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ADMINISTRATIVE DIRECTIVE

TRANSMITTAL: 99 ADM-9

TO: Commissioners of
Social Services

DIVISION: Temporary
Assistance

DATE: December 21, 1999

SUBJECT: The Automated Finger Imaging System (AFIS) for PA, FS, FAP,
EAF, ESNA, PICA and Medicaid

SUGGESTED

DISTRIBUTION: | Temporary Assistance Directors | Medicaid Directors
| Food Stamps Directors | Investigative Staff
| Accounting Supervisors | CAP Coordinators
| Staff Development Coordinators | Fair Hearing Staff

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ATTACHMENTS:

| Attachment I: Client Notice of Finger Imaging Law
| (available on-line)
| Attachment II: Client Notice Language (available
| on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
99 OMM/ADM-1	98 ADM-8	351.2(a)	134-a	PASB:	FSSB:
97 ADM-3		351.26	139-a(3)	IX-B-6	V-B-10.2
93 ADM-8		352.35	145-c	through	V-E-1.3-1.4
82 ADM-5		357	Chapter 436	IX-B-15	
97 INF-9		358	of the	VIII-D	98 OMM LCM-
		359	Laws of		001
		384	1997		

DSS-296EL (REV. 9/89)

"providing temporary assistance for permanent change"

I. PURPOSE

The purpose of this directive is to inform social services districts (SSDs) about:

- | program requirements for the Automated Finger Imaging System (AFIS) for Public Assistance (PA), Food Stamps (FS), Food Assistance Program (FAP), Non-Public Assistance Food Stamps (NPA/FS), Emergency Assistance for Families (EAF), Emergency Safety Net Assistance (ESNA), Public Institutional Care for Adults (PICA); and
- | expansion of the AFIS requirement to certain Medicaid applicants and recipients.

For the purpose of this directive, these programs will be referred to collectively as **public benefits**. Generally, AFIS enrollment is a condition of eligibility for adult members of a household 18 years of age or older, or head of household applicants and recipients in the aforementioned public benefit programs. For the Medicaid program, only those applicants/recipients whose Medicaid identification cards must contain a photo image are required to enroll in AFIS.

The information contained in Administrative Directive 98 ADM-8, "The Automated Finger Imaging System (AFIS) for PA, FS, FAP, EAF, ESNA, and PICA," is restated in this directive. Therefore, 98 ADM-8 is cancelled.

II. BACKGROUND

Before Chapter 83 of the Laws of 1995, finger imaging was required for Home Relief (HR) applicants and recipients in certain SSDs on a demonstration basis. Also, SSDs that wished to conduct finger imaging could voluntarily participate in AFIS. Department regulation 18 NYCRR Part 384 set forth the requirements for those SSDs that would be participating in AFIS. Chapter 83 of the Laws of 1995 made finger imaging an eligibility requirement statewide and also included Aid to Dependent Children (ADC) applicants and recipients. An amendment to 18 NYCRR 351.2(a) authorized finger imaging in the ADC program and established AFIS requirements for food stamp applicants and recipients applying for or receiving public assistance. Chapter 436 of the Laws of 1997 made finger imaging an eligibility requirement for adults who apply for Medicaid and who are subject to the photo identification requirements established by the Department of Health.

III. PROGRAM IMPLICATIONS

With the exception of Medicaid, all adult members of a household (individuals 18 years of age and older and heads of households under

18) must be enrolled in AFIS as a condition of eligibility for public benefits.

18 NYCRR 351.2(a) authorizes SSDs to require that certain public benefit applicants and recipients establish their identities by means of finger images. **While USDA policy prohibits requiring finger imaging in the FS program as a means of identification, it does permit requiring finger imaging as a means to prevent duplicate program participation. Therefore, the Office of Temporary and Disability Assistance has established AFIS enrollment as an eligibility requirement for PA/FS, NPA/FS, FAP (PA and NPA related) applicants/recipients.**

Pursuant to Chapter 436 of the Laws of 1997, certain Medicaid-Only applicants and recipients must now have their identity verified by the finger imaging system at application or recertification, as a condition of Medicaid eligibility. The finger imaging requirements will parallel the photo ID requirements for Medicaid as described in 98 OMM LCM-001. Therefore, most adult Medicaid applicants/recipients age 21 and over are required to be finger imaged. Individuals who are not required to have a photo image on their Medicaid identification cards are exempt from AFIS requirements. Exempt individuals are described in section IV.H. of this directive.

At local district option, Medicaid photo identification may be required for persons between the ages of 18 and 21 who are not living with a responsible relative. This option also extends to Medicaid finger imaging of such individuals.

Regulations at 18 NYCRR Part 360 are being amended to include AFIS enrollment as a condition of eligibility for those Medicaid applicants and recipients whose Medicaid identification cards must contain a photo image.

SSDs are required to finger image public benefit applicants subject to AFIS enrollment as part of the application process. Current recipients must be finger imaged as part of the regular recertification process or at the next face-to-face contact. Since finger imaging is a condition of eligibility, applicants who decline to be finger imaged will be denied and recipients who decline to be finger imaged will lose their eligibility for assistance.

