

STATE DEPARTMENT FOR CHILDREN
AND FAMILIES

7-24-14

Family Services
Docking State Office Building
Room 581 - West
Topeka, Kansas 66612

To: Regional Directors
Economic and Employment Services Program Administrators
Economic and Employment Services Staff
KDHE-HCF Staff, including the KanCare Clearinghouse
Prevention and Protection Services Administrators
Other Staff

Re: Summary of Changes for Kansas Economic and Employment Services
Manual (KEESM) Revision No. 67 effective July 1, 2014.

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. Additional technical corrections not mentioned here are being incorporated in KEESM as needed.

Food Assistance – The Standard Utility Allowance is now being extended to household who received LIEAP during the current or previous 12 months. It is not limited to those who received LIEAP at the current address.

Successful Families – Suspicion-based drug testing is being implemented with this revision.

The policy for penalty assessment is also being updated. This includes comparable work program penalties and comparable disqualifications for failure or refusal to cooperate with drug testing.

Medical Assistance – The average nursing home private pay daily rate used to calculate transfer penalties has changed. Exceptions to the general QMB start date rule have been identified. A new review reconsideration period is being implemented. The fair hearing process for medical assistance appeals has been revised.

Additional clarification has been added to indicate that the resource limits in place at the time the community spouse resource allowance assessment is completed shall be used.

DESCRIPTION, PURPOSE, AND DETAILS OF POLICY CHANGE

I. Child Care, Cash, and Food Assistance

A. Changes

None

B. Clarifications

1. **Budgeting of Income** – A sentence indicating required use of the ES-3103, Income/Expense Worksheet, for child care and food assistance cases is being removed from the end of KEESM [7100](#). Policy requires use of the form for child care, cash, and food assistance, as stated in the first sentence of that paragraph. The sentence should have been removed at an earlier time.

II. Food Assistance

A. Changes

1. **Standard Utility Allowance (SUA)** – Policy regarding eligibility for the SUA is being modified. Households that have received LIEAP during the current or previous 12 months are eligible for the SUA regardless of whether they are at the same address when LIEAP was received. Formerly, LIEAP had to be received at the current address to qualify for the SUA.

KEESM [7226.3](#) is being updated with this change.

2. **Comparable Treatment for Penalties/Disqualifications** – A new section is being added to KEESM 2252 to differentiate between comparable penalties for TANF work program failures and comparable disqualifications for failure to drug test or for drug testing positive for purposes of TANF. With the implementation of TANF suspicion-based drug testing, TANF/FA persons who fail to drug test or who test positive will be disqualified from receiving food assistance for the comparable TANF penalty period. For food assistance there is an exception - FA cannot disqualify a person on a permanent basis. According to federal regulations the maximum disqualification period is 12 months. The term "disqualification" is being added when discussing TANF suspicion-based drug testing failures to test or testing positive. The manual now uses the term "penalty" when referring to work programs, and "disqualification" when referring to drug testing. Essentially a penalty and a disqualification are the same thing – the person who fails to

comply for TANF purposes is disqualified from receiving food assistance, and the remainder of the food assistance household can get benefits if otherwise eligible.

The individual must be receiving **food assistance benefits and TANF at the time of the TANF drug testing disqualification to be disqualified from the Food Assistance Program**. Thus a disqualification on food assistance will never be done if the food assistance application is pending at the time of the TANF disqualification. If food assistance is approved before TANF and a disqualification for TANF is applied while the TANF application is pending, a comparable disqualification does NOT apply because the person was not receiving TANF at the time of the disqualification. If, however, FA is approved and TANF is approved and then the disqualification is applied to TANF, it shall be applied to the same individual for food assistance since the individual was receiving benefits for both programs at the time of the TANF disqualification. The comparable disqualification will always apply when both the TANF and food assistance case are in ongoing status.

TANF disqualifications for failure to test, and testing positive, will both result in a comparable disqualification for food assistance. Only the person who fails to test or who tests positive is disqualified. SEPA code is DI. The TANF benefit will be paid to a protective payee during the period of the disqualification.

The TANF benefit will continue to be counted as the income of the PI on the food assistance case.

The new section also explains how to re-establish eligibility after a failure or a positive drug test.

The following sections are being changed or added: [2550](#), [2552.1](#), [2552.1](#).

B. Clarifications

None

III. Medical Assistance

A. Changes

1. **Transfer of Property** – The average nursing home private pay daily rate in the state has increased from \$169.68 to \$172.36. The new rate is effective with all penalty periods with a start date on or after July 1, 2014.

KEESM section [5724.4\(2\)](#) and Appendix item [W-9](#) (Transfer of Property Worksheet) will be updated with this revision. In addition, the electronic Transfer of Property Worksheet will be updated and reissued. Previous versions will be obsolete and should be discarded.

