

2. Right To Information

All those who have applied for benefits, or who inquire about the requirements for receiving benefits, must have the requested information provided. This includes a general explanation of the eligibility requirements and answers to specific questions. If the Worker does not know the answer to the specific question, he may request that his Supervisor submit the question to the Policy Unit. However, applicants and potential applicants must not be referred to the Policy Unit for a direct response.

3. Right To Consideration For All Programs

It is the Worker's responsibility to explain and make available all of the Department's programs for which the applicant could qualify. Unless the applicant specifically states he is not interested in being considered for WV WORKS, including DCA; Food Stamp benefits; Medicaid; or SCA, during the appropriate time period, the Worker must evaluate potential eligibility for each of these. The evaluation of eligibility is accomplished in RAPIDS.

Mail-in applications for any program must be evaluated for all other programs based on the available information.

The Worker has a choice of 3 codes for the affected programs on ACPA:

- N--The applicant has specifically requested that his eligibility not be considered for the benefit.
- Y--The applicant has specifically requested that his eligibility be determined for the benefit. If it is determined that the applicant is not eligible, this benefit is denied. If he is eligible, the Worker must confirm eligibility to approve receipt of the benefit. Once the decision is made, the AG is considered to be Determined, or in Determined AG Status.
- E--The applicant or the Worker wants to determine potential eligibility for a program. If not determined potentially eligible, no further action is needed; no client notification is required. If he is determined potentially eligible, the Worker must confirm while in "E" status to issue client notification. No benefit is issued to an AG coded as "E" even when the AG is confirmed, and the calculated benefit amount is not used in any other RAPIDS functionality and is not included in the notice of potential eligibility. Once the decision is made, the AG is considered Evaluated, or in Evaluated AG Status.

The AG Status Codes displayed on AGECE in RAPIDS indicate if an AG is Determined or Evaluated as follows:

Eligibility Status	Determined AG Status	Evaluated AG Status
Pass	OP	PO
Fail	CL	PC
Denied	DE	PD
Pend	PE	PP
Spenddown Pending	MD	PM

When an Evaluated AG passed and is confirmed, a client notice is issued from RAPIDS to inform the applicant that he may be eligible for a benefit for which he did not apply and that he must contact his local office for information or to apply.

4. Right to Fair and Equitable Treatment of Applicants and Recipients

a. Introduction

Federal law and the West Virginia Human Rights Act, West Virginia Code §5-11-1, bar discrimination on the basis of age, race, sex, disability, religious creed, national origin, and political belief. The following civil rights laws are applicable to Medicaid, Food Stamp benefits and WV WORKS cash assistance.

- **The Age Discrimination Act of 1975, 42 U. S. C. §6101 et seq.**
- **Section 504 of the Rehabilitation Act of 1973, 29 U. S. C. §794**
- **The Americans with Disabilities Act of 1990, 42 U. S. C. §12101 et seq.**
- **Title VI of the Civil Rights Act of 1964, 42 U. S. C. §20000d et seq.**

West Virginia has established procedures for ensuring fair and equitable treatment of applicants and recipients of public assistance. The West Virginia Department of Health and Human Resources must ensure that no person shall, on the

grounds of age, race, color, sex, disability, religious creed, national origin, or political belief, be subjected to discrimination. Compliance with these laws assures equal opportunity for persons with disabilities.

Federal law protects individuals with a disability and defines that as a person who has;

- a physical or mental impairment that substantially limits one or more of the major life activities of that individual; or
- a person who has a record of such an impairment; or
- a person who is being regarded as having such an impairment.

There are two key issues regarding discrimination against people with disabilities:

- **Individualized treatment:** Individualized treatment requires that individuals with disabilities be treated on a case-by-case basis, based upon facts and objectivity. Such individuals may not be treated differently on the basis of generalizations or stereotypes.
- **Effective Opportunity and Access:** Effective opportunity and access means that individuals must be given the same access and opportunities to programs of assistance as individuals who do not have disabilities.

