Department of Health and Human Services
Division of Social Services
Adult and Family Services Section
STATE/COUNTY SPECIAL ASSISTANCE FOR ADULTS MANUAL   SA-3330
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NOTICES   10/01/02

SA-3330 NOTICES
10/1/02

I.   INTRODUCTION

This section contains regulations and procedures for notifying the client of case action/status. The a/r has a right to a written notice when the application is approved, denied, or withdrawn and when the payment is to be continued, changed, or terminated. The a/r also receives a notice when there is a need for additional information.

II.   NOTICE REQUIREMENTS

DSS-8109 and DSS-8109A – Your Application For Benefits Is Being Denied Or Withdrawn
1.   The DSS-8109, Your Application For Benefits Is Being Denied Or Withdrawn, is used for denying or withdrawing an application. It notifies the applicant of the denial/withdrawal action, the reason for the denial/withdrawal and his right to appeal if he disagrees with the denial/withdrawal.
2.   EIS automatically generates a DSS-8109A unless you override the automated notice. Refer to EIS-2150 for override instructions.
3.   When you override the automated notice, document the reason for the override in the case record and manually complete the DSS-8109.
   a.   Denials
      (1) Indicate on the notice the type of assistance being denied and the reason for the denial.
      (2) Always use the appropriate denial code when denying an application. Avoid the use of "other" codes wherever possible. It is important that the text on the notices clearly explain to the recipient the reason for the denial.
      (3) If you find a situation for which there is no appropriate denial code, please notify the EIS Unit so that needed codes can be developed.
   b.   Withdrawals
      (1) Indicate on the notice the type of assistance being withdrawn and that the application is being withdrawn at the applicant's verbal or written request, whichever is appropriate.
      (2) Carefully document in the record the reason for the applicant's withdrawal and that all alternatives to withdrawal were explained.
4.   Enter the policy manual section that supports the denial or withdrawal.
5.   Complete WHEN TO ASK FOR A HEARING. Begin counting the 60 calendar days on the day following the date of the notice. If the 60th day falls on a non-workday, the applicant has until the end of the next workday to request a hearing.
6.   Mail or give the original to the applicant. File a copy in the case record.
B.   **DSS-8108** and 8108A- Notice of Benefits
1.   Use a manual or automated DSS-8108 when :

          a.   Approving an application.

          b.   Approving a portion of a payment period and denying another portion of the payment period. This includes, but is not limited to, open-shuts and applications when resources are reduced.

          c.   Authorizing continuing eligibility with no change in benefits.

2.   Always complete a manual <u>DSS-8108</u> when:

          a.   An application is approved which includes CAP-MR/DD.

          b.   Benefits are issued on the <u>DMA-5022, EIS Retroactive Eligibility Checks/ID Cards</u>.

          c.   Transferring a case from Special Assistance to Medicaid.

3.   Generating and Overriding the Automated <u>DSS-8108</u>

          a.   EIS automatically generates a DSS-8108A for approvals and redeterminations with no change in benefits, unless you override the automated notice. The notice text is based on the approval or redetermination reason code entered on the DSS-8125 screen. Refer to EIS-4000, Codes Appendix for instructions.

          b.   You may choose to override the automated notice and complete a manual DSS-8108. Refer to the EIS Manual for override instructions. If using a manual notice, mail or give the original to the a/r and file a copy in the case record.

C.   <u>**DSS-8110**</u> **and 8110A – Your Benefits Are Changing**

The DSS-8110, Your Benefits Are Changing, is used to notify the recipient when benefits are changed, reduced or terminated. It notifies the recipient of what the change is, when it will take place, the reason for the change, and of his right to appeal if he disagrees with the case action. The manual DSS-8110 may be used for timely or adequate case actions.

EIS automatically generates a DSS-8110A unless you override the automated notice. Refer to the EIS Manual for override instructions.

1.   Adequate Notice

The recipient must be informed in writing of a change in benefits prior to the change. The effective date of an adequate notice is the day it is mailed.

Use adequate notice only in the following situations:

          a.   The change is beneficial to the recipient,

          b.   A recipient dies.

          c.   A recipient is admitted to a public institution and no longer qualifies for assistance.

          d.   A recipient signs and dates a written statement or requests to have his assistance terminated or reduced.

          e.   A recipient is placed in skilled nursing care, intermediate care, or long-term hospitalization.

          f.   A recipient's whereabouts are unknown and agency mail sent to him has been returned by the post office indicating no known forwarding address.

          g.   Assistance authorized for a specific period is terminated and the recipient was informed in writing at approval that such benefits would stop at a specific time.

2.   Timely Notice

Use a timely notice any time assistance is reduced or terminated, except for situations described in II.C.1. immediately above.

