

1. Approvals

The application is approved for Medicaid to cover the prior period. The medical card is mailed to the local office and is rewritten for the correct POE and mailed to the client. For a spenddown case, verified medical expenses, old unpaid bills prior to the POC, or paid and unpaid bills incurred during the POC, are used as spenddown expenses.

A manually written medical card for the correct POE is mailed to the client.

2. Denials

When the Worker determines that the case does not meet spenddown in the prior period, the application is denied and the client notified using the ES-NL-A.

3. Closures

Advance notice requirements apply. When the 13-day advance notice of closure is not required, the procedure is as follows:

If a card will be generated, the address of the county office is entered in ACCH.

A closure is transmitted immediately following the approval or spenddown transaction.

When the card is received in the county office, the Worker must destroy it and manually issue a medical card to reflect the prior POE. The Supervisor initials the card and either mails it or gives it to the client. It is the client's responsibility, or that of the individual who is acting on his behalf, to take the card to medical providers.

F. CHANGING COVERAGE GROUPS AND REDETERMINATION PERIOD

When one coverage group is closed and another opened, the original redetermination period is kept.

1.25 WV WORKS

When WV WORKS applicants are also Food Stamp and/or Medicaid applicants, requirements in **1.2 and 1.4** also apply to the Food Stamp portion of the case and the requirements in Sections **1.2, 1.6 - 1.22** apply to the Medicaid portion.

A. APPLICATION FORMS

An OFS-2 is used.

NOTE: When an application has been made for WV WORKS and/or Medicaid and the application is denied, withdrawn or approved for DCA, the AG must not be required to make an additional application for Food Stamps. Food Stamp eligibility must be determined based on the information provided for the other programs.

B. COMPLETE APPLICATION

The application is complete, when the client signs an OFS-2 or OFS-5 which contains, at a minimum, his name and address.

NOTE: When the applicant has completed the interactive interview, and there is a technical failure that prevents the printing of the OFS-2, Form OFS-5 must be signed by the applicant, attached and filed in the case record with the subsequently printed OFS-2. The **DFA-RR-1** must also be completed and signed. He must not be required to return to the office to sign the OFS-2 when the OFS-5 has been signed.

An application is considered incomplete when the client chooses not to sign the OFS-2. It is a withdrawal, and appropriate data system action and client notification must be completed. The recording in Case Comments must specify that the client did not want to sign the application and the reason for his decision. The client must be encouraged to sign the application so there is no misunderstanding that he was denied the right to apply.

C. DATE OF APPLICATION

The date of application is the date that the OFS-2, which contains, at a minimum, the applicant's name and address, is signed. Benefits are prorated from the date of application when all other eligibility requirements are met.

If the client who became ineligible due to a lump sum payment requests recomputation, the date of application is the date of his request.

- The importance of choosing an authorized cardholder who can also access the EBT account
- Services are available by calling the Automated Response Unit (ARU) or by talking with a Customer Service Representative (CSR). These services include, but are not limited to, activation of a new card, **replacing** a lost/stolen/damaged EBT card, obtaining a new or different PIN, cancellation of an authorized cardholder and checking an account balance(s).

H. DUE DATE OF ADDITIONAL INFORMATION

The client and the Worker agree on the date by which additional verification must be obtained.

I. AGENCY TIME LIMITS

By the 10th working day following the date of the initial contact when a client expresses an interest in applying for WV WORKS, the Worker must have completed all of the following duties. The initial contact by the client may be in person or by telephone to start the 10-day period.

- Acceptance of the application or **DFA-RFA-1**. This must be completed prior to orientation and prior to negotiation of the initial PRC; and
- The client's orientation, when it appears he will be eligible; and
- The initial PRC, when it appears he will be eligible.

Data system action must be taken to approve, deny or withdraw the application within 30 days of the same date.

EXCEPTION: When the delay is a result of factors outside the control of the Department and the applicant, or when the client requests a delay, any of the above actions may be postponed. When action is postponed due to the client's request, his request must be recorded on CMCC.

EXAMPLE: An applicant telephones the office on June 26th to find out how to apply for WV WORKS. At that time, an appointment is scheduled for him to meet with a Worker on July 5th. The next group orientation after the application is completed is July 12th, which is past the 10-day time limit. Therefore, the Worker must complete an individual orientation session for this applicant, preferably at the intake interview on July 5th.

EXAMPLE: An applicant contacts the office by telephone on September 10th to find out how to apply for WV WORKS. At that time an appointment is scheduled for him to meet with a Worker on September 13th and to attend group orientation on Sept. 19th. The applicant is caring for his mother until she can be placed in a nursing home. Placement is expected on September 25th, so he requests that his appointments be rescheduled for later that same week. He is then scheduled to meet with the Worker on September 26th and to attend group orientation later that same day. Although the application process is completed outside the time limit, it is due to the client's request which is recorded on CMCC.

J. AGENCY DELAYS

If an application has not been acted on within the required time limit due to agency error, corrective action must be taken immediately.

K. PAYEE

The payee is the individual in whose name the WV WORKS benefit is issued. The payee must use his legal name whenever possible, unless there is some circumstance that justifies the use of another name. If so, the decision to allow use of another name is made by the Policy Unit, based on information submitted by the local office. See below for the EBT payee.

The parent with whom the child is residing is the payee. When the child lives with 2 parents, the parents choose the payee. When the child lives with a parent and a stepparent, the parent is the payee. When the child lives with one relative other than a parent, the specified relative is the payee. When a child lives with two specified relatives other than a parent, they must choose who will be the payee.

