



NC Department of Health and Human Services

The Ending of the Public Health Emergency(PHE) COVID 19 Waivers

April 2023 In-person Regional Meeting

NORTH CAROLINA'S FNS COVID WAIVERS

- Extend certification periods up to 6 months and adjust periodic reports
- Waive eligibility interview if all mandatory verifications are completed
- Telephonic signature
- ABAWD waiver
- Student of Higher Education waiver
- Class H or I Drug Felon
- Temporary suspension of claims activity and Pandemic-caused over issuance waiver
- Waiver of fair hearing time frames and extension of administrative disqualification hearing (ADH) timeframes

Certification Period Extensions

BEFORE AND AFTER – CERTIFICATION PERIODS

Currently:

Each month, DHHS automatically extends the certification period for eligible FNS recertification cases by 6 months through NC FAST.

- DHHS issues a notification through NC FAST each month after the cases have been extended.
- For recertifications that have not been extended, caseworkers must conduct interviews for 50% of 6-month certifications cases must be interviewed to meet the USDA requirement (odd number cases).

BEFORE AND AFTER – CERTIFICATION PERIODS

After Waiver Ends effect July 1, 2023 Normal FNS Policy requirements go into effect: FNS 500 SR Category & Reporting Requirements, FNS 505 SR Recertifications Requirements, FNS 510 SR Recertifications Procedures, FNS 515 SR Changes During the Certification Period

System change: NC FAST will no longer automatically extend recertifications beyond June 2023.

Starting July 1, 2023: Caseworkers will be responsible for completing 100% of recertifications.

Interview Waivers

BEFORE AND AFTER PHE – WAIVE INTERVIEW

Currently:

FNS requests an extension to CONTINUE

- The requirement to conduct interviews (face-to-face or telephone) at initial application or recertification is waived for all applications or recertifications, providing that the applicant's identity has been verified and all other mandatory verifications completed.
- If identity has not been verified and all mandatory verifications are incomplete, contact the household for an interview.

BEFORE AND AFTER PHE – WAIVE INTERVIEW

Starting July 1, 2023: Caseworkers must resume **all** interviews on **all** applications and recertifications including those submitted by mail, email, or drop off prior to the issuance of FNS benefits. The interview may be conducted in-person, by telephone, or video conference.

Telephonic Signature Waiver

BEFORE AND AFTER PHE – TELEPHONIC SIGNATURE FLEXIBILITIES

Currently:

- County staff can document in writing in the case file that a client verbally attested to the information provided on the application, instead of requiring an audio recording of the verbal attestation to constitute a valid telephonic signature.
- Caseworkers document “Telephonic Signature” on the Income Support Application-Case Details-Notes in NC FAST in order to meet the USDA reporting requirements for this waiver.

BEFORE AND AFTER PHE – TELEPHONIC SIGNATURE FLEXIBILITIES

After Waiver Ends effect July 1, 2023 Normal FNS Policy requirements go into effect : FNS 405 Applicant Responsibilities and FNS 505 SR Recertifications Requirements

Start:

- Caseworkers will begin requiring signatures on all FNS applications and recertifications.
- Counties will encourage the client to sign application and recertification forms before submitting. Failure to provide signature could cause a delay in benefits or denied benefits.

ABAWD Waivers

BEFORE AND AFTER PHE – ABAWD FLEXIBILITIES

Current Policy:

This waiver temporarily and partially suspends time limit for work requirements for Able-Bodied Adults Without Dependents (ABAWD) participating in FNS, except in certain circumstances.

- Caseworkers enter work non-participation evidence of “COVID-19” with a start date (this will exempt the ABAWD).
- Counties review the ABAWD Ineligibles Without Work Non-Participation report that is published in FAST Help monthly to ensure that work non-participation evidence has been entered for all ABAWDs.

BEFORE AND AFTER PHE – ABAWD FLEXIBILITIES

After Waiver Ends effective July 1, 2023 Normal FNS Policy requirements go into effect : FNS 260 Able-Bodied Adult Without Dependents (ABAWD)

- **System change:** NC FAST will systematically remove all countable months for ABAWDs and end date the COVID19 Work Non-participation evidence for 6/30/2023.
- **Stop:** Caseworkers will no longer enter work non-participation evidence of “**COVID-19**”.
- **Starting July 1, 2023:**
 - Explain the ABAWD eligibility requirements for Food and Nutrition Services (FNS) is limited to any 3 months in a 36-month period (considered the 3-month time limit) unless the individual meets the ABAWD work requirements or qualifies for a second 3-month period of eligibility (bonus months).
 - Explain the changes that must be reported and how to regain eligibility.