You must inform the recipient in writing of the intended change prior to taking the action. Do not reduce or terminate benefits until 10 workdays following the effective date written on the notice.

3. Always use a manual DSS-8110 notice when:
   a. Benefits are issued using a DMA-5022, EIS Retroactive Eligibility Checks/ID Cards.
   b. The case includes CAP-MR/DD.
   c. The case is transferred from Special Assistance to Medicaid

4. Generating and Overriding the Automated DSS-8110A
   a. When you make a change to reduce or terminate benefits by entering a timely reason code on the DSS-8125 screen, EIS produces and mails an automated DSS-8110A. The word "TIMELY" is printed at the top of the automated notice next to the type of action being taken
   b. When you make a change to reduce or terminate benefits by entering an adequate reason code, EIS produces and mails an automated DSS-8110A. The word "ADEQUATE" is printed at the top of the automated notice next to the type of action being taken
   c. When the DSS-8125 screen is correctly entered following instructions in the EIS Manual, the automated notice is produced and mailed the day after the form processes.
   d. You may choose to override an automated timely or adequate notice and complete a manual notice. If using a manual notice, send the original to the a/r and file a copy in the case record.

      5. Notice Texts
   a. Refer to the EIS Codes Appendix for notice text for automated notices. The texts are tabled in EIS and are printed on the automated notice based upon the change or termination reason code.
   b. Use the appropriate change or termination reason code based on the reason for the change. If an automated notice text does not exist that covers the change or termination, use the change reason "other". If you use "other," use the Notice Text feature to provide the appropriate message for the automated notice. Or, you may choose to complete a manual notice.
   c. When using a manual notice, use text that clearly explains the reason for the change. Avoid the use of "other" codes wherever possible. It is important that the text on notices clearly explain the reason for the change to the recipient.
   d. If you find a situation for which there is no appropriate code, please notify the EIS Unit so that needed codes can be developed.

6. Automated Notice Effective Dates
   a. Timely Notice
      (1) When you enter a timely reason code in EIS, the date of the automated notice is the first State workday after the DSS-8125 screen successfully processes in EIS. The notice is also mailed on this date.
          Example: The DSS-8125 screen is entered August 2 (Friday). The notice is dated and mailed on August 5 (Monday).
      (2) The 10 workday timely notice period begins the first State workday after the day the notice is mailed.

Example: The <u>DSS-8125</u> screen is entered August 2 (Friday). The notice is dated August 5 (Monday). The 10 workday period begins on August 6 (Tuesday). Therefore the 10th workday is August 19 (Monday).

(3)   The change in the case will process on the night of the first State workday immediately following the 10 workday period unless the action is rescinded or deleted. See instructions in II.C.6.e-f, below for rescinding or deleting a timely action.

b.   Timely Notice With Override of Automated Notice

When you enter a timely reason code and you override the automated notice by keying "Y", EIS will count 10 workdays and update the system on the same schedule as it does when the notice is not overridden. Overriding the notice does not prevent EIS from processing the timely action on the night of the first State workday following the 10 workday period.

c.   Adequate Notice

When you enter an adequate reason code, the date of the automated adequate notice is the first State workday after the DSS-8125 screen processes. The notice is also mailed on this date. EIS is updated with the changed information the night the change is entered.

When you use an adequate reason code and you override the automated notice by keying "Y", EIS will process the action that night. Therefore, the manual adequate notice must be dated and mailed on the same day the action is entered in EIS.

d.   In certain situations, you may choose to use a combination of timely and adequate actions.

(1)   Complete and mail a manual timely notice to the recipient. On the workday following the 10th workday of the manual notice, enter the DSS-8125 with an adequate reason code and override the automated notice. The recipient has already been notified; therefore, another notice is not required.

                              OR

(2)   On the workday before the manual notice is mailed, enter the correct timely reason code and override the automated notice. If the recipient comes in during the 10 day period and establishes ongoing eligibility with no change, delete the timely action. The timely action will not occur in EIS until after the 10th workday even if you override the notice.

e.   Deleting Timely Action

If you use a timely reason code and the recipient responds within the 10 workdays, and eligibility continues with no change in benefits, delete the timely action. Refer to the EIS Manual for instructions on deleting the DSS-8125.

f.   Rescinding Timely Action

(1)   If you use a timely reason code and the recipient responds within the 10 workdays, and eligibility continues with a change in benefits, rescind the timely action. This means that EIS will not process the pending timely action; it will be replaced by the new action.