It is the responsibility of the Worker to consider whether a person may have a disability, and how a person's disability may affect his ability to comply with rules, fill out forms, attend scheduled appointments, etc. If the Worker determines that a person has a disability that affects his ability to comply, the Worker has the authority to make reasonable modifications or accommodations to ensure that the person receives equal access to all programs and services. Any evidence must be documented in the case file or record, or in RAPIDS in Case Comments. In addition, screen ANDA in RAPIDS allows the entry of at least two informational flags per individual. These flags include:

BL	Blind	HC	Physical Disability
DE	Deaf-Hearing Impaired	MD	Mental Disability
FL	Foreign Language	NL	Not Literate
HB	Homebound	WC	Uses a Wheelchair

A flag may be entered to alert the next Worker that special accommodations are needed.

b. Methods and Examples of Accommodations

At this time West Virginia does offer the following methods of accommodations to all persons in local offices:

- **Sign Language Interpretation**

WV Commission for Deaf and Hard of Hearing
(304) 558-1675
Contact Person: Roy Forman

There is a directory which contains a list of certified and approved sign language interpreters.

- **Visual Impairment Services**

All general public information should be made available in accessible formats such as large print, cassette recording, computer diskette and Braille. Public entities are responsible for providing these upon request, unless doing so causes an undue burden. Public entities are prohibited from charging a fee for auxiliary aids and services.

- **Interpreter Services With Phone Companies**

Verizon offers interpreter services free of charge. An Interpretation Unit is accessible through Verizon's main phone number.

EXAMPLE: An individual applies for WV WORKS. He has a learning disability and is unable to read, comprehend or complete the application. A reasonable accommodation is for the Worker to read the application to the individual and to explain the information fully.

EXAMPLE: A client is physically unable to come to the local office for appointments made to keep her benefits. A reasonable accommodation is for the Worker to arrange to do a phone interview and/or a home visit, if necessary.

EXAMPLE: A client who has limited mobility comes into the office for a redetermination of benefits. An accommodation for this person is to ensure that an interview room equipped for disabled individuals is available for this client at the time of his appointment. If no such room is available, the Worker may assist the client to an appropriate work station to conduct the interview.

c. Complaint Procedures

Any person, who believes that he has been the subject of discrimination on the basis of race, color, national origin, sex, age, religion, political affiliation or disability, has a right to file a complaint. This complaint can be filed by the individual or his representative.

Procedures to file a complaint are:

The individual may make the complaint using form IG-CR-3, by phone or in person, within 180 days of the incident to the following address or phone number.

West Virginia Department of Health & Human Resources
Office of Inspector General
State Capitol Complex
Building 6, Room B-817
Charleston, West Virginia 25305
(304) 558-2278

For Food Stamp Benefits only, send a copy to:

The Regional Civil Rights Director
Food and Nutrition Services
Mercer Corporate Park
300 Corporate Boulevard
Robbinsville, New Jersey 08691-1598

A written complaint should include the following information:

- The name of the person(s) felt to have been treated unfairly

- The date and description of the alleged discriminatory action
- The name(s) of other persons, if any, who were present when this action occurred
- The date the complaint is made
- The signature of the person or representative making the complaint
- Each complaint received must be investigated and corrective action taken, if appropriate. The investigations and corrective actions are handled in conjunction with DHHR's Office of Inspector General and the State ADA Coordinator.

Each office must post the ADA/Section 504 Notice in a prominent area to provide information regarding rights under the ADA and Section 504.

B. OVERVIEW OF THE ELIGIBILITY DETERMINATION PROCESS

The components of the eligibility determination process and a brief description of each follow:

1. Application Process

This process determines initial eligibility for one or a combination of programs. The process usually involves the signing of an application form by the client and a face-to-face interactive interview with a Worker.

The application may be held, pending receipt of necessary information or verification, but there are processing time limits which must be met. All applications must have a final disposition and the client must be notified of the decision.

2. Redetermination Process

Periodic reviews of total eligibility for recipients are mandated by law. These are redeterminations and take place at specific intervals, depending on the Program or coverage group. Failure by the client to keep an appointment for a redetermination usually results in ineligibility. If the client keeps his appointment and continues to be eligible, benefits must be uninterrupted and received at approximately the same time.