For public benefit programs other than FS, Medicaid and FAP, when an applicant or recipient who is legally responsible for other case members fails to be finger imaged, the individual and those case members for whom he or she is responsible are ineligible for assistance.

For FS and FAP, a household required to provide finger images may not participate until such time as **all** household members required to provide finger images have done so.

For Medicaid households that include dependent children under the age of 21, only the adult who fails to comply will be ineligible. For

Medicaid couples eligible under the Singles/Childless Couples (S/CC) category, if one member of the couple fails to comply, both adults are ineligible.

Finger imaging will prevent recipients from establishing more than one case within their home district or statewide and will establish positive identity for each client.

IV. REQUIRED ACTION

A. AFIS Loading of Initial Client Records

1. Applicants

The Welfare Management System (WMS) Application Registry Number (ARN) is required to be entered onto the AFIS enrollment screen. (Note: Duplicate ARNs will not be allowed on AFIS.) Therefore, finger imaging of applicants must take place at the time the application is registered onto WMS and an ARN is created or afterwards.

AFIS uses WMS to update the ARN with a Client Identification Number (CIN) during a regularly scheduled computer interface. The ARN is a ten digit number which includes line number and county code.

Office regulations require that each public benefit applicant be notified of the finger image requirement. SSDs have the discretionary authority to decide how and when this notification (Attachment I) or approved local form, will be incorporated into their application procedures. The information in Attachment I will be included in the next reprinting of the Client Information Books. Until that time, SSDs should continue to reproduce this attachment. This notice may be distributed within the application packet, at pre-screening or at the eligibility interview. Only adults and heads of households are required to be finger imaged.

A refusal by a public assistance applicant to be finger imaged is grounds for the denial of assistance and the case must be recorded as a denial on WMS. (See Section IV.D. of this directive for appropriate denial codes.) If the applicant has also applied for Medicaid, he or she is also denied Medicaid if he or she is subject to the finger imaging requirements. (See Section IV. H. of this directive.) Other family members must have a separate determination of Medicaid eligibility.

For public benefit program applicants other than FS, FAP, and Medicaid, if one member of a case legally responsible for another member of the case refuses to comply with the finger imaging requirement, the entire case is to be denied because verification of eligibility by means of finger imaging is a condition of eligibility for the household.

For FS and FAP applicants, regardless of whether the person who refuses to be finger imaged is responsible for another member of the case, the entire case is to be denied until such time as all household members required to provide finger images have done so. Any adult(s) not present at application, including applicants for expedited benefits, must be enrolled in AFIS within 30 days of application in order to be eligible for continuing food stamp benefits.

For Medicaid households that include dependent children under the age of 21, only the adult who fails to comply will be ineligible. For Medicaid couples eligible under the S/CC category, if one member of the couple fails to comply, both adults are ineligible.

With regard to courtesy applications, AFIS will allow for a "Courtesy Application" record type, which will prompt the operator to provide the "Owning County" name, which is the financially responsible district. AFIS will provide a system generated ARN, which will appear on the Match Result Notice that will go to both the enrolling workstation printer and the master printer of the Owning County. It will be the responsibility of the Owning County to update the AFIS record with the correct ARN or CIN, and change the record type.

2. Recipients

The regulations mandate that each public benefit recipient be notified of the finger image requirement. PA, NPA/FS and FAP recipients have already been notified of AFIS requirements. Medicaid-Only recipients must be provided notification at recertification, by using Attachment I, or an approved local equivalent. Districts which use the CNS System to generate recertification packets will have this notice included in their community recertifications, for those recertifications mailed on or after November 15, 1999.

Recipients can be finger imaged during the standard recertification process. At the appointment, the client must be properly identified by means other than finger imaging before the enrollment.

Those non-exempt individuals who fail to comply with finger imaging must have their cases closed. (See Section IV.D. of this directive for appropriate denial codes.)

- **For PA cases**, the individual refusing to be imaged and any other cases members for whom that individual is legally responsible will be closed. PA/Medicaid recipients who are required to have a photo image on their Medicaid

identification cards and who fail to comply with finger imaging must also have their Medicaid discontinued. Medicaid is continued for other family members who are not subject to this requirement. (Note: for couples eligible under the S/CC category, if one member of the couple fails to comply, both adults are ineligible.)

- **For FS and FAP**, the entire case will be closed.
- **For Medicaid-Only cases** that include dependent children under the age of 21, only the adult who fails to comply will be ineligible. For Medicaid-Only couples eligible under the S/CC category, if one member of the couple fails to comply, both adults are ineligible.

All notices, reasons for failure to comply and exemptions are required to be included in the case record.

3. Sanctioned Individuals

For PA cases, a sanctioned individual is not exempt from finger imaging. Any adult member or head of household applying for or receiving public assistance must be finger imaged, including sanctioned individuals. If an adult member of the household is responsible for other members of the household, the household must be denied or the case closed if the member refuses to be finger imaged.

