

STATE DEPARTMENT OF SOCIAL
REHABILITATION SERVICES
Integrated Services Delivery
Docking State Office Building
Room 681 - West
Topeka, Kansas 66612

Nov. 26, 2008

TO: Regional Directors
Economic and Employment Support Program Administrators
Economic and Employment Support Staff
KHPA Staff, including the HealthWave Clearinghouse
Social Service Administrators
Other Staff

Re: Summary of Changes for Kansas Economic and Employment Support Manual (KEESM)
Revision No. 38 effective January 1, 2009.

OVERVIEW OF CHANGES

A brief overview of the major changes is described below. Other clarifications and technical corrections are also included and described in the next section.

Food Assistance and Child Care – Budgeting of child support and alimony income for the food assistance and child care programs is being simplified. With this revision, provisions are being removed that require changing from an averaged income amount to a prospective income amount when certain changes are reported. Averaged amounts will now stay in place unless child support/alimony income terminates. Guidelines are being added to help in making this determination; however, generally, each situation will have to be determined and documented on a case-by-case basis.

Food Assistance – A new ABAWD fixed 36 month period starts January 2009 and runs through December 2011. Several clarifications resulting from the October 2008 changes are also being made for January 2009. These include the treatment of GA/FS persons going through the presumptive disability process (whether or not the household has to complete an IR), and the modification of 24 month review periods when those households get earned income and an IR must be completed. Several additional clarifications to policy and technical corrections are also being included.

LIEAP – The methodology for determining if a consumer has met the self-payment requirement has changed and there has been an increase in the income threshold for the self-payment exemption. New Federal Poverty guidelines are also reflected in the income guidelines.

Medical Assistance – The annual cost of living increase in the minimum and maximum community spouse resource allowance and the maximum community spouse income allowance is being transmitted with this revision. These amounts will increase effective January 1, 2009, pursuant to federal law and are based on the annual change in the federal consumer price index.

Costs related to Medicare Part D and the Subsidy program are changing. The benchmark premium amount for Kansas and the amount of prescription co-payments are increasing effective January 1, 2009.

The institutional protected income level (PIL) is increasing effective January 1, 2009, pursuant to state statute and is based on the annual change in the federal consumer price index.

Successful Families – The Work Transition Allowance is being removed from KEESM.

The Work Incentive payment policy is being implemented to allow a \$50 TAF benefit when income, which includes earnings, exceeds the TAF budgetary standards.

Hardship Criteria number one, which exempts persons needed in the home from work participation, has been expanded to allow those caretakers to explore local resources to care for the disabled family member.

DESCRIPTION, PURPOSE, AND DETAILS OF POLICY CHANGE

I. ALL PROGRAMS

A. CHANGES

1. None

B. CLARIFICATIONS

1. **Joint Custody Situations** – Two sections of the manual are being modified to clarify the treatment of joint custody situations. For both food assistance and TAF, the provisions found in the note in [4211](#) and in [2221](#) respectively are being changed to clarify that they only apply in situations where both parents are applying for assistance from the same program for a child in a 50-50 joint custody situation. If only one parent is applying, that parent may receive assistance for the child(ren) provided they otherwise qualify. No additional statements from either parent should be requested in these situations.
2. **Types of Countable Unearned Income** – Section [6220](#) (11) is being changed to clarify that dividends that exceed \$50 per month are countable. Previously, no dollar amount was noted with dividends as it was with interest in the same item. A cross reference to [6410](#)(33) is also included as that is the section that explains that interest and dividends payments that do not exceed \$50 per month is exempt and if excess of that amount, the full amount is countable. Dividends on life insurance policies remain exempt.
3. **Collecting Claims** – A clarification is being included in the manual to state that food assistance benefits can only be withheld (benefit reduction) to pay on a food assistance overpayment. In addition, a definition of “FFP” is being included. FFP means Federal Financial Participation. TAF benefits are considered FFP benefits while General Assistance are non-FFP. Section [11126](#) is being modified to incorporate these clarifications.

