



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

SUSAN OSBORNE • Assistant Secretary for County Operations for
Human Services

Date: December 22, 2021

Dear County Directors of Social Services

Attention: Food and Nutrition Services (FNS) Managers and Supervisors

Subject: Update on COVID-19 Waivers and Extension Requests

Priority: Information and Action

North Carolina has implemented several waivers during the COVID-19 pandemic to promote social distancing and ease the burden on North Carolina Families as well as eligibility staff. We realize the various stages of the waiver process can be confusing and want to provide a current update.

I. Expired Waiver:

The following waiver has expired and is no longer available and is obsolete:

- 15% Increase in FNS Allotments: Temporarily increased the allotments by 15%.

II. Permanent Waivers:

The following waivers have been made permanent and will continue until further notice:

- FNS Online Purchasing: Allows FNS households to use their EBT card at online retailers.
- Telephonic option for Fair Hearings: Allows FNS hearings to be conducted by telephone.

III. Current Waivers:

The majority of the waivers the state is currently operating under are approved by the United States Department of Agriculture (USDA) on a monthly or quarterly basis. The state will seek approval for waivers beyond the COVID period if they have been proven beneficial to the FNS households and caseworkers but at this point all waivers are

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF SOCIAL SERVICES • ECONOMIC AND FAMILY SERVICES

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temporary, and it should be assumed they will not continue past their current authorization period. At the end of most waivers the normal FNS policy requirements will resume except where a special exit strategy is required. North Carolina is compiling a playbook that will outline all waivers and any special exit strategies that will be necessary at that time.

The current status of each waiver is listed below:

A. Emergency Allotment Waiver: Increase all households to the maximum benefit level.

- This waiver has been in place since April 1, 2020 and at this time will run through **January 31, 2022**.
- When this waiver ends the regular benefit calculations will resume and households will no longer receive additional benefits.
- Counties are encouraged to inform FNS households at every opportunity that this is a temporary situation and should not be expected to continue on a permanent basis.

B. ABAWD Time Limit Suspension: Suspended the time limit for all ABAWDs during the effective period of the waiver.

- This waiver has been in place since April 1, 2020 and at this time will run through **December 31, 2021**. **Awaiting response from USDA.**
- During this period of time, all ABAWDs that were not exempt for any other reason (FNS 260.01) should have been coded as exempt due to COVID-19 exemption. Caseworkers should ensure that the coding is correct and that no ABAWD has countable months coded in NC FAST during the months of April 1, 2020 and March 31, 2022.
- When the waiver ends regular ABAWD policy will be applied at the next recertification. Countable months will not be applied retroactively and will only be considered countable starting the month after the recertification is completed or at the next application if the recertification is denied.

C. H and I Controlled Substance Felons Assessments: Temporarily suspend assessments requirements to regain eligibility by completing and/or participating in an approved substance abuse program.

- This waiver has been in place since April 1, 2020 and at this time will run through **January 31, 2022**.
- When this waiver ends, we will resume regular H and I Controlled Substance Felon (CSF) Assessment requirements at the next recertification for any H and I CSF that has not previously regained eligibility by complying with the assessment process (FNS 270.02).
- Disqualifications will not be applied retroactively and will only be applied starting the month after the recertification is completed or at the next application if the recertification is denied.

D. College Student Eligibility: Provides temporary exemptions to work requirements for college students during this period of time.

- This waiver has been in place since April 1, 2020 and at this time will run through **December 31, 2021**. **Awaiting response from USDA.**
- When this waiver ends, we will resume normal work requirements for all students of higher education (FNS 235.04) at the next recertification.
- Work requirements will not be applied retroactively and will only be applied started the month after the recertification is completed or at the next application if the recertification is denied.

E. Waiver of Interview requirements: Reduced the requirements associated with requirement to conduct an interview.

- This waiver has been in place for application and recertification since April 1, 2020 and at this time will continue through the end of **March 31, 2022**.
- This waiver does not apply to any six-month recertification that has previously been received an automatic extension.
- Effective the first day of the month following the end of this waiver regular interview requirements (FNS 415 & FNS 505) for applications and recertifications will apply.

Note: North Carolina will continue to request and attempt to secure waivers that will assist households and caseworkers during non-COVID periods, and we understand that counties are very interested in continuing this waiver. However, it should be noted that USDA has indicated that this waiver will not be extended past the COVID pandemic periods.

F. Extended Six-Month Certification Periods: Allowed automatic extension of all 6-month certification households at the end of their certification period.

- This waiver has been in place for reviews due since May 2020 and at this time will continue for any six-month certification period cases that meet the specific criteria as outlined in Dear County Director Letter 100-2021 through recertifications ending in the month of **March 2022**.

G. Telephonic Signature: Suspended normal documentation requirements for telephonic signatures.

- This waiver has been in place since September 1, 2020 and at this time will run through **March 31, 2022**. Effective the first day of the month following the end of this waiver regular signature requirements (FNS 405 & 505) will apply to all applications and recertifications.

Note: North Carolina will continue to request and attempt to secure waivers that will assist households and caseworkers during non-COVID periods, and we understand that counties are very interested in continuing this waiver. However, it should be noted that there are requirements for the use and documentation of telephonic signatures that are applied during non-

pandemic periods that require a statewide system to implement. North Carolina does not have the capability to implement a statewide system at this time and cannot request this waiver for individual counties as this would not be equitable to FNS households throughout the state.

- H. Claims:** The waiver will suspend collection of program integrity claims, recoupments, and forgive delinquent payments by not considering households that miss a claim payment delinquent.
 - This waiver has been in place since April 1, 2020 and at this time will continue until **December 31, 2021. Awaiting response from USDA.**
 - When this waiver ends regular ADH policy (FNS 800) will apply the month following the end of the waiver.
- I. Fair Hearings:** Extended the fair hearings process up to 120 days from receipt of request.
 - This waiver has been in place since April 1, 2020 and at this time will continue until **December 31, 2021. Awaiting response from USDA.**
 - When this waiver ends regular ADH policy (FNS 800) will apply the month following the end of the waiver.
- J. Administrative Disqualification Hearing (ADH):** Suspended all adjudication timeframes associated with ADH.
 - This waiver has been in place since April 1, 2020 and at this time will continue until **December 31, 2021. Awaiting response from USDA.**
 - When this waiver ends regular ADH policy (FNS 800) will apply the month following the end of the waiver.
- K. Treasury Offset Program (TOP):** Suspended collection of program integrity claims through the TOP process.
 - This waiver has been in place since April 1, 2020 and at this time will continue until **December 31, 2021. Awaiting response from USDA.**
 - When this waiver ends regular ADH policy (FNS 800) will apply the month following the end of the waiver

We understand that these uncertainties can cause concern and are committed to keeping the counties updated on the status of all waivers as soon as we can. We will also continue to seek ways that automation can assist with implementation of any waiver exit plan.

Due to the uncertainty of approval for continuation of the waivers, counties are strongly encouraged to begin refresher training and planning to resume normal policy requirements effective with the end date of each waiver extension.

Sincerely,

A handwritten signature in blue ink that reads "Carla West".

Carla West, Senior Director for Economic Security
Division of Social Services, Economic and Family Services Section

CLW/rc

EFS-FNS- 102-2021