For FS and FAP, a sanctioned individual is not required to be finger imaged. The intent of finger imaging for food stamps is to insure that the individual is not receiving duplicate food stamp benefits. It is not for identification purposes. Because a sanctioned individual is not receiving food stamp benefits on the case in which they are sanctioned, that is proof that the sanctioned individual is not receiving duplicate benefits. When the sanction expires, the individual must be finger imaged before receiving food stamps again.

For Medicaid-Only, a sanctioned individual is not required to be finger imaged.

4. Persons in Institutional Care for Adults (PICA)

A number of SSDs have elderly residents in county homes under the Public Institutional Care for Adults (PICA) program. Such SSDs may opt to exclude this population from the AFIS requirement by amending their AFIS Plan of Operation. If the SSD does not opt for exclusion, the PICA population is subject to the same AFIS eligibility requirements as all other programs. For Medicaid purposes, these individuals will be

exempt from finger imaging if they are exempt from photo identification requirements. (See section IV.H of this directive.)

In some SSDs, single homeless individuals are in the PICA program. Such individuals may or may not have a public benefit case. In instances where PICA applicants or recipients do not have a public benefit case and, therefore, no ARN or CIN, AFIS will allow for their enrollment through the implementation of edits which will allow the entry of a PICA client number for a PICA case type. Instructions are contained in AFIS Update # 75, dated December 11, 1998.

5. Exemptions to AFIS Requirements

SSDs may choose to exempt certain PA and FS individuals or groups (e.g. elderly, disabled, specific categories of SSI recipients, homebound recipients) from AFIS requirements. All exemptions must be identified in the SSD's **AFIS Plan of Operation**, along with an estimated number of clients who will be exempted and justification.

6. Good Cause

An applicant or recipient who fails to be finger imaged may claim "good cause" in accordance with 18NYCRR 351.26 for not complying with this requirement. If a SSD determines that "good cause" exists, then no negative action can be taken.

When an applicant or recipient claims good cause, that person is responsible for furnishing evidence to support that claim. Upon a review of the evidence, the SSD will determine whether to accept the claim of good cause. The final determination and the reasons for that determination should be detailed in the case record.

7. Unacceptable Finger Images

If an applicant or recipient causes a condition to exist on his or her fingers which prevents an acceptable finger image from being taken, the applicant or recipient should be scheduled for another finger image appointment within 48 hours. Such conditions would include application of foreign substances to the finger(s) and any alterations to the natural state of the client's fingers. If the applicant or recipient fails to appear at the rescheduled appointment, or a condition continues to exist on his or her fingers at the time of the rescheduled appointment which prevents acceptable finger images from being taken, the application must be denied or the case closed for failure to comply with the finger image requirement.

B. Procedural Use of AFIS Functions

1. Identity Verification for all public benefit programs except FS and FAP

AFIS is capable of verifying information on an existing recipient AFIS record in approximately one minute. This can be done by retrieving a record from the AFIS database and doing a one to one comparison of the individual's finger image.

The Office recommends that SSDs verify the identity of recipients with AFIS whenever possible. Recertification, lost benefit cards or any other on-site, face-to-face situation between the SSD and recipient would provide the opportunity to verify currently stored AFIS demographics and the quality of the individual recipient's photograph.

Active or inactive recipients will be subjected to the AFIS verification procedure when they move to a new SSD from another jurisdiction and so advise the new SSD. This procedure must be performed in order to change the owning county, or to add a new program to an existing AFIS record.

For the FS program, USDA policy precludes finger imaging as a means of verifying identity as an additional requirement for case certification, and specifies that finger imaging may only be used to establish a system to prevent duplicate participation. SSDs must continue to apply the current FS policy concerning verification of applicant identity (outlined in the FSSB, Section V-E-1.4) which mandates that SSDs accept any document which reasonably establishes an applicant's identity. However, the SSD is allowed to perform an inquiry transaction to view the recipient's photo on AFIS.

2. Records Management

The AFIS does not allow the entry of a record that has a CIN, SSN or ARN already in the AFIS database. If the entry of a duplicate CIN, SSN or ARN is attempted, a "duplicate key" error message will appear and enrollment of such record will not be allowed.

SSDs should utilize the records management function to retrieve the record containing the same CIN or SSN from the AFIS database. This will allow for comparison of the AFIS photo with the client attempting enrollment.

As an alternative, SSDs may also utilize the Identity Verification function to establish the identity of the client attempting enrollment.

Please note that resolution of a duplicate CIN or SSN is the responsibility of the SSD. A match resolution contact list has

been provided and should be utilized in resolving cases where a duplication exists.

3. Out of District Placements

There are limited situations when an individual may legitimately receive one form of public benefits in one SSD and another form of public benefits in another SSD. This usually occurs when a recipient's public assistance, Medicaid or food stamp cases are the responsibility of two different districts.