    (2)   If a timely action is pending and you enter a new action in EIS that produces a notice, EIS will rescind the pending timely action. This is true for any new action, whether timely or adequate (requires reason code). Even if you override the notice on the second action, the new action will rescind a pending timely action. This also includes continuation of benefits after a review, terminations, etc.
Example: Timely termination was keyed on Friday, May 15. The notice was mailed Monday, May 18. The termination will process on the night of Tuesday, June 2. If you key another change action (timely or adequate) during the 10 workday period of May 19 through June 1, the first action is rescinded. Overriding the automated notice on the second change will not prevent the first from being rescinded.

    (3)   During the 10 workday period of a timely notice, adequate changes may occur which would have the same effective date as the timely negative action. If the recipient responds to the timely notice by successfully establishing continuing eligibility but there is also an adequate change to the case:

        (a)   Enter a new DSS-8125, EIS Data Sheet screen with the adequate change reason and the changes to the case. The adequate notice may be automated or manual.

        (b)   The adequate change will rescind the pending timely action. If that action should still take place, enter another DSS-8125 screen. Use an adequate change code and enter "Y" in notice override. Enter this DSS-8125 screen on the first workday following the day the timely change processes (the 11th workday).

        (c)   Another timely notice is not required because the first one has already been produced and mailed.

        (c)   If no notice is produced because there is no change code or the notice is overridden, the pending timely action will not be rescinded. It will take place on the 11th workday. A notice is not produced when demographic information, such as the address, is changed.

  g.   Demographic Changes During the Timely Notice Period
You can enter in EIS case changes that do not affect the type, amount or duration of assistance while the timely action is pending, except on the last day of the 10 workday period. These include address changes or any changes to individual data other than date of death.

  h.   If the DSS-8125, EIS Data Sheet, screen is entered too late in the month (after pull cutoff) to make the termination or change effective the next calendar month, EIS automatically changes the effective date.
Example: DSS-8125 screen showing a termination effective date of March 31 and a timely reason code is entered on March 14. The day after the 10th workday is March 30. Pull cutoff is March 22. Because the action effective day falls after pull cutoff, EIS will change the termination effective date to April 30.

7.   Schedules of Timely Actions Pending in EIS

a.   Automated Timely Notice Schedule When EIS Issues A Notice

FRI Mar 13	MON Mar 16	TUES Mar 17	MON Mar 30	TUES Mar 31	Night of Mar 31
Workday #1

8125 entered | Workday #2

Notice is mailed | Workday #3

Notice day #1 | Workday #12

Notice day #10 - 10 days expires | Workday #13

Notice day #11

5:00 deadline to delete or rescind action | Night of Workday #13

EIS updated |

b.   Processing Schedule for Timely Actions When Notice Is Overridden

FRI Mar 13	MON Mar 16	FRI Mar 27	MON Mar 30	Night of Mar 30
Workday #1

8125 entered with override

IMC mails notice | Workday #2

Notice day #1 | Workday #10

Notice day #10 - 10 days expires | Workday #12

Notice day #11

5:00 deadline to delete or rescind the action | Night of Workday #12

EIS updated |

D.   Additional Message Capability
There are some situations in SA approvals and changes when part of an eligibility period is affected.   For these situations, EIS has two additional notice message features.
  1.   Secondary Notice Codes
         Use a secondary notice code only when an application is approved. Refer to the Secondary Approval Code Table in <u>EIS-4000</u>. You may use only one secondary code with an approval code.
         <u>Example:</u> Mrs. Brown applied for SA in August. August is denied because Mrs. Brown was over the resource limit. SA was approved effective in September. Use the approval code for the automated notice. Use the secondary notice code for month denied on the basis of excess reserve. The following message will print on the notice: "SA was denied for other months for which you applied because you were over the resource limit."
  2.   Free Form Text Capability (Notice Text)
         If the case situation calls for a message for which there is no reason code, you may use the Notice Text capability of EIS rather than send a manual notice. Refer to the <u>EIS</u>

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manual for detailed instructions on the use of this function and for a copy of the recommended Supplemental Notice Information Form (SA-3330 Figure 1).

a.   Approvals
      When an appropriate secondary approval code is not available, you may use the Notice Text. The automated notice will include the message from the approval code and the Notice Text message.

b.   Changes and Terminations
      If the change or termination reason is "other," you must supply the text of the notice by using the Notice Text capability. The notice will not be generated if the text is not entered.

III.   AUTOMATED NOTICE REGISTER

EIS does not provide counties with a copy of each individual notice it produces and mails. Instead, EIS produces a register each night, listing each adequate, timely and approval notice that was generated. It also lists cases for which the notice was overridden, deleted, or rescinded. The notice register is mailed to the county the next workday. The register is also available in XPTR. Refer to ES-2304, Notice Register Report and EIS-1061, XPTR Report Distribution System.