For EBT purposes, certain information about RAPIDS primary person is automatically sent to the EBT vendor in what is called a demographic record. This information is used to set up the EBT account, mail the EBT card and to identify the payee and authorized cardholders for security purpose when a call is made to the ARU. See Chapter 21 for card replacement procedures. The card is sent to the payee, regardless of whether or not he is the primary person. A primary person who is not a payee is issued an EBT card as an authorized cardholder. See item T.

NOTE: Payments are not issued to minor parents. Instead, the parent or other responsible adult with whom the minor parent lives, or who supervises the minor parent's living arrangement, is the payee. The minor parent is not a cardholder for EBT benefits.

When a substitute payee is appropriate at application, see Chapter 2.

form and add additional information in response to specific questions. Under no circumstances may delivery of the form to the client with no discussion of the information substitute for a full, uniform orientation to the Program.

In addition to the information on the form, the following is required: When a PRC has not already been completed and will not be completed during the orientation session, provide the client with a blank copy of the PRC. This will allow time for him to be prepared for the PRC interview. Appropriate distribution is listed on the form.

2. **DFA-WVW-4A**, WV WORKS List Of Local Services

This form is merely a template to assist local offices in producing a list of local services which the client may need or be required to use. The final form may be prepared by each District office or be prepared regionally, depending upon the availability of the services. It is designed to be developed once and reproduced for use during Orientation, but must be updated as changes occur.

The template contains information in parentheses after each main heading. This information is what is required to be included on the form or discussed with the client. It should not appear on the final form used by Workers.

When the template states to “list” information, it is expected that the local office will type the information on the form. When the template states “discuss” or “tell” it is expected that the Worker will verbally provide information.

When a particular service is not available locally, the local office may list the nearest location where such services are available or may type on the form: “Not Available Locally.” In some locations in the State, there may be more service locations than it is practical to list on the form. When this is true, list all locations on a separate sheet(s) of paper and on the form refer to the attachment.

The applicant is expected to initial each item after it is discussed with him, but his eligibility is not affected if he does not. Under no circumstances may delivery of the form to the client substitute for a discussion of all the items on the form.

In addition to the items listed on the **DFA-WVW-4A**, there **must be** a complete discussion of domestic violence issues **which include** the following:

A discussion of the Department's efforts to protect the safety of clients in domestic violence situations by choosing the Family Violence Option included in welfare reform legislation. Explain that literature is available in different locations throughout the office and from the Worker. The discussion should include the benefits of disclosure of domestic violence as it relates to work participation requirements and program time limits. It should also include information about how to disclose, i.e., to the Worker, other individual, etc. It is important that the Worker inform the client that this information is given to everyone who applies and does not indicate the Worker has any knowledge or suspicion of domestic violence. This is especially important when 2 parents or 2 non-parent caretakers are being interviewed.

V. RIGHTS OF APPLICANTS AND PARTICIPANTS WITH DISABILITIES

1. Introduction

The West Virginia Human Rights Act, West Virginia Code § 5-11-1, the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1993 apply to all programs established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) which established the Temporary Assistance to Needy Families (TANF) program. WV WORKS was established as a TANF program, and as such, the laws established under the Acts referenced above apply to WV WORKS.

These Acts provide:

- That no qualified individual with a recognized ADA disability will, by reason of that disability, be excluded from participation in, be denied any of the benefits or be discriminated against by the agency administering the program
- Discrimination by any agency which receives Federal financial assistance to support their TANF program is prohibited.

All TANF agencies are subject to review by the Office of Civil Rights and any complaints regarding discrimination are to be referred to and investigated by that office. (See Section 1.2 for directions on filing a complaint.)

2. Accommodations For The Disabled In WV WORKS

NOTE: Under Section 504 of the Rehabilitation Act and the ADA, a disability is “any physical or mental condition, including learning disabilities, mental retardation, a history of drug or alcohol addiction, depression, a mobility impairment or a hearing or visual

impairment.” The Worker has the responsibility to inform the client that disclosure of any or all of these conditions is voluntary but provide any appropriate referrals once the information is provided

Although disabled individuals may be temporarily exempt from participation, if they meet the required exemption criteria, automatic exemption of individuals with disabilities denies those individuals access to the TANF programs and services. This practice results in the discriminatory exclusion of disabled individuals from participating in the program. Under the law, every effort must be made to modify practices and policy, when appropriate, so disabled individuals may receive modified training and accommodated job opportunities. This policy permits the disabled to participate in the program and benefit from the employment and training opportunities offered to all other participants.

Two concepts are central to making WV WORKS accessible to all applicants and participants:

- Individualized treatment – All individuals with disabilities must be treated on a case-by-case basis, in a way that is appropriate to accommodate their disabilities.
- Effective and meaningful opportunity – All disabled applicants and participants must be allowed to participate and given the opportunity to benefit from TANF programs in the same manner as all other participants and must be allowed to have meaningful access to the program.

Reasonable accommodations and services, must be available to all disabled participants so all services and programs are accessible to disabled individuals. These types of modifications are required at application and throughout all stages of the WV WORKS program and continue as necessary through employment or even during an extension of the 60 month limit of benefits.

Workers must make appropriate referrals to local service agencies that provide the services and assistance necessary to ensure the applicants’ successful participation. Referrals are made using the DFA-ADA-1. Only one referral is made on each form. Distribution of the form is as follows:

- One copy remains in the client file.
- One copy to the client.
- One copy is for the client to deliver to the referral agency.

The DFA-ADA-1A is the follow-up form. The Worker completes this form to summarize the services that have been received and the outcomes of the services.