In an example like this it is important that the applicant not be enrolled again into AFIS, as doing so would create a match situation accompanied by all the obligations that an AFIS match entails. To reduce the chances of this occurring, workers must review the client's application and clearance report carefully for evidence of any case involvement in another case before enrolling the individual in AFIS.

C. Finger Image Matches

1. Procedure for Client Matches

A denial or case closing due to AFIS may not be imposed unless the results of the automated finger image match have been verified by means of a manual match conducted by a person who is qualified to perform such identification. In order to support this process, a number of units staffed by the contractor will be strategically located throughout the State to provide expert analysis on computer generated matches. These units will be known as Minutia Analysis Units (MAU). When potential matches occur, the finger images will be automatically electronically transferred to one of these units for manual examination by an expert. SSDs will receive feedback from the MAU within minutes. Any required testimony for administrative hearings will be provided by the MAU expert.

When a match occurs at application, an investigation should be started immediately to establish the facts and whether the match is potentially fraudulent. However, in match situations where the applicant has not made an attempt to change or obscure other identifying information, such as name or date of birth, there is a strong possibility that the individual simply moved from one SSD to another. For matches that are not as readily explained, investigations must be coordinated with any other SSD which may be involved before an application is denied or a case is closed. A list of match resolution contacts may be obtained by contacting the Bureau of Program Integrity (BPI).

Undercare matches identified at recertification will trigger an investigation on the eligibility of that case and any other matched case(s). The investigation should determine which case or individual(s) must be immediately terminated and whether

eligibility may continue. As with other matches, discontinuances or denials based upon a finger image match must be directed at the matched individual(s) only. Results or status of investigations are required to be forwarded to BPI within 30 days (refer to **97 ADM-3: Prohibition Against Concurrent Benefits** for details and notice language).

All multiple cases, as well as any apparently continuing eligible case, must be evaluated for Intentional Program Violation (IPV) prosecution and resulting disqualification penalties.

The following are examples of match situations:

Example 1 Client applies in County B but has an active case in County A. County B will deny the application via regular procedures. County A will investigate the case to determine if any action should be taken.

For example, client Ellen Smith has been receiving benefits in County A for the past nine months. She then attempts to establish another case in County B, but when she is finger imaged, County B discovers that Ellen has already established a case in County A. Since she has not recently moved, County B will deny the application and Ellen can request a fair hearing. Alternatively, when the match occurs, Ellen can be offered the opportunity to withdraw her application.

County A, when notified of this second application by County B investigators or by the AFIS system, may investigate but the opened case would not be closed based solely upon the match.

If the client in this example had an open case in the same county, the county would deny the application and would investigate whether to take any action on the open case.

Example 2 Client recertifies in County D but has an active case in County C. County D can close the case if the finger images of the client match those of a person already receiving program benefits. Additionally, County C can investigate the case for potential IPV or other reason for case closing.

In this example, Sam Jones has been receiving benefits in County C for 14 months and benefits in County D for 8 months concurrently. County C calls Sam in and he is finger imaged, County D has not done finger imaging for him. A week later, County D calls Sam in to be finger imaged, and County D becomes aware that Sam also has established a case

in County C. In this instance, the county (County D) which matched him with a client in another district (County C) would initiate the case closing. County C, when notified of the match, can investigate and, if appropriate, close the case for having unreported income under Department Regulation Part 351 for PA and Part 387 for FS, and/or proceed with an IPV. Because County C may be continuing the grant, County C will also make the recoupment if and for as long as the case remains open. The overpayment amount will equal the amount of the assistance Sam received from County D (recoupment is done under 18 NYCRR 352.31(d) for PA and 387.19(a) and (b) for FS).

If the client in this example had an open case in the same county, the county would close the second open case. The county would then determine what action to take regarding the first open case.

2. Fair Hearings/Notices

When an application or case is to be denied or discontinued based upon an AFIS match, the SSD in which the match is made will send an adequate notice to the recipient. (An adequate notice is sufficient when the recipient has established a second case within the same SSD or within New York State. A timely and adequate notice is required when the client has established the second case outside of New York State). Thereafter, normal fair hearing procedures apply. The other SSD with which the recipient has an open case should then take appropriate action, including investigation, closing the case for unreported income, proceeding with an IPV, and/or recoupment of any overpayments.

Districts should continue using current forms and notices for match situations.

D. Client Notices/Systems Implications

1. Upstate

(a) Failure to Finger Image

Specific client notice language has been developed for AFIS and may be found in Attachment II of this directive. This language or language approved by the Office, is to be used with the appropriate denial or discontinuance notice.

These notices are used when an applicant or recipient fails to be finger imaged:

- (i) Public Assistance CNS/WMS denials or closings:

CASE reason code M88: Failure to Comply with AFIS -

Legally Responsible Adult(s) or INDIVIDUAL reason code F88: Failure to Comply with AFIS - Non-Legally Responsible Adult should be used as appropriate.