II. FOOD ASSISTANCE AND CHILD CARE

A. CHANGES

1. **Child Support/Alimony Income Budgeting** – The manual is being modified regarding the budgeting of child support and alimony income. With this revision, an averaged child support/alimony income amount will not be changed between the time of application, interim report and review unless the household reports that child support/alimony income has terminated. Child support/alimony will still be prospectively budgeted when it is first starting and/or there are not three full months to average. However, if an average of the past three full months of child support is put into place, it shall remain unless the household reports that child support income has terminated. The merits of each situation will have to be determined on a case-by-case basis if child support/alimony income is removed from the budget and guidelines to this effect are being included in the manual. Gone are the requirements to change from an established average to a prospectively budgeted amount when the court ordered obligation increases or decreases; when the wage withholding of the AP starts or ends; or when TAF is closed. These changes will simplify the policy, be less time consuming and less error prone. Section [7124](#) is being modified to incorporate these changes. In addition, several other clarifications and revisions regarding the budgeting of child support/alimony income are being included in this revision. Additional information will be provided in the Implementation Memo.

B. CLARIFICATIONS

None.

III. FOOD ASSISTANCE

A. CHANGES

1. **Able Bodied Adults Without Dependents** – The fixed 36 month time period is changing. A new 36 month period starts January 2009 and ends December 2011. KEESM section [2520](#) and the ABAWD Eligibility Tracking Form are being changed as a result. Additional information about the implementation of this change will be provided in the Implementation Memo.

B. CLARIFICATION

1. **Review Periods for ABAWDs** – A technical correction is being made to Section [2525](#) to reflect that review periods for ABAWDs are 12 months instead of 6 months. Also the title of the section is being changed from “Certification Periods” to “Review Periods”. Links to [9122.2](#) and [9372](#) are also included.
2. **Review Periods for Simplified Reporting Households** – A technical correction is being made to this section. 24 month review periods only apply to households

where all members – not all adults – receive SSI. [9122.2](#) is being modified accordingly.

3. **Households That Cannot be Required to Submit an Interim Report** - For purposes of this provision only, GA/FS persons are not considered disabled when they initially apply for benefits. Therefore, these households must complete an interim report form (unless 60 or over). If the person is approved for Tier 1 status, they are then considered disabled and should no longer be required to complete an interim report form. If they are approved for Tier 2 status, then they are not considered disabled for food assistance purposes and would continue to be required to complete the interim report form. Section [9122.4](#) has been modified to include this clarification.
4. **Review Periods for Food Assistance** – Section [9372](#) is being revised to provide procedures for cases with 24 month review periods where one of the SSI household members starts receiving earned income, or a new household member enters the home and does not receive SSI. In these situations, the household can no longer be certified for 24 months. The earned income or the non-SSI member in the food assistance household requires that an interim report be completed and negates the 24 month review period. Therefore the review period will have to be modified from 24 months to 12 months with an IR due based on the new review due date. The customer must be notified of the new review end date and of the requirement to complete an interim report. Examples and implementation information will be provided in the Implementation Memo.

IV. LIEAP

A. CHANGES

1. Self-Payment – KEESM [13350](#)

a. Computation of Self Payment

Currently, the self-payment requirement is that the consumer make payments in two out of three months of 10% of their gross monthly income or \$40 whichever is less towards their primary heating vendor bill. The proposed change would allow consideration of all consumer payments to energy vendors (natural gas, electric, propane and wood) during the three month window. The combination of these payments during the period would have total at least \$80

b. Self-Payment Exemption

The current self-payment exemption allows households with a gross family income of \$200 or less to be exempt from the self-payment requirement. The proposed change adjusts the income threshold by benchmarking it to the SSI maximum benefit for a household of one. Currently, that would raise the threshold to \$637.

2. **Income Guidelines – KEESM [13362](#)**

These changes are being made to reflect changes in income standards due to changes in the Federal Poverty Level guidelines.

B. CLARIFICATIONS

1. **Proof of Information Requirement – KEESM [13230](#)**

Amended references to Western Resources are being included in section to reflect current corporate name of Westar.

V. MEDICAL ASSISTANCE

A. CHANGES -

1. COLA Mass Change – Effective January 1, 2009, the minimum community spouse resource allowance will increase from \$20,880 to \$21,912 and the maximum resource allowance will increase from \$104,400 to \$109,560.

In addition, the maximum community spouse income allowance is increasing from \$2,610 to \$2,739. Neither the minimum income allowance nor the dependent family member allowance is changing.

Because the SSI income level is changing, the Presumptive Medical Disability – SI related eligibility level is also changing. For a single individual, the income level is increasing from \$637 to \$674.

