



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

**ROY COOPER** • Governor

**KODY H. KINSLEY** • Secretary

**YVONNE COPELAND** • Director, Division of Child and Family Well  
Being

**Date:** May 24, 2023

**Dear County Directors of Social Services**

**Attention:** Food and Nutrition Services (FNS) Income Maintenance Caseworkers,  
Managers, Supervisors, and Investigators,

**Subject:** End of the Public Health Emergency (PHE)

**Priority:** Information and Action Required

**I. GENERAL INFORMATION**

When the Public Health Emergency (PHE) ends, some of the most important impacts will be in Food and Nutrition Services (FNS). By law, starting July 1, 2023, the temporary benefits that were provided to certain college students during the PHE will begin to be phased out and work requirements for Able-Bodied Adults Without Dependents (ABAWDs) will once again be enforced. Separate from the public health emergency, Congress also ended the temporary increase to FNS benefits, known as emergency allotment, in March 2023.

Waiver flexibilities also ended for:

- Extended six (6) month certification periods,
- Suspension of claims collections,
- Suspended H and I controlled substance felon assessments,
- Waiver of fair hearing time frames

**II. IMPLEMENTATION INSTRUCTIONS**

- A. Able-Bodies Adult Without Dependents (ABAWDs)** – An **ABAWD** is a FNS applicant or recipient who is between the ages of 18 to 49; physically and mentally capable of employment; and not responsible for or living in a household with a minor child. ABAWDs can receive FNS for only three months in a three 3-year period if certain extra work requirements are met. This is called the ABAWD time limit.

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF CHILD AND FAMILY WELL-BEING**

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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1. Effect on ABAWDs: ABAWDs were exempted, there were no countable months counted toward an ABAWDs three (3) month time limit for FNS benefits received between April 1, 2020 through June 30, 2023. The months received during this period will not count toward the ABAWDs three (3) month clock. A Notice will be mailed to all ABAWD's to explain the ending of this exemption.
2. Caseworker's Actions: Explain the ABAWD eligibility requirements for Food and Nutrition Services (FNS) is limited to any three (3) months in a 36-month period (considered the three (3) month time limit) unless the applicant/recipient meets the ABAWD work requirements or qualifies for a second three (3) month period of eligibility (bonus months). Also, Explain the changes that must be reported and how to regain eligibility.

The caseworker will follow normal policy procedures in manual section [FNS 260 Able-Bodied Adult Without Dependents \(ABAWD\)](#).

**Review Report:** The non-participation evidence titled "COVID-19" must be entered for all applicants/recipients on the report that do not have the evidence entered. If the case closed it must be reopened (if applicable) and if the FNS case has an under issuance the FNS unit must be issued the benefits (if applicable). Benefit can be issued only going back 12 months of the discovery date.

3. NC FAST Process for June 30, 2023

- NC FAST will systematically enter an end date on all non-participation evidence titled "COVID-19", including those entered by the caseworker. The end date will be the last day of the month following the month the emergency declaration is lifted.

**Example:** Now that the PHE is lifted May 11, 2023, the end date entered by NC FAST will be June 30, 2023.

- ABAWDs that received any countable months before the waiver, NC FAST will systematically enter the appropriate end date, the ABAWD will automatically receive three (3) "Free months". Notices of Adverse Action will be issued during the third "Free month" per normal policy and procedures.

**B. College Student Eligibility** - An applicant/recipient enrolled in an institution of higher education (IHE) if they are enrolled in a regular curriculum at a college or university that offers degrees regardless of whether a high school

diploma is required. Applicants/recipients enrolled at least half-time in a regular curriculum at a college must meet a student exemption to be eligible for FNS.

Due to the PHE, students are ineligible for FNS benefits unless they meet an exception temporarily to expand FNS eligibility to students who either:

- Were eligible to participate in a state or federally financed work study program during the regular school year, as determined by the institution of higher education; or,
- Had an expected family contribution (EFC) of \$0 in the current academic year.