Currently, when a **PA/Medicaid** case is being denied or discontinued PA due to failure to comply with finger imaging requirements, only those Medicaid applicants/recipients who are coded with Individual Categorical Code 09 (single adults or childless couples, 21 years of age and under age 65, and not pregnant or certified blind/disabled) will be denied/discontinued Medicaid benefits for the same reason. All other PA/Medicaid applicants and recipients must have a separate Medicaid determination. When reviewing the Medicaid eligibility of individuals referred for a separate determination, the worker must determine if that individual is exempt from finger imaging requirements. (See IV. H. for a list of Medicaid exemptions.) Non-exempt individuals should be denied/discontinued Medicaid for AFIS failure using Medicaid-Only denial/discontinuance reason code F21: Failure to Comply with Finger Imaging Requirements.

- (ii) NPA Food Stamp or PA/FS denials or closings:

CASE reason code M88: Failure to Comply with AFIS should be used.

- (iii) Medicaid-Only CNS/WMS denials or closings:

Medicaid-Only individuals who are not in an exempt group and who fail to comply with finger imaging requirements must be denied/closed, using Medicaid-Only reason code F21: Failure to Comply with Finger Imaging Requirements.

- (b) AFIS Matches

- (i) Public Assistance and FS

For both **PA/Medicaid** and **FS** applicant/recipient matches, INDIVIDUAL denial/closing reason code M99: In Receipt of Concurrent Assistance - AFIS Match, is used. Medicaid recipients in PA cases will have their Medicaid benefits denied/closed for the same reason.

- (ii) Medicaid-Only

Medicaid-Only individuals who have a finger imaging match must be denied/closed. Medicaid-Only reason code U84: Concurrent Benefits: AFIS Match, is used.

- 2. New York City

NYC system coding and notice procedures are as follows:

CLOSING AT CNS CENTERS

M88 - This code is used to close a PA or FS-case for Failure to Comply with AFIS, Legally Responsible Adult. An automated CNS notice will be sent by the system. Medicaid received through the PA case will continue, pending a separate determination of Medicaid eligibility, **except** for single adults or childless couples, who are 21 years of age and under age 65, and not pregnant or certified blind/disabled

F88 - This code is used to close a PA or FS case for Failure to Comply with AFIS, Non-Legally Responsible Adult. An automated CNS notice will be sent by the system. Medicaid received through the PA case will continue pending a separate determination of Medicaid eligibility, **except** for single adults or childless couples, who are 21 years of age and under age 65, and not pregnant or certified blind/disabled.

M99 - This code is used to close a PA or FS case when a finger image matches another person receiving PA or FS in New York State. An individual receiving Medicaid through a PA case who is matched with another Medicaid recipient in New York State must have Medicaid closed for the same reason. An automated CNS notice will be sent by the system.

Y99 - Until Reason Code M88 is enabled for Medicaid cases, use this code to discontinue a Medicaid-Only recipient who is not exempt from finger imaging and has failed to comply.

M99 - This code is also used to discontinue a Medicaid-Only recipient when a finger image matches another Medicaid recipient in New York State. An automated CNS notice will be sent by the system.

CLOSINGS AT NON CNS CENTERS

186 - This code is used to close all PA case types when a finger image matches another person receiving public assistance in New York State. An individual receiving Medicaid through a PA case who is matched with another Medicaid recipient in New York State must have Medicaid closed for the same reason. A manual notice must be sent by the worker.

187 - This code is used to close SNA cases (HH size greater than one) for Failure to Comply with AFIS, Legally Responsible Adult. A manual notice must be sent by the worker. Medicaid exempt individuals must receive a separate Medicaid determination.

188 - This code is used to close SNA cases (HH size equal to one) for Failure to Comply with AFIS, Legally Responsible Adult. An automated CCCP notice will be sent by the system. Medicaid exempt individuals must receive a separate Medicaid determination.

189 - This code is used to close FA cases for Failure to Comply with AFIS, Legally Responsible Adult. An automated CCCP notice will be sent by the system. Medicaid recipients in such cases must receive a separate Medicaid determination.

DENIALS AT CNS AND NON CNS CENTERS

118 - This code is used to deny a SNA case for Failure to Comply with AFIS, Legally Responsible Adult. A manual notice must be sent by the worker. Medicaid exempt individuals must receive a separate Medicaid determination.

122 - This code is used to deny a FA or FS case for Failure to Comply with AFIS, Legally Responsible Adult. Medicaid applicants in FA cases who are exempt from AFIS requirements must receive a separate Medicaid determination. A manual notice must be sent by the worker.

119 - This code is used to deny a PA or FS case for Finger Image Match. Medicaid applicants through a PA case who are matched with other Medicaid recipients in New York State must be denied for the same reason. This code is also used to deny Medicaid-Only applicants who are matched with other Medicaid recipients in New York State. A manual notice must be sent by the worker.

286 - Until Reason Code 122 is enabled for Medicaid cases, use this code to deny Medicaid-Only applicants who are not in an AFIS exempt group and who fail to comply with finger imaging requirements. A manual notice must be sent by the worker.

E. Security

1. Security of Records

Provisions of the Personal Privacy Protection Law (PPPL) apply to automated finger imaging records maintained by SSDs and deems these SSDs to be state agencies for purposes of the PPPL and automated finger imaging records.

