



Reinstating TANF Income and SNAP Benefits at ISD

1. History

In winter of 2013-14, I was working with clients who lost their income support, Supplemental Nutrition Assistance Program (SNAP), and Low Income Home Energy Assistance Program (LIHEAP) benefits from the Income Support Division of the Human Services Department of the State of New Mexico and learned an effective procedure for maintaining client benefits and reinstating them if lost. This document describes what to do.

Providers are generally clients' first line of recourse. Reinstating benefits quickly ensures that basic needs are maintained and provider and client can tend to the other physical or behavioral health challenges the client faces.

Research

My HSD inquiries started with an email to the HSD/Medical Assistance Division Director Julie Weinberg. On receiving my initial email, Julie forwarded it to Nancy Smith-Leslie, HSD/Medical Assistance Division Deputy Director. This started an email thread that included Kathy Slater-Huff, HSD Communication and Education Bureau Chief; Lisa Medina-Luhan, HSD Constituent Services Liaison; and Constance Averett, Acting ISD Bureau Chief of Policy & Program Development, with whom I eventually consulted at length; her position as of Fall 2014 is filled by Samuel Peinado.

Contact information on the pertinent HSD staff and others appear in the Contacts section below.

Audience

This document is intended for both consumers of State benefits (clients and patients) and health care providers.

2. ISD Documentation, Interviews, and Strict Timeliness Requirements

ISD requires that consumers submit their documentation in a timely way. To encourage accountability, it imposes a tri-level system of sanctions with loss of benefits for noncompliance. Each case of income support is addressed on an individual basis and therefore entails different requirements and documents; some programs may involve TANF (Temporary Assistance for Needy Families), New Mexico Works/SL

Start, SNAP, LIHEAP, and General Assistance. Consumers may need to fill out or participate in the following documentation, interviews, and reviews, among others:

- Initial ISD application: 15-pp application that is starting point to receive income, SNAP, and LIHEAP support.
- Assessments and Interviews: For TANF/SNAP, consumers must comply with scheduled interviews and in-person assessments.
- Interim report: Six months after submission of initial application and certification, interim report is made. Consumer receives notice of needed interim report 45 days in advance and must submit this report by 10th day of month. No interview is required for interim report.
- Recertification application: 45 days in advance of recertification, ISD sends notice of recertification with a recertification packet. Consumer must submit 4-pp recertification application by 15th day of month to allow time for processing and avoid loss of benefits.
- Conciliation of Compliance: When consumer has missed filing dates, ISD allows conciliation period in which consumer can become compliant. Only one Conciliation of Compliance is allowed in one 12-month period.
- Adverse Action Period: If consumer misses date for submission of required document, notice of level-1 sanction is sent to consumer. Consumer then has 13 days to comply. If consumer doesn't comply and submit documents, sanction is imposed. During the Adverse Action period, consumer can take actions to lift a sanction. Two sanctions of this type are allowed; with each sanction, comes reduced TANF/SNAP benefits. Once third sanction is imposed, consumer loses all TANF/SNAP benefits for 12 months. No recourse is possible after third sanction.
- Work Participation Agreement (WPA): A NM Works/SL Smart document that reflects consumer's agreements to search for work.
If consumer is seriously injured, has applied for Disability benefits, or both, consumer can request that medical records be evaluated in lieu of traditional work; sometimes signed documents of attendance to appointments with clinicians are needed so that benefits remain in effect.
- Individual Responsibility Plan (IRP): Signed by consumer as her/his commitment to meeting the deadlines and participation required to maintain benefits.
- Incapacitated Review Unit documents: Often submitted by health care providers to their patients/clients, who then must submit them to ISD.
- ICare documents: New Mexico Works Intensive Case Management, Recovery and Employment (ICARE) pilot program in Albuquerque designed to address substance use barriers to employment in TANF recipients.
- ISD Receipt of Proof: ISD document that proves that consumer has submitted required documents in timely way with date and time stamp. Consumer is wise to request this receipt of proof for each document s/he submits. Delivery in person is recommended.
- Other documents

The HSD website provides policy documentation on application processing at http://www.hsd.state.nm.us/uploads/files/08_139_0110.pdf

and on case administration and management at

http://www.hsd.state.nm.us/uploads/files/08_139_0120.pdf

The above documents define the timeframes within which documents must be submitted to ISD to avoid sanctions and to keep benefits. To me, an experienced provider and technical writer, these documents seem unfriendly and, for the most part, challenging for clients to navigate. Per ISD management, in the future, more friendly procedural training manuals will be available on the website.

Note: 1) *General Assistance* entails no work requirements and no sanctions and is generally for people with no children.

2) *LIHEAP*: Low Income Home Energy Assistance Program assistance is issued once a year in October, ending September of next year, with reapplication required.

3. Steps to Reinstate ISD TANF Income and SNAP Benefits

To reinstate benefits, consumers must follow these sequential steps, which take into account consumer, witness, and provider experiences and HSD recommendations:

1. Contact Income Support Division by calling 800-283-4465 and explaining circumstances.
2. Go into ISD office accompanied by trusted friend, neighbor, or advocate who can act as witness, bringing all receipts of proof of document submission with them, and meet with ISD or New Mexico Works case worker handling the case.
3. If consumer has met all deadlines, has receipts of proof that ISD staff received the documents, and is unable to restore benefits by going to ISD office in person and working with his/her ISD or NM Works case worker over a period of **one week**, contact County Director for the local ISD office that administers consumer's case.