1. Effect on College Student: If students are currently receiving FNS benefits and using these exemptions, they will no longer apply at the next renewal which will be at least 30 days after the federal PHE ended, May 11, 2023. This means the temporary student rules will begin to end in June 2023.
  - If the household's certification period ends in April, May or June, and the household recertifies for FNS by June 30, 2023 and the recipient is still considered a student, they may still qualify under the temporary student exemption.
  - If the household recertify for FNS **after** June 30, 2023, and they are still considered a student, they must meet a student exemption. As always, students must also meet all other FNS eligibility requirements to receive FNS.
  - If a student do not meet a student exemption at their next recertification, their benefits may decrease or end.
  - If a student submits an initial application by June 9, 2023, or recertify **by** June 30, 2023, the email that the student received from the Department of Education can be accepted as verification that the student has an EFC of 0.
2. Caseworker's Actions: No longer consider an expected family contribution of \$0 **after** June 30, 2023. The caseworker will follow normal policy procedures in manual section [FNS 235 Student of Higher Education](#).
3. NC FAST Process for June 30, 2023: If the worker entered the end date as the last day of the certification period as instructed in the DCDL, [Amended](#)

[Student of Higher Education Work Requirement Exemption](#), NCFASST nor the worker will have to do any further actions for the students to show ineligible.

**C. Extension of Certification Periods** – Initial approval March 2020 to extend Six (6) month certification periods and adjust periodic reporting for ongoing FNS households statewide.

1. Effect on Applicants/Recipients: Six (6) month certification periods will no longer be extended. Households will be mailed six (6) month recertification forms.
2. Caseworker's Actions:  
The caseworker will follow normal processing procedure and will be responsible for conducting 100% of interviews.

Refer to manual sections: [FNS 500 SR Category & Reporting Requirements](#), [FNS 505 SR Recertifications Requirements](#), [FNS 510 SR Recertifications Procedures](#), [FNS 515 SR Changes During the Certification Period](#)

Caseworkers cannot extend certification periods without waiver approval from USDA. Any certification periods extending for an additional six months once the waiver ends will be non-compliant with FNS policy.

3. **NC FAST Process for June 30, 2023:** Will no longer automatically extend certification periods at initial application or after a year recertification period. All cases with a six-month certification period will be recertified after six months.

**D. Suspension of Claims Collections** – The approved waiver suspended the collection of all current FNS and Work First (WF) overpayments, and delayed collection of newly established FNS and WF overpayments until after the PHE.

1. Effect on Applicants/Recipients: Claims owed due to an overpayment will be collected again. Notices will be mailed to all debtors with FNS or WF claims.
2. Caseworkers Actions: Make clients aware of repayment methods and agreement of repayment. Advise clients as you communicate with them that payments need to resume according to the Voluntary Repayment Agreement (VRA). VRAs will revert to their status prior to COVID Litigation blocks being added; payments and dates will remain the same as what was previously entered.

Refer to manual section: [FNS 800 Claims](#)

3. NC FAST Process for June 30, 2023: NCFAST will remove the COVID litigation indicator on TOP and DOR, resume the VRA batch, restart the delinquency clocks, resume the offset and delinquency reports, and resume the deduction batch (for recoupments).

**E. Suspended H and I Controlled Substance Felons Assessments** – An applicant/recipient who both committed and was convicted under federal or State law on or after August 23, 1996, of any offense classified as a felony by the law of the jurisdiction involved with an element of the possession, use, or distribution of a controlled substance.

This waiver temporarily suspended the requirement for an applicant/recipient with a H or I controlled substance felony to complete an assessment and/or participate in an approved substance abuse program until the next recertification.