Automated finger imaging data is subject to the confidentiality provisions of 18 NYCRR Part 357. Automated finger imaging data may be disclosed for purposes directly related to the administration of public benefit programs including prevention of multiple enrollments or as evidence in the criminal prosecution of welfare fraud. Finger image data may be used as evidence in Administrative Disqualification Hearings or criminal proceedings pursuant to 18 NYCRR Part 359.

2. Right of Client to Inspect Records

A recipient or applicant has the right to review his or her finger image record.

3. Archiving AFIS Files

The migration of finger image files from active to inactive and ultimately to archived files will be the responsibility of the Office, based on information generated by WMS. Normal WMS data entry will serve to drive this function.

F. Cooperation With Audit and Review

Department regulations require SSDs to cooperate in all audits, reviews and evaluation activities, including those conducted by an independent contractor under contract with the Office.

G. Claiming

The SSD staff responsible for taking finger images and their related non-salary costs should be coded to the Fraud & Abuse F10 functional category. SSD staff who work on finger imaging on a part-time basis must complete a time study to allocate their costs between the Fraud & Abuse function and the other function(s).

Effective with the original claim submission for June 1998, expenditures made for AFIS should be claimed for reimbursement on the Schedule D-10, "Claiming of Fraud & Abuse Administrative Costs" (DSS-2347F), as F10 functional costs. At that time, a Special Projects Claim Form (DSS-3922) should no longer be used to report finger imaging costs.

AFIS costs should be reported as part of the Total F10 functional costs and allocated to the various assistance categories on the basis of the duplicated case count methodology.

These AFIS administrative costs will be reimbursed at the following rates:

- Expenditures for TANF applicants/recipients will be reimbursed at the level of 50 percent Federal, 25 percent State and 25 percent local shares.
- Expenditures for Safety Net Assistance applicants/recipients will be reimbursed at the level of 50 percent State and 50 percent local shares.
- Expenditures for NPA Food Stamp applicants/recipients will be reimbursed at the level of 50 percent Federal and 50 percent State shares.
- Expenditures for Food Assistance Program applicants/recipients will be reimbursed at the level of 50 percent State and 50 percent local shares.

- Expenditures for Medicaid-Only applicants/recipients will be reimbursed at the level of 50 percent Federal, 25 percent State, and 25 percent local shares.

Fraud & Abuse administrative costs are eligible for consideration for exemption from the Administrative Cost Cap. Such costs can be included in the annual submission for exclusion to the cap. Note that there is no enhanced funding for site preparations costs for additional equipment.

Chargebacks for the local share of the Central Site Costs paid by the Office of Temporary and Disability Assistance to the statewide contractor will be taken on the settlement of the last month of the quarter for the contractor costs paid for the previous three months. The fee will be allocated to the assistance programs on the basis of the costs of each program.

H. Medicaid Implications

The following Medicaid applicants/recipients do not receive a Medicaid identification card and, therefore, are exempt from AFIS requirements:

1. Persons residing in residential health care facilities;
2. Foster care children placed with certain authorized childcare agencies that receive Medicaid per diem payments;
3. Persons residing in developmental centers operated by the Office of Mental Retardation and Developmental Disabilities (OMRDD);
4. Persons residing in psychiatric centers operated by the Office of Mental Health;
5. Persons residing in residential treatment facilities certified by the Office of Mental Health (OMH).

The following Medicaid applicants/recipients receive a Medicaid identification card but are not required to have a photo image on the card and, therefore, are exempt from AFIS requirements:

1. All SSI cash recipients;
2. All children under 21 living with a caretaker relative (including foster parents and guardians) as well as foster care children placed with certain child care agencies that do not receive a Medicaid per diem payment;
3. Persons who apply at Department designated sites other than the local social service offices until their first recertification or next client contact;
4. Homebound persons including those receiving personal care, home health care, or long term care;
5. Persons residing in living arrangements operated by the OMH or residing in living arrangements certified or operated by the OMRDD;
6. Persons enrolled in the OMRDD Home and Community Based Services Waiver (HCBS Waiver);

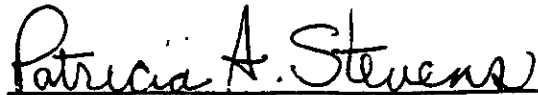
7. Persons who have their Medicaid eligibility determined by OMH or OMRDD in conjunction with NYSDOH (districts 97 and 98).

In addition, counties may opt to exempt from finger imaging requirements, Medicaid applicants/recipients between the ages of 18-21 who are not living with a caretaker relative.

AFIS Update 79 (Amended AFIS Plan of Operation for Medical Assistance) was issued on April 9, 1999 explaining the process necessary for local districts to expand AFIS to include the Medicaid-Only population. A previous update, #65 (AFIS expansion for MA-Only) was issued on June 19, 1998 addressing the steps necessary for local districts requiring additional equipment and training to support AFIS expansion to the Medicaid program.