2. **QMB Start Date Exceptions** – QMB coverage begins the month after the month in which action to approve eligibility is taken. The following exceptions apply:
 - a. Medicare open enrollment – If the applicant applies for QMB coverage during the general open enrollment period and Part A coverage is delayed until July 1, QMB coverage will begin in July.
 - b. Medicare begins – QMB coverage on an open medical assistance case shall be effective the month Medicare begins.
 - c. QMB in another state – If the applicant was receiving QMB coverage in another state, eligibility in Kansas shall begin the month following the month of closure in the other state.
 - d. Review reconsideration period – QMB eligibility may be reinstated without a break in coverage if approved during the review reconsideration period.

KEESM section [2671.1](#) will be updated with this revision.

3. **Review Reconsideration Period** – A new review reconsideration period is being implemented. Individuals will have until the end of the third month after the end of the previous review period to return the review form for processing.

KEESM section [9350](#) will be updated with this revision.

4. **Fair Hearings** – The fair hearing process for medical assistance appeals has changed. A request no longer needs to be in writing – it may be received orally (in person or by phone), by mail, by fax, or by email. The request need not be signed to be valid.

KEESM sections [1610](#) through [1617](#) will be updated with this revision. The Request For Administrative Hearing form and the Right To Request A Fair Hearing section of the agency notices will be revised to incorporate these changes.

B. Clarifications

1. **Working Healthy (WH)** – An earned income requirement example for the Working Healthy (WH) program incorrectly refers to the standard 25% self-employment expense deduction. Since that deduction is no longer applicable to the medical assistance programs, the example has been updated.

KEESM section [2664.3\(2\)](#) will be updated with this revision.

2. **Community Spouse Resource Allowance Assessment** – A clarification has been added to indicate that the resource limits in place at the time the community spouse resource allowance is actually calculated shall be used, regardless of the date of application or request.

KEESM sections [8144.1\(2\)](#) and [8244.1\(2\)](#) will be updated with this revision.

IV. Successful Families

A. Changes

1. **Drug Testing Requirements Specific to TANF** – Section [2260](#) regarding suspicion-based drug testing is being added to KEESM.

Section [1515](#) is being added with policy regarding protective payees for case testing positive or refusing to test.

A paragraph is being added to section [1411.4](#) explaining that request for withdrawal or case closure to avoid a drug test, does not override a drug test request.

The information related to this is being covered in the implementation memo issued separately.

2. **Assessing Penalties** – The material currently in KEESM [2552](#) is being separated into 2552 and 2552.1. Section 2552.2 is being added with completely new material.

- a. **Treatment of Income and Resources and Special Procedures** – As with 2550 and 2551, the terms “penalty” and “disqualification” are being applied more consistently in [2552](#).
 - b. **Work Program Comparable Penalties** – This is being numbered [2552.1](#) and verbiage added to indicate the penalty periods for food assistance are the same as for TANF.
 - c. **TANF Drug Testing Comparable Disqualifications** – Section [2552.2](#) is being added with information about comparable disqualifications related to the drug testing policy. Also included in that section is policy regarding establishing the disqualifications and re-establishing eligibility after disqualification has ended.
3. **Alcohol and Other Drug Assessment and Treatment (AOD)** - Section [3330.1](#) is being updated with relevant information regarding suspicion-based drug testing.

B. Clarifications

1. **KANSASWORKS/WorkKeys (KWK)** – KEESM [2251](#) is being updated to indicate that exemption from participation for good cause includes those who require a translator to communicate in English. A note is also being added to indicate the re-applicants who have completed KeyTrain must only prove they have a current, active KANSASWORKS account.

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

Successful Families

[ES-3109](#), **TANF Ineligibility Notice**

[ES-3110](#), **Negative Drug test**

ES-4108

[ES-4307](#), **Penalty Tracking Sheet**

[ES-4412](#), **Solutions Recovery Care Coordination (SRCC) EES Referral, Report and Turn-Around Document**

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

A. Medical Assistance

[W-9](#), **Transfer of Property Worksheet**

B. Successful Families

[P-3](#), **Protective Payment Agreement**

P-3 [Attachment](#), **Protective Payee Guidelines and Information**

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

None

EFFECTIVE DATE

Policies for this revision are effective July 1, 2014.

EFFECT ON LOCAL STAFF (No significant effect if not explained below.)

Successful Families

The TANF drug testing should have minimal effect on regional staff as coordinators will be assigned to each region. Training on the suspicion-based drug testing will occur shortly after the July 1 implementation of the policy.

MATERIALS OBSOLETE BY THIS REVISION

None

COORDINATION EFFORTS

This change was coordinated with staff in Economic and Employment Services, Executive Leadership, and the EES Program Administrators.

Sincerely,
Jaime Rogers, EES Director
Economic and Employment Services
JR:am

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