory authorities that a provider has been confirmed of abuse, neglect or exploitation. Item 2 of this section has also been revised to require that only confirmed findings will be mailed by both certified mail (return receipt requested) and regular mail on the same day. In Item 3 of this section, "CDDO/Affiliate" has been removed and "facility" has been inserted.
37. **KEESM [12443](#) - ES-1009 Report (Notice of Termination of Action)** - This section has been revised to require corrective action plans to be mailed by both certified and regular mail on the same day.
38. **KEESM [12523](#) - Expungement of Central Registry Records** - This section now includes a detailed description of the procedure for expungement by a confirmed perpetrator after three years.
39. **KEESM [13230](#) - Proof of Information Requirement** - Item 2 of this section has been connected to reflect that verification of interest income of less than \$50 per month is not required. Previously this section erroneously stated that interest of greater than \$50 per month need not be verified.
40. **KEESM [13362](#) - Income Guidelines** - This section has been revised to reflect the 2002 federal poverty standards to be used in the 2003 program. Implementation instructions will be issued separately.

FORMS

1. The **[ES-1004 \(Rev. 01-03\) - Adult Abuse, Neglect or Exploitation Investigation Report](#)** - has been revised regarding Date of Initial Visit to require only Not Late and Late indicators along with a space to indicate reasons why the visit was late.
2. The **[ES-1006 \(Rev. 01-03\) - Monthly Report for ADULT PROTECTIVE SERVICES](#)** - has been revised to add a new category to capture information about service plans.

3. The [ES-1020 \(1-03\)](#) - **Report to State Regulatory Authority From APS Regarding Finding of Abuse, Neglect or Exploitation** - has been created to provide a standard format for areas to report confirmed findings to state regulatory authorities when a provider has been involved.
4. The [ES-3104.5 \(Rev. 01-03\)](#) - **Determination of Need (Medical Assistance)** - has been revised to remove reference to Partial LMB Standards.
5. The [ES-3104.6 \(Rev. 01-03\)](#) - **Determination Worksheet for Pickle Eligibles and Other Protected Medical Groups** - has been revised to include the new SSI Benefit Levels as well as incorporates the new COLA Ratio for 2002. This is a locally duplicated form and any existing supplies of previous editions are to be destroyed.
6. The [ES-3162 \(Rev. 01-03\)](#) - **Resource Assessment and Allowance Determination Form** - has been changed to reflect the new spousal impoverishment standards.
7. The [ES-3163 \(Rev 01-03\)](#) - **Income Allowance Determination Form** - has also been changed to reflect the new spousal impoverishment standards.
8. The [ES-3820 \(Rev. 1-03\)](#) - **Notice of Eligibility Review** - has been updated to reference the child care program and incorporate KEESM references.

MISCELLANEOUS FORMS

This section has been revised to incorporate a new version (9/02) of the [MS-2504, Healthy Insurance Premium Payment Information Form](#). An initial supply will be distributed to the Area Offices. Previous versions of this form are obsolete and to be discarded.

APPENDIX

1. [Item 55](#) - **Medicaid and HealthWave Standards** - has been revised to remove reference to Partial LMB Standards.
2. [Item 87](#) - **Statement of Common-Law Marriage** - The Statement of Common-Law Marriage has been revised to reflect a change to K.S.A. 2001 Supp. 23-101 regarding the age at which a person has the legal capacity to enter into a common-law marriage. As a result of the amended law, to have the legal capacity to enter into a common-law marriage before July 1, 2002, the wife must have been at least 12 years old and the husband must have been at least 14 years old. These ages will continue to be recognized for all common-law marriages entered into prior to July 1, 2002. For common-law marriages occurring on or after July 1, 2002, both parties must be at least 18 years of age to have the legal capacity to enter into a marriage. The Statement of Common-Law Marriage now allows a couple to stipulate which criterion applies to them.

EFFECT ON LOCAL STAFF

The changes regarding the new spousal impoverishment standards will have a minor administrative effect on staff. Changes to the maximum spousal income allowance will, however, require that staff review a number of cases during the month of December and adjust current allowances as necessary. The elimination of the Partial LMB program will have only a minor impact as persons eligible for this program had to reapply each January. Applications taken as of January 1 will now be denied.

The changes in this material regarding food stamp categorical eligibility will have a moderate impact on staff as the new policy is applied to applications and reviews for the next twelve months. Other changes are administrative in nature, or clarifications of policy and should have not have an impact on staff.

COORDINATION EFFORTS

The material in this letter, manual revision and accompanying Implementation Memos have been coordinated with staff in the Economic and Employment Support Section, Children and Family Policy Section, Kansas Department on Aging, Health Care Policy-Community Supports and Services, Medical Policy, Vocational Rehabilitation Services, Office of Public Affairs, and EES Chiefs.

Sincerely,

Sandra C. Hazlett, Director
Economic and Employment Support

SCH:MW:jmm

[Back to Top](#) | [KEESM Home](#) | [Table of Contents](#) | [EES Home](#) |

This page was last updated: 11/15/2002