VI. EFFECTIVE DATE

The provisions of this directive relating to Medicaid are effective December 1, 1999. Districts will be notified by means of an AFIS Update when they may begin finger imaging Medicaid-Only applicants and recipients.



Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance



Kathryn Kubmerker
Deputy Commissioner
Office of Medicaid Management

NOTICE OF AUTOMATED FINGER IMAGING SYSTEM

This notice is to tell you about the automated finger imaging system requirement for individuals receiving or applying for Family Assistance (FA), Safety Net Assistance (SNA), Food Stamps (FS), Food Assistance Program (FAP), Emergency Assistance to Families (EAF), Emergency Safety Net Assistance (ESNA), Child Assistance Program (CAP), Training and Employment Assistance Program (TEAP), Public Institutional Care for Adults (PICA), and Medicaid, if applicable.

Applicants for and recipients of FA, SNA, FS, FAP, EAF, ESNA, CAP, TEAP, and PICA must be finger imaged if they are 18 years of age or older, or the head of a household.

Applicants for and recipients of Medicaid must be finger imaged if they are 21 years of age or older and are required to have a photo image on their Medicaid identification card. Medicaid applicants and recipients aged 18 to 21 may also be required to be finger imaged if they are not living with a responsible relative.

The automated finger imaging process uses a computer system that electronically takes a fingerprint quickly and easily. The system uses a photo image process, no ink or cards are used. The system will also take a digitized photo at the same time.

Finger images will be stored and matched against those of other applicants for or recipients of these programs.

Each client will have his/her finger images taken and stored on the automated finger image system as a requirement for receiving benefits.

This means:

- If you are applying for any of these programs and are subject to the finger imaging requirements, you must be finger imaged before an eligibility determination can be made.
- If you are receiving benefits from any of these programs and are subject to the finger imaging requirements, you will be finger imaged at your next recertification or face-to-face agency contact.
- If you refuse to participate in this mandatory program, your household's public benefits may be denied or terminated.

THERE IS NOTHING YOU NEED TO DO AT THE PRESENT TIME. YOU WILL BE NOTIFIED WHEN YOU NEED TO COME TO THE AGENCY TO BE FINGER IMAGED.

AFIS Denial Language
PA, PA/Medicaid, PA/FS, NPA/FS and FAP

1. Single applicant - failure to be finger imaged

PUBLIC ASSISTANCE

Your (date) request for public assistance is not approved.

This is because you, without good cause, did not comply with a requirement that finger images be provided.

All adults and heads of households must have their finger images taken as a condition of receiving public assistance. We told you that this agency had to be allowed to take finger images. You did not comply.

This decision is based on Office Regulation 351.2.

FOOD STAMPS

Your request for food stamps is NOT APPROVED. This is because you, without cause, did not comply with a requirement that finger images be provided.

All adults and heads of households must have their finger images taken as a condition of receiving food stamps. We told you that this agency had to be allowed to take finger images. You did not comply.

A household is not eligible when any adult member or head of household in the case refuses to allow finger images to be taken.

This decision is based on Office Regulation 351.2(a).

MEDICAL ASSISTANCE

We have denied your application for Medical Assistance. This is for the same reason as your public assistance was denied.

This decision is based on Chapter 83 of the Laws of 1995 and Chapter 436 of the Laws of 1997.

OR

We are reviewing your application for Medical Assistance. We will send you our decision separately in the mail.

This decision is based on 18 NYCRR 360-2.5.

AFIS Denial Language
PA, PA/Medicaid, PA/FS, NPA/FS and FAP

2. Multi-person application - failure of one or more members to be finger imaged

PUBLIC ASSISTANCE

Your (date) request for public assistance is not approved.

This is because you, and/or another member of your PA household 18 years of age or older, without good cause, did not comply with a requirement that finger images be provided:

All adults and heads of households must have their finger images taken as a condition of receiving public assistance. A case is not eligible when any member in the case, who is legally responsible for other case members, refuses to allow finger images to be taken. We told you that this agency had to be allowed to take finger images of all heads of households and all members of your PA household that are 18 years of age or older. You, and/or another member did not comply.

This decision is based on Office Regulation 351.2.

FOOD STAMPS

Your request for food stamps is NOT APPROVED. This is because the following person(s), without cause, did not comply with a requirement that finger images be provided: [Name(s)]

All adults and heads of households must have their finger images taken as a condition of receiving food stamps. We told you that this agency had to be allowed to take finger images. You did not comply.

A household is not eligible when any adult member or head of household in the case refuses to allow finger images to be taken.

This decision is based on Office Regulation 351.2(a).

MEDICAL ASSISTANCE

We have denied your application for Medical Assistance for the following persons:

This is for the same reason as your public assistance was denied.

This decision is based on Chapter 83 of the Laws of 1995 and Chapter 436 of the Laws of 1997.

We are reviewing your application for Medical Assistance for the following persons:

We will send you our decision separately in the mail.

This decision is based on 18 NYCRR 360-2.5.