The ISD County Director then researches the case, attempts to resolve it, and reinstate benefits.

4. If after **one week** the ISD County Director is unable to restore benefits or provide a sufficient explanation of the delay, contact the HSD Constituent Services Liaison at Constituent Services at HSD.

Fair Hearings

An appeal process to ISD management exists. By law, it is allowed to take up to **six weeks** before a hearing is scheduled; during the six weeks, the consumer may receive no benefits. For some consumers, the request for a fair hearing and presence at a fair hearing may require an outside case manager for assistance.

Note: The wait time for fair hearings seems unreasonable; fair hearings may be scheduled or acted upon later than seven weeks after the consumer request. If the County Director is unable to resolve the matter and ensure that benefits are reinstated within one week after the consumer makes a call to her or him, I recommend that the consumer contact the Constituent Services Liaison at the same time as requesting a fair hearing.

4. Missed Deadlines, Sanctions, and Reinstatement

The stated ISD intention is that consumers succeed and to that end, ISD provides Conciliation of Compliance opportunities and Adverse Action periods allowing consumers to submit required documents and participate in interviews to lift sanctions. Three levels of sanctions exist, the first two of

which can be lifted. Once a third-level sanction has been imposed, the case is closed and consumers can receive no TANF or SNAP benefits for 12 months, at which point they must fill out another 15-pp application. For more details, see Section 2.

5. Trauma Response in Consumers

Consumers have a varying capacity to remain centered during interactions with HSD and ISD. Sometimes they are retriggered by interactions with ISD, and become immobilized or respond with a fight-or-flight response, which further aggravates their interaction with ISD.

ISD educates its employees to respectfully address consumers through its trainings, both at start of employment and annually. Trainings apparently address mental and behavioral health issues, diversity, and communication skills. In practice and from consumer and witness report, respect for the consumer is sometimes poor.

Both consumer and ISD worker can request the presence of an ISD supervisor if discussions between consumer and ISD worker escalate.

To encourage centeredness, health care providers can

1. Prepare clients for triggers they may encounter in interacting with ISD as they would prepare client for potentially traumatizing surgery or other potentially charged events.
2. Practice with consumer how to make his or her case.
3. Short of case management, support consumer to find other possible advocates or witnesses to accompany her or him to ISD, such as trusted neighbors or other associates. When other humans are present, potential intimidation of consumer by ISD staff seems to diminish. Witnesses also can confirm what was said.

6. Case Management

Consumers sometimes have physical and behavioral health challenges, which make it difficult for them to remember to check their mail, bring medical records to ISD appointments, meet deadlines for document submission and interviews, and other important tasks. Consumers may want to obtain a case manager to aid them in these matters.

The process of acquiring a case manager takes time. Once a consumer has connected with an appropriate organization, such as Presbyterian Medical Services, s/he may experience delays to obtain assessments and intakes, which are prerequisite to obtaining a case manager. However, as the consumer learns to make his or her case effectively, the family may get significant help.

Discussions with ISD, consumers, and PMS reveal that existing case managers have too many cases and are barely able to keep up. Some consumers have gone to the effort to obtain a case manager and have had mixed responses to those professionals, finding them sometimes helpful, sometimes disrespectful. Case managers can become jaded and overwhelmed similarly to health care providers and consumers.

In one case, a case manager observed that we, presumably both consumer and health care professional, are at the mercy of ISD. Though untrue, sometimes the intense pressure, delays, and harsh behavior make it seem true.

7. ISD Details

I have called ISD at the central number and have been greeted with respectful helpfulness. HSD/ISD employees have also been helpful once I reached them. All told, it has taken nine months of elapsed time to engage with various HSD/ISD bureau chiefs and ISD representatives to iron out what consumers need to do to maintain benefits or reinstate them when they are lost. Some may argue that that is a long lead time.

Re: documents, ISD is strict about supporting documents, such as logs of dates consumer has seen a health care professional and other documents specific to programs listed in Section 2.

The following possible glitches are possible with ISD:

Misplaced Documents: Dropping off a required document in the drop box of the consumer's local ISD office is ill advised. Documents can be lost this way. A document containing the consumer's case number faxed to 855-804-8960, or USPS mail to the local office, again with the case number boldly written on the document, is also possible but can cause delays leading to missed deadlines. The best way to ensure documents are in the right hands is to go in person to the local ISD office, deliver the documents, get receipt of proof of delivery and keep receipts and copies of documents in a safe place. Always make copies of documents before giving the required document to ISD.

Changing Computers: The State changed to the Aspen computer this year; some consumers may have fallen through the cracks in the change.

Changing Staffs: Sometimes personnel switch groups, and the consumer has to accommodate changing ISD case workers.

8. Contacts

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ISD County Directors

Information on County Directors can be tricky to obtain. You can call the ISD Central Call Center and ask for the name of the ISD director for the needed county and will receive it. It is not always the correct name. Central Call Center does not give out the contact information for the county director, but will give you the main phone number of the ISD office in question. You can call that number and leave a message to speak with the county director or be transferred to her/his office voice mail and leave a message there.

This said, here is the contact information for the ISD county directors in the counties where I provide services:

Santa Fe County: Lorrina Rivera

lorrina.rivera@state.nm.us

505-476-9472

Rio Arriba County: Antoinette Cordova

505-753-2271