Student of Higher Education Waiver

BEFORE AND AFTER PHE – COLLEGE STUDENT FLEXIBILITIES

Current Policy (COVID Waiver):

During the PHE, this waiver allowed states to implement 2 additional exemptions for students in higher education*:

- If the individual is 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
- The individual has an expected family contribution (EFC) of \$0 in the current academic year.

*Anyone enrolled in an institution of higher education and enrolled at least half time, as defined by the institution of higher education (FNS 235.01)

BEFORE AND AFTER PHE – COLLEGE STUDENT FLEXIBILITIES

After Waiver Ends effective June 10th Normal FNS Policy requirements go into effect for initial applications and effective July 1st Normal FNS policy requirements go into effect for recertifications: FNS 235 Student of Higher Education

- **Continue** to review exemptions for work study, as this was previously in North Carolina's policy
- **Continue** to review other exemptions for college students shown in FNS Policy 235 (e.g., working 20 hours per week, below age 17 or older than 50)
- **Stop** considering for expected family contribution of \$0

Class H or I Drug Felon Waivers

BEFORE AND AFTER PHE – CLASS H OR I DRUG FELON

Current Policy (COVID Waiver):

This waiver temporarily suspends the requirement for an individual 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.

- Caseworkers enter a sanction in NC FAST using the first day of the month following the last month of the certification period as the start date.
- Document in the NC FAST notes that the initial assessment was waived due to COVID-19 pandemic and the individual must comply at the next recertification.

BEFORE AND AFTER PHE – CLASS H OR I DRUG FELON

After Waiver Ends effect July 1, 2023 Normal FNS Policy requirements go into effect: FNS 270 Controlled Substance Felons

- **Start:** Scheduling Class H or I Drug Felon assessments at application and recertification for all individuals 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 to clear that conviction.
- **Continue:** Request OVS at every application and recertification and review DOC for drug felonies.

Program Integrity Waivers

BEFORE AND AFTER – SUSPENSION OF CLAIMS WAIVER

Currently:

- The approved waiver suspends the collection of all current FNS and WF overpayments, and delays collection of newly established FNS and WF overpayments until after the PHE.
- NC FAST automatically suspends collections and does not consider late payments on established FNS and WF overpayments as delinquent for the duration of the waiver period.
- The system has applied a block of “Litigation” to every debtor’s indicators on any Product Liability Claim in Active status.

BEFORE AND AFTER – SUSPENSION OF CLAIMS WAIVER

After Waiver Ends effect July 1, 2023 Normal FNS Policy requirements go into effect : FNS 800 Claims

- **System change:** 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).
- **Continue:**
 - Make clients aware of repayment methods and agreement of repayment.
 - Advise clients as they communicate with them that payments need to resume according to the 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.

Hearing Waivers

BEFORE AND AFTER PHE - HEARINGS

Currently:

Administrative Disqualification Hearing (ADH)

- USDA allowed local agencies to conduct ADH by telephone. Counties have to send notification with insert explaining due to COVID-19 hearing is recommended by telephone.

Fair Hearing

- Fair hearings can be conducted by telephone.
- Fair hearing process was extended from 60 up to 120 days from the receipt of the request.
- The time frame for sending notices confirming oral withdrawal requests may be extended up to 30 days from the receipt of the request during the same timeframe.

BEFORE AND AFTER PHE - HEARINGS

After Waiver Ends effect July 1, 2023 Normal FNS Policy requirements go into effect : FNS 700 Hearings, FNS 705 Administrative Disqualification Hearings

Starting July 1, 2023: Resume regular fair hearing timeframes (60 days) and ADH timeframes (30 days)

Continue: Allow alternative procedures for fair hearings and Administrative Disqualification Hearing such as telephone or video conference.

Questions

Any questions you may have please write them on the index cards provided on your table. Please include your name, county, and email address with your question and place in the questions box. A Q&A document along with the PowerPoints will be shared with all the counties in May 2023.