OR

We are reviewing your application for Medical Assistance. We will send you our decision separately in the mail.

This decision is based on 18 NYCRR 360-2.5.

AFIS Discontinuance Language
PA, PA/Medicaid, PA/FS, NPA/FS and FAP

3. Single individual case - failure to be finger imaged

PUBLIC ASSISTANCE

This is to tell you that your public assistance will be **DISCONTINUED**. You will no longer get public assistance beginning _____.

This is because you, without good cause, did not comply with a requirement that finger images be provided.

All adults and heads of households must have their finger images taken as a condition of receiving public assistance. We told you that this agency had to be allowed to take finger images. You did not comply.

This decision is based on Office Regulation 351.2.

FOOD STAMPS

A) TX = 07:

This is to tell you that your food stamps will be **DISCONTINUED**. You will no longer get food stamps beginning (DATE).

IMPORTANT: If your food stamps are discontinued on or after the 2nd of a month, usually you can still pick up your food stamps for that month.

FOR EXAMPLE, if you usually pick up your food stamps on the 6th of the month and your food stamps are discontinued beginning on the 2nd, you can still pick up your food stamps for that month between the 6th and the last day of the month.

OR

+-----+
B) TX = 08:

!Your application for continued food stamps is NOT APPROVED. You will no!
!longer get food stamps beginning (DATE). - !
+-----+

This is because you, without cause, did not comply with a requirement that finger images be provided.

All adults and heads of households must have their finger images taken as a condition of receiving food stamps with their public assistance. We told you that this agency had to be allowed to take finger images. You did not comply.

A household is not eligible for food stamps when any adult member or head of household in the case refuses to allow finger images to be taken.

This decision is based on Office Regulation 351.2(a).

MEDICAL ASSISTANCE

We have discontinued your Medical Assistance. This is for the same reason as your public assistance was discontinued.

This decision is based on Chapter 83 of the Laws of 1995 and Chapter 436 of the Laws of 1997.

OR

We will continue Medical Assistance unchanged while we determine if you are still eligible for Medical Assistance. We will send you our determination separately in the mail.

This decision is based on 18 NYCRR 360-2.6

OR

We will continue Medical Assistance unchanged.

This decision is based on 18 NYCRR 360-2.6

AFIS Discontinuance Language
PA, PA/Medicaid, PA/FS, NPA/FS and FAP

4. Multi-person case - failure of one or more members to be finger imaged

PUBLIC ASSISTANCE

This is to tell you that your public assistance will be **DISCONTINUED**. You will no longer get public assistance beginning _____.

This is because you, and/or another member of your PA household 18 years of age or older, without good cause, did not comply with a requirement that finger images be provided:

All adults and heads of households must have their finger images taken as a condition of receiving public assistance. A case is not eligible when any member in the case, who is legally responsible for other case members, refuses to allow finger images to be taken. We told you that this agency had to be allowed to take finger images of all heads of households and all members of your PA household that are 18 years of age or older. You, and/or another member did not comply.

This decision is based on Office Regulation 351.2.

FOOD STAMPS

A) TX = 07:

This is to tell you that your food stamps will be **DISCONTINUED**. You will no longer get food stamps beginning (DATE).

IMPORTANT: If your food stamps are discontinued on or after the 2nd of a month, usually you can still pick up your food stamps for that month.

FOR EXAMPLE, if you usually pick up your food stamps on the 6th of the month and your food stamps are discontinued beginning on the 2nd, you can still pick up your food stamps for that month between the 6th and the last day of the month.

OR

-----+
B) TX = 08:

Your application for continued food stamps is NOT APPROVED. You will
no longer get food stamps beginning (DATE). -

-----+
This is because the following person(s), without cause, did not comply with a requirement that finger images be provided: [Name(s)]

All adults and heads of households must have their finger images taken as a condition of receiving food stamps with their public assistance. We told you that this agency had to be allowed to take finger images. You did not comply.

A household is not eligible for food stamps when any adult member or head of household in the case refuses to allow finger images to be taken.

This decision is based on Office Regulation 351.2(a).

MEDICAL ASSISTANCE

We have discontinued your Medical Assistance for the following persons:

This is for the same reason as your public assistance was discontinued.

This decision is based on Chapter 83 of the Laws of 1995 and Chapter 436 of the Laws of 1997.

We will continue Medical Assistance unchanged for the following persons:

This decision is based on 18 NYCRR 360-2.6

OR

We will continue Medical Assistance unchanged while we determine if you are still eligible for Medical Assistance. We will send you our determination separately in the mail.

This decision is based on 18 NYCRR 360-2.6

OR

We will continue Medical Assistance unchanged.

This decision is based on 18 NYCRR 360-2.6

AFIS Discontinuance/Denial Language - MA-Only

This is because you failed or refused to comply with finger imaging requirements.

Certain adults and heads of households must have finger images taken as a condition of Medicaid Assistance eligibility.

This decision is based on Chapter 83 of the Laws of 1995 and Chapter 436 of the Laws of 1997.