KEESM sections [8144](#) and [8244](#) are being updated with this revision. The ES-3162 - Resource Assessment and Allowance Determination Form, the ES-3163 - Income Allowance Determination Form, the ES-3104.6 - Determination Worksheet for Pickle Eligibles and Other Protected Medical Groups, and the Appendix Item F-8 - Medicaid and HealthWave Standards are also being updated with this revision.

2. **Medicare Part D** – Prescription Drug Coverage – Costs related to Medicare Part D are changing for 2009. The new amounts are being incorporated in KEESM [2675.4](#).

The co-payments for dual eligible Medicare Part D beneficiaries are increasing effective January 1, 2009:

- For persons eligible for QMB, LMB, Expanded LMB or Subsidy level D0, the co-payments are increasing from \$2.25 per generic and \$5.60 per brand name to \$2.40 and \$6.00 respectively.
- For full Medicaid eligibles with income at or below 100% of FPL, the co-payment for generics will increase from \$1.05 to \$1.10 and the name brand co-payment will increase from \$3.10 to \$3.20.
- For full Medicaid eligibles with income above 100% of FPL, the co-payments

will increase from \$2.25 per generic and \$5.60 per brand name to \$2.40 and \$6.00 respectively.

- For Subsidy D eligibles, co-payments will be \$2.40 per generic and \$6.00 per brand name after the catastrophic level is reached.

The catastrophic level, which does not impact deemed Subsidy eligibles, is changing from \$5,726.25 to \$6,153.75.

The benchmark Subsidy premium for Kansas is also changing from \$30.62 to \$33.66 effective January 1, 2009. This figure impacts the amount of Medicare D Subsidy a beneficiary can receive. The Subsidy will provide coverage of the lowest premium a plan offers, up to the basic premium level for the state. A beneficiary receiving the Subsidy may elect an enhanced or higher cost plan, but he/she is responsible for the difference between the benchmark and the actual premium amount.

KEESM section [2675.4](#) is being updated with this revision.

3. **Increase in the Institutional Protected Income Level (PIL)** – Effective January 1, 2009, the institutional facility protected income level (PIL) will increase from \$60 to \$62. This increase is mandated by state statute and is tied to the annual change in the federal consumer price index.

KEESM section [8160\(2\)](#) is being updated with this revision. The ES- 3104.5 - Determination of Need (Medical Assistance) Form and the Appendix Item F-8 - Medicaid and HealthWave Standards are also being updated with this revision.

4. **Working Healthy Temporary Unemployment Period** – The Working Healthy temporary unemployment period has been increased from 6 to 9 months. This change is effective with any Temporary Unemployment Plan (TUP) commencing on or after January 1, 2009.

KEESM section [2664.7](#) is being updated with this revision.

B. CLARIFICATION

None

VI. SUCCESSFUL FAMILIES

A. CHANGES

1. **Work Transition Allowance** – KEESM [3411.2](#) (4) has been removed and is no longer available to customers in its original form. The services it provided will still be available through the regions' work program allotment money in the form

of support services. The regions will have autonomy in deciding how much may be spent towards supporting a family during their first months of employment.

2. **Work Incentive Payment** – KEES [1111](#) provides for a \$50 payment, for five consecutive months, when a household has income which includes earnings, when that income would normally exceed the TAF budgetary standards. This benefit is a TAF benefit, and all TAF eligibility rules apply, with the exception of the resource limit and the gross income limit. Additional manual changes are being included throughout KEESM to allow for the Work Incentive payment to be considered a TAF benefit.
3. **Hardship Status** – KEESM [2243](#) is being revised to allow caretakers to explore local resources, including home health care agencies, to care for a disabled household member. This option, at the discretion of the disabled household member and the caretaker, will allow the caretaker to access work program services and assist in achieving self-sufficiency.

B. CLARIFICATIONS

None

FORMS (Explanation provided if not mentioned previously in this summary.)

A. Food Assistance

1. [ES-4312](#), **ABAWD Eligibility Tracking Form** – This form is being modified for the new 36 month eligibility period of January 2009 through December 2011.