1. Effect on Applicants/Recipients: Applicants/recipients will have to complete an assessment at next recertification. The applicant/recipient cannot be determined eligible to receive FNS benefits until notice of compliance is received from the counties Area Mental Health Authority (also known as Local Management Entity/ Managed Care Organization, LME/MCO). Only the Qualified Professional in Substance Abuse (QPSA) of an LME/MCO contract provider can determine if the Class H or I controlled substance felon has met this assessment requirement. The QPSA will only communicate if the applicant/recipient has had the assessment and if the applicant/recipient met the criteria, moved on to treatment.
2. Caseworkers Actions: At application and recertification, all applicants/recipients that have been convicted of a Class H or I drug felony on or after August 23, 1996, that have **not** previously completed an assessment must be referred the to the counties Area Mental Health Authority (AMHA). The QPSA will schedule an appointment for an assessment.

If the application or recertification is received June 30th, 2023 or prior (while under the waiver), an assessment will not be required until next recertification.

- The caseworker will:
  - Include this requirement on the [DSS-8650: Notice of Information Needed to Complete your Food and Nutrition Services \(FNS\)](#)
  - Provide [DSS-8215: Substance Use Information](#) to the applicant/recipient.
  - Include Consent for Release of Confidential Information [DSS-8219: Consent For Release of Confidential Information](#) to QPSA.

- Utilize the revised [DSS-8224: Work First Program Referral to Qualified Professional in Substance Abuse](#)
3. A new referral form has been created: The [DSS-9001, Food and Nutrition Services \(FNS\) Qualified Professional in Substance Abuse Request for Good Cause](#). QPSA will have access to this form to complete and provide it to caseworkers. If good cause can be determined by QPSA the applicant/recipient will not lose their benefits due to the following reason(s):
- Unable to schedule an assessment within 30 days,
  - if the applicant/recipient unable to complete assessment due to health/transportation or
  - other reason

**Review Report:** The sanction must be entered for all applicants/recipients on the report that do not have the sanction entered. If the FNS unit has been under issued benefits must be issued (if applicable) only going back 12 months of discovery.

Refer to manual section: [FNS 270 Controlled Substance Felons](#)

4. NC FAST Process: No changes

**F. Waiver of Fair Hearing Time Frames-** Allowed the fair hearings process to be completed within 120 days from the receipt of the request allows fair hearings to be conducted by telephone.

1. Effect on Applicants/Recipients: Applicants/recipients continue to be required to request a fair hearing within 90 days of the aggrieved action.
2. Caseworkers Actions: Caseworkers will be responsible for ensuring that hearing requests are sent to the state hearing offices within the normal FNS policy requirement so that a decision can be made within 60 days from the date of receipt.

Refer to manual sections: [FNS 700 Hearings](#)

3. NC FAST Process for June 30, 2023: No changes

**G. Extension of Administrative Disqualification Hearing (ADH) Timeframes:** The waiver allowed local agencies to conduct ADH by telephone. Counties had to send notification with insert explaining due to COVID-19 hearing is recommended by telephone.

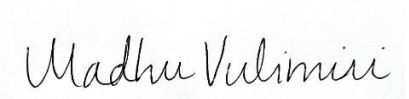
1. Effect on Applicants/Recipients No impact. ADH hearings are still being conducted.  
Clients can request that a hearing be reschedule to a later date if needed.
2. Caseworkers Actions: Caseworkers will be responsible for ensuring that hearing requests are continued to be sent within the normal FNS and WF policy requirement. No impact regarding ADH hearings by phone. Will allow Administrative Disqualification Hearings to be completed by telephone or video conference.

Refer to manual sections: [FNS 705 Administrative Disqualification Hearings](#)

3. NC FAST Process for June 30, 2023:  
No changes

If you have any questions, please submit them to the Continuous Quality Improvement Team (CQI) [dss.policy.questions@dhhs.nc.gov](mailto:dss.policy.questions@dhhs.nc.gov).

Sincerely,



**Madhu Vulimiri, MPP**  
Deputy Director  
Division of Child and Family Well-Being

MV/vb

**EFS-FNSEP-17-2023**