B. Medical Assistance

1. [ES-3162](#), **Resource Assessment and Allowance Determination.**
2. [ES-3163](#), **Income Allowance Determination.**
3. [ES-3104.5](#), **Determination of Need (Medical Assistance).**
4. [ES-3104.6](#), **Determination Worksheet for Pickle Eligibles and Other Protected Medical Groups.**

C. Successful Families

1. [ES-4304](#), **The Work Program Sample Checklist**, is a revised form that has been added to the KEESM Forms section. This check list is basically the same one that the field has used to complete first and second reviews on the monthly Sample Pull. It has been updated to coincide with the 10-01-08 KEESM revisions and has been assigned a form number. This form is to be completed, signed by both the first and second party reviewers and sent to Central Office with corresponding documentation of participation.

2. [ES-4305](#), **The Work Program Sample Guide**, is a revised document that has been added to the KEESM Forms section. This is basically the same Guide that has been used by the field to complete the Work Program Sample Checklist. This Guide has been updated to coincide with the 10-01-08 KEESM revisions and assigned a form number. This Guide is to be used to help the reviewers obtain the appropriate documentation and count the correct hours and activities for participation rates each month.
3. [ES-4320](#), **OARS Turn-Around Form**, language is being revised. This is a minor revision of terminology and will not affect the use or purpose of this form.

D. TAF Assistance

1. **ES-3104.1, TAF Benefit Determination**, is being added in the Excel Format. Instructions for completion of the ES-3104.1 in Excel are also being included in the manual. IM-3104.1, Determination of Need (Cash Assistance), is being obsoleted as a result of this change.

APPENDIX (Explanation provided if not mentioned previously in this summary.)

A. Child Care

1. [C-18](#), **Maximum Hourly Child Care Provider Rate Schedule** - The paragraph with outdated information about how the rates are set was removed. There was no related policy change with this.

B. Food Assisatance

1. [T-7](#), **IR Set-up Schedule** - A technical correction is being made to the bottom of the form regarding the mail date of IR's.
2. [T-8](#), **Reporting Notices Chart** - The chart is being updated with additional notices.
3. [T-9](#), **Reporting Requirements Notice Matrix** - The chart is being updated with additional notices and other technical corrections are being made.

C. Medical Assistance

1. [F-8](#), **Medicaid and HealthWave Standards**.

D. Successful Families

1. [W-11](#), **TAF Change Form** – This item is being updated in response to the TAF work incentive program. The form has also been automated so staff do not have to calculate the need standard.
2. [W-12](#) - The new FLSA calculation worksheet for WXN and SRV was added to the KEESM appendix.

MISCELLANEOUS FORMS (Explanation provided if not mentioned previously in this summary.)**A. Successful Families**

1. [OARS Monthly Status Report Form](#) - This form is being revised to include information regarding contact with the OARS participant.

EFFECTIVE DATE

All policies in this revision are effective January 1, 2009, and these policies apply to all applications and reviews received or processed on or after that date unless stated otherwise. They also apply to ongoing cases at the time of the next case change involving the affected policy unless stated otherwise. Additional information is being included in the Implementation Memo.

EFFECT ON LOCAL STAFF

Food Assistance: This change will simplify the budgeting of child support income. It will be less error prone and less time consuming.

Medical: The annual COLA mass change will have a substantial impact on eligibility staff who must review affected cases during the month of December for potential adjustment.

Successful Families: Employees will see an increase in work participation rates for their caseloads based on customers being able to maintain assistance for an extended time frame.

MATERIALS OBSOLETE BY THIS REVISION

1. **The 60 Month Memo issued by Sandra Hazlett on Jan 22, 2001** will be obsolete and removed from the Miscellaneous Memo's section of Policy and Procedure on the EES Intranet site. http://srsnet/commissions/ees/PolicyProc/memo_index.htm
2. **The Every Effort Program** will be obsolete as of 01/01/2009. It will be removed from the Ideas Sharing site. <http://srsnet/commissions/ees/Ideas/ideasmain.htm>
3. **IM-3104.1, Determination of Need (Cash Assistance).**
4. The **EP-4305 Self Sufficiency Form** will be obsolete as of 01/01/2009 and removed from the KEESM Forms list.

COORDINATION EFFORTS

Within EES, the material in this letter and manual revision has been coordinated with staff in Economic and Employment Support, the EES Program Administrators, the Implementation Planning Team, the Training Advisory Team. The medical material has been coordinated with KHPA. Successful Families material has been coordinated with the Work Experience/Community Service Work Site Development/Utilization Work Group, SRS Legal, and KCSDV.

Sincerely,
Bobbi Mariani, Director

Economic and Employment Support
BM:AM:lf

Page Last Updated: 11/26